

# **APPENDIX: P**

**REPORT OF THE  
COLLEGE OF  
OPTICIANS OF  
ONTARIO TO THE  
MINISTER OF HEALTH  
AND LONG-TERM CARE**

*SENT TO MARY BETH VALENTINE*

*ADVICE ON THE PERFORMANCE OF  
REFRACTOMETRY BY OPTICIANS IN  
ONTARIO*

**FEBRUARY 15, 2000**

## **REFRACTOMETRY: What is it?**

*Refraction* is the process of the measurement of the amount of refractive error of the eye of a patient, and determining the optical correction needed to provide the patient with clear vision (Ophthalmic Medical Assisting, American Academy of Ophthalmology, 2nd Edition, 1994).

Refraction comprises two main components: 1) Refractometry (also called “simple sight testing”), a multifaceted measurement of refractive errors with a variety of specific instruments and techniques, including manual methods as well as automated and computerised instrumentation, and 2) clinical judgement, which is required to prescribe appropriate optical correction. A number of different health care practitioners, both regulated and unregulated, currently perform refractometry in various settings. These include Ophthalmologists, Optometrists, Ophthalmic Assistants, Optometric Assistants, Opticians and others. The clinical judgement required, once the refractometry has been completed, is the sole responsibility of the health care practitioners who perform the controlled act of prescribing, namely Ophthalmologists (and other Physicians) and Optometrists.

## **REFRACTOMETRY: What is it not?**

Refractometry is not a full eye examination, a full medical eye examination, or the clinical judgement required to determine the correction needed to provide clear vision to a patient. All of the foregoing are within the scope of practice of Physicians and Optometrists. The College of Opticians is not proposing that the scope of practice of Opticians be increased, expanded or otherwise changed from what it is at the present time.

## **IS REFRACTOMETRY A CONTROLLED ACT?**

A “controlled” act, under Ontario health law, is an act that is restricted to be performed by those who are deemed by the legislature to be qualified and skilled in doing it, based on the nature of its potential risk of harm to a patient when carried out as a health care function. A person may generally not perform a controlled act unless he or she is a member of a health regulatory College, or has been properly delegated to do so by a member who is authorised to perform the act. In Ontario, Physicians (including Ophthalmologists) and Optometrists are authorised to perform the full controlled act (#9 of 13) of “prescribing or dispensing, for vision or eye problems, contact lenses, eye glasses or subnormal vision devices” (collectively called optical appliances). Opticians are not authorised to prescribe, but are authorised to dispense optical appliances, but then only upon the prescription of a Physician or Optometrist (*Regulated Health Professions Act (RHPA), Opticianry Act, Optometry Act, Medicine Act*).

The College of Optometrists, the College of Opticians and the Ministry of Health and Long-Term Care all appear to be in agreement that refractometry is not a controlled act as set out in the RHPA. The College of Physicians and Surgeons of Ontario (CPSO) has not taken an official position on this issue. If it is not a controlled act, refractometry may be performed without restriction by any person, whether regulated or not.

In general, if an act or function, which is not part of any controlled act, and does not violate Section 30 of the RHPA, is performed by a regulated health care practitioner in the course of providing health care services, then it is open to the College which governs that member, to regulate the member in respect to the performance of that act, in order for the College to carry out its mandate to protect the public interest. Such regulation may consist of setting the standards of education, examinations and experience required in order for the member to perform the act, developing standards of practice and care in the performance of the act, and ongoing mechanisms to assure and improve the quality of the performance of the act, as well as to address concerns about professional conduct, competence and fitness to practice.

To the extent that a refractometry test is performed by an unregulated person, there is no control by a regulatory College over the performance of the test. To the extent that the refractometry test is performed by a regulated person within the scope of his or her practice, the College is of the view that the procedure may be subject to appropriate regulation to ensure that the public interest is protected.

## **THE SCOPE OF PRACTICE OF OPTICIANRY**

The scope of practice of Opticianry is set out in the Opticianry Act as the “provision, fitting and adjustment of [optical appliances]”. This is to be contrasted with the definition of the controlled act of “dispensing”, as set out by Judge Donald August in *Regina v. Wadden S. and King Optical Group, Inc.*, namely, the “preparation, adaptation and delivery of [optical appliances] to a person”. As understood in the model of scopes of practice and controlled acts under the RHPA, dispensing of optical appliances is only one part of the overall scope of practice of Opticianry.

Refractometry has always been part of the scope of practice of opticians, who perform it regularly in dispensing contact lenses, high powered eyeglass lenses and low vision aids.

A number of the documents sent previously to the Ministry and the other two vision care Colleges, especially this College’s *Position Paper on Refractometry* of November 8, 1999, and its appendices, make it clear that refractometry is not only necessary for the “provision” and “fitting” of optical appliances, but is a required function (“manifest over-refraction”) in the fitting of certain types of appliances, under the standards of practice of the profession, to which the College of Opticians requires its members to adhere.

## THE VIEW OF THE COLLEGE OF OPTICIANS

At the request of the Ministry of Health, the Council of the College engaged in a further deliberation on this issue on January 28, 2000. The Council had full background materials on refractometry, including all materials of the sight-testing task force, which consulted with members of the profession and received a submission from the College of Optometrists. After a full discussion, the Council unanimously adopted the following Resolution:

“Refractometry, the simple measurement of refractive error of the eyes, is a test that is in the public domain as has been acknowledged by all three Colleges and the Ministry of Health and Long Term Care. It is a non-invasive process that uses equipment to determine the eye’s refractive power. It is currently being carried out by various persons, both regulated and unregulated.

It is a test, the results of which a physician or optometrist uses in the preparation of a prescription.

Refractometry has always been part of the scope of practice of opticians in dispensing contact lenses, high powered eye glass lenses and low vision aids.

Until recently it has not been carried out by opticians on a regular basis in respect to eye glasses. However, as a result of the introduction of new technology i.e. computerized automated equipment with little or no margin of error, the test is currently given by some opticians to their patients, and the results communicated to prescribers (Physicians and Optometrists) for the benefit of patients. Opticians may not prescribe. Opticians may dispense only upon prescriptions of Physicians or Optometrists, and there is no change to this proposed.

Although the giving of the test is not a risk to public safety, and is in fact in some jurisdictions self-administered in kiosks in malls, the College wishes to ensure that opticians who perform the test are properly trained and that the communication of the results of the test to prescribers (Physicians and Optometrists) is carried out appropriately, and that patients are informed by the opticians that it is not a substitute for a full eye examination. Accordingly, the College wishes to establish standards to govern refractometry that is conducted by opticians as part of their practice.”

This Resolution was supported by the five (5) public members and 6 (six) professional members present and voting. All of these members participated in the discussions leading to the decision. One professional member who was absent has subsequently indicated his support for the unanimous Resolution of the Council.

## THE PROCESS, PUBLIC NEED AND BENEFITS OF OPTICIANS PERFORMING REFRACTOMETRY

In the late 1990s, computerized automated equipment that allows for an accurate measurement of a patient's refractive error with little or no margin of error was developed. The College of Opticians became aware that members of the profession were using such equipment in the course of their practices, and then were communicating the results of tests they performed to prescribers. However, they were doing so without guidance or regulation from the College. The College considered that since performing a sight test is an act that is within the public domain- *i.e.* not a controlled act- and therefore could be done by opticians, it was in the public interest to ensure that if opticians were doing it they should be properly trained, should be held to standards of practice that would ensure that the test was carried out appropriately, and should be accountable to a regulatory body.

Prior to being asked by the Ministry to suspend the implementation of its policy, the College was engaged in the development of rules and standards of practice to govern refractometry by its members. The proposed standards of practice would, among other things:

- Require members who wished to engage in refractometry to undergo specified training and be subject to mandatory quality assurance;
- Require members to inform patients clearly that the sight test they are receiving is not a full eye examination and is not a substitute for a full eye examination, and to obtain written acknowledgment from patients that they understand that fact;
- Remind members that they are prohibited from dispensing glasses, contact lenses or subnormal vision devices other than on the prescription of an optometrist or medical doctor;
- Prohibit members from dispensing to a patient where the member knows, or ought reasonably to know, that the patient has not been examined by the physician or optometrist who writes his or her prescription (this prohibition being subject to possible modification based on discussions with the College of Optometrists and the College of Physicians and Surgeons); and
- Require members to refer any patient who the optician believes may suffer from an anomalous condition of the eye or adnexa, to a physician.

One of the questions that has been posed to the College of Opticians by the Ministry of Health and Long Term Care appears to be concerned with whether permitting opticians to engage in refractometry will fill a public need. It is the respectful view of the College of Opticians that such a concern is misplaced. Whether there is a public need for the performance of refractometry by opticians will be determined by the marketplace, and is something about which the College is neutral. The College's only concern is with the

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place -

public interest, and specifically with ensuring that members of the public are protected by subjecting opticians who engage in it to training requirements, standards of practice and mandatory quality assurance.

Having said that, and to the extent it would assist the Ministry in its consideration of this matter, the College is of the view that there are various scenarios in which the public would benefit from having opticians engage in refractometry. Patients in areas that are under-serviced by optometrists and medical doctors who refract, or in areas where there are heavy waiting lists to get in to see optometrists or ophthalmologists, could benefit from having more choice in who can perform a simple sight test. The prescribers will still have the responsibility of accepting or not the information provided before conducting an examination and issuing a prescription. How the market would react to such a scenario remains to be seen, but the fact that a prescription is still required prior to dispensing does not detract from the fact that the public could benefit, at no cost to the public purse, of having the refractometry done by an optician, rather than an ophthalmic assistant, optometric assistant, or any other unregulated person.

## **THE VIEWS OF THE OTHER VISION CARE COLLEGES**

The College of Optometrists has argued that Opticians should not perform refractometry, notwithstanding that it is not a controlled act. It is also of the view that it is not included in the scope of practice of Opticianry, and therefore Opticians should be prohibited from doing it. It believes, incorrectly, that the College of Opticians is promoting refractometry by its members for the purpose of increasing the scope of practice of Opticianry to include prescribing. They assert that it would be considered not good practice for an Optometrist to prescribe an optical appliance for a patient whom the Optometrist had not seen.

The CPSO has said that they would consider it “not good practice” for a member of that College to prescribe an optical appliance for a patient whom the member had not seen. They have also stated that it is a condition of registration for a Physician to practice only within the limits of his or her competence, and to prescribe optical appliances only if vision care is a normal component of the physician’s practice.

To meet that concern, the College will adopt, as a standard of practice, that a member may not dispense corrective lenses to a patient who the member knows or ought reasonably to know has not been examined by the optometrist or physician who writes his or her prescription. The College hopes to engage in consultation with the College of Optometrists and the College of Physicians and Surgeons as to whether there are circumstances in which long distance prescribing might be appropriate, and the conditions that must attend long distance prescribing. However, the College of Opticians would not modify this standard of practice without the appropriate consultation with

these other Colleges.

Following upon the meeting among the representatives of the various Colleges and the Ministry of Health and Long Term Care on November 22, 1999, the College attempted to discuss these issues further with both the CPSO and the College of Optometrists. The CPSO has indicated through its Registrar that it does not wish to be involved in any further discussions on the subject, as it considers that the issue is better handled by the relevant professional associations. The College of Optometrists advised the College in a fax dated February 7, 2000 that because the College of Opticians had declined to instruct its members to cease and desist engaging in refractometry (an act that the College of Optometrists acknowledges is in the public domain), it was refusing to participate in any further discussions of the issue with the College of Opticians. Because refractometry is a public domain act, the College of Opticians does not believe that it has the legal authority to prohibit its members from engaging in it. The College of Opticians regrets that the College of Optometrists has chosen to set preconditions that cannot be met rather than engaging in dialogue on these issues. In the circumstances, therefore, for reasons that are beyond its control, the College of Opticians was unable to engage in the additional consultations that it undertook at the November 22, 1999 meeting to engage in.

## **SUMMARY, CONCLUSIONS AND ADVICE TO THE MINISTER**

Our advice to the Minister is that refractometry is now, and always has been, part of the scope of practice of Opticianry, and therefore that the College of Opticians may regulate its performance by opticians, in the public interest.

It is the view of the College of Opticians of Ontario that refractometry is not part of any controlled act, that it is currently part of the scope of practice of Opticianry, and that the College has the right and the duty to regulate the performance of refractometry by Opticians in the public interest, including to establish standards of practice to protect the public where an optician performs this procedure, which is a public domain function. We request assurance from the Minister (if that is considered by the Ministry to be necessary) that the College of Opticians may regulate refractometry performed by opticians, in order to safeguard the public interest. We again emphasise that we have always cautioned our members that they may not prescribe, and that they may not dispense other than upon the prescriptions of Physicians or Optometrists.

We thank you for this opportunity to provide our advice to you on this matter, and look forward to your considered response.

**Gord Hyland, Executive Director and Registrar, on behalf of the Council**

cc: Christine Henderson, Marilyn Wang, Dr. Murray Turnour, Dr. John Bonn