

## BRIEFING NOTE

**TO:** Board of Directors

**FROM:** Executive Committee

**DATE:** May 17, 2021

**SUBJECT:** Public Register By-Law Amendments – Stakeholder Feedback

☒ For Decision ☐ For Information ☐ Monitoring Report

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### Purpose:

To review the stakeholder feedback relating to proposed amendments to the by-laws with respect to the public register.

### Background:

At the December Board meeting two by-law amendments relating to the public register were approved for circulation for stakeholder feedback.

### For Consideration:

The proposed changes were posted to the Stakeholder Feedback section of the COO website from December 18, 2021 to February 19, 2021, sent to registrants by eblast and posted on the news page of the college website. A total of 51 responses were received. The stakeholder feedback is attached.

- 1. Information on the Public Register about Suspension and Practice Restrictions:** 58.82% of respondents agreed, and a further 25.49% were neutral (neither agreed nor disagreed) with the College's proposed amendments to the information on the public register about suspensions and practice restrictions. The purpose of the proposed amendment is to increase transparency with respect to periods of suspension. Currently, the public register only displays the start date of a suspension. In addition, practice restrictions are only posted while they are in effect. The proposed amendments would permit the College to also post the dates that suspensions or practice restrictions end. This will permit the public to be able to ascertain from the public register whether a registrant was subject to a suspension or practice restrictions on a specific date in the past.
- 2. Preferred name on the Public Register:** 70.59% of respondents agreed, and a further 15.69% were neutral (neither agreed nor disagreed) with the College's proposal to add reference to a "preferred name" on the public register. Registrants are required to register with the College under their legal name. This name is displayed on the public register. Registrants may also have the register display an abbreviation or nickname that they use in practice. It has been identified that the current wording may not be inclusive of individuals who use a preferred name in practice that they do not consider to be an abbreviation or nickname. For

example, individuals who are transgender may go by a preferred name that affirms their gender, but that otherwise differs from their legal name.

**Public Interest Considerations:**

As a matter of transparency, it is important that the public be able not only whether a registrant is entitled to practice on the date that they look them up on the register, but also on a past date. For example, an insurance company may inquire about whether a registrant was entitled to practice on a date that a claim was submitted.

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

The current language used on the public register may not be inclusive of individuals who, for reasons relating to their gender identity, country of origin, ethnicity, race or language, may have a preferred name that they use in practice that they wish to display on the public register.

**Recommendation:**

That the Board approve the following, as recommended by the Executive Committee:

1. Proposed amendment to Article 15.6(xxi) (preferred name)
2. Proposed amendments to Article 15.6(xiv), and the addition of new proposed subsections (xxxii) and (xxxiii) (suspensions and practice restrictions)

## Appendix A

### Proposed By-Law Amendments

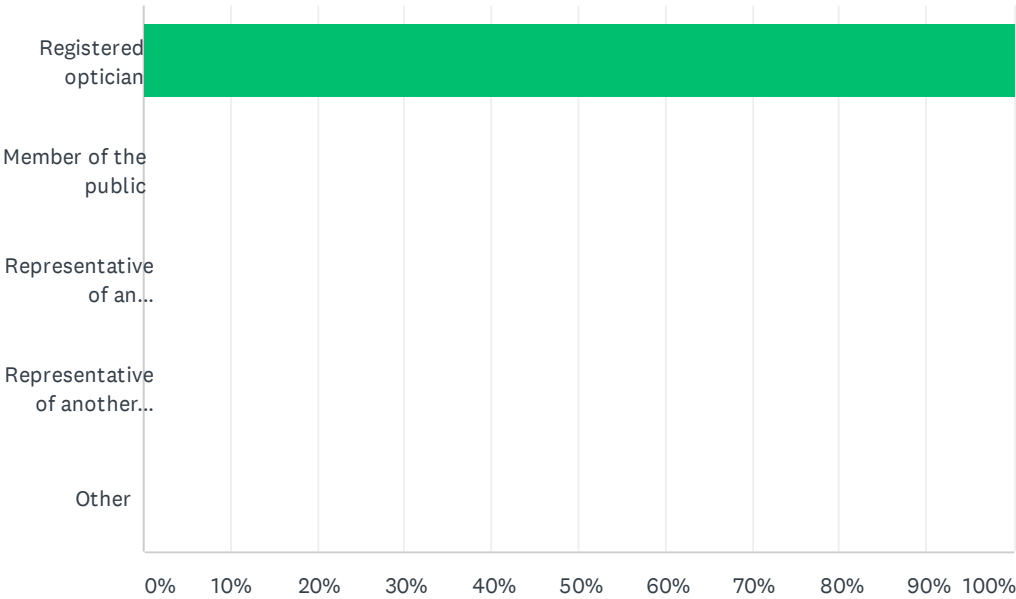
Current Language	Proposed Language	Rationale
<b>ARTICLE 15: THE REGISTER</b>		
<b>15.6 Other Information in the Register</b>		
<p>15.6 In addition to the information set out in subsection 23(2) of the Code, the register shall contain the following information with respect to each Registrant:</p> <p>(xxi) Any nicknames or abbreviations that the Registrant uses in any place of practice;</p>	<p>15.6 In addition to the information set out in subsection 23(2) of the Code, the register shall contain the following information with respect to each Registrant:</p> <p>(xxi) Any <u>preferred names</u>, nicknames or abbreviations that the Registrant uses in any place of practice;</p>	<p>The purpose of this amendment is to ensure that the College is inclusive of individuals who go by a name in practice that differs from their legal name. For example, a transgender person may go by a name that corresponds to their affirmed gender instead of their legal name.</p>
<p>(xiv) Where the Registrant's certificate of registration is subject to an administrative suspension (e.g., for failure to pay a fee), the fact that the suspension is an administrative one and the date of the suspension in addition to the fact of the suspension;</p>	<p>(xiv) Where the Registrant's certificate of registration is subject to <del>an administrative</del> suspension:</p> <p><u>(a) the fact of the suspension</u></p> <p><del>(a)(b)</del> <u>where the suspension is an administrative one (e.g. for failure to pay a fee), (e.g., for failure to pay a fee),</u> the fact that the</p>	<p>The purpose of this amendment is to provide greater transparency and clarity to the information that is posted to the public register about suspensions. Reference has been added to the date that any suspension (whether it is disciplinary, the result of an interim order, or administrative) is lifted or otherwise removed.</p>

Current Language	Proposed Language	Rationale
	<p>suspension is an administrative one <del>and</del></p> <p><u>(c) the date of the suspension-<del>in</del> addition to the fact of the suspension; and</u></p> <p><del>(b)</del><u>(d) Where applicable, the date that the suspension is lifted or otherwise removed.</u></p>	<p>The amendment will ensure that a member of the public can ascertain from the register whether a registrant was subject to a suspension on any date during the period of the optician's registration with the College.</p>
n/a	<p><u>(xxxii) Where the Registrant's certificate of registration is subject to a restriction on the Registrant's right to practice resulting from an undertaking given by the Registrant to the College or an agreement entered into between the Registrant and the College:</u></p> <p><u>(a) a notation of the fact;</u></p> <p><u>(b) a summary of the restriction;</u></p> <p><u>(c) the effective date of the restriction; and</u></p> <p><u>(d) where applicable, the effective date that the restricted is lifted or removed.</u></p>	<p>The Health Professions Procedural Code requires the College to post information about undertakings and acknowledgements that relate to matters that are before the Inquiries, Complaints and Reports Committee while those undertakings are in effect.</p> <p>The addition of this provision to the by-laws would permit the College to post information about any undertaking or agreement between a registrant and the College that places a restriction on the registrant's certificate of registration. This addition will permit the public to ascertain whether a registrant's certificate of registration was subject to a restriction on a given date.</p>
n/a	<p><u>(xxxiii) Where the College is aware of a restriction on the Registrant's right to</u></p>	<p>Similar to the previous addition, this addition will permit the public to ascertain</p>

Current Language	Proposed Language	Rationale
	<p><u>practice that has been imposed by a court or other lawful authority:</u></p> <p>(a) <u>a notation of the fact;</u></p> <p>(b) <u>a summary of the restriction;</u></p> <p>(c) <u>the source of the restriction;</u></p> <p><del>(a)</del>(d) <u>the effective date of the restriction; and</u></p> <p><del>(b)</del>(e) <u>where applicable, the effective date that the restriction is lifted or removed.</u></p>	<p>whether a registrant's right to practice was restricted on a given date.</p>

Q1 Please indicate if you are a:

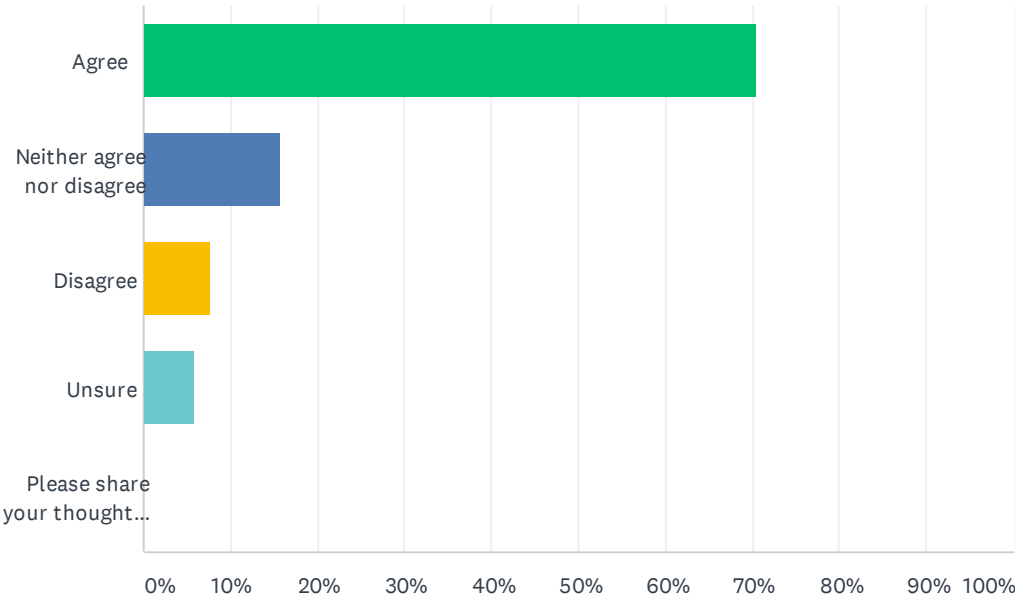
Answered: 51    Skipped: 0



ANSWER CHOICES	RESPONSES	
Registered optician	100.00%	51
Member of the public	0.00%	0
Representative of an opticianry association	0.00%	0
Representative of another regulatory body	0.00%	0
Other	0.00%	0
TOTAL		51

Q2 Do you agree with the College’s proposal to add reference to “preferred name” on the public register?

Answered: 51    Skipped: 0

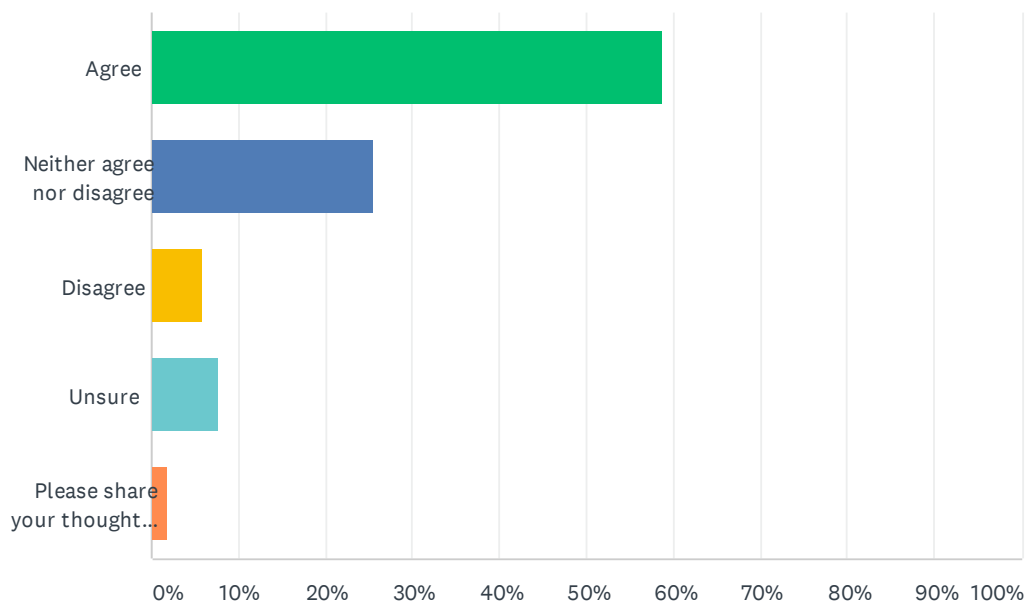


ANSWER CHOICES		RESPONSES	
Agree		70.59%	36
Neither agree nor disagree		15.69%	8
Disagree		7.84%	4
Unsure		5.88%	3
Please share your thoughts with us.		0.00%	0
TOTAL			51

#	PLEASE SHARE YOUR THOUGHTS WITH US.	DATE
	There are no responses.	

### Q3 Do you agree with the College's proposed amendments to the information on the register about suspensions and practice restrictions?

Answered: 51 Skipped: 0



ANSWER CHOICES		RESPONSES	
Agree		58.82%	30
Neither agree nor disagree		25.49%	13
Disagree		5.88%	3
Unsure		7.84%	4
Please share your thoughts with us.		1.96%	1
TOTAL			51

#	PLEASE SHARE YOUR THOUGHTS WITH US.	DATE
1	Depends on amount of suspensions which are recorded on fileh	12/27/2020 9:46 PM