

BRIEFING NOTE

TO: Board of Directors

FROM: Registration Committee

DATE: September 23, 2024

SUBJECT: 8.4 Rescinding the Policy on Acceptance of Quality Assurance Program Compliance from other Canadian Provinces
APPENDIX A: Policy on Acceptance of Quality Assurance Program Compliance from other Canadian Provinces

Purpose:

To rescind the Policy on Acceptance of Quality Assurance Program Compliance from other Canadian Provinces.

Background:

A new Registration Regulation came into effect on July 1, 2024. The Registration Regulation outlines the process for registrants seeking to reinstate their certificate of registration after it has been administratively suspended (i.e. for non-renewal).

The previous regulation required registrants to submit evidence of having completed the requirements of the College's Quality Assurance Program in order to reinstate their certificate of registration (section 12(1)(d)).

In January 2009, the Board approved the Policy on Acceptance of Quality Assurance Program Compliance from other Canadian Provinces. Under the policy, registrants who were practising in another Canadian province while suspended in Ontario were permitted to use evidence of compliance with that province's quality assurance program to seek reinstatement in Ontario, where certain conditions were met.

Subsequently, and based on legal advice, the College ceased enforcing the requirement under section 12(1)(d) of the previous regulation to require evidence of QA compliance as a condition of reinstatement.

For Consideration:

The new regulation that came into force on July 1, 2024 no longer requires evidence of QA compliance as a condition for reinstatement. Rather, the new regulation stipulates that in order to reinstate a

certificate of registration that was suspended, the registrar must be satisfied that the registrant will be in compliance with any outstanding orders or requirements of the QA Committee (or other committees). Accordingly, it is recommended that the Policy on Acceptance of Quality Assurance Program Compliance from other Canadian Provinces be rescinded as it is no longer required.

Public Interest Considerations:

It is in the public interest for opticians to comply with their ongoing obligations under the Quality Assurance program and to not use administrative suspension as a mechanism to avoid these obligations. However, the new Registration Regulation and related policies have put in place a number of other checks and balances to make sure registrants are maintaining current knowledge and keeping up with their professional responsibilities. These include:

- Suspended opticians must satisfy the registrar that they will be in compliance with any outstanding orders or requirements of the QA committee prior to being reinstated
- The new ongoing currency requirement, which is not “paused” during periods of administrative suspension
- Opticians seeking to change to the new Inactive class must not be subject to any outstanding requirements of the quality assurance program
- Inactive opticians who apply to return to active status will be required to demonstrate currency or complete a refresher

Diversity, Equity and Inclusion Considerations:

There does not appear to be any rationale from a DEI perspective for retaining this policy.

Risk Management Considerations:

It is recommended that outdated policies be formally rescinded to avoid confusion.

Recommendations/Action Required:

To rescind the Policy on Acceptance of Quality Assurance Program Compliance from other Canadian Provinces.

REGISTRATION POLICY

Acceptance of Quality Assurance Program Compliance from other Canadian Provinces

Regulation Provisions

Section 12, paragraph (1) of the College of Opticians of Ontario Registration Regulation (Regulation 869/93 made under the Opticianry Act) - Reinstatement, states:

"A registrant whose certificate of registration has been suspended by the Registrar... may apply to the Registrar to lift the suspension by:

...

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

Section 12, paragraph (5), states:

"An application for reinstatement made more than three [3] 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".

The COO will accept Quality Assurance (QA) program compliance from another Canadian province of a suspended COO registrant, who has been practicing as an Optician in that province once the Optician applies for the reinstatement of their certificate. The suspended COO registrant will have completed the requirements of the COO's QA program if they have been compliant with the QA Program requirements in the province, they have been registered in.

Scenario: An Optician originally registered as a Registered Optician in Ontario decides to move to another province to practice and obtains registration as a Registered Optician for both eyeglasses and contact lenses dispensing in that province. At some later date, this Optician decides to move back to Ontario and reinstate their suspended certificate of registration with the COO.

The COO will accept this Optician's QA Program compliance from the other province, if the Optician has been:

1. continually licensed in another province since the time of suspension in Ontario (a reasonable amount of time will be allowed for in order for their registration to be processed in another province);
2. licensed for both eyeglasses and contact lenses dispensing in that province;

3. the province must have QA Program requirements in place for its registrants; and
4. the Opticians must be in compliance with both the eyeglasses and contact lenses component of the QA Program in that province.

The Optician will be considered to have been in compliance with the COO QA program requirements and will be placed into their regular COO QA cycle upon the reinstatement of their certificate of registration. There will be no additional COO QA requirements for this Optician at reinstatement.

This will apply regardless of the number of years the Optician's certificate of registration has been suspended in Ontario.

The letter of good standing from the other province must clearly state that the Optician has been in compliance with the QA Program requirements in that province. The letter must be provided to the COO along with the reinstatement application.