

# Briefing Note

**TO:** Board of Directors

**FROM:** Registration Committee

**DATE:** September 23, 2024

**SUBJECT:** 8.3 Non-Practising Status for Registered Opticians Policy  
APPENDIX A: Non-Practising Status Policy  
APPENDIX B: Draft Non-Practising Status for Registered Opticians Policy

For Decision

For Discussion

Monitoring Report

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**Purpose:**

To approve proposed amendments to the Non-Practising Status policy.

**Background:**

The Non-Practising Status policy was developed in 2016 in the absence of options for registrants who were not practising the profession in Ontario but did not want to resign or suspend their certificate of registration. Under this policy, opticians who sought an “inactive” status with the College of Opticians of Ontario (COO) maintained their certificate of registration but were exempted from holding professional liability insurance on the premise that they sign an undertaking not to practise while uninsured (attached as **Appendix A**).

**For Consideration:**

The new Registration Regulation that came into force on July 1, 2024, established an inactive class of registration for non-practising opticians. Under the new regulation, Registered Opticians who do not intend to practise for a period of time have an opportunity to transfer to the inactive class. Examples may include registrants on parental, sick, or educational leave, those practising outside of Ontario or in a different profession, or retired opticians.

The proposed amendments to the Non-Practising Status policy align with the COO’s new Registration Regulation; the policy has been also streamlined to enhance clarity around existing requirements. The aim of the policy is to provide a **short-term** option for opticians who are temporarily unemployed or in the process of changing jobs and do not have insurance coverage.

The amended policy:

- sets out the process to request and lift the non-practising status;
- defines the terms of the undertaking; and
- outlines the currency of practice requirements for opticians holding the non-practising status.

Registrants who do not intend to practise for an extended period of time are directed to join the inactive class of registration.

A draft of the amended policy is attached as **Appendix B**. The Registration Committee also proposes changing the name of the policy to “Non-Practising Status **for Registered Opticians**” to avoid confusion with the inactive class.

**Public Interest Considerations:**

The Non-Practising Status for Registered Opticians policy protects the public interest by setting out terms for uninsured registrants that accurately reflect their non-practice of the profession and by providing transparency to the public regarding the optician’s non-practising status. The requirement to maintain ongoing currency offers assurance to the public that opticians will engage in safe and competent practice once they resume active practising and will not be eligible to renew their certificate of registration unless they meet the currency threshold.

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

The proposed changes to the policy consider the needs of Registered Opticians in different life circumstances, namely facing a situation where they are unemployed and do not have insurance coverage. The Registration Committee recognizes that, when making a decision, the obligation to uphold professional standards must be balanced against its ethical obligations to avoid practices and policies that directly or indirectly discriminate against registrants.

**Risk Management Considerations:**

The transparency of the policy in setting the terms of the non-practising status mitigates potential legal risks to the College if/when an optician fails to comply with the conditions of their undertaking and engages in unauthorized practice. By amending the policy to address the non-practising status in a manner that is more consistent with the new regulation, we make things more transparent for both registrants and the public.

**Recommendation/Action Required:**

That the Board approve the proposed amendments to the Non-Practising Status for Registered Opticians policy.

## REGISTRATION POLICY

### Non-Practising Status

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The purpose of this policy is to establish a fair process for registrants who are not practising in Ontario, but who wish to maintain their registration with the College of Opticians of Ontario (COO), while ensuring delivery of high quality, safe and ethical opticianry care to the public of Ontario.

#### Scope

This policy applies to all Registered Opticians. It does not apply to Registered Student Opticians or Registered Intern Opticians.

#### Background

It is a requirement that all Registered Opticians have liability insurance in order to have their certificates of registration (certificate) issued, renewed or reinstated. COO recognizes that registrants may need or want to stop practising in Ontario for a variety of personal and professional reasons. Those registrants may not want to resign or suspend their certificate with COO, but they also may not want to maintain insurance coverage while they are not employed.<sup>1</sup>

COO does not currently have an “inactive” class of membership<sup>2</sup> which would permit a registrant to remain registered without requiring insurance coverage. However, the regulation does permit uninsured registrants to remain registered provided they undertake not to practise while they are uninsured.

Accordingly, we have developed this policy to establish the process to follow when a registrant requests non-practising status with COO, as well as the steps that are required for a registrant with non-practising status to return to practise in Ontario.

#### What is Non-Practising Status?

As noted above, COO does not currently have a non-practising or inactive class of registration. Non-practising status is recognition that a person is still a Registered Optician, but they have agreed not to practise opticianry in Ontario until certain conditions are met (namely, they submit evidence of insurance). The registrant’s status on COO’s public register will be “Non-Practising”, which will make it clear to the public that the registrant, although registered with COO, is not permitted to practice opticianry in Ontario.

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<sup>1</sup> Registrants who have professional liability insurance coverage but are not employed in the profession, or are employed outside of the profession have the option of either applying for a non-practising status or maintaining an active status with the COO

<sup>2</sup> COO is in the process of updating our Registration Regulation to include an inactive class.

## **Requesting Non-Practising Status**

A registrant who does not have professional liability insurance may change their status to non-practising by signing and delivering an [Undertaking Form](#) to COO. In order to obtain non-practising status, the registrant must agree to:

1. not practise opticianry in Ontario while the registrant has non-practising status;
2. not supervise or direct a student or intern optician while the registrant has non-practising status;
3. not to dispense under the delegation of a registrant of the College of Physicians and Surgeons of Ontario or the College of Optometrists of Ontario;
4. provide information to COO, renew their certificate annually and pay all registration fees required under the Opticianry Act, the Regulations and COO's by-laws;
5. fulfill the mandatory continuing education requirements of the Quality Assurance Program; and
6. have the fact of the undertaking posted on COO's public register.

Upon receipt of an acceptable undertaking, COO will change the registrant's status to non-practising, notify the registrant of the change and update the public register. Due to constraints of our current system, we are not able to note the change in the register in the short term. However, we are updating our system to allow for us to make note of the registrant's status as Non-Practising going forward.

We remind registrants that breaching the terms of the undertaking would be considered professional misconduct, and could result in disciplinary action by COO or prosecution for unauthorized practice.

## **Lifting the Non-Practising Status**

A registrant may request to lift the Non-Practising Status in accordance with the terms of the undertaking in effect on their certificate by completing and submitting the following to the COO:

1. any address change information, and
2. a [Certificate of Being Insured Under a Professional Liability Insurance Policy](#).

While we will make every effort to process status change applications in a timely manner, we urge registrants to consult with COO's registration team prior to making any employment arrangements. A registrant will not be eligible to practise until COO confirms that their undertaking has been lifted and that their status has been updated on the register.

## **References to Relevant Legislation**

[Registration Regulation](#), O. Reg. 869/93 under the Opticianry Act, 1991, S.O. 1991, c. 34, s. 8

## REGISTRATION POLICY

### Non-Practising Status for Registered Opticians

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The purpose of this policy is to establish a fair process for registrants who hold a certificate of registration as a Registered Optician but temporarily do not have professional liability insurance coverage.

#### **Background**

One of the conditions of the certificate of registration as a Registered Optician is to maintain professional liability insurance in the amount and the form specified in the by-laws. On occasion, registrants holding a current certificate of registration as a Registered Optician or applicants for a certificate of registration as a Registered Optician may face a situation where they do not have insurance coverage and may request to temporarily change their registration status to non-practising.

#### **What is Non-Practising Status**

Non-practising status is a short-term option intended for opticians who are temporarily unemployed or in the process of changing jobs and do not have insurance coverage. Registered Opticians holding non-practising status agree not to practise opticianry in Ontario until certain conditions are met (namely, they submit evidence of insurance). The registration status of non-practising opticians will be identified on the College of Opticians of Ontario (COO) public register as “Not Entitled to Practise – Not Actively Practising”.

Non-practising status is not intended for registrants on leave from practice or those whose duties do not involve dispensing. Registrants who do not intend to practise for an extended period of time should instead consider joining the Inactive class of registration.

#### **Requesting Non-Practising Status**

Registered opticians must request a non-practising status in writing by signing an undertaking with the COO. By signing the undertaking, the registrant agrees to:

1. not practise opticianry in Ontario while holding the non-practising status;
2. not supervise or direct a student or an intern optician while holding the non-practising status;
3. not to dispense under the supervision or delegation of a registered optician, optometrist, or physician;
4. complete the annual renewal requirements;
5. pay the registration fees required to maintain the certificate of registration as a Registered Optician; and

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#### **Non-Practising Status**

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**Date Last Revised: N/A**

6. fulfil the mandatory continuing education requirements of the Quality Assurance Program.

Breaching the terms of the undertaking would be considered professional misconduct and could result in disciplinary action by the COO or prosecution for unauthorized practice.

#### **Lifting the Non-Practising Status**

A registrant may request to lift the non-practising status in accordance with the terms of their undertaking by submitting a written request to the COO and providing a valid certificate of professional liability insurance.

A registrant will not be eligible to practise until they receive a confirmation from the COO that their undertaking has been lifted and their status has been changed to “Eligible to Practise”.

#### **Currency Requirements for Non-Practising Status**

Registrants who change to non-practising status are not exempt from the requirement to maintain ongoing currency in accordance with the College’s [Currency of Practice Policy](#). Registrants who are unable to demonstrate at least 500 practice hours over the previous three-year period will not be eligible to renew their registration in the Registered Optician class.

Registrants who do not intend to practise for an extended period of time should instead consider joining the Inactive class of registration.