

BRIEFING NOTE

TO: Board of Directors

FROM: Clinical Practice Committee

DATE: December 7 & 8, 2020

SUBJECT: 6.1 Delegation Standard of Practice and Practice Guidelines

☒ For Decision

☐ For Information

☐ Monitoring Report

Purpose:

To review the feedback received following stakeholder consultation on the proposed Delegation Standard of Practice and Practice Guidelines (Standard 10), and to consider recommendations from the Clinical Practice Committee.

Background:

At its meeting on October 5, 2020, the Board approved the proposed Delegation Standard of Practice and Practice Guidelines for circulation to stakeholders for feedback.

From October 15 to November 14, registrants and other stakeholders were invited to participate in an anonymous survey regarding the proposed Delegation Standard of Practice and Practice Guidelines. A total of 338 responses were received. The overall response was positive, with 75% or more of respondents agreeing that individual sections provided sufficient clarity and guidance.

In addition, 25 members of the Citizen's Advisory Group (CAG) who indicated that they had previously used opticianry services were invited to participate in a survey. The overall response was positive, with 96% agreeing that the proposed standard and guidelines were in the public interest and the majority agreeing that the various sections provided sufficient clarity and guidance.

The draft was also shared with the College of Optometrists for their review and feedback. The College of Optometrists indicated that they were not in a position to provide formal feedback, but expressed their general support for developing an articulated standard that uses consistent language, and that recognizes that opticians and optometrists are increasingly working together in shared practice environments. The College of Optometrists further agreed that it was important to distinguish between refraction and prescribing and requested that further clarification on how the proposed Delegation Standard would be reconciled with the existing Standard 8: Refraction.

The committee considered this feedback at their meeting November 25, 2020 and proposed that revisions be made to the sections pertaining to refraction in order to provide greater clarity and guidance to registered opticians (RO). In addition, the committee identified other areas that presented opportunities to provide ROs with greater education and/or support on how to comply with the standards.

Following that meeting, additional feedback was received from the Ontario Opticians Association (OOA). The OOA expressed that the draft provides opticians with clear information on areas such as the criteria for delegating and receiving delegation or assignment, pre-testing and working collaboratively with optometrists/ physicians and informed consent. On the topic of refraction, the OOA noted that it maintains the position that refraction must only be performed under the direct supervision of an optometrist or physician within the context of a comprehensive eye exam.

For Consideration:

A summary of the feedback received from registrants and other stakeholders is attached as **Appendix A**.

The chart also provides a summary of further changes that the committee has proposed to the Proposed Delegation Standard of Practice and Practice Guideline in light of that feedback.

A full draft with changes tracked is attached as **Appendix B**.

Public Interest Considerations:

Delegation of controlled acts in appropriate circumstances and with appropriate safeguards in place can result in more timely delivery of quality vision care. In all instances of delegation, the primary consideration should be the best interest of the patient.

Delegation is already authorized by the Regulated Health Professions Act (RHPA). It is therefore in the public interest to have parameters around the act of delegating and receiving delegation in order to ensure that appropriate standards are maintained at all times and in the best interest of patients.

Diversity, Equity, and Inclusion Considerations:

The Delegation Standard of Practice and Practice Guidelines will apply to all registered opticians in Ontario. Delegation of controlled acts in appropriate circumstances and with appropriate safeguards in place may result in increased access to service for remote or marginalized communities.

Recommendations/Action Required:

That the Board of Directors approve the proposed Delegation Standard of Practice and Practice Guidelines.

Appendix A-Summary of Stakeholder Feedback

Proposed Delegation Standard of Practice and Practice Guidelines

Section	Feedback from Stakeholders (Summary)	Updates/Revisions Proposed by the Committee
Overall purpose and clarity	<p>78% of general stakeholder respondents agreed that the proposed standard/guidelines provide sufficient and clear information.</p> <p>96% of CAG respondents agreed that it is in the public interest for the COO to add a new standard of practice and guidelines on delegation. 88% of CAG respondents were of the opinion that the proposed standard/guidelines would further the COO's public interest mandate.</p> <p>General stakeholder comments included:</p> <ul style="list-style-type: none">- Yes, very clear. Easy to understand language- The proposed guidelines outline the varying aspects in a practice in regards to delegation- Often these measures are abused <p>Comments from CAG members included:</p> <ul style="list-style-type: none">- New standard is more comprehensive with clearer language- Overdue- Now that we are dealing with a pandemic, it is more pertinent than ever- This may reduce the amount of practices using minimum wage employees in lieu of fully licensed opticians for financial gain/constraints	None
Assignment	78% of general stakeholder respondents and 92% of CAG respondents agreed that the difference between	None

Section	Feedback from Stakeholders (Summary)	Updates/Revisions Proposed by the Committee
	<p>delegation and assignment was clearly defined in the practice guideline.</p> <p>75% of general stakeholder respondents agreed that the proposed standard/guidelines provide opticians with sufficient and clear information on assignment of tasks.</p> <p>Comments included:</p> <ul style="list-style-type: none"> - The definitions are clear between delegation and assignment. - Perhaps a broader assortment of assignment task examples could be listed. 	
Criteria for delegation by ROs	<p>84% of general stakeholder respondents and 96% of CAG respondents agreed that the standard and guidelines provide opticians with clear information on the criteria that opticians must adhere to in order to delegate.</p> <p>87% of general stakeholder respondents and 92% of CAG respondents agreed that the requirements for physical presence and supervision are clearly defined in the standard and guidelines.</p> <p>Comments included:</p> <ul style="list-style-type: none"> - Being present on-site is extremely important to adhere to the guidelines - I believe sometimes there is no need to be a physical presence when all checked and the glasses need to be dispensed by a non-optician because of the patient's comfort 	None, however the Committee identified an opportunity for further education for ROs on the distinction between delegation and remote practice.

Section	Feedback from Stakeholders (Summary)	Updates/Revisions Proposed by the Committee
	<ul style="list-style-type: none"> - Would like clarification on remote practice and technology and dispensing 	
Informed consent	<p>77% of general stakeholder respondents and 84% of CAG respondents agreed that the proposed standard/guidelines clearly define the requirements for ensuring patients give informed consent to receive a service under delegation</p> <p>General stakeholder comments included:</p> <ul style="list-style-type: none"> - I believe that the requirement for informed consent is clear but how we achieve this is ambiguous - No need to have signed consent to provide a vision care product, but, it's a good practice. <p>CAG comments included:</p> <ul style="list-style-type: none"> - This is good – I haven't always known who is doing what when I have gone to an optician for new glasses - I wasn't clear if informed consent had to be verbal or in writing 	None, however the Committee identified an opportunity to provide ROs with further support and education on informed consent and adherence to the existing standards and guidelines under Standard 6 – Patient Relations.
Criteria for receiving delegation	<p>74% of general stakeholder respondents and 80% of CAG respondents agreed that the proposed standard/guidelines provide opticians with sufficient and clear information on receiving delegation.</p> <p>Comments included:</p> <ul style="list-style-type: none"> - The guidelines are clearly defined, enabling proper adherence to the standards of practice 	None
Delegating under suspension or	77% of general stakeholder respondents agreed that the proposed standard/guidelines provide clear information on performing a controlled act under	None, however the Committee identified an opportunity to provide ROs with further education on the prohibition against dispensing while under suspension.

Section	Feedback from Stakeholders (Summary)	Updates/Revisions Proposed by the Committee
terms, conditions or limitations	<p>delegation when an RO is suspended or subject to a term, condition or limitation.</p> <p>Comments included:</p> <ul style="list-style-type: none"> - As the line gets blurred those who feel confident will do so anyway 	
Delegation and refraction	<p>81% of general stakeholder respondents agreed that the proposed standard/guidelines provide clear information on the ban against performing refraction in accordance with Standard 8.</p> <p>Comments included:</p> <ul style="list-style-type: none"> - It remains unclear how the proposed standard/guidelines are to be reconciled with Standard 8 on refraction - Does a conflict of interest arise when an optician both refracts and dispenses? - Refraction ought to only be performed under the direct supervision of an optometrist or physician within the context of a comprehensive eye exam. 	<p>In light of the comments received, the Committee proposed the addition of section 1.9 and revisions to section 2.3 to provide additional clarity on the criteria for ROs to follow with respect to refraction in the context of delegation and assignment.</p>
Pre-testing and working collaboratively	<p>74% of general stakeholder respondents and 71% of CAG respondents agreed that the proposed standard/guidelines provide clarity regarding pre-testing and/or working collaboratively with optometrists or physicians.</p> <p>Comments included:</p> <ul style="list-style-type: none"> - Pre-testing is often done by non optical individuals in an optometry office. Does it really need to be included here? 	<p>None, however the Committee identified an opportunity to provide ROs and the public with further support and education around pre-testing and working in a collaborative work environment.</p>

Section	Feedback from Stakeholders (Summary)	Updates/Revisions Proposed by the Committee
General	<p>General comments from the main stakeholder survey included:</p> <ul style="list-style-type: none"> - I agree that the proposed delegation by the optician is going to improve the needs and care of the patient and give more choice to optician in how she or he can perform her and his duties - This was a very thorough guideline, yet it was very easy to understand. - Much more clear than previous published guidelines - Still confused about refraction - I feel you are opening a channel to completely dilute the profession and don't have any real concern for strengthening our value <p>General comments from the CAG survey included:</p> <ul style="list-style-type: none"> - The proposed Delegation Standard and Practice Guideline is patient-centric and increases transparency by requiring patient consent - I think this is well written and outlines the guidelines clearly - More information explaining the difference between delegation and assignment would be helpful 	None

Appendix B

Standard 10: Delegation

An optician shall be accountable for all controlled acts that they delegate to another individual, as well as for all controlled acts that the optician performs under the delegation of another regulated health professional.

Criteria:

1. Delegation by the Optician

This section sets out the criteria that must be adhered to in order for an optician to delegate the controlled act of dispensing eyeglasses, contact lenses and subnormal vision devices to an individual that is not authorized under the RHPA to performed that controlled act.

- 1.1. An optician shall establish a formal relationship with the patient prior to delegating. This includes a general consultation with the patient about their visual needs.
- 1.2. An optician is accountable for the decision to delegate, and for ensuring that:
 - a. they have assessed the potential risk of harm to the patient;
 - b. the patient has given their informed consent to receive services from the optician's delegate, and this consent has been noted in the patient record; and
 - c. the performance of the delegated act meets the standards of practice.
- 1.3. An optician shall clearly define the act(s) to be delegated, including the nature and extent of each task to be performed.
- 1.4. An optician shall only delegate those acts that form part of their regular practice and that they are competent to perform themselves.
- 1.5. An optician shall only delegate to an individual who has the appropriate skills, knowledge and judgment to perform the delegated task.
- 1.6. An optician shall be physically present in the practice environment at the time the delegated act is being performed by the delegate, and able to intervene as required.
- 1.7. An optician shall monitor and/or supervise the person performing the delegated act as may be required in the circumstances, having regard to the following considerations:
 - a. The nature of the act being performed by the delegate and its potential risk to the patient;
 - b. The training and experience of the person performing the act;
 - c. How well the optician knows the patient; and
 - d. The timing of the optician's past or expected future involvement with the patient.
- 1.8. An optician shall not delegate an act that has been delegated to them by another regulated health professional.

- 1.9. ~~An optician that holds a refracting designation issued by the College shall not delegate the performance of refraction to another registered optician or other individual.~~

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- 1.10. An optician shall keep a patient record for any patient that has received services from the optician's delegate. In addition to the requirements of Standard 5, where delegation occurs, the patient health record shall also include:
- The identities of the delegating optician and the individual that will perform the delegated act(s); and
 - Documentation of the patient's informed consent to receive services from the optician's delegate.

Practice Guideline: Delegation

Controlled Acts

Opticians have the authority under the legislation to perform the controlled act of dispensing eyeglasses, contact lenses and subnormal vision devices. Opticians may, if they choose, delegate the performance of this controlled act to another individual who is not authorized to perform it. The delegation of controlled acts in appropriate circumstances and with appropriate safeguards can result in more timely delivery of quality vision care. In every instance of delegation, the primary consideration should be the best interests of the patient. No optician is required or expected to delegate unless they have decided it is in the patient's best interest to do so.

Delegation and Assignment

"Delegation" refers to the process whereby a regulated health professional transfers their authority to perform a controlled act to a person who is not authorized to perform that controlled act. Delegation can only occur where it complies with the requirements of this Standard.

"Assignment" refers to the process where a person is assigned to perform a task that is not considered a controlled act. Opticians may assign tasks to non-opticians where the task does not involve performing a controlled act (e.g. data entry, processing payments, minor repairs such as replacing a loose screw). As with delegation, the optician remains responsible for all patient outcomes, and should only assign tasks where they believe it is in the patient's best interest to do so, and where the person to whom they have assigned the tasks has the necessary skills, knowledge and judgment to carry it out.

Students and Interns

It is not necessary to delegate controlled acts to student opticians or intern opticians, as both groups are already required to dispense under the direct supervision of a registered optician.

Student and intern opticians do not have authority to delegate controlled acts.

For more information see the [Student and Intern Supervision Policy](#).

Accountability

The optician remains responsible and accountable for all controlled acts that they delegate to another individual. The optician therefore remains the “most responsible dispenser” and is expected to maintain appropriate patient records and follow up with the patient as required under the Standards.

Informed Consent

Under Standard 6, opticians must ensure patient comprehension of any process. This means ensuring that a patient’s consent is informed. In the context of delegation, informed consent means that the patient must understand:

- the registration status of the person who is performing the controlled act (i.e. that the person is not an optician);
- that the optician is ultimately responsible to ensure that the act is performed properly and in a way that meets the standards of practice; and
- that the optician is available to assist and/or intervene as required.

Liability Insurance

It is the responsibility of the optician to ensure that they and their delegate(s) are covered at all times by adequate liability insurance. Opticians should check with their insurance provider to ensure that their coverage applies to delegated acts.

2. Receiving Delegation from another Regulated Health Professional

2.1. An optician shall not perform a controlled act under the delegation of another regulated health professional unless:

- a. The optician has sufficient skills, knowledge and judgment to perform the act competently and safely;
- b. A process for receiving delegation is in place;
- c. The delegated act is clearly defined, including the nature and extent of each task to be performed by the optician;
- d. The optician has a reasonable belief that the professional delegating the act is authorized to delegate the act, has the ability to perform the act competently, and is delegating in accordance with any relevant standards and/or regulations governing their profession;
- e. The optician has been provided with adequate resources to perform the act safely and effectively;
- f. The decision to delegate has been made in the best interest of the patient; and
- g. The optician has ensured that the patient has given their informed consent for the optician to perform the act under delegation, and this consent has been noted in the patient record.

2.2. An optician shall not perform a controlled act under the delegation of another regulated health professional, including another registered optician, where:

- a. The optician's certificate of registration has been suspended or they are otherwise not entitled to practice (e.g. where the optician does not hold appropriate liability insurance); and/or
- b. The optician's certificate of registration is subject to a term, condition or limitation that would prohibit them from performing the controlled act in question.

2.3. An optician shall adhere to the following criteria with respect to refraction:

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- a. An optician that holds a refracting designation issued by the College shall not perform a refraction under the delegation or assignment of another regulated health professional unless they comply with Standard 8.
- b. An optician that does not hold a refracting designation issued by the College shall not perform a refraction unless the refraction has been delegated or assigned to them by an authorized prescriber for the purposes of pre-testing.

In all circumstances, the optician shall not dispense an optical appliance without a valid prescription issued by an authorized prescriber.

- 2.4. In addition to any patient records made and kept by the delegating professional, an optician shall keep a patient record for any patient for whom they perform services under delegation. In addition to the requirements of Standard 5, where delegation occurs, the patient health record shall also include:
- a. The identities of the delegating professional and of the optician that will perform the delegated act(s); and
 - b. Documentation of the patient's informed consent to receive services from the optician under delegation.

Practice Guideline: Receiving Delegation

Controlled Acts

Opticians are authorized under the legislation to perform the controlled act of dispensing eyeglasses, contact lenses and subnormal vision devices, and may not perform any other controlled act set out in the RHPA unless it is under the proper delegation of a regulated health professional that is authorized to perform that act.

Delegation and Assignment

"Delegation" refers to the process whereby a regulated health professional transfers their authority to perform a controlled act to a person who is not authorized to perform that controlled act. Opticians may not perform the controlled act of another health profession unless it is under the proper delegation of that professional. For example, opticians may not perform eye examinations or issue optical prescriptions unless under the delegation of an optometrist or physician. Delegation can only occur where it complies with relevant standards and/or regulations governing the professional who is delegating the act.

“Assignment” refers to the process where a person is assigned to perform a task that is not considered a controlled act. Opticians may be assigned by another regulated health professional to perform tasks that are not considered controlled acts.

Pre-Testing

Opticians may be assigned by an optometrist or physician to carry out certain “pre-testing” tasks prior to an optometric exam or assessment. “Pre-testing” typically refers to the initial tests that take place as part of the standard eye exam or assessment by an optometrist or physician. Pre-tests do not typically include tasks that are considered controlled acts under the RHPA, and may be performed by an optician under the assignment of an optometrist or physician.

Different practitioners may apply different definitions to “pre-testing”. It is therefore the responsibility of the optician to ensure that they do not accept an assignment to carry out any pre-testing tasks that would be considered a controlled act that the optician is not authorized to perform (e.g. prescribing). Pre-testing that involves a controlled act may only be performed where it has been properly delegated in accordance with this Standard and any standards or regulations that govern the delegating professional.

Competence

Opticians are required to meet Standard 1 with respect to competence at all times, including while receiving delegation or assignment from another professional. This includes the requirement to only perform tasks that the optician has sufficient knowledge, skill and judgment to perform competently and safely, and not engaging in tasks that are beyond the optician’s capacity to perform.

In every instance of delegation or assignment, the primary consideration should be the best interests of the patient. No optician is required or expected to receive delegation or assignment unless they have decided it is in the patient’s best interest to do so.

Informed Consent

Under Standard 6, opticians must ensure patient comprehension of any process. This means ensuring that a patient’s consent is informed. In the context of receiving delegation, informed consent means that the patient must understand:

- the registration status of the person who is performing the controlled act (e.g. that they are an optician and not an optometrist or medical doctor);
- who the delegating professional is and they are ultimately responsible for ensuring that the act is performed properly and in a way that meets the standards of practice of that profession; and
- that the delegating professional is available to assist and/or intervene as required.