

APPENDIX: Z



85 RICHMOND STREET WEST SUITE 902
TORONTO ONTARIO M5H 2C9
Tel: 416-368-3616 800-990-9793
Fax: 416-368-2713 800-990-9698

August, 21, 2003

Dr. Murray Turnour
Registrar
College of Optometrists of Ontario
6 Crescent Rd.
Toronto, ON M4W 1T1

Dear Dr. Turnour,

Thank you for your letter of February 13, 2003 regarding the College of Opticians of Ontario draft Standards of Practice for Refractometry. I apologize for the delay in responding to your letter.

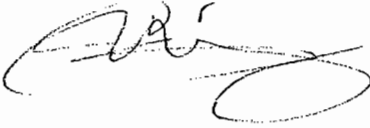
We are aware that your College proposed a Standard of Practice in which an Optician could only perform refractometry under the direct (in office) supervision of a Physician or an Optometrist. It would seem that this concept, if adopted by your College, may run contrary to your own Conflict of Interest Regulation as your current Regulation does not allow Optometrists to employ or be employed by Opticians. This restriction on freedom of association between the professions seems to make your concept impractical. How can the College of Opticians develop a Standard of Practice that would be in compliance with your College if your Conflict of Interest Regulation prevents this very arrangement from taking place? We are at a loss as to how to develop a sensible Standard of Practice within these parameters.

Our proposed Standards do not require "in office" supervision but does require a patient-prescriber relationship to exist before any refracting could take place. Our proposed Standard of Practice does not contemplate refraction for the purpose of prescribing, but rather allows Opticians to perform refractometry only after being instructed to do so by a member of the College of Optometrists or the College of Physicians and Surgeons. We had hoped this would comply with any requirements that your College has for its members

Another concern your College has in regard to the College of Opticians' Standards of Practice for refractometry is the control of non-optician employees working in optical dispensaries. As you are aware, refractometry is a 'public domain' act and can presently be done by any citizen of Ontario (excluding Opticians) in any setting. It is not the mandate of the College of Opticians to regulate dispensaries or their non-optician employees. As such, any Standards of Practice developed and approved by the College of Opticians of Ontario will only apply to Opticians.

I hope this answers your concerns and we look forward to working with you in the near future to solve this issue.

Best regards,

A handwritten signature in black ink, appearing to read 'CMI', with a large, sweeping flourish at the end.

Cathi Mietkiewicz RO
President

cc: Graeme Cunningham, CPSO
Marilyn Wang, MOHLTC
Robin Martin, MOHLTC



85 RICHMOND STREET WEST SUITE 902
TORONTO ONTARIO M5H 2C9
Tel: 416-368-3616 800-990-9793
Fax: 416-368-2713 800-990-9698

August 21, 2003

Dr. Graeme Cunningham
President
College of Physicians and Surgeons
80 College St.
Toronto, ON
M5G 2E2

Dear Dr. Cunningham,

Thank you for your letter of February 14, 2003 regarding the College of Opticians of Ontario draft Standards of Practice for Refractometry. I apologize for the delay in responding to your letter. Please be assured that we carefully considered all of your comments.

Your letter indicates you are concerned that our proposed standards "purport to set out certain roles and responsibilities of the physician... Setting appropriate standards for physician involvement with refraction, as with any other professional activity, is the responsibility of the CPSO and not the College of Opticians." We certainly recognize and agree that the responsibility for setting standards for your members lies solely with your College. Please identify where this inaccuracy occurs in our draft Standard of Practice and we will make the necessary revisions. The College of Opticians would like your co-operation so we can lift the prohibition on Opticians refracting in the interest of public access, governed by safe standards. We would be happy to entertain changes to the document that would ensure your members are acting within your College's Standards of Practice. The College of Opticians foresees the day when Physicians would benefit from having refracting Opticians to refer patients to, in order to meet the demand of their patients

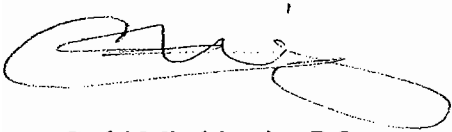
You express concern that our proposed Standards of Practice contemplate delegation. We do not believe our proposed Standards of Practice create a scenario for delegation. Refracting is a public domain act; therefore, it cannot be delegated as defined by the RHPA.

Since our meeting with Margaret Mottershead we have made available to your College a document titled "The Public Interest Rationale for the Standards of Practice for Refractometry". We would appreciate and welcome your comments on that document.

In discussion with the College of Optometrists we understand that both your Colleges have "adopted the common standard of practice that refraction for the purpose of prescribing can be performed by Opticians only under the direct (in office) supervision of a physician or and optometrist". Has this Standard been formally adopted by your College? Naturally, this could effect any Standard of Practice we develop regarding refracting as we wish to be respectful of other regulatory College's Standards of Practice and Policies. The current restriction on freedom of association between Optometrists and Opticians contained in the College of Optometrists' Conflict of Interest Regulation seems to make "in office" supervision impractical for Opticians and Optometrists. The College of Opticians envisions a day when co-operation and freedom of association between all eye care providers would allow professional relationships to develop whether they are in the same office or in separate locations.

I hope this answers your concerns and we look forward to your help in reaching a practical working arrangement in regard to refracting.

Best regards,

A handwritten signature in black ink, appearing to read 'Cathi Mietkiewicz', written over a horizontal line.

Cathi Mietkiewicz RO
President

cc: Murray Turnour, College of Optometrists
Marilyn Wang, MOHLTC
Robin Martin, MOHLTC
Alison Pilla, MOHLTC

August 21, 2003

Marilyn Wang
Director
Ministry of Health and Long-Term Care
Program Policy Branch
8th Floor, Hepburn Block
80 Grosvenor St.
Toronto, ON M7A 1R3

Dear Ms. Wang,

Thank you for your letter dated June 24, 2003 regarding the Standards of Practice for Refractometry. After a careful review of all the issues, the members of the Executive Committee of the College of Opticians have asked me to convey their response to you, as follows:

We received responses to our draft Standards of Practice for Refractometry from the College of Physicians and Surgeons and the College of Optometrists in February of this year and both Colleges raised some interesting questions. Unfortunately we were still undergoing major restructuring and reorganization and we neglected to acknowledge either College's comments at that time. Please be assured that we did carefully consider the comments of both College's and have enclosed our responses for your information. We believe we have addressed their concerns, and we look forward to further dialogue. The other two Colleges did receive the document entitled "Public Interest Rationale for the Standards of Practice for Refractometry" at the same time as the Ministry of Health received it. We apologize for not making this clear in our correspondence with you. To date we have not received any comments from either College or your office on this document.

In your letter you point out that the College of Optometrists and the College of Physicians and Surgeons have "adopted a common standard of practice that refraction for the purpose of prescribing can be performed by opticians only under the direct (in office) supervision of a physician or an optometrist". We were not made aware that the two Colleges had formally adopted this Standard of Practice. As a key stakeholder in this issue, we certainly would have been helpful in its implementation.

In the course of addressing the two College's correspondence, we identified some conflicting issues:

1. *The College of Optometrist's Conflict of Interest Regulation prevents Optometrists from either employing or being employed by Opticians.*
2. *The recently adopted "Standard of Practice" would suggest that the act of refracting is being delegated to an Optician. Refraction is a public domain act and therefore cannot be delegated to anyone.*

3. *The College of Optometrists has a very clear policy on delegation; a member of their College cannot delegate or to be delegated to.*

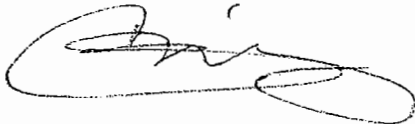
I would like to draw your attention to the fact that the College of Optometrist's Conflict of Interest Regulation prevents Optometrists from either employing or being employed by Opticians. Until such time as the College of Optometrists amends their Conflict of Interest Regulation to permit Freedom of Association between our professions we are unclear as to how their Standard of Practice can be applied in real situations. Additionally their Standard would suggest that the act of refracting is being delegated to an Optician. Refraction is a public domain act and therefore cannot be delegated to anyone. For these two reasons we don't understand how the standard adopted by the College of Optometrists and the CPSO addresses public protection issues to safe routine refractions as there is no way for the Standards to work in practice.

The argument put forth by the other two Colleges seems disjointed to us, as it must to you as well. Until the issues of Conflict of Interest, Freedom of Association and delegation are addressed it is unclear to us how we can resolve the issue of refractometry in a manner that is acceptable to the other two Colleges. We had anticipated co-operation by the CPSO and College of Optometrists in the joint effort of freedom of association that would lead to better service for the public of Ontario. In the absence of their co-operation perhaps the Ministry could assist us. We would like to move forward on this issue in a way that is acceptable to all stakeholders and would protect the public.

In light of the issues, including an assessment of track one, that make the practical handling of this situation difficult, and in order to move expeditiously, we believe that a series of meetings would be helpful in clarifying all the issues. Perhaps the development of an action plan, clearly stating the steps to implementation would be helpful. We would be happy to discuss such a process at our next meeting. We appreciate your recognition of our wish to resolve this issue expeditiously, however, we have no desire to compromise public safety to do so. The College of Opticians firmly believes that vision care providers in Ontario must move to a position of collaboration on this issue in the public interest.

I look forward to hearing from you.

Best regards,



Cathi Mietkiewicz RO
President

cc: Alison Pilla, Ministry of Health & Long Term Care
Robin Martin, Ministry of Health & Long Term Care
Hon. Tony Clement, Minister of Health & Long Term Care