

BRIEFING NOTE

TO: Council

FROM: Registration Committee

DATE: May 28, 2019

SUBJECT: New Registration Regulation – Ministry Feedback and College Response

Purpose: To advise Council of the feedback received from the Ministry of Health and Long-Term Care regarding the new Registration Regulation, and seek approval of further revisions to this regulation in light of the Ministry feedback.

Background:

The College submitted a draft Registration Regulation to the Ministry of Health and Long-Term Care on June 12, 2017. The Regulation proposes a long list of changes to the current regulation, including:

- Eliminating the “student” class of registration
- Adding a “currency” requirement for all new and practising members
- Changing the “practical experience” requirements set out in the regulation to a “practicum” requirement established by policy (that can be changed much more easily)
- Creating an “inactive” class of membership
- Providing for automatic revocation after 3 years of suspension

On November 9, 2018, the College received Ministry feedback on the regulation. The Registration Committee met to discuss this feedback, and proposed some minor changes to the regulation in light of the Ministry feedback.

That proposed changes are summarized in the attached document, which sets out the Ministry’s questions and COO response. Key proposals include:

- Moving certain additional details to by-law or policy (setting out the timeline for providing certain registration information to the College in by-law, and creating a policy to further explain how incapacity issues would be dealt with by the Registration Committee)
- Retaining an immigration status requirement for interns, if that is the Ministry’s preference
- Moving certain examination details to the Examinations Regulation

- Removing a requirement that there be “exceptional circumstances” for the Registration Committee to extend/renew an intern certificate beyond three years.
- Supporting a change to the requirements for the “inactive” registration class so that a registered optician does not need to be compliant with the Quality Assurance program in order to move to the “inactive” registration class. However, an optician in the “inactive” class would still have to satisfy outstanding Quality Assurance program requirements in order to return to “registered optician” class.

For Consideration:

The Registration Committee seeks Council’s approval of Registration Committee’s response to the Ministry of Health and Long-Term Care feedback on the draft Registration Regulation.

COLLEGE OF OPTICIANS OF ONTARIO
PROPOSED AMENDED REGISTRATION REGULATION (O. REG 869/93) – CHANGES TRACKED

APPROVED BY COUNCIL FOR SUBMISSION TO MINISTRY - JANUARY 2017

Note: **highlighted text** = highlighted by Ministry for discussion

Classes of Certificates

1. The following are prescribed as classes of certificates of registration:

1. Registered opticians.
- 2. Registered student opticians.**
3. Registered intern opticians.
- 4. Inactive opticians.**

Ministry Question: Are there any members currently registered in the student class? **COO Response:** Yes, as of February 2019 there are 15, down from 19 in 2016. Note: as discussed, unregistered students still have authority to practise under supervision per section 29(1)(b) of the *RHPA* and most students currently gain the required practical experience without registering. An opticianry program is only two years in length which may indicate less of a need for transition provisions.

General

2. (1) A person may apply for the issue of a certificate of registration by submitting ~~an~~ **completed** application ~~to~~ **in** the **form provided by the Registrar** together with ~~the application fee~~ **any applicable fees required under the by-laws** and ~~two passport-sized colour photographs of the applicant, signed by the applicant on the reverse, any supporting documentation requested by the Registrar.~~

(1.1) An applicant for the issue of a certificate of registration as a registered optician must submit evidence of professional liability insurance **in the amount and in the form required under the by-laws, unless the applicant is exempt under subsection 8 (3).**

(2) REVOKED

(3) An applicant shall be deemed not to have satisfied the registration requirements for a certificate of registration if the applicant makes a **false or misleading statement or representation on or in connection with his or her application, and any certificate issued to such an applicant may be revoked by the Registrar.**

Ministry Question: College may wish to consider adding wording such as “by act or omission” after highlighted section? **COO Response:** The College supports this suggestion.

3. (1) A certificate of registration **and photographic identification badge** shall be surrendered to the Registrar upon revocation.

(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.

Requirements for issuance of certificate of registration, any class

4. (1) The following are registration requirements for a certificate of registration of any class:

- 1.— The applicant must, at the time of application, provide written details of any of the following that relate to the applicant, and where any of the following change with respect to the applicant after submitting the application but before the issuance of a certificate, the application must immediately provide written details with respect to the change:

Ministry Question: Does the college mean to say “applicant” instead of “application”?

COO Response: Yes, thank you.

~~i. a conviction for a criminal offence or an offence related to the regulation of the practice of opticianry~~ finding of guilt for any of the following:

~~A. A criminal offence or an~~

~~B. An offence~~ resulting in either a fine greater than \$1,000.00 or any form of custody or detention.

Ministry Question: Is the need for inclusion here to be able to assess the applicant’s character? Has the college determined any offence resulting in fine below \$1,000 is not relevant? **COO Response:** Yes, this is to help assess character; \$1000 was selected to mark significance of a fine, to exclude things like minor traffic offences. If the Ministry has concerns about including a fixed number, the College could set out the dollar amount in by-law, and amend this to say “a fine greater than the amount set out in the College’s by-laws.”

~~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, or any similar finding~~ by any regulatory body.

~~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 or any similar proceeding before any~~ regulatory body.

~~iv. a proceeding against the applicant under the Regulated Health Professions Act, 1991 or the Health Professions Procedural Code, or any of the professions specific Acts under the Regulated Health Professions Act, 1991 and the regulations under those Acts.~~

Ministry Question: What is the difference between iii and iv? What is captured under iv that is not captured under iii? What is iv attempting to address? **COO Response:** Clause (iv) captures proceedings for unauthorized/illegal practice (by unregulated persons), which is not captured by (iii). Clause (iv) also captures past proceedings whereas (iii) captures only current proceedings (and (ii) captures past regulatory proceedings).

~~v. any finding of professional negligence or malpractice made against the applicant.~~

~~vi. a refusal by any regulatory body in any jurisdiction to register or licence the applicant.~~

~~vii. an attempt to pass a registration examination required for the purposes of being licensed or certified to practise opticianry, whether in Ontario or another jurisdiction, that has not resulted in a passing grade and that would have resulted in a refusal by a regulatory body to register or license the applicant.~~

viii. whether the applicant is in good standing, fulfilling all requirements with any regulatory body with which he or she is registered.

Ministry Question: The “by any regulatory body” wording in the above sections is fairly vague. Does the college mean any body that regulates a profession? **COO Response:** Yes, that is the College’s intention. The College is agreeable to rewording these clauses accordingly.

ix. whether the applicant was in good standing, fulfilling all requirements with any regulatory body, at the time the applicant ceased being registered with that regulatory body.

x. 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 professionally.

2. The applicant must be a Canadian citizen or a permanent resident of Canada or authorized under the Immigration and Refugee Protection Act (Canada) to engage in the practice of ~~the profession~~opticianry.

3. The applicant must be able to ~~speak~~comprehend and ~~write~~communicate in either English or French, both orally and in writing, with reasonable fluency.

4. ~~— The applicant must pay the required registration fee for the issue of a certificate of registration.~~ The applicant’s certificate of registration must not be under suspension.

Ministry Question: Could the College please provide further clarification on why this requirement is being removed. **COO Response:** The intention was that fees could be fully addressed in by-law (which the RHPA specifically allows). However, the College would be content to leave this in if that is the Ministry’s preference.

5. The applicant must not have a physical or mental condition or disorder that could pose a risk to the health or safety of any person or that could result in the applicant being incapacitated, such that it would be desirable in the interest of the public that he or she not be issued a certificate of registration unless, should the applicant be given a certificate of registration, the imposition of a term, condition or limitation on that certificate is sufficient to address such concerns.

Ministry Question: Noting the intent of the provision, the College may want to consider re-drafting wording. Some of the more recent registration regulations passed have the highlighted wording omitted. Does the College have any particular reason why it would prefer it stay in? **COO Response:** The intention was to give greater transparency to the provision’s intent. However, the College would be amenable to removing this wording and explaining the purpose of the provision in policy.

6. If the applicant is registered by any body responsible for the regulation of any other profession in Ontario or of any profession in any jurisdiction, the applicant’s registration must be in good standing and he or she must be fulfilling all terms, conditions and limitations imposed on him or her as evidenced by the applicant being in good standing.

7. If the applicant ceased being registered with any body responsible for the regulation of a profession in Ontario or in any other jurisdiction, the applicant must have been in good standing at the time he or she ceased being registered.

8. 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 opticianry safely and professionally.

Terms, conditions and limitations of every certificate

(2) The following are conditions of a certificate of registration of any class:

1. The member shall provide the College with written details of any ~~of the following~~ change in the information described in paragraph 1 of subsection 4 (1) that relate to the member and that occur or arise after the registration of the member, and with written details of any information that the member is required to provide under the mandatory self-reporting provisions of the Health Professions Procedural Code, no later than 30 days after the member becomes aware of it occurring.

Ministry Question: Section is already covered in legislation. College's regulation should not cover legislation. **COO Response:** The proposed maximum 30 day timeline is not reflected in legislation. However, the College would be amenable to removing this and instead including a 30 day timeline in by-laws.

- ~~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.~~
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 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.~~
3. The member shall wear or prominently display a current photographic identification 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.
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 Immigration Act (Canada) to engage in the practice of the profession.

Ministry Question: Could the College please provide some further clarification on why this is being removed? Does the college intend to have this provision apply to the intern class? **COO Response:** Members of the inactive class are not practising opticianry, and so the College believes there is no need to mandate that non-practising opticians have authorization to practise. If the Ministry prefers that this power remain, the College would not want it to apply to non-practising opticians.

The draft Regulation does not include an immigration status requirement for interns, but the College would be amenable to retaining one.

5. A member shall only use titles and abbreviations of titles respecting the profession in accordance with the following:

i. A member who holds a certificate of registration as a registered optician may only use the title “Registered Optician”, the abbreviation “RO” or a variation of them or an equivalent in another language, and such other specialty titles granted to the member by the College.

ii. A member who holds a certificate of registration as an intern optician may only use the title “Registered Intern Optician” or a variation or equivalent in another language.

iii. A member who holds a certificate of registration as an inactive optician may only use the title “Registered Optician (Inactive)”, the abbreviation “RO (inactive)” or a variation of them or an equivalent in another language.

iii. CERTIFICATE OF REGISTRATION AS A REGISTERED OPTICIAN

Registration requirements, registered optician class

5. (1) The following are non-exemptible registration requirements for a certificate of registration as a registered optician:

1. The applicant must,

i. have successfully completed and graduated from ~~an Ontario~~ **Canadian** opticianry program ~~that is approved by the Ministry of Training, Colleges and Universities at an institution set out in~~ **Registration Committee or by an accrediting body approved by the** ~~Schedule~~ **Registration Committee, or that, at the time the applicant graduated, met the** **College’s education requirements for registration.**

Ministry Question: Are “education requirements” referring to regulatory requirements?

COO Response: Yes, this refers to the College’s registration requirements with respect to education/training. The College would be amenable to wording change to reflect this.

ii. have successfully completed and graduated from a **Canadian opticianry** program which is deemed equivalent to a program referred to in subparagraph i **in accordance with the policy guidelines of the Registration Committee,** or

Ministry Question: Noting this is not a proposed amendment however College should

not be referencing policy in its regulation. **COO Response:** The College would be agreeable to changing the wording to something like “in accordance with the requirements of the Registration Committee”.

~~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,~~

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~~A. be licensed or registered to dispense eye glasses, contact lenses and subnormal vision devices in a jurisdiction outside Canada and be in good standing with the licensing or registering body of that jurisdiction, or~~

~~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.~~

iii. have successfully completed and graduated from a program outside of Ontario that is similar but not equivalent to a program referred to in subparagraph i, and have successfully completed a prior learning assessment approved by the Registration Committee demonstrating that the applicant has obtained the entry-to-practice competencies possessed by a graduate of an opticianry program referred to in subparagraph i.

2. The applicant must have obtained the competence standards acceptable to the Registration Committee, as demonstrated by

i. successful completion of a practicum approved by the Registration Committee, or

ii. practical experience that, in the opinion of the Registration Committee, is equivalent to a practicum mentioned in subparagraph i.

~~3. The applicant must have completed at least 1,000 hours of verified dispensing experience.~~

~~2.-3.~~ The applicant must have achieved a passing mark in each ~~section~~ of the College's examinations, including examinations about contact lenses, or must have successfully completed examinations which are deemed equivalent to the College's examinations by the Registration Committee.

Ministry Question: May not be a need to include this as College has already covered off that the applicant must achieve passing mark in its examinations. Has the College encountered any issues in the past with respect to above proposed wording not being included? **COO Response:** COO has sometimes faced pressure from industry to allow for partial licenses (e.g., eyeglass only), which the College does not view as being in the public interest. These words are proposed for transparency purposes.

34. The applicant must have either,

i. successfully completed the opticianry program described in paragraph 1 or the examinations described in paragraph 3 within 18 months prior to his or her application,

—(2)—ii. practised opticianry within the three years prior to his or her application in a manner that demonstrates that he or she would meet the standards of practice of the profession, or

Ministry Question: Demonstrates to whom? **COO Response:** The intention was that this be demonstrated to the Registration Committee. If need be this could be amended to say "demonstrates to the Registration Committee or another body approved by the Registration Committee".

iii. successfully completed a refresher program or professional competency assessment as set or approved by the Registration Committee within one year prior to his or her application or

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after his or her application, and, if recommended by the professional competency assessment, upgrading courses as set or approved by the Registration Committee.

~~(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.~~

(1.1) In order to be eligible to write the College's examinations described in paragraph 3 of subsection (1), the applicant must be registered as a registered intern optician.

Ministry Question: What is rationale for prohibiting someone who is not an intern to write exam? **COO Response:** The College believes it is in the public interest that interns be under the authority of the College during examinations. Both students and interns dispense under supervision, but students have the additional oversight of their schools which is absent for interns. Intern registration gives the College authority over intern conduct during the examinations, both of which include a practical component. Intern registration allows for early regulatory intervention and involvement, for example, in cases where professional boundary violations occur during examinations (which could well be an early warning sign of more serious professionalism and professional boundary issues in the future). Intern registration also allows interns to continue practising and gaining experience under supervision while they prepare for the examinations. An intern can choose to write the exams at any time during the three years, and may even stagger the two exams. As well, registration gives greater certainty to interns' legal authority to continue to gain practical experience even after they have met all practical experience requirements for registration with the College.

~~(2) The following are exemptible registration requirements for a certificate of registration as a registered optician:~~

- ~~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 direction of an optician who is certified in the fitting of contact lenses or an optometrist or an ophthalmologist.~~

Ministry Question: With respect to the above proposed amendments, the ministry would need to verify the College has the appropriate structures in place before regulation moves forward. **COO Response:** The College's Registration Committee appreciates this, and policies regarding the currency requirement and the practicum requirement are on the Committee agenda this winter/spring.

The Registration Committee has proposed (subject to Council approval) that the College's policy regarding the practicum requirement reflect the current practical experience requirements as set out in the current Registration Regulation, until a fulsome consultation including with opticians, educators, and other regulators can take place regarding any changes to the current requirement.

Terms, conditions and limitations, registered optician class

~~(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.~~

(3) The following are conditions of a certificate of registration as a registered optician:

1. By the end of the third year following issuance of a certificate of registration and in every subsequent year, the member shall provide evidence satisfactory to the Registrar that the member has practised opticianry in the previous three years in a manner that demonstrates that he or she meets the standards of practice in Ontario.
2. The Registrar may refer any member who does not meet the requirement set out in paragraph (1) to the Quality Assurance Committee.
3. The member shall maintain professional liability insurance in the amount and in the form required by the by-laws.
4. The member shall promptly and, in any event, within five business days, 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.
5. The member shall promptly and, in any event, within five business days, advise the College in writing if the member ceases to be a Canadian citizen or permanent resident of Canada or to have authorization under the *Immigration and Refugee Protection Act (Canada)* permitting the member to engage in the practice of opticianry in Ontario.
6. 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 opticianry.

Labour mobility, registered optician

5.1 (1) Subject to subsection (2), where section 22.18 of the Health Professions Procedural Code applies to an applicant for a certificate of registration as a registered optician, the applicant is deemed to have met the requirements of subsections ~~5 (1) and 5 (2)~~.

(2) It is a non-exemptible registration requirement that an applicant referred to in subsection (1) provide one or more certificates or letters or other evidence satisfactory to the Registrar or a panel of the Registration Committee establishing that the applicant is in good standing as ~~an~~ optician in every jurisdiction where the applicant holds an out-of-province certificate.

(3) Where an applicant referred to in subsection (1) is unable to satisfy the Registrar or a panel of the Registration Committee that the applicant practised the profession of opticianry to the extent that would be permitted by a certificate of registration as a registered optician at any time in the preceding two years immediately before the date of that applicant's application, the applicant must meet any further requirement to undertake, obtain or undergo material additional training, experience, examinations or assessments that may be specified by a panel of the Registration Committee.

(4) An applicant referred to in subsection (1) is deemed to have met the requirement of paragraph 3 of subsection 4 (1) where the requirements for the issuance of the applicant's out-of-province certificate included language proficiency requirements equivalent to those required by that paragraph.

(5) Despite subsection (1), an applicant is not deemed to have met a requirement where that requirement is described in subsection 22.18 (3) of the Health Professions Procedural Code.

CERTIFICATE OF REGISTRATION AS A REGISTERED STUDENT OPTICIAN

~~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:~~

- ~~— 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.~~
- ~~— (2) The following are conditions of a certificate of registration as a registered student optician:~~
 - ~~— 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) Except in the case of members who applied for registration pursuant to subsection 6.1 (1), the Registrar shall revoke the certificate of registration of a registered 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).~~
- ~~— 6.1 (1) Subject to subsection (2), where section 22.18 of the Health Professions Procedural Code applies to an applicant for a certificate of registration as a registered student optician the applicant is deemed to have met the requirements of subsection 6 (1).~~
- ~~— (2) It is a non-exemptible registration requirement that an applicant referred to in subsection (1) provide one or more certificates or letters or other evidence satisfactory to the Registrar or a panel of the Registration Committee establishing that the applicant is in good standing as a student optician in every jurisdiction where the applicant holds an out-of-province certificate.~~
- ~~— (3) Where an applicant referred to in subsection (1) is unable to satisfy the Registrar or a panel of the Registration Committee that the applicant practised the profession of opticianry to the extent that would be permitted by a certificate of registration as a registered student optician at any time in the preceding two years immediately before the date of that applicant's application, the applicant must meet any further requirement to undertake, obtain or undergo material additional training, experience, examinations or assessments that may be specified by a panel of the Registration Committee.~~
- ~~— (4) An applicant referred to in subsection (1) is deemed to have met the requirement of paragraph 3 of subsection 4 (1) where the requirements for the issuance of the applicant's out-of-province certificate included language proficiency requirements equivalent to those required by that paragraph.~~
- ~~— (5) Despite subsection (1), an applicant is not deemed to have met a requirement where that requirement is described in subsection 22.18 (3) of the Health Professions Procedural Code.~~
- ~~— (6) The conditions set out in paragraph 2 of subsection 6 (2) do not apply to a member to whom subsection (1) of this section applies.~~
- ~~— (7) A certificate of registration as a registered student optician that is issued to a member who at the time of application was an applicant referred to in subsection (1) expires on the date on which he or she is no longer qualified to hold an out-of-province certificate that he or she held at the time of applying for registration.~~

Certificate of Registration as a Registered Intern Optician

Registration requirements, intern class

7. (1) The following are non-exemptible registration requirements for a certificate of registration as a registered intern optician:

1. The applicant must, in the three years prior to the date of his or her application, either,
 - i. have successfully completed and graduated from an opticianry program referred to in subparagraph 1 i or ii of subsection 5 (1) or meet the requirements of subparagraph 1 iii of subsection 5 (1), ~~or~~ and have successfully completed the practical experience requirement referred to in paragraph 2 of subsection 5 (1) or
 - 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.
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.

Terms, conditions and limitations, intern class

(2) The following are conditions of a certificate of registration as a registered intern optician:

1. The registered intern optician shall dispense subnormal vision devices, contact lenses or eyeglasses only under the supervision or direction of a registered optician, optometrist, or medical doctor 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.

Ministry Question: Is there a particular reason the College chose the reference to ‘medical doctor’ rather than ‘physician’? **COO Response:** The term “physician” is fine as that is the term used in CPSO’s regulations.

2. The registered intern optician shall be eligible ~~for to attempt or re-attempt~~ the College’s registration examinations or supplemental examinations set by the College referred to in paragraph 3 of subsection 5 (1), or shall have completed the registration examinations but have not received the results.

Ministry Question: Again noting that this is not a proposed amendment but just something to consider... substituting ‘shall’ for ‘must’? **COO Response:** Agreed, the word “must” would be fine here.

3. The registered intern shall wear or prominently display at all times when engaged in the practice of opticianry, his or her registration card supplied by the Registrar.
4. If the registered intern optician fails the registration examinations three times, or fails to successfully complete the registration examinations within three years of the date that the intern first became eligible for a certificate of registration as an intern optician, he or she shall complete the upgrading measures specified by the Registration Committee before attempting the examinations again.
5. If the registered intern optician fails the registration examinations a fourth time, he or she shall complete a fresh opticianry program described in subparagraphs i or ii of paragraph 1 of subsection 5(1) before attempting the examinations again, if such a program is available, or if such a program is not available or in the event of other exceptional circumstances, shall complete the upgrading measures specified by the Registration Committee before attempting the examinations again.

Ministry Question: Section would probably be best placed in the College’s examination regulation. **COO Response:** The College is amenable to moving this if the Ministry deems it appropriate to do so. If so, it is suggested that section 4 could be moved as well. Since the College has requested consequential amendments to the examination regulation, this proposal should hopefully be an easy change.

6. Subject to paragraph 7, a certificate of registration as an intern optician expires if any of the following conditions are met:

i. the intern has obtained a certificate of registration of a different class.

ii. three years have passed since the intern first became eligible for a certificate of registration as an intern optician.

Ministry Question: Paragraph 4 of section 7(2) seems to be contradictory to subparagraph 6 ii. Could the College please provide some further rationale here. **COO Response:** These provisions were intended to work together. An intern has 3 years and 3 attempts to complete the exams. Paragraph 4 says that after 3 years or 3 attempts, the person must do upgrading before reattempting the exams, and subparagraph 6 ii (highlighted here) says the intern certificate also expires after 3 years. Under paragraph 7 below, the person can still seek extension/renewal after the 3 years have lapsed. If it is the Ministry's preference, the College is amenable to changing section 7 to remove the words "if the Registration Committee is satisfied that exceptional circumstances exist" so that exceptional circumstances are not required to extend or renew a certificate beyond 3 years.

iii. the intern has completed upgrading measures specified by the Registration Committee, and has received the results of any subsequent attempt at the registration examinations that has been permitted by the Registration Committee.

7. The Registration Committee may extend or a renew an intern certificate of registration beyond an expiry date in sub-paragraphs ii or iii of paragraph 6, on such terms, conditions and limitations as the Registration Committee directs, if the Registration Committee is satisfied that exceptional circumstances exist.

~~(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.~~

Labour mobility, intern class

7.1 (1) Subject to subsection (2), where section 22.18 of the Health Professions Procedural Code applies to an applicant for a certificate of registration as a registered intern optician the applicant is deemed to have met the requirements of subsection 7 (1).

(2) It is a non-exemptible registration requirement that an applicant referred to in subsection (1) provide one or more certificates or letters or other evidence satisfactory to the Registrar or a panel of the Registration Committee establishing that the applicant is in good standing as a intern optician in every jurisdiction where the applicant holds an out-of-province certificate.

(3) Where an applicant referred to in subsection (1) is unable to satisfy the Registrar or a panel of the Registration Committee that the applicant practised the profession of opticianry to the extent that would be permitted by a certificate of registration as a registered intern optician at any time in the preceding two years immediately before the date of that applicant's application, the applicant must meet any further requirement to undertake, obtain or undergo material additional training, experience, examinations or assessments that may be specified by a panel of the Registration Committee.

(4) An applicant referred to in subsection (1) is deemed to have met the requirement of paragraph 3 of subsection 4 (1) where the requirements for the issuance of the applicant's out-of-province certificate included language proficiency requirements equivalent to those required by that paragraph.

(5) Despite subsection (1), an applicant is not deemed to have met a requirement where that requirement is described in subsection 22.18 (3) of the Health Professions Procedural Code.

Registration requirements, inactive class

7.2.(1) The following are non-exemptible registration requirements for a certificate of inactive registration:

1. The applicant must hold a certificate of registration as a registered optician.
2. The applicant must undertake not to practise opticianry while he or she holds a certificate of registration as an inactive optician.
3. The applicant must have paid all outstanding fees to the College and have provided all outstanding information requested of the applicant by the College.
4. The applicant must not be subject to any outstanding requirements of the quality assurance program.
5. The applicant must surrender his or her photographic identification badge to the Registrar and must undertake to cease to publicly display his or her certificate of registration.

Terms, conditions and limitations, inactive class

(2) It is a condition of registration as an inactive optician that the member shall not do the following while he or she holds a certificate of registration as an inactive optician:

- a. practise opticianry;
- b. supervise the practice of the profession;
- c. display his or her certificate of registration at any location that is visible to the public.

(2)(3) A member who holds an inactive certificate of registration shall be reissued a certificate of registration as a registered optician if the member,

Ministry Question: Might highlighted section above be better situated in this section? (i.e. re-issued certificate only if member satisfies all QA requirements). **COO Response:** If this is the Ministry's preference, the College is amenable to moving this so that it becomes a requirement for re-issuing a practising certificate.

2. has paid all outstanding fees to the College, has provided all outstanding information requested of the applicant by the College and is in compliance with all other applicable terms, conditions and limitations,
3. requests in writing to the Registrar that he or she be issued a certificate of registration as a registered optician, and
4. meets at least one of the following requirements:
 - (a) The member has practised opticianry within the previous three years and has done so in a manner that demonstrates that the member could meet the current standards of practice in Ontario.

(b) The member has, within the time specified by the Registration Committee, successfully completed,

i. a refresher or upgrading program set or approved by the Registration Committee, or

ii. a professional competency assessment as set or approved by the Registration Committee and, if recommended by the professional competency assessment, upgrading courses as set or approved by the Registration Committee.

LIABILITY INSURANCE

~~8. (1) All registered opticians shall have professional liability insurance containing coverage of not less than \$1,000,000.~~

~~(2) It shall be a requirement for the 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,~~

~~(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).~~

~~(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.~~

~~(4) Breach of an undertaking referred to in subsection (3) shall be an act of professional misconduct for the purposes of clause 51 (1) (e) of the Health Professions Procedural Code.~~

~~(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,~~

~~(a) submits to the Registrar the documentary evidence referred to in subsection (2); and~~

~~(b) complies with subsection (1).~~

ANNUAL RENEWAL

~~9. (1) A certificate of registration shall be renewed on or before,~~

~~(a) December 31 of each year in the case of registered opticians; and~~

~~(b) September 1 of each year in the case of registered student opticians and registered intern opticians.~~

~~(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,~~

~~(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.~~

~~(3) A member may apply for the renewal of a certificate of registration by returning to the Registrar,~~

~~(a) a completed application;~~

~~(b) the required annual fee; and~~

~~(c) in the case of a registered optician, evidence of insurance.~~

~~(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.~~

~~(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 Assurance Program.~~

~~(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.~~

~~(7) Despite subsection (6), the Registrar may grant up to two additional renewals to,~~

~~(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.~~

~~(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).~~

~~(9) The Registrar shall issue renewal validation decals to a member whose certificate of registration is renewed under this section.~~

~~(10) Each member shall affix a renewal validation decal to his or her certificate of registration and photographic identification badge.~~

LATE RENEWAL

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.

SUSPENSION

Suspensions, revocations and reinstatements

~~11. (1) The Registrar shall give a member notice of default and of intention to suspend a member's certificate of registration upon,~~

~~(a) failure to apply to renew a certificate of registration;~~

~~(b) failure to pay the required annual fee or any other required fee; or~~

~~(c) failure to meet the requirements for renewal of the certificate of registration set out in subsections 9 (5), (6) and (7).~~

11. (1) If a member fails to provide the College with information about the member as required under the by-laws or a completed annual renewal form within the time period set by the College,

(a) the Registrar may give the member notice of intention to suspend the member's certificate of registration; and

(b) the Registrar may suspend the member's certificate of registration if the member fails to provide the information within 30 days after the notice is given.

~~(2) The Registrar may suspend a member's certificate of registration two months after notice is given under subsection (1).~~

(2.1) If the Registrar suspends a member's certificate of registration under subsection (1), the Registrar shall lift the suspension upon being satisfied that the former member,

(a) has given the required information to the College;

(b) has paid any fees required under the by-laws for lifting the suspension;

(c) has paid any other outstanding fees required under the by-laws; and

(d) will be in compliance with any outstanding orders or requirements of the College's Quality Assurance Committee and Inquires, Complaints and Reports Committee or any outstanding orders or requirements of the Council, Executive Committee, Discipline Committee and Fitness to Practise Committee as of the anticipated date on which the suspension is to be lifted.

11.1 (1) If the Registrar becomes aware that a member no longer maintains professional liability insurance in the amount and in the form as required under the by-laws, the Registrar may immediately suspend the member's certificate of registration.

(2) If the Registrar suspends a member's certificate of registration under subsection (1), the Registrar shall lift the suspension upon being satisfied that the former member,

(a) has professional liability insurance in the amount and in the form as required under the by-laws;

(b) has provided any information requested by the College;

(c) has paid any fees required under the by-laws for lifting the suspension;

(d) has paid any other outstanding fees required under the by-laws; and

(e) will be in compliance with any outstanding orders or requirements of the College's Quality Assurance Committee and Inquires, Complaints and Reports Committee or any outstanding orders or requirements of the Council, Executive Committee, Discipline Committee and Fitness to Practise Committee as of the anticipated date on which the suspension is to be lifted.

REINSTATEMENT

~~**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;~~

~~(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 opticians, submitting evidence of insurance;~~

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~~(d) submitting evidence of having completed the requirements of the College's Quality Assurance Program; and~~

~~(e) paying,~~

~~(i) the fee the member failed to pay, if any, and~~

~~(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.~~

~~(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.~~

~~(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).~~

~~(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 this section, the Registrar shall lift the suspension.~~

~~(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.~~

~~(6) The Registrar shall issue renewal validation decals to a member who is reinstated under this section.~~

~~(7) Each member shall affix a renewal validation decal to his or her certificate of registration and photographic identification badge.~~

12. (1) If the Registrar suspends the member's certificate of registration under section 24 of the *Health Professions Procedural Code* for failing to pay a fee or penalty, the Registrar shall lift the suspension upon being satisfied that the former member,

(a) has paid the fee or penalty in question;

(b) has provided any information requested by the College;

(c) has paid any fees required under the by-laws for lifting the suspension; and

(d) will be in compliance with any outstanding orders or requirements of the College's Quality Assurance Committee and Inquires, Complaints and Reports Committee or any outstanding orders or requirements of the Council, Executive Committee, Discipline Committee and Fitness to Practise Committee as of the anticipated date on which the suspension is to be lifted.

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.

~~14. OMITTED (PROVIDES FOR COMING INTO FORCE OF PROVISIONS OF THIS REGULATION).~~

Automatic revocation

15. If the Registrar suspends a member's certificate of registration under section 11, 11.1, or 12 and the suspension has not been lifted, the certificate is revoked on the day that is three years after the day it was suspended.

Resignation

16. A member may resign his or her certificate of registration by giving written notice to that effect to the Registrar and paying all outstanding fees, penalties or other amounts owed to the College.

~~SCHEDULE~~

~~Georgian College~~

~~Seneca College~~