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ONTARIO'S REGULATORY BODY FOR OPTICIANS REACTS TO DECISION OF SUPERIOR COURT OF JUSTICE IN THE "BERGEZ/GREAT GLASSES" CASE

(TORONTO, JULY 20, 2010): In responding to the decision of Honorable Justice J. Turnbull of the Superior Court of Justice-Ontario, released on July 2nd, finding Bruce and Joanne Bergez civilly and criminally guilty in contempt of court in the matter of \$60 million in unpaid court fines and breached requirements under Ontario's health legislation by SHS Optical Ltd. et al., which includes "Great Glasses" franchises, the College of Opticians of Ontario hopes outstanding public safety concerns will be resolved by the Court's final decisions scheduled for August 23.

The applicants to the legal action included Ontario's Ministry of the Attorney General, the College of Opticians of Ontario and the College of Optometrists of Ontario. The three, jointly recommended to the Courts, strong actions against Great Glasses and its founder and his spouse, Bruce and Joanne Bergez including closing down the stores that have been the subject of court orders related to health regulations dating back to 2003.

"We are relieved that this saga appears to be reaching a conclusion with the Court's finding of civil and criminal contempt against Mr. and Mrs. Bergez," said Fazal Khan, President of the College of Opticians and a practising optician himself. As Justice Turnbull stated in his Decision, the Bergez' have refused to comply with court orders going back to 2003 and this is the fourth time that Great Glasses has been found to be operating illegally.

Khan went on to say: "On the other hand, this experience has taught us that there are serious gaps in the ability of regulatory Colleges to be able to enforce the legislation that they are mandated to enforce in order to protect the public. Under the RHPA, the Colleges' ultimate recourse is to suspend or revoke a practitioner's registration. We did this in the Bergez case but Mr. Bergez simply continued to operate, and as Justice Turnbull pointed out, actually expanded the business---all beyond any regulatory control. This situation imperiled public safety."

"Dispensing eyewear and contact lenses is not a mechanical function that can be performed by just anyone," explained Caroline MacIsaac-Power, College of Opticians Registrar. "Registered Opticians ensure that each patient is carefully and precisely fit with eyewear or contact lenses that are suited to their individual needs based on a professional evaluation. There is a risk of harm when unregistered individuals dispense



eyewear and contact lenses. That's why Ontario legislation makes dispensing eyewear and contact lenses a controlled act that only Opticians, optometrists and physicians may legally perform

Khan explained that the College strongly warns people from patronizing Great Glasses stores unless there is a registered Optician¹ on-site supervising the service.

The College is aware that the majority of Great Glasses continue to operate without Opticians registered with this College. As there is no member to bring to the discipline process, the College is pursuing other remedies.

The College of Opticians of Ontario has raised the matter with the Minister of Health and Long-Term Care and will be looking for ways to address it in both the short in the long term. In the meantime, this situation emphasizes why the public should patronize only those retail outlets that have a registered and licensed Optician² on site. Anyone purchasing eyewear or contact lenses from any retail outlet should confirm that an Optician is, in fact, on site.

The College of Opticians of Ontario is the professional regulatory body under the RHPA and the *Opticianry Act, 1991* for the 2,400 Opticians who are licensed and registered to practise Opticianry in the Province of Ontario. A list of all Opticians registered with the College and where they practise is available on the College's website at www.coptont.org.

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¹ Or optometrist or physician.

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College of
Opticians of
Ontario