

CONFIDENTIAL

ONTARIO REGULATION

made under the

OPTICIANRY ACT, 1991

REGISTRATION

Classes

1. The following are prescribed as classes of certificates of registration:

1. Registered opticians.
2. Registered intern opticians.
3. Inactive

4. Temporary Emergency

Application

2. (1) A person may apply for the issue of a certificate of registration by submitting a completed application in the form provided by the Registrar together with any applicable fees required under the by-laws and any supporting documentation requested by the Registrar.

(2) An applicant for the issue of a certificate of registration as a registered optician or as a temporary emergency optician must submit evidence of professional liability insurance in the amount and in the form required under the by-laws.

(3) An applicant shall be deemed not to have satisfied the registration requirements for a certificate of registration if the applicant, whether by commission or omission, makes a false or misleading statement or representation on or in connection with the application, and any certificate issued to such an applicant may be revoked by the Registrar.

Duplicate copy

3. A duplicate copy of a certificate of registration shall be issued by the Registrar only upon the provision of written documentation that the original has been lost, stolen or destroyed, and upon payment of the required fee.

Surrender

4. A certificate of registration and any photographic identification badge provided to the member by the College shall be surrendered to the Registrar upon revocation.

Registration requirements, all classes

5. The following are registration requirements for a certificate of registration of any class:

1. The applicant must, at the time of application, provide written details of any of the following that relate to the applicant, and where any of the following change with respect to the applicant after submitting the application but before the issuance of a certificate, the applicant must immediately provide written details with respect to the change:
 - i. A finding of guilt for,
 - A. a criminal offence, or
 - B. an offence resulting in either a fine greater than \$1,000 or any form of custody or detention.
 - ii. A finding of professional misconduct, incompetency or incapacity or other similar finding in Ontario in relation to another regulated profession or in another jurisdiction in relation to opticianry or another regulated profession,
 - iii. A current proceeding for professional misconduct, incompetency or incapacity or other similar proceeding in Ontario in relation to another regulated profession or in another jurisdiction in relation to opticianry or another regulated profession.
 - iv. A proceeding, whether current or completed, against the applicant under the *Regulated Health Professions Act, 1991* or the Health Professions Procedural Code, or any of the Acts regulated under the *Regulated Health Professions Act, 1991* and the regulations under those Acts.
 - v. Any finding of professional negligence or malpractice made against the applicant.
 - vi. A refusal by any body responsible for the regulation of a profession in any jurisdiction to register or licence the applicant.

- vii. An attempt to pass a registration examination required for the purposes of being licensed or certified to practise opticianry, whether in Ontario or another jurisdiction, that has not resulted in a passing grade and that would have resulted in a refusal by a regulatory body to register or license the applicant.
 - viii. Whether the applicant is in good standing, fulfilling all requirements with a body responsible for the regulation of a profession, whether in Ontario or in any other jurisdiction, with which the applicant is registered.
 - ix. Whether the applicant was in good standing, fulfilling all requirements with a body responsible for the regulation of a profession, whether in Ontario or in any other jurisdiction, at the time the applicant ceased being registered with that body.
 - x. Any other event that would provide reasonable grounds for the belief that the applicant may lack the knowledge, skill or judgment to practise safely and professionally.
2. The applicant must be a Canadian citizen or a permanent resident of Canada or authorized under the *Immigration and Refugee Protection Act* (Canada) to engage in the practice of opticianry.
3. The applicant must be able to comprehend and communicate in either English or French, both orally and in writing, with reasonable fluency.
4. The applicant must not have a physical or mental condition or disorder that would make it undesirable in the interest of the public that the applicant be issued a certificate of registration unless, should the applicant be given a certificate of registration, the imposition of a term, condition or limitation on that certificate is sufficient to address the relevant concerns.
5. If the applicant is registered by any body responsible for the regulation of any other profession in Ontario or of any profession in any jurisdiction, the applicant's registration must be in good standing and the applicant must be fulfilling all terms, conditions and limitations imposed on the applicant as a condition of remaining in good standing.
6. If the applicant ceased being registered with any body responsible for the regulation of a profession in Ontario or in any other jurisdiction, the applicant must have been in good standing at the time of ceasing to be registered.

7. Nothing in the applicant's previous conduct must afford reasonable grounds for the belief that the applicant lacks the knowledge, skill or judgment to practise opticianry safely and professionally.

Conditions, all classes

6. The following are conditions of a certificate of registration of any class:

1. The member shall provide the College with written details of any change in the information described in paragraph 1 of section 5 that relate to the member and that occur or arise after the registration of the member.
2. The member shall wear or prominently display a current photographic identification badge supplied by the Registrar at all times when engaged in the practice of opticianry.
3. The certificate of registration of a member, other than a member who holds a certificate of registration in the inactive class, is revoked if the member ceases to be a Canadian citizen or a permanent resident of Canada or ceases to be authorized under the *Immigration and Refugee Act* (Canada) to engage in the practice of the profession.
4. A member shall only use titles and abbreviations of titles respecting the profession in accordance with the following:
 - i. A member who holds a certificate of registration as a registered optician may only use the title "Registered Optician", the abbreviation "RO" or a variation of them or an equivalent in another language, and such other specialty titles granted to the member by the College.
 - ii. A member who holds a certificate of registration as an intern optician may only use the title "Registered Intern Optician" or a variation or equivalent in another language.
 - iii. A member who holds a certificate of registration as an inactive optician may only use the title "Registered Optician (Inactive)", the abbreviation "RO (inactive)" or a variation of them or an equivalent in another language.
 - iv. A member who holds a certificate of registration as a temporary emergency optician may only use the title "Registered Temporary Emergency Optician", the abbreviation "RO (temporary emergency class)" or a variation of them or an equivalent in another language.

Registration requirements, registered optician class

7. (1) The following are non-exemptible registration requirements for a certificate of registration as a registered optician:

1. The applicant must,
 - i. have successfully completed and graduated from a Canadian opticianry program that is approved by the Registration Committee or by an accrediting body approved by the Registration Committee.
 - ii. have successfully completed and graduated from a Canadian opticianry program which is determined by the Registration Committee to be equivalent to a program referred to in subparagraph i, or
 - iii. have successfully completed and graduated from a program outside of Ontario that is similar but not equivalent to a program referred to in subparagraph i, and have successfully completed a prior learning assessment approved by the Registration Committee demonstrating that the applicant has obtained the entry-to- practice competencies possessed by a graduate of an opticianry program referred to in subparagraph i.
2. The applicant must have obtained the competence standards acceptable to the Registration Committee, as demonstrated by,
 - i. successful completion of a practicum approved by the Registration Committee, or
 - ii. practical experience that, in the opinion of the Registration Committee, is equivalent to a practicum mentioned in subparagraph i.
3. The applicant must have achieved a passing mark in each of the College's examinations, including examinations about contact lenses, or must have successfully completed examinations which are determined by the Registration Committee to be equivalent to the College's examinations.
4. The applicant must have either,
 - i. successfully completed the opticianry program described in paragraph 1 or the examinations described in paragraph 3 within 18 months prior to the date of the application,
 - ii. practised opticianry within the three years prior to the date of the application in a manner that demonstrates to the Registration Committee or another body approved by the Registration Committee that the applicant would meet the standards of practice of the profession, or

- iii. successfully completed a refresher program or professional competency assessment as set or approved by the Registration Committee within one year prior to the date of the application or after the date of the application but before registration, and, if recommended by the professional competency assessment, upgrading courses as set or approved by the Registration Committee.

(2) In order to be eligible to write the College's examinations described in paragraph 3 of subsection (1), the applicant must be registered as a registered intern optician.

Conditions, registered optician class

8. The following are conditions of a certificate of registration as a registered optician:

1. By the end of the third year following issuance of a certificate of registration and in every subsequent year, the member shall provide evidence satisfactory to the Registrar that the member has practised opticianry in the previous three years in a manner that demonstrates that the member meets the standards of practice in Ontario.
2. The Registrar may refer any member who does not meet the requirement set out in paragraph 1 to the Quality Assurance Committee.
3. The member shall maintain professional liability insurance in the amount and in the form required by the by-laws.
4. The member shall promptly and, in any event, within five business days, provide the College with details in writing if the member does not have the professional liability insurance coverage specified in the by-laws.
5. The member shall promptly and, in any event, within five business days, advise the College in writing if the member ceases to be a Canadian citizen or permanent resident of Canada or to have authorization under the *Immigration and Refugee Protection Act* (Canada) permitting the member to engage in the practice of opticianry in Ontario.
6. The member shall prominently display the member's certificate of registration, affixed with the current College renewal validation decal, at the principal location where the member practises opticianry.

Labour mobility, registered optician

9. (1) Subject to subsection (2), where section 22.18 of the Health Professions Procedural Code applies to an applicant for a certificate of registration as a registered optician, the applicant is deemed to have met the requirements of subsection 7 (1).

(2) It is a non-exemptible registration requirement that an applicant referred to in subsection (1) provide one or more certificates or letters or other evidence satisfactory to the Registrar or a panel of the Registration Committee establishing that the applicant is in good standing as an optician in every jurisdiction where the applicant holds an out-of-province certificate.

(3) Where an applicant referred to in subsection (1) is unable to satisfy the Registrar or a panel of the Registration Committee that the applicant practised the profession of opticianry to the extent that would be permitted by a certificate of registration as a registered optician at any time in the preceding two years immediately before the date of that applicant's application, the applicant must meet any further requirement to undertake, obtain or undergo material additional training, experience, examinations or assessments that may be specified by a panel of the Registration Committee.

(4) An applicant referred to in subsection (1) is deemed to have met the requirement of paragraph 3 of section 5 where the requirements for the issuance of the applicant's out-of-province certificate included language proficiency requirements equivalent to those required by that paragraph.

(5) Despite subsection (1), an applicant is not deemed to have met a requirement where that requirement is described in subsection 22.18 (3) of the Health Professions Procedural Code.

Registration requirements, intern class

10. The following are non-exemptible registration requirements for a certificate of registration as a registered intern optician:

1. The applicant must, in the three years prior to the date of the application, either,
 - i. have successfully completed and graduated from an opticianry program referred to in subparagraph 1 i or ii of subsection 7 (1) or meet the requirements of subparagraph 1 iii of subsection 7 (1), and have successfully completed the practicum or practical experience requirement under paragraph 2 of subsection (1), or
 - ii. having applied for a certificate of registration as a registered optician and been required by an order made by the Registration Committee under subsection 18 (2) of the Health Professions Procedural Code to complete additional training or specified examinations, or both, have completed the additional training, if any, but not have completed the examinations.
2. The applicant must provide a written declaration that the applicant is engaged, or intends to be engaged, in the practice of opticianry in Ontario.

Conditions, intern class

11. The following are conditions of a certificate of registration as a registered intern optician:

1. The registered intern optician shall dispense subnormal vision devices, contact lenses or eyeglasses only under the supervision or direction of a registered optician, optometrist, or physician who is physically present in the place in which the dispensing takes place at the time it takes place in accordance with the standards of practice for supervision.
2. The registered intern optician must be eligible to attempt or re-attempt the College's registration examinations or supplemental examinations set by the College referred to in paragraph 3 of subsection 7 (1) , or shall have completed the registration examinations but have not received the results.
3. The registered intern shall wear or prominently display at all times when engaged in the practice of opticianry, the registration card supplied by the Registrar.
4. If the registered intern optician fails the registration examinations three times, or fails to successfully complete the registration examinations within three years of the date that the intern first became eligible for a certificate of registration as an intern optician, the registered intern optician shall complete the upgrading measures specified by the Registration Committee before attempting the examinations again.
5. If the registered intern optician fails the registration examinations a fourth time, the registered intern optician shall complete a fresh opticianry program described in subparagraphs i or ii of paragraph 1 of subsection 7 (1) before attempting the examinations again, if such a program is available, or if such a program is not available or in the event of other exceptional circumstances, shall complete the upgrading measures specified by the Registration Committee before attempting the examinations again.
6. Subject to paragraph 7, a certificate of registration as an intern optician expires if any of the following conditions are met:
 - i. The intern has obtained a certificate of registration of a different class.
 - ii. Three years have passed since the intern first became eligible for a certificate of registration as an intern optician.
 - iii. The intern has completed upgrading measures specified by the Registration Committee, and has received the results of any subsequent attempt at the registration examinations that has been permitted by the Registration Committee.

7. The Registration Committee may extend or a renew an intern certificate of registration beyond an expiry date in subparagraphs ii or iii of paragraph 6, on such terms, conditions and limitations as the Registration Committee directs, if the Registration Committee is satisfied that exceptional circumstances exist.

Labour mobility, intern class

12. (1) Subject to subsection (2), where section 22.18 of the Health Professions Procedural Code applies to an applicant for a certificate of registration as a registered intern optician the applicant is deemed to have met the requirements of section 10.

(2) It is a non-exemptible registration requirement that an applicant referred to in subsection (1) provide one or more certificates or letters or other evidence satisfactory to the Registrar or a panel of the Registration Committee establishing that the applicant is in good standing as an intern optician in every jurisdiction where the applicant holds an out-of-province certificate.

(3) Where an applicant referred to in subsection (1) is unable to satisfy the Registrar or a panel of the Registration Committee that the applicant practised the profession of opticianry to the extent that would be permitted by a certificate of registration as a registered intern optician at any time in the preceding two years immediately before the date of that applicant's application, the applicant must meet any further requirement to undertake, obtain or undergo material additional training, experience, examinations or assessments that may be specified by a panel of the Registration Committee.

(4) An applicant referred to in subsection (1) is deemed to have met the requirement of paragraph 3 of section 5 where the requirements for the issuance of the applicant's out-of-province certificate included language proficiency requirements equivalent to those required by that paragraph.

(5) Despite subsection (1), an applicant is not deemed to have met a requirement where that requirement is described in subsection 22.18 (3) of the Health Professions Procedural Code.

Registration requirements, inactive class

13. The following are non-exemptible registration requirements for a certificate of inactive registration:

1. The applicant must hold a certificate of registration as a registered optician.
2. The applicant must undertake not to practise opticianry while holding a certificate of registration as an inactive optician.
3. The applicant must have paid all outstanding fees to the College and have provided all outstanding information requested of the applicant by the College.

4. The applicant must not be subject to any outstanding requirements of the quality assurance program.
5. The applicant must surrender the applicant's photographic identification badge to the Registrar and must undertake to cease to publicly display the applicant's certificate of registration.

Conditions, inactive class

14. It is a condition of registration as an inactive optician that the member shall not do the following while holding a certificate of registration as an inactive optician:

1. Practise opticianry.
2. Supervise the practice of the profession.
3. Display the member's certificate of registration at any location that is visible to the public.

Re-issuance of registered optician certificate

15. A member who holds an inactive certificate of registration shall be reissued a certificate of registration as a registered optician if the member,

- (a) has paid all outstanding fees to the College, has provided all outstanding information requested of the applicant by the College and is in compliance with all other applicable terms, conditions and limitations;
- (b) requests in writing to the Registrar to be issued a certificate of registration as a registered optician; and
- (c) meets at least one of the following requirements:
 - (i) the member has practised opticianry within the previous three years and has done so in a manner that demonstrates that the member could meet the current standards of practice in Ontario,
 - (ii) the member has, within the time specified by the Registration Committee, successfully completed,
 - (A) a refresher or upgrading program set or approved by the Registration Committee, or
 - (B) a professional competency assessment as set or approved by the Registration Committee and, if recommended by the professional

competency assessment, upgrading courses as set or approved by the Registration Committee.

Registration requirements, temporary emergency class

15.1 (1) The following are non-exemptible registration requirements for a certificate of registration as a registered optician in the temporary emergency class:

1. The Council of the College has determined that there are emergency circumstances such that it is in the public interest to issue certificates of registration in the emergency class. In making this determination, the Council may take into account all of the relevant circumstance including the presence of a significant interruption in the processing of applications for registration for other classes such that there is a lengthy delay in their being registered and any requests by the Minister to initiate registrations under the emergency class.
2. The member must hold a certificate of registration as an inactive optician or a temporary emergency optician.
3. The applicant must satisfy the Registrar that he or she has practised as a registered optician within the previous six years in a manner that demonstrates that the member would meet the standards of practice in Ontario.

Terms, conditions and limitations, emergency class

(2) The following are the conditions of a certificate of registration in the temporary emergency class:

1. The member shall practice the profession only within the scope of his or her skills, knowledge and judgement.
2. The member shall maintain professional liability insurance in the amount and in the form required by the by-laws.
3. The member shall promptly and, in any event, within five business days, provide the College with details in writing if the member does not have the professional liability insurance coverage specified in the by-laws.
4. The member shall promptly and, in any event, within five business days, advise the College in writing if the member ceases to be a Canadian citizen or permanent resident of Canada or to have authorization under the *Immigration and Refugee Protection Act* (Canada) permitting the member to engage in the practice of opticianry in Ontario.

5. The member shall prominently display the member's certificate of registration, affixed with the current College renewal validation decal, at the principal location where the member practises opticianry.

(3) Subject to para (4), a certificate of registration as a temporary emergency optician expires on the day that is one day before the deadline to renew a certificate of registration in the temporary emergency class under the by-laws.

(4) The Registrar may renew a temporary emergency certificate of registration on or before the deadline for renewal under the by-laws unless the Council of the College has determined that emergency circumstances no longer exist to warrant the issuance of certificates of registration in the temporary emergency class.

(5) A member who holds or held a certificate of registration as a temporary emergency optician within the previous six months may be issued a certificate of registration as a registered optician if the member,

1. requests in writing to the Registrar that he or she be issued a certificate of registration as a registered optician, and
2. provides evidence satisfactory to the Registrar that the member has practised opticianry as a temporary emergency optician in a manner that demonstrates that the member meets the standards of practice in Ontario.

Suspensions, revocations and reinstatements

16. (1) (1) If a member fails to provide the College with information about the member as required under the by-laws or in a completed annual renewal form within the time period set by the College,

- (a) the Registrar may give the member notice of intention to suspend the member's certificate of registration; and
- (b) the Registrar may suspend the member's certificate of registration if the member fails to provide the information within 30 days after the notice is given.

(2) If the Registrar suspends a member's certificate of registration under subsection (1), the Registrar shall lift the suspension upon being satisfied that the former member,

- (a) has given the required information to the College;
- (b) has paid any fees required under the by-laws for lifting the suspension;
- (c) has paid any other outstanding fees required under the by-laws; and

- (d) will be in compliance with any outstanding orders or requirements of the College's Quality Assurance Committee and Inquires, Complaints and Reports Committee or any outstanding orders or requirements of the Council, Executive Committee, Discipline Committee and Fitness to Practise Committee as of the anticipated date on which the suspension is to be lifted.

(3) If the Registrar becomes aware that a member no longer maintains professional liability insurance in the amount and in the form as required under the by-laws, the Registrar may immediately suspend the member's certificate of registration.

(4) If the Registrar suspends a member's certificate of registration under subsection (3), the Registrar shall lift the suspension upon being satisfied that the former member,

- (a) has professional liability insurance in the amount and in the form as required under the by-laws;
- (b) has provided any information requested by the College;
- (c) has paid any fees required under the by-laws for lifting the suspension;
- (d) has paid any other outstanding fees required under the by-laws; and
- (e) will be in compliance with any outstanding orders or requirements of the College's Quality Assurance Committee and Inquires, Complaints and Reports Committee or any outstanding orders or requirements of the Council, Executive Committee, Discipline Committee and Fitness to Practise Committee as of the anticipated date on which the suspension is to be lifted.

(5) If the Registrar suspends the member's certificate of registration under section 24 of the Health Professions Procedural Code for failing to pay a fee or penalty, the Registrar shall lift the suspension upon being satisfied that the former member,

- (a) has paid the fee or penalty in question;
- (b) has provided any information requested by the College;
- (c) has paid any fees required under the by-laws for lifting the suspension; and
- (d) will be in compliance with any outstanding orders or requirements of the College's Quality Assurance Committee and Inquires, Complaints and Reports Committee or any outstanding orders or requirements of the Council, Executive Committee, Discipline Committee and Fitness to Practise Committee as of the anticipated date on which the suspension is to be lifted.

(6) A member whose certificate of registration has been suspended for professional misconduct or incapacity shall pay all outstanding fees and fines before resuming the practice of opticianry.

(7) Where a member's certificate of registration has been suspended as described in this section, and the suspension is not lifted within three years of the date of suspension, the certificate of registration is automatically revoked.

Resignation

17. A member may resign the member's certificate of registration by giving written notice to that effect to the Registrar and paying all outstanding fees, penalties or other amounts owed to the College.

Transition

18. (1) Subject to subsection (2), a certificate of registration of any class that was valid immediately before the coming into force of this Regulation is deemed to be the equivalent certificate of registration under this Regulation, and continues until it is revoked or otherwise expires.

(2) Every certificate of registration as a registered student optician is cancelled upon the coming into force of this Regulation.

(3) Where a person submitted an application for a certificate of registration before the coming into force of this Regulation, and that application was still being dealt with at the time this Regulation came into force, Ontario Regulation 869/93 (Registration) made under the Act, as it read immediately before this Regulation came into force, applies with respect to that application

Revocation

19. Ontario Regulation 869/93 is revoked.

Commencement

20. This Regulation comes into force on the day it is filed.