

EXPLANATORY DOCUMENT (PURPOSE OF THE CHANGES)

Form “B”

Proposed Amendments to O. Reg. 869/93

Existing Provision ¹	Proposed New Provision	Rationale
<p>1. The following are prescribed as classes of certificates of registration:</p> <ol style="list-style-type: none"> 1. Registered opticians. 2. Registered student opticians. 3. Registered intern opticians. 	<p>1. The following are prescribed as classes of certificates of registration:</p> <ol style="list-style-type: none"> 1. Registered Optician. 2. Registered Intern Optician. 3. Registered Student Optician. 	Members generally become Registered Student Opticians before becoming Registered Intern Opticians. The proposed revision reflects that sequence.
<p>2. (1) A person may apply for the issue of a certificate of registration by submitting an application to the Registrar together with the application fee and two passport-sized colour photographs of the applicant, signed by the applicant on the reverse.</p> <p>4. (1) The following are registration requirements for a certificate of registration of any class:</p> <ol style="list-style-type: none"> 4. The applicant must pay the required registration fee for the issue of a certificate of registration. 	<p>2.(1) The following are registration requirements for a certificate of registration of any class:</p> <ol style="list-style-type: none"> 1. The applicant must complete fully the application form provided by the Registrar. 2. The applicant must pay the application and registration fees specified in the by-laws. 	The administrative details regarding the application process do not need to be included in the regulation. In addition, there may be changes to the administrative requirements over time.
<p>4. (1) The following are registration</p>	<p>3. The applicant must, both at the</p>	The revision reflects the member’s new

¹ Please note that due to the nature of the revisions, the proposed new provisions have been cited in order with the result that the corresponding existing provisions appear out of order and in a fragmented fashion. Because of this, the section numbers for the existing provisions may be repeated where it would otherwise be difficult to identify the context of the clause in question.

<p>requirements for a certificate of registration of any class:</p> <p>1. The applicant must provide details of any of the following that relate to the applicant,</p> <p>i. a conviction for a criminal offence or an offence related to the regulation of the practice of opticianry,</p>	<p>time of initial application and continuously thereafter, immediately after the information becomes known to the applicant, provide details in writing of any of the following that relate to the applicant,</p> <p>i. a finding of guilt, whether pardoned or unpardoned, for any of the following:</p> <p>(a) an offence under the <i>Criminal Code of Canada</i>;</p> <p>(b) an offence related to prescribing, compounding, selling or administering drugs;</p> <p>(c) an offence that occurred while the applicant was practicing the profession or that was related to the applicant's practice of the profession (other than a municipal by-law infraction or offence under the <i>Highway Traffic Act</i>);</p> <p>(d) an offence in which the applicant was impaired or intoxicated; or</p> <p>(e) any other offence relevant to the applicant's suitability to practice opticianry,</p>	<p>reporting requirements under section 85.6.1 of the <i>Health Professions Procedural Code</i> and provides the College with a mechanism to obtain that information from its members. It also clarifies the scope of the member's obligations and specifies that the report must be submitted in writing. The revision also ensures that findings made after the application but before the registration decision is made are reported to the College. Also, findings that do not result in convictions (i.e., where an absolute or conditional discharge is granted) must also be reported.</p>
<p>ii. a finding of professional</p>	<p>ii. a finding of professional</p>	<p>The proposed revision extends the</p>

<p>misconduct, incompetency or incapacity, in Ontario in relation to another health profession or in another jurisdiction in relation to opticianry or another health profession,</p> <p>iii. a current proceeding for professional misconduct, incompetency or incapacity, in Ontario in relation to another health profession or in another jurisdiction in relation to opticianry or another health profession.</p>	<p>misconduct, incompetency or incapacity, or any similar finding by any regulatory body,</p> <p>iii. a current proceeding for professional misconduct, incompetency or incapacity, or any similar proceeding before any regulatory body,</p>	<p>member's reporting requirements to include findings and proceedings involving non-health regulators. The language also clarifies that if another word is used to describe the finding (e.g., serious neglect), it is still reportable if, in substance, it is the same as professional misconduct, incompetence or incapacity.</p>
<p>N/A</p>	<p>iv. a finding of professional negligence or malpractice, which may or may not relate to the applicant's suitability to practice opticianry, made against the applicant,</p>	<p>The revision reflects the member's new reporting requirements under section 85.6.2 of the <i>Health Professions Procedural Code</i> and provides the College with a mechanism to obtain that information from its members. It also clarifies the scope of the member's obligations and specifies that the report must be submitted in writing.</p>
	<p>v. a refusal by any regulatory body to register or licence the applicant,</p>	<p>This information provides a cue for the College to be able to obtain information about other concerns that might exist relating to skill or ethics.</p>
	<p>vi. whether the applicant is and has been in good standing, fulfilling all requirements with any regulatory body with</p>	<p>This information provides a cue for the College to be able to obtain information about other concerns that might exist relating to skill or ethics.</p>

	<p>which he or she has been registered, at the time when the applicant ceased being regulated with that regulatory body, at the time of the application and continuously thereafter until the applicant is registered in Ontario,</p>	
	<p>vi. any other event that would provide reasonable grounds for the belief that the applicant may lack the knowledge, skill or judgment to practise safely and ethically.</p>	<p>This catch-all provision ensures that skill or ethics concerns that are not captured by the strict language of the previous provisions are reported.</p>
N/A	<p>4. Nothing in the applicant's previous conduct affords reasonable grounds for the belief that he or she lacks the knowledge, skill or judgment to practise safely and ethically.</p>	<p>The revision provides the College with a reasonable mechanism to screen applicants for issues that could reflect on their ability to deliver safe, ethical and effective opticianry services to the public. It sets out an objective test for whether the information disclosed above will affect the applicant's entitlement for registration. This test will assist the Health Professions Appeal and Review Board and the courts in reviewing registration decisions. The need for such a provision is established in the HPARB decision of <i>Lillie v. CRTO</i>.</p>
<p>4. (1) The following are registration requirements for a certificate of registration of any class:</p> <p>2. The applicant must be a Canadian citizen or a permanent resident of Canada</p>	<p>5. The applicant must be a Canadian citizen or a permanent resident of Canada or authorized under the <i>Immigration and Refugee Protection Act (Canada)</i> to work in Canada.</p>	<p>No substantive change. The revision reflects the reality that decisions about eligibility to work in the country reside with the federal government and may not specify that the applicant is authorized to engage in the practice of the profession, which is a decision most appropriately left</p>

or authorized under the <i>Immigration Act (Canada)</i> to engage in the practice of the profession.		to the regulatory body. The name of the statute is updated.
3. The applicant must be able to speak and write either English or French with reasonable fluency.	6. The applicant must be able to speak, read and write either English or French with reasonable fluency.	The revision reflects the fact that reading skills are necessary for the safe delivery of opticianry services and, thus, represents an important component of fluency.
N/A	7. The applicant's certificate of registration must not be under suspension.	This revision ensures that members who have been suspended by a panel of one of the College's adjudicative committees cannot circumvent the suspension by applying anew.
N/A	8. The applicant must not be incapacitated, as that term is defined in the <i>Regulated Health Professions Act, 1991</i> .	This revision makes explicit what was formally implicit and provides public protection by ensuring that incapacitated applicants are not admitted to the membership. Of course, this is subject to an individualized assessment of the applicant's disabilities and the accommodation obligations under the <i>Ontario Human Rights Code</i> .
N/A	9. The applicant must be in good standing, fulfilling all requirements with any regulatory body with which he or she is or has been registered, at the time when the applicant ceased being registered with that regulatory body, at the time of the application and continuously thereafter until the applicant is registered in Ontario.	The revision relates to the governability of the applicant. It provides public protection by ensuring that applicants who are currently, or who have been, members of another regulatory body and who have outstanding requirements relating to that regulator at the time of the application and up to the time of registration are not admitted to the membership unless they qualify for an exemption.
4. (2) The following are conditions	(2) The following are conditions of a	The revision ensures that the member's

<p>of a certificate of registration of any class:</p> <ol style="list-style-type: none"> 1. The member shall provide the College with details of any of the following that relate to the member and that occur or arise after the registration of the member, <ol style="list-style-type: none"> i. a conviction for a criminal offence or an offence related to the regulation of the practice of opticianry, ii. a finding of professional misconduct, incompetency or incapacity, in Ontario in relation to another health profession or in another jurisdiction in relation to opticianry or another health profession, iii. a proceeding for professional misconduct, incompetency or incapacity, in Ontario in relation to another health profession or in another jurisdiction in relation to opticianry or another health profession. 	<p>certificate of registration of any class:</p> <ol style="list-style-type: none"> 1. The member shall within 30 days provide the College with details in writing of any of the information described in paragraph 3 of subsection (1) relating to the member that occur or arise after the application or the registration of the member. 	<p>ongoing reporting requirements (including the new reporting requirements contained in sections 85.6.1 and 85.6.2 of the <i>Health Professions Procedural Code</i>) mirror their initial reporting requirements at the time of the application. This assists the College's efforts in fulfilling its public protection mandate by ensuring that it receives information that could be relevant to the member's ongoing suitability to practice the profession.</p>
<ol style="list-style-type: none"> 4. (2) The following are conditions of a certificate of registration of any class: 3. The member shall wear a current photographic identification 	<ol style="list-style-type: none"> 2. The member shall wear a current photographic identification badge, supplied by the Registrar, prominently displayed, at all times when engaged in the practice of 	<p>No substantive change. The proposed revision does not speak to the requirements relating to the validation decal as this subject is covered by the word "current" and does not need to be addressed in the</p>

<p>badge, supplied by the Registrar, prominently displayed, affixed with the current College renewal validation decal, at all times when engaged in the practice of opticianry.</p>	<p>opticianry.</p>	<p>regulation.</p>
<p>4. The certificate of registration of a member is revoked if the member ceases to be a Canadian citizen or a permanent resident of Canada or ceases to be authorized under the <i>Immigration Act</i> (Canada) to engage in the practice of the profession.</p>	<p>3. The member shall promptly provide the College with details in writing of any change in status under the <i>Immigration and Refugee Protection Act</i> (Canada) that could affect his or her ability to engage in the practice of the profession.</p> <p>4. The Registrar may suspend the member's certificate of registration if the member's immigration status under the <i>Immigration and Refugee Protection Act</i> (Canada) is inconsistent with the member's certificate of registration.</p>	<p>The revision ensures that the College receives timely information from the member regarding any change in status so that the College can consider the appropriate response. The remedy for inconsistent status has been changed from revocation to suspension, which can more readily be reversed should the member regain his or her authorization.</p>
<p>2. (1.1) An applicant for the issue of a certificate of registration as a registered optician must submit evidence of professional liability insurance, unless the applicant is exempt under subsection 8 (3).</p> <p>8. (1) All registered opticians shall have professional liability insurance containing coverage of not less than \$1,000,000.</p> <p>(2) It shall be a requirement for the</p>	<p>5. The member shall promptly provide the College with details in writing if the member does not have the professional liability insurance coverage specified in the by-laws of the College.</p> <p>6. The Registrar may suspend the member's certificate of registration if the member does not have the professional liability insurance coverage specified in the by-laws of</p>	<p>The professional liability insurance requirements have been condensed in a manner that allows the details of coverage to be specified in the College's by-laws which provide, after the 1999 amendments to the RHPA, the appropriate forum for the articulation of those obligations.</p>

<p>issue, renewal or reinstatement of a certificate of registration of a registered optician, that the applicant provide documentary evidence, at the time the application form supplied by the Registrar is submitted, of,</p> <ul style="list-style-type: none"> (a) current membership in a professional association that provides protection against professional liability; or (b) professional liability insurance obtained from some other source, containing coverage of not less than the limit set out in subsection (1). <p>(3) An applicant for the issue, renewal or reinstatement of a certificate of registration as a registered optician shall be exempt from the requirements of subsections (1) and (2) if, at the time of submitting the application form, the applicant provides the Registrar with a written undertaking that until his or her certificate is next renewed he or she will neither engage in the practice of opticianry nor supervise or direct a registered student optician or a registered intern optician.</p> <p>(4) Breach of an undertaking referred to in subsection (3) shall be an act of professional misconduct for the purposes of clause 51 (1) (c) of the Health Professions Procedural Code.</p>	<p>the College.</p>	
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<p>(5) A registered optician shall be entitled to engage in the practice of opticianry before the expiry of an undertaking provided under subsection (3) if he or she,</p> <p>(a) submits to the Registrar the documentary evidence referred to in subsection (2); and</p> <p>(b) complies with subsection (1).</p>		
<p>11. (1) The Registrar shall give a member notice of default and of intention to suspend a member's certificate of registration upon,</p> <p>(a) failure to apply to renew a certificate of registration;</p> <p>(b) failure to pay the required annual fee or any other required fee; or</p> <p>(c) failure to meet the requirements for renewal of the certificate of registration set out in subsections 9 (5), (6) and (7).</p> <p>(2) The Registrar may suspend a member's certificate of registration two months after notice is given under subsection (1).</p>	<p>7. The Registrar may suspend the member's certificate of registration if the member does not provide the information required to be provided by the member under the by-laws or on the annual renewal form when required or, if there is no time by which it is required, within 30 days of being requested by the College to provide the information.</p>	<p>The provision simplifies the language of the current provision and provides a non-disciplinary enforcement mechanism for a failure to comply with the reporting requirements in the by-laws. The proposed revision does not include a corresponding suspension for failure to pay the annual fee as that issue is captured under section 24 of the <i>Health Professions Procedural Code</i>.</p>
<p>9. (5) It shall be a condition of the renewal of the certificate of registration of a registered optician that he or she have participated in, and fulfilled the requirements of, the College's Quality</p>	<p>8. The member shall practise opticianry only if he or she is in compliance with the requirements of the College's quality assurance program.</p>	<p>The requirement for participation in the Quality Assurance Program has been expanded from a condition that applies to renewal to a condition that applies to registration in any class. This protects the</p>

<p>Assurance Program.</p> <p>5. (3) It is a condition of a certificate of registration as a registered optician that the member dispense subnormal vision devices, contact lenses or eyeglasses, only if he or she has met the requirements of the College’s Quality Assurance Program.</p>		<p>public by ensuring that failures to participate in the Quality Assurance Program can be addressed at any time and not just at renewal. However, the change is also fairer to members as now due process must be followed if there is a dispute about compliance with the Quality Assurance Program. A breach of this condition requires that the safeguards in the disciplinary process be followed.</p>
<p>5. (5) No member other than a member who holds a certificate of registration as a registered optician may use the title “Registered Optician” or the abbreviation “RO”</p>	<p>9. The member may use the title “Registered Optician”, the abbreviation “RO” or a variation of them or an equivalent in another language only if the member holds a certificate of registration as a registered optician.</p>	<p>No substantive change. The revision incorporates the language of subsection 33(1) of the RHPA.</p>
<p>3. (1) A certificate of registration shall be surrendered to the Registrar upon revocation.</p>	<p>10. The member shall surrender his or her certificate of registration to the Registrar upon revocation.</p>	<p>The revision does not represent a substantive change to the existing provision.</p>
<p>12. (1) A member whose certificate of registration has been suspended by the Registrar under section 11 may apply to the Registrar to lift the suspension by,</p> <ul style="list-style-type: none"> (a) submitting an application for reinstatement in a form supplied by the Registrar; (b) submitting two passport-sized colour photographs of the applicant, signed on the reverse; (c) in the case of registered 	<p>(3) The Registrar may reinstate a certificate of registration that is suspended under subsection (2) if the former member cures the default causing the suspension and cures any other default that may have occurred and the former member pays all outstanding and applicable fees.</p> <p>(4) If a certificate of registration is suspended under subsection (2) and if the former member does not cure the default or</p>	<p>(3) The proposed revision simplifies the reinstatement process.</p> <p>(4) The requirement to establish currency after three years of suspension has been added as a reasonable public protection mechanism to account for the fact that suspended members do not participate in the College’s Quality Assurance Program and have not kept their skills current by regular practice. Under the existing regulation, this issue would have been addressed under subsection 12(5).</p>

<p>opticians, submitting evidence of insurance;</p> <p>(d) submitting evidence of having completed the requirements of the College's Quality Assurance Program; and</p> <p>(e) paying,</p> <p style="padding-left: 40px;">(i) the fee the member failed to pay, if any, and</p> <p style="padding-left: 40px;">(ii) the required reinstatement fee or, if the application for reinstatement is made within ten months from the date of the suspension, the required fee for late renewal.</p> <p>(2) For the purposes of subclause (1) (e) (i), if the member was suspended for failure to pay the annual fee, the member shall be reinstated if he or she pays the annual fee payable for the year in which the member is reinstated.</p> <p>(3) To be eligible for reinstatement, the applicant must meet the requirements for renewal of the certificate of registration set out in subsections 9 (4), (5), (6), (7) and (8).</p> <p>(4) If the application for reinstatement is made within three years from the date of suspension of the member's certificate of registration, and the applicant has met the requirements of</p>	<p>defaults and pay all outstanding and applicable fees within three years of the suspension, the former member must satisfy the Registration Committee that his or her knowledge, skill and judgment remains current before the Registrar may reinstate the certificate of registration.</p>	
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<p>this section, the Registrar shall lift the suspension.</p> <p>(5) An application for reinstatement made more than three years from the date of suspension shall be referred to the Registration Committee, which shall evaluate the applicant's qualifications and determine whether the applicant must meet any examination and Quality Assurance Program requirements in order to be reinstated.</p>		
<p>(6) The Registrar shall issue renewal validation decals to a member who is reinstated under this section.</p> <p>(7) Each member shall affix a renewal validation decal to his or her certificate of registration and photographic identification badge.</p>	N/A	The proposed revision does not speak to the requirements relating to the validation decal as this subject does not need to be addressed in regulation. It is covered by the obligation to carry a current certificate.
<p>5. (1) The following are non-exemptible registration requirements for a certificate of registration as a registered optician:</p> <p>1. The applicant must,</p> <p style="padding-left: 40px;">i. have successfully completed and graduated from an Ontario opticianry program approved by the Ministry of Training, Colleges and Universities at an institution set out in the Schedule,</p>	<p>3.(1) The following are non-exemptible registration requirements for a certificate of registration as a registered optician:</p> <p>1. The applicant must,</p> <p style="padding-left: 40px;">i. have successfully completed an Ontario opticianry program that is at a minimum at a College diploma level and that has been approved by the Registration Committee or a body designated by the Registration Committee,</p>	<p>The revisions reflect that the assessment and approval of acceptable opticianry programs (and their equivalents) are functions of the Registration Committee. The revisions further reflect the standards established by the Registration Committee regarding the minimum level of education acceptable to the College for registration as a registered optician. The revisions make the registration requirements more transparent, objective, impartial and fair. The revisions reflect the amendments to the Agreement on Internal Trade and ensure that the College is able to fulfill its obligations to candidates applying from</p>

<p>ii. have successfully completed and graduated from a program which is deemed equivalent to a program referred to in subparagraph i in accordance with the policy guidelines of the Registration Committee, or</p> <p>iii. in the case of an applicant who does not meet the requirements of subparagraph i or ii or who cannot provide documentary evidence of meeting those requirements, satisfy the Registration Committee that he or she has a level of knowledge and skill in the practice of opticianry that is equivalent to that acquired by graduates of the programs referred to in subparagraphs i and ii and,</p> <p>A. be licensed or registered to dispense eye glasses, contact lenses and subnormal vision devices in a</p>	<p>ii. have successfully completed an opticianry program which is deemed equivalent by the Registration Committee to a program referred to in subparagraph i, or</p> <p>iii. have successfully completed a prior learning assessment approved by the Registration Committee, if there is one, demonstrating that the applicant has obtained the entry-to-practice competencies possessed by a graduate of an opticianry program referred to in subparagraph i.</p> <p>2. The applicant must have successfully completed the registration examinations, including examinations about contact lenses, set or approved by the Registration Committee.</p> <p>3. The applicant must,</p> <p>i. have successfully completed the opticianry program described in subparagraphs i or ii of paragraph 1 or the examinations described in paragraph 2 within the twelve months prior to his or her</p>	<p>other provinces under the Mutual Recognition Agreement. Finally, the revisions ensure that the education or experience supporting applications is sufficiently recent to ensure currency and continued competency.</p>
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<p>jurisdiction outside Canada and be in good standing with the licensing or registering body of that jurisdiction, or</p> <p>B. be engaged in the practice of dispensing eye glasses, contact lenses and subnormal vision devices in a jurisdiction outside Canada in which no licence or certificate of registration is required to do so and be in good standing with a professional association in that jurisdiction which requires compliance with professional standards.</p> <p>2. The applicant must have achieved a passing mark in each section of the College's examinations, or must have successfully completed examinations which are</p>	<p>application,</p> <p>ii. have practised opticianry for at least 1,000 hours within the twenty-four months prior to his or her application, or</p> <p>iii. have successfully completed a refresher program approved by the Registration Committee within the twelve months prior to his or her application or after his or her application.</p> <p>(2) An applicant shall be deemed to have met the requirements of paragraphs 1 and 2 of subsection (1) if the applicant has been certified as having the qualifications to be a registered optician, without terms, conditions and limitations, in another jurisdiction in Canada within the meaning of the Agreement on Internal Trade and no legitimate objective exception is under consideration or has been accepted by the government of Ontario.</p> <p>(3) An applicant shall be deemed to have met the requirements of paragraph 3 of subsection (1) if the applicant has practised opticianry within the twenty-four months prior to his or her application and if the applicant has been certified as having the qualifications to be a registered optician, without terms, conditions and limitations, in another</p>	
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<p>deemed equivalent to the College's examinations by the Registration Committee.</p> <p>3. The applicant must have completed at least 1,000 hours of verified dispensing experience.</p> <p>(1.1) For the purposes of ascertaining whether the level of knowledge and skill of an applicant referred to in subparagraph 1 iii of subsection (1) is equivalent to that acquired by graduates of a program referred to in subparagraph 1 i or ii of that subsection, the applicant shall undergo an assessment of his or her prior learning and experience.</p> <p style="text-align: center;">SCHEDULE</p> <p style="text-align: center;">Georgian College Seneca College</p>	<p>jurisdiction in Canada within the meaning of the Agreement on Internal Trade and no legitimate objective exception is under consideration or has been accepted by the government of Ontario.</p>	
<p>7. (1) The following are non-exemptible registration requirements for a certificate of registration as a registered intern optician:</p> <p>1. The applicant must either,</p> <p style="padding-left: 40px;">i. have successfully completed and graduated from an opticianry program referred to in subparagraph 1 i or ii of subsection 5 (1) or meet</p>	<p>4.(1) The following are non-exemptible registration requirements for a certificate of registration as a registered intern optician:</p> <p>1. The applicant must,</p> <p style="padding-left: 40px;">i. have successfully completed an Ontario opticianry program that is at a minimum at a College diploma level and that has been approved by the Registration</p>	<p>The revisions reflect that the assessment and approval of acceptable opticianry programs (and their equivalents) are functions of the Registration Committee. The revisions further reflect the standards established by the Registration Committee regarding the minimum level of education acceptable to the College for registration as a registered optician. The revisions make the registration requirements more transparent, objective, impartial and fair. Finally, the revisions ensure that members</p>

<p>the requirements of subparagraph 1 iii of subsection 5 (1), or</p> <p>ii. having applied for a certificate of registration as a registered optician and been required by an order made by the Registration Committee under subsection 18 (2) of the Health Professions Procedural Code to complete additional training or specified examinations, or both, have completed the additional training, if any, but not have completed the examinations.</p> <p>2. The applicant must provide a written declaration that he or she is engaged, or intends to be engaged, in the practice of opticianry in Ontario.</p>	<p>Committee or a body designated by the Registration Committee,</p> <p>ii. have successfully completed an opticianry program which is deemed equivalent by the Registration Committee to a program referred to in subparagraph i, or</p> <p>iii. have successfully completed a prior learning assessment approved by the Registration Committee, if there is one, demonstrating that the applicant has obtained the entry-to-practice competencies possessed by a graduate of an opticianry program referred to in subparagraph i.</p> <p>2. The applicant must be registered to take or awaiting the results of a registration examination, including examinations about contact lenses, set or approved by the Registration Committee.</p>	<p>admitted to this class of registration take the required registration exams within a reasonable timeframe so as to ensure that members cannot use this class of registration to practice opticianry without having completed the examinations.</p>
<p>7. (2) The following are conditions of a certificate of registration as a registered intern optician:</p> <p>1. The registered intern optician shall dispense subnormal</p>	<p>(2) The following are conditions of a certificate of registration as a registered intern optician:</p> <p>1. The registered intern optician shall dispense subnormal vision</p>	<p>The revisions allow intern opticians to practice under the supervision of a registered optician, optometrist or physician in accordance with the standards of practice. The revisions help the College to fulfill its public protection mandate by</p>

<p>vision devices, contact lenses or eyeglasses only under the supervision or direction of a registered optician who is physically present in the place in which the dispensing takes place at the time it takes place.</p> <p>2. The registered intern optician shall be eligible for the examinations or supplemental examinations set by the College.</p> <p>(3) The Registrar shall revoke the certificate of registration of a registered intern optician if the intern ceases to be eligible for the examinations or supplemental examinations set by the College or fails to successfully complete the examinations required by an order made by the Registration Committee under subsection 18 (2) of the Health Professions Procedural Code</p>	<p>devices, contact lenses or eyeglasses only under the supervision of a registered optician, optometrist or physician who is physically present in the place in which the dispensing takes place at the time it takes place in accordance with the standards of practice for supervision.</p> <p>2. The certificate of registration expires if the registered intern optician does not actively pursue, sitting the registration examinations at least once in each twelve month period, unless the Registrar has provided written permission to interrupt them.</p> <p>3. The certificate of registration expires three years after it is issued unless the Registration Committee is satisfied that exceptional circumstances exist warranting an extension of the certificate, which extension is subject to any terms, conditions or limitations directed by the Registration Committee.</p> <p>4. If the registered intern optician fails an examination three or more times, he or she shall complete the upgrading measures specified by the Registration Committee before attempting the examination again.</p> <p>5. The certificate of registration expires upon the</p>	<p>ensuring that members cannot unreasonably prolong their registration in this class without attempting the registration examinations at reasonably frequent intervals and without having successfully completed the examination within a reasonable timeframe. The revisions also provide public protection by creating a mechanism through which the Registration Committee can evaluate and address intern opticians who have failed the examination three times and may have deficits that require attention. The standard of supervision is the generally accepted standard of practice of the profession although the College intends to publish a guide to assist members to act appropriately and consistently. Finally, the revisions promote public protection by ensuring that members cannot be simultaneously registered in more than one class and, thus, avoiding any outstanding encumbrances.</p>
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	<p>registered intern optician obtaining a certificate of registration of a different class.</p>	
<p>6. (1) It is a non-exemptible registration requirement for a certificate of registration as a registered student optician that the applicant meet one of the following qualifications:</p> <ol style="list-style-type: none"> 1. The applicant is enrolled in an Ontario opticianry program approved by the Ministry of Training, Colleges and Universities at an institution set out in the Schedule. 2. The applicant, having applied for a certificate of registration as a registered optician or as a registered intern optician, is in the process of completing additional training, as ordered by a panel of the Registration Committee under subsection 18 (2) of the Health Professions Procedural Code. 	<p>5.(1) The following are non-exemptible registration requirements for a certificate of registration as a registered student optician:</p> <ol style="list-style-type: none"> 1. The applicant must, <ol style="list-style-type: none"> i. be enrolled in an opticianry program that has been approved by the Registration Committee or a body designated by the Registration Committee, ii. be in the process of completing contact lens educational requirements in an opticianry program that has been approved by the Registration Committee or a body designated by the Registration Committee, or iii. be in the process of completing additional training, as ordered by a panel of the Registration Committee under subsection 18 (2) of the Health Professions Procedural Code. 2. The applicant has not previously held a certificate of registration as a student optician unless the Registration 	<p>The revisions reflect that the assessment and approval of acceptable opticianry programs (and their equivalents) are functions of the Registration Committee. The revisions make the registration requirements more transparent, objective, impartial and fair. The revisions reflect the Agreement on Internal Trade and ensure that the College is able to fulfill its obligations to candidates applying from other provinces under the Mutual Recognition Agreement. The revisions also recognize that applicants who fail to meet the criteria for registration in the registered optician or registered intern optician classes may qualify for registration in the registered student optician class while completing the additional training necessary for registration in one of the other two classes. Finally, the revisions provide a mechanism for the Registration Committee to evaluate whether applicants who previously failed to complete their training should be provided with another opportunity to do so (and avoid situations where members remain as perpetual students).</p>

	<p>Committee concludes that there are exceptional circumstances for the applicant failing to complete his or her training.</p>	
<p>6. (2) The following are conditions of a certificate of registration as a registered student optician:</p> <ol style="list-style-type: none"> 1. The registered student optician shall dispense subnormal vision devices, contact lenses or eyeglasses, only under the supervision or direction of a registered optician who is physically present in the place in which the dispensing takes place at the time it takes place, and who checks and approves the dispensing and verifies such approval on the patient health record. 2. The registered student optician shall be enrolled in an opticianry program referred to in paragraph 1 of subsection (1) or shall be in the process of completing additional training as ordered by a panel of the Registration Committee under subsection 18 (2) of the Health Professions Procedural Code. (3) The Registrar shall revoke the certificate of registration of a registered 	<p>(2) The following are conditions of a certificate of registration as a registered student optician:</p> <ol style="list-style-type: none"> 1. The registered student optician shall dispense subnormal vision devices, contact lenses or eyeglasses, only under the supervision of a registered optician, optometrist or physician who is physically present in the place in which the dispensing takes place at the time it takes place in accordance with the standards of practice for supervision. 2. The certificate of registration expires if the registered student optician is not, at all times, enrolled in and actively pursuing his or her training unless the Registrar has provided written permission to interrupt the training. 	<p>The revisions allow student opticians to practice under the supervision of a registered optician, optometrist or physician in accordance with the standards of practice. The requirement to verify each individual prescription is replaced by a more flexible and appropriate supervision standard. The standard of supervision is the generally accepted standard of practice of the profession although the College intends to publish a guide to assist members to act appropriately and consistently. Otherwise, the revision does not represent a substantive change to the existing provision.</p>

<p>student optician if the student is no longer enrolled in an opticianry program referred to in paragraph 1 of subsection (1) or is no longer undertaking the additional training referred to in paragraph 2 of subsection (1).</p>		
<p>9. (6) A registered student optician shall be entitled to a maximum of four renewals of a certificate of registration as a registered student optician, and a registered intern optician shall be entitled to a maximum of one renewal of a certificate of registration as a registered intern optician, after which the certificate of registration will be automatically revoked.</p> <p>(7) Despite subsection (6), the Registrar may grant up to two additional renewals to,</p> <ul style="list-style-type: none"> (a) a registered student optician for the purpose of completion of the educational program required for registration as a registered optician; (b) a registered intern optician for the purpose of completion of supplemental examinations; and (c) a registered student optician or registered intern optician in circumstances caused by accident, illness or other cause beyond his or her control. 	<p>3. The certificate of registration expires five (5) years after it is issued unless the Registration Committee is satisfied that exceptional circumstances exist warranting an extension of the certificate, which extension is subject to any terms, conditions or limitations directed by the Registration Committee.</p> <p>4. The certificate of registration expires upon the registered student optician obtaining a certificate of registration of a different class.</p>	<p>The revisions provide public protection by creating a mechanism through which the Registration Committee can evaluate and address, on a case-by-case basis, student opticians who have failed to progress through their training within a reasonable timeframe and may have deficits that require attention. The timeframe has been expressed in years as opposed to renewal periods for greater clarity. Finally, the revisions promote public protection by ensuring that members cannot be simultaneously registered in more than one class and, thus, avoiding any outstanding encumbrances.</p>

<p>(8) To be eligible for renewal of his or her certificate of registration, a registered student optician must continue to meet the non-exemptible registration requirements for a certificate of registration as a registered student optician, set out in subsection 6 (1).</p>		
<p>N/A</p>	<p>(3) The Registrar may issue a certificate of registration as a registered intern optician to a holder of a certificate as a registered student optician who otherwise meets the requirements for such a certificate without the completion of an application form or the payment of additional fees.</p>	<p>The revision clarifies that movement from the registered student optician class to the registered intern optician class does not require the completion of an application form or the payment of additional fees. This will allow the College to move qualified members from one class to the other in an expedient and efficient manner that entails as little inconvenience to the member as possible.</p>
<p>3. (2) A duplicate copy of a certificate of registration shall be issued by the Registrar only upon the provision of written documentation that the original has been lost, stolen or destroyed, and upon payment of the required fee.</p>	<p>N/A</p>	<p>The requirement that members provide supporting documentation can be handled administratively and need not be in the regulation. This, coupled with the fact that the online register will serve as the main source for verification of member status renders the provision unnecessary.</p>
<p>4. (2) The following are conditions of a certificate of registration of any class:</p> <p>2. The member shall prominently display his or her certificate of registration, affixed with the current College renewal validation decal, at the principal location where he or she practises</p>	<p>N/A</p>	<p>The main method of verifying the status of opticians is the wearing of an identity card, which is dealt with in paragraph 2(2)2 above. The displaying of certificates of registration at the place of business is less effective as members can only be issued one certificate, but they may actually practice at several locations. Further, the online register will provide stakeholders with a readily accessible method to verify</p>

<p>opticianry or, in the case of a registered student optician or a registered intern optician, shall carry on his or her person at all times when engaged in the practice of opticianry, his or her registration card supplied by the Registrar.</p>		<p>members' registration status with the College.</p>
<p>5. (2) The following are exemptible registration requirements for a certificate of registration as a registered optician:</p> <ol style="list-style-type: none"> 1. The applicant must be registered at the time of application as a student optician or intern optician. 2. The applicant must have completed, and must present evidence of, at least 250 eyeglasses fittings, including 100 multifocal fittings and twenty-five high myopic or hyperopic fittings, under the supervision or direction of an optician, an optometrist or an ophthalmologist. 3. The applicant must have completed, and must present evidence of, at least twenty contact lens fittings, including at least five rigid gas permeable (RGP) contact lens fittings, under the supervision or 	<p>N/A</p>	<p>The exemptible registration requirements reflected in the existing provision are no longer considered necessary criteria for registration as a registered optician and could violate the College's obligations under section 22.2 of the <i>Health Professions Procedural Code</i>. The requirement to participate in a minimum number of fittings, etc., is being replaced by the accreditation of Canadian opticianry programs, which will ensure that these competencies are obtained in the course of one's training. For international graduates, the requirement to demonstrate the attaining of substantially similar knowledge, skill and judgment is better achieved by a more flexible evaluation of their competencies. The AIT requirements are dealt with in subsections 3(2) and 3(3) above.</p>

<p>direction of an optician who is certified in the fitting of contact lenses or an optometrist or an ophthalmologist.</p> <p>(2.1) Despite subsections (1) and (2), an applicant may be issued a certificate of registration as a registered optician if, at the time he or she applies for a certificate, the applicant is licensed or registered by a statutory regulatory authority in a province or territory of Canada other than Ontario to dispense eye glasses, contact lenses and subnormal vision devices in that province or territory and is in good standing with that regulatory authority.</p> <p>(4) The conditions of registration of a certificate of registration as a registered optician issued to a person under subsection (2.1) include the terms, conditions and limitations imposed on the licence or certificate of registration issued to the applicant by the statutory regulatory authority in the other province or territory.</p>		
<p>9. (1) A certificate of registration shall be renewed on or before,</p> <p>(a) December 31 of each year in the case of registered opticians; and</p> <p>(b) September 1 of each year in the case of registered student opticians and registered intern opticians.</p>	N/A	The details regarding the renewal process do not need to be included in the regulation. Members are required to provide the College with the requisite renewal information under clause 7 of subsection 2(2) of the proposed new regulation and are required to pay any stipulated fees by virtue of section 24 of the <i>Health Professions Procedural Code</i> .

<p>(2) The Registrar shall supply and send by mail to each member, at the member's last address as shown on the register, an application for renewal of the certificate of registration in a form to be supplied by the Registrar, on or before,</p> <ul style="list-style-type: none"> (a) October 31 of each year in the case of registered opticians; and (b) July 1 of each year in the case of registered student opticians and registered intern opticians. <p>(3) A member may apply for the renewal of a certificate of registration by returning to the Registrar,</p> <ul style="list-style-type: none"> (a) a completed application; (b) the required annual fee; and (c) in the case of a registered optician, evidence of insurance. <p>(4) An application for renewal made five years after initial registration and every five years thereafter shall include two passport-sized colour photographs of the applicant, signed on the reverse.</p>		
<p>9. (9) The Registrar shall issue renewal validation decals to a member whose certificate of registration is renewed under this section.</p>	<p>N/A</p>	<p>The proposed revision does not speak to the requirements relating to the validation decal as this subject does not need to be addressed in the regulation. It is also</p>

<p>(10) Each member shall affix a renewal validation decal to his or her certificate of registration and photographic identification badge.</p>		<p>duplicative of the requirement to wear a current registration card.</p>
<p>10. If a member fails to apply to renew his or her certificate of registration or to pay the required annual fee prior to the deadline for so doing, the member shall pay the required fee for late renewal in addition to the annual fee.</p>	<p>N/A</p>	<p>The College has not included a corresponding provision in the proposed new regulation as the requisite fees are set out in the by-law. Further, the College's ability to suspend a member for non-payment of any fee is captured under section 24 of the <i>Health Professions Procedural Code</i> and, as a result, it is not necessary to stipulate this requirement in the proposed new regulation.</p>
<p>13. A member whose certificate of registration has been suspended for professional misconduct or incapacity shall pay all outstanding fees and fines before resuming the practice of opticianry.</p>	<p>N/A</p>	<p>The College has not included a corresponding provision in the proposed new regulation as the requisite fees are set out in the by-law. Further, the College's ability to suspend a member for non-payment of any fee is captured under section 24 of the <i>Health Professions Procedural Code</i> and, as a result, it is not necessary to stipulate this requirement in the proposed new regulation. Outstanding fines represent a compliance issue regarding an order of the discipline committee, which can be addressed through the <i>Health Professions Procedural Code</i> and other appropriate legal channels, where necessary.</p>
<p>14. Omitted (provides for coming into force of provisions of this Regulation).</p>	<p>N/A</p>	<p>The College has not included a corresponding provision in the proposed new regulation because such a provision is unnecessary.</p>

