

# BRIEFING NOTE

**TO:** Board of Directors

**FROM:** Registration Committee

**DATE:** March 4, 2024

**SUBJECT:** **7.1 Stakeholder Consultation Regarding Proposed Changes to the By-Laws**  
**Appendix A: Proposed By-Law Amendments**

---

## **Purpose:**

To obtain the Board of Directors' approval to conduct a stakeholder consultation on proposed changes to the by-laws relating to:

- The new Registration Regulation coming into force July 1, 2024
- Fees for the Emergency Class of registration
- Fees for service (miscellaneous)

## **Background:**

In 2017, the COO submitted proposed amendments to the [Registration](#) and [Examination](#) regulations under the *Opticianry Act, 1991*. The proposed amendments were approved by the Ontario Government on February 1, 2024, and will come into effect on July 1, 2024.

In anticipation of these changes, the Registration Committee met in 2022 to review and recommend changes to the College's by-laws that would support the implementation of the updated regulations. In May 2022 the Committee recommended, and the Board approved, by-laws relating to:

- Fees for the new Inactive class of registration, including a pro-rated fee schedule for registrants transferring from the Inactive to the Registered Optician class during the calendar year
- By-laws relating to liability insurance, as this would no longer be addressed in the regulation

In addition, on August 31, 2023, the Registration Regulation was amended to introduce a new Emergency Class of Registration. The Emergency Class will only be opened for registration in the event of an emergency. Currently, there is no fee associated with this class.

## **For Consideration:**

The updated regulation which comes into force on July 1, 2024, will no longer set out the deadline and process for annual renewal. Accordingly, it is recommended that the by-laws be further amended to add these requirements.

In addition, it is recommended that the Committee consider the fees that will be applicable to opticians seeking registration in the Emergency Class, should it be necessary to register opticians in this class.

Finally, one additional administrative fee is being proposed to be added to Schedule A of the by-laws to apply where an applicant or registrant requests copies of documents in their file.

A chart detailing the proposed changes is attached as **Appendix A**. Please read on for a summary of the proposed changes in each category.

#### *Adding renewal deadline and requirements to the by-laws*

As set out above, the current Registration Regulation sets out the deadline and process for annual renewal. The new regulation will not address these points. Accordingly, it is recommended that the by-laws be amended to:

- Confirm the requirement that registrants in the Registered Optician, Inactive and Emergency classes must renew their certificate of registration on an annual basis (Intern Opticians will no longer be required to renew their certificates annually as the amended regulation no longer requires this)
- Establish a deadline for annual renewal for these classes.
- Establish deadline for the Registrar to open the renewal portal
- Confirm the penalties for late renewal

Currently, the deadline for annual renewal is December 31. The deadline has resulted in certain administrative challenges because of statutory holiday closures in the week leading up to the deadline and in registrants' ability to produce updated proof of liability insurance in a timely manner (insurance policies are typically aligned with the calendar year and updated documentation may not become available until late December or, on occasion, early January).

Accordingly, the Registration Committee proposes that the renewal deadline be extended to January 15. This will provide additional time for registrants to secure the necessary renewal documents and will reduce the impact of the statutory holiday closures.

#### *Fees for the Emergency Class*

The rationale for introducing a lower-fee option for the Emergency Optician class of registration is to allow eligible opticians to register in the emergency class without creating an undue financial strain, yet account for the fact that it requires administrative resources to manage their registration status. The proposal is to set the emergency class fee at 1/3 the rate of the registered optician fee, making it consistent with the inactive class fee.

A few key points to consider:

- Based on the registration requirements set out in the Regulation, that the following individuals will be eligible to register in the emergency class:
  - Opticians registered in the inactive class;
  - Registered opticians whose certificate of registration has been administratively suspended within six years prior to applying to emergency class.
- Registrants transitioning from Emergency to Registered Optician class of registration will be exempt of administrative fees.
- There will be a pro-rated fee option for opticians who begin the year as Emergency Optician and apply to register in the Registered Optician class:

The total amount paid by an Emergency Optician who applies for a certificate of registration as a Registered Optician would be equal to the pro-rated Registered Optician fee, minus an equivalent pro-rated portion of the emergency class fee that was already paid.

#### *Administrative Fee*

On occasion, the COO receives a request from an applicant or registrant for copies of documents in their file. There is currently no fee set out in the by-laws to apply to these requests. Fulfilling these requests require staff time and may also require that files be recalled from off-site storage.

The Registration Committee therefore proposes that a \$25 fee be introduced which will cover requests for up to 25 pages, and a further \$1/page fee will be charged for each additional page. This will help to offset the administrative cost of fulfilling these requests.

#### **Public Interest Considerations:**

In order to regulate the profession effectively, it is necessary for there to be a clear and transparent process for the annual renewal of certificates of registration. Setting these details out in by-law (rather than regulation) will enhance the College's transparency and flexibility.

The Emergency Class of registration is intended as a measure to ensure uninterrupted access to opticianry services in the event of an emergency. Fees for this registration class should therefore avoid creating undue financial strain on potential applicants. Conversely, this must be balanced against the College's need to cover its administrative costs.

#### **Diversity, Equity and Inclusion Considerations:**

The Registration Committee will seek feedback on the impact of the proposed changes on registrants and any other relevant system partners to identify any concerns from the DEI perspective.

#### **Action Required:**

That the Board approve the proposed by-law changes to be circulated to registrants and other system partners for feedback.

Once complete, the results of the consultation will be presented to the Registration Committee for its review and brought forward to the Board with recommendations at its next meeting.

**APPENDIX A**  
**Proposed By-Law Amendments**

Proposed Change	Rationale
<p><b>ARTICLE 1: INTERPRETATION</b></p> <p><b>1.1 Definitions</b></p> <p><u>"Emergency Optician" means a Registrant who holds a certificate of registration in the emergency class under O. Reg. 869/93 under the <i>Opticianry Act</i>.</u></p> <p><u>"Inactive Optician" means a Registrant who holds a certificate of registration in the inactive class under O. Reg. 869/93 under the <i>Opticianry Act</i>.</u></p> <p><u>"Registered Optician" means a Registrant who holds a certificate of registration in the registered optician class under O. Reg. 869/93 under the <i>Opticianry Act</i>.</u></p>	<p>These additional definitions are being added for terms that will be referred to in the by-laws.</p>
<p><b>5.1 Initial Registration Application Fees</b></p> <p>(a) A person who submits an application for a certificate of registration shall pay an application fee as follows:</p> <p>Registered Optician:       \$150</p> <p>Registered Intern Optician: \$65</p> <p><u>Emergency Optician:       \$65</u></p> <p><del>Registered Student Optician: \$65</del></p>	<p>An application fee is added for the Emergency Class. The fee represents reasonable cost-recovery for processing the application.</p> <p>The application fee for the Registered Student Class is eliminated, as the class will no longer exist.</p>

Proposed Change	Rationale																																			
<p><b>5.2 <u>Annual Renewal and</u> Registration Fees</b></p> <p><b><u>(a) Annual Renewal Deadline</u></b></p> <p><u>On or before January 15 each year, every eligible Registered Optician, Inactive Optician and Emergency Optician shall:</u></p> <p><u>i. Complete and submit to the Registrar an annual registration renewal form in the manner set out by the Registrar. This shall include the requirement to submit a photo at least once every five years in the form and manner set out by the Registrar; and</u></p> <p><u>ii. pay the annual registration fee.</u></p>	<p>It is necessary to include the annual renewal deadline in by-law as this has been removed from the Registration Regulation.</p> <p>Under the current regulation, the deadline for annual renewal is December 31. It is proposed that the deadline be extended to January 15 to account for office holiday closures and to provide registrants with additional time to obtain the necessary documents to support their renewal, including proof of professional liability insurance.</p>																																			
<p><b><u>(b) At least sixty days before the annual renewal deadline, the Registrar shall send to each eligible Registered Optician, Inactive Optician and Emergency Optician an application for renewal of their certificate of registration.</u></b></p>	<p>It is necessary to include the timeframe for opening the renewal period in by-law as this has been removed from the Registration Regulation.</p>																																			
<p><b><u>(c) Annual Registration Fees</u></b></p> <table><tr><th>Class</th><th>2023</th><th>2024</th><th>2025</th><th>2026</th><th>2027</th><th>2028</th></tr><tr><td>Registered Optician</td><td>\$992</td><td>\$1,017</td><td>\$1,042</td><td>\$1,068</td><td>\$1,095</td><td>\$1,122</td></tr><tr><td>Registered Intern Optician</td><td>\$146</td><td>\$150</td><td>\$153</td><td>\$157</td><td>\$161</td><td>\$165</td></tr><tr><td>Inactive Optician</td><td>\$331</td><td>\$339</td><td>\$347</td><td>\$356</td><td>\$365</td><td>\$374</td></tr><tr><td><u>Emergency Optician</u></td><td><u>\$331</u></td><td><u>\$339</u></td><td><u>\$347</u></td><td><u>\$356</u></td><td><u>\$365</u></td><td><u>\$374</u></td></tr></table>	Class	2023	2024	2025	2026	2027	2028	Registered Optician	\$992	\$1,017	\$1,042	\$1,068	\$1,095	\$1,122	Registered Intern Optician	\$146	\$150	\$153	\$157	\$161	\$165	Inactive Optician	\$331	\$339	\$347	\$356	\$365	\$374	<u>Emergency Optician</u>	<u>\$331</u>	<u>\$339</u>	<u>\$347</u>	<u>\$356</u>	<u>\$365</u>	<u>\$374</u>	<p>An annual registration fee is proposed for the Emergency Class. This fee will offset the administrative cost of registering and regulating registrants in this class.</p>
Class	2023	2024	2025	2026	2027	2028																														
Registered Optician	\$992	\$1,017	\$1,042	\$1,068	\$1,095	\$1,122																														
Registered Intern Optician	\$146	\$150	\$153	\$157	\$161	\$165																														
Inactive Optician	\$331	\$339	\$347	\$356	\$365	\$374																														
<u>Emergency Optician</u>	<u>\$331</u>	<u>\$339</u>	<u>\$347</u>	<u>\$356</u>	<u>\$365</u>	<u>\$374</u>																														

Proposed Change	Rationale
<p><b>(db) Pro-rated Registration Fees</b></p> <p>(i) For individuals who have never been registered with the College, the initial annual registration fee for the Registered Optician class is pro-rated as follows:</p> <ul style="list-style-type: none"> <li>a. For applications submitted in the period January 1 to March 31: 100% of the posted registration fee.</li> <li>b. For applications submitted in the period April 1 to June 30: 75% of the posted registration fee.</li> <li>c. For applications submitted in the period July 1 to September 31: 50% of the posted registration fee.</li> <li>d. For applications submitted in the period October 1 to December 31: 25% of the posted fee.</li> </ul> <p>(ii) Individuals who are registered in the Inactive Class <u>or the Emergency Class</u> and have paid the annual registration fee for the Inactive Class <u>or the Emergency Class</u>, and who request to change their status to the Registered Optician class, will be charged the following pro-rated Registered Optician fee:</p> <ul style="list-style-type: none"> <li>a. For requests submitted in the period January 1 to March 31: 67% of the posted Registered Optician fee.</li> <li>b. For requests submitted in the period April 1 to June 30: 50% of the posted Registered Optician fee.</li> <li>c. For requests submitted in the period July 1 to September 31: 33% of the posted Registered Optician fee.</li> <li>d. For requests submitted in the period October 1 to December 31: 17% of the Registered Optician fee.</li> </ul>	<p>The proposed changes address a typographical error and provide a pro-rated fee structure for Emergency Class opticians who seek registration in the Registered Optician class.</p>

Proposed Change	Rationale										
<p>(ee) <b>Penalties</b></p> <p><u>A Registrant who fails to apply to renew their certificate of registration, pay the annual fee, or complete all of the requirements on the annual registration renewal form prior to or before the deadline for renewal set out in these by-laws shall pay a late fee for late renewal in addition to the annual fee, as follows:</u><del>The penalties for late payment of annual registration fees are as follows</del></p> <table> <tr> <td>Registered Optician:</td><td>\$125</td></tr> <tr> <td>Registered Intern Optician:</td><td>\$ 50</td></tr> <tr> <td><del>Registered Student Optician:</del></td><td><del>\$ 50</del></td></tr> <tr> <td><u>Inactive Optician:</u></td><td><u>\$ 50</u></td></tr> <tr> <td><u>Emergency Optician:</u></td><td><u>\$ 50</u></td></tr> </table>	Registered Optician:	\$125	Registered Intern Optician:	\$ 50	<del>Registered Student Optician:</del>	<del>\$ 50</del>	<u>Inactive Optician:</u>	<u>\$ 50</u>	<u>Emergency Optician:</u>	<u>\$ 50</u>	<p>Additional language has been added to clarify when penalties are payable by registrants who fail to renew by the deadline. Late fees are also added for Inactive and Emergency opticians.</p> <p>The late fee for Registered Student Opticians is eliminated.</p>
Registered Optician:	\$125										
Registered Intern Optician:	\$ 50										
<del>Registered Student Optician:</del>	<del>\$ 50</del>										
<u>Inactive Optician:</u>	<u>\$ 50</u>										
<u>Emergency Optician:</u>	<u>\$ 50</u>										
<b>SCHEDULE A TO BY-LAW, ARTICLE 5: FEES FOR SERVICES</b>											
<p><u>16. For copying documents from a Registrant's or applicant's file, a flat fee of \$25 will be charged for copying up to 25 pages, and \$1.00 per page thereafter..... \$ 25.00</u></p>	<p>A fee is being added to Schedule A to apply to requests made by registrants or applicants for copying documents from their file. This fee will offset the administrative costs of responding to the request including, where necessary, recalling boxes from off-site storage.</p>										