

BRIEFING NOTE

TO: Board of Directors

FROM: Registration Committee

DATE: June 3, 2024

SUBJECT: 10.6 Registrant and Stakeholder Consultation: Proposed By-Law Changes
APPENDIX A: Full Text of Proposed By-Law Changes
APPENDIX B: Registrant and Stakeholder Survey Results

☒ For Decision

☐ For Information

☐ Monitoring Report

Purpose:

To obtain the Board's approval of the proposed changes to the by-laws relating to the annual renewal process, Emergency Class fees, and the administrative fee for document requests.

Background:

In 2017, the
of Opticians of Ontario (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 force on July 1, 2024.

The amended Registration Regulation requires several by-law and policy updates which the COO has been working through over the past two years. Currently, the COO sought feedback from registrants and stakeholders for the following areas:

- Deadline and process for annual renewal
- Fees for the Emergency Class of registration
- Fees for service (miscellaneous)

For Consideration:

Adding renewal deadline and requirements to the by-laws

The updated Registration Regulation will no longer set out the deadline and process for annual renewal. Accordingly, the Registration Committee 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
- Establish a deadline for annual renewal for these classes
- Establish a deadline for the Registrar to open the renewal portal

- Confirm the penalties for late renewal

Recognizing the impact of statutory holiday closures on staff and registrants, the Registration Committee proposed to extend the renewal deadline to January 15.

Emergency Class Fees

Currently, there is no fee associated with the Emergency Class of registration. The Registration Committee proposed to set the emergency class fee at 1/3 the rate of the registered optician fee, making it consistent with the Inactive Class fee.

The Committee further proposed a pro-rated fee structure for registrants who change their class of registration mid-way through the calendar year from Emergency to Registered Optician. 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.

Fees for Service

Occasionally, the COO receives a request from registrants for copies of documents in their file. There is currently no fee set out in the by-laws to apply to these requests.

The Committee proposed introducing a \$25 administrative fee for document requests. The proposed fee will cover requests for up to 25 pages, and an additional \$1 per page fee will be charged for each additional page. The fee will help to offset the administrative cost of fulfilling these requests.

A chart detailing the proposed changes is attached as **Appendix A**.

Stakeholder Feedback

The draft by-law amendments were initially circulated via e-blast to registrants on March 12, 2024. Individuals were also invited to participate in the survey via social media. Links to the proposed amendments, background information, and the survey were posted on the COO's website. Individuals were invited to answer survey questions and provide additional comments.

The survey closed on May 11, 2024, and has received 58 responses. A full report is attached as **Appendix B**.

Extending the Annual Renewal Deadline

Of 58 respondents who participated in the survey:

- 50 (86.2%) indicated that they were in favour of extending the renewal deadline to January 15.
- 5 (10.3%) indicated that they were opposed to extending the renewal deadline to January 15.
- 3 (3.5%) were unsure about the proposed change.

Comments included:

- Great recommendation as year-end is a busy time of the year due to holidays.
- If we are running out of time at least we are able to contact the college if there are issues.
- I don't see the need for this, it will just create confusion

One respondent perceived the renewal deadline extension as an automatic extension of the submission of continuing education credits.

Five respondents (8.62%) indicated that they prefer to keep the annual renewal deadline unchanged, and one (1.7%) respondent proposed moving the renewal deadline to March.

Forty-eight respondents (82.75%) indicated that extending the renewal deadline will not create any challenges for them or their business.

Establishing the Emergency Class Fee(s)

Of 55 respondents who participated in the survey:

- 20 (36.36%) indicated that they agreed with the proposed fees for the Emergency Class of registration.
- 14 (25.45%) indicated that they did not agree with the proposed fees for the Emergency Class of registration.
- 21 (38.18%) were unsure about the proposed change.

Comments included:

- Why is there a fee?
- I don't know what that means
- The description of the "emergency optician" duties seems unclear. Is there a difference between the scope of practice of a "Registered Optician" and an "Emergency Optician"?

Establishing an Administrative Fee for Service

Of 55 respondents who participated in the survey:

- 27 (46.55%) indicated that they agreed with the proposed administrative fee for document requests.
- 23 (41.8%) indicated that they did not agree with the proposed administrative fee for document requests.
- 5 (9.09%) were unsure about the proposed change.

Comments included:

- Due to the cost of everything I agree that you should charge.
- Already pay a lot of fees.
- With the digital world we live in, I can't imagine sending a document of any kind would cost much in time or expense.

- I believe that it's important to consider the financial situation of opticians, especially since many are over the age of 55 and facing economic hardships.

The survey results demonstrated that the majority of survey respondents were in support of the proposed by-law amendments and thus reaffirmed the direction taken by the Registration Committee.

Public Interest Considerations:

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 COO'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. Therefore, fees for this registration class should avoid creating undue financial strain on potential applicants. Conversely, this must be balanced against the COO's need to cover its administrative costs.

Diversity, Equity and Inclusion Considerations:

Some survey respondents raised concerns regarding financial challenges that opticians aged 55 and older may face following the implementation of additional administrative fees. In reviewing stakeholder feedback, the Registration Committee took a considered approach in assessing the financial impact of the proposed fee on registrants. The Committee determined that introducing new administrative fees was unlikely to cause hardship to the registrant base due to the infrequent nature of service requests and the minimal proposed cost thereof.

Risk Management Considerations:

The Registration Committee considered several risk management areas associated with the proposed by-law changes:

- Renewal by-laws: Effective July 1, 2024, the Registration Regulation will no longer set out the process for annual renewal. It is of critical importance to have the by-laws in place by July 1 in order to govern the renewal process.
- Extending the renewal deadline: Moving the renewal deadline carries risk of initial confusion (e.g. registrants confusing renewal and professional portfolio submission deadlines). This has been flagged to the Quality Assurance Committee for its consideration.
- Emergency Class fees: Currently, there is no fee associated with the Emergency Class of registration. If the Emergency Class needs to be opened, there will be an immediate financial impact on the COO as it will be processing the applications without the ability to charge a registration fee. The purpose of the Emergency Class fee is to mitigate this risk.

- Administrative Fee for Service: Currently, there is no fee for retrieving documents on file; however, processing these requests carries administrative costs. The purpose of the administrative fee is to mitigate this risk.

Recommendation/Action Required:

Based on the information presented to the Board, the Registration Committee recommends that the Board approve the proposed changes to the by-laws of the COO as they relate to the:

- a) Deadline and process for annual renewal
- b) Fee(s) associated with Emergency Class of Registration; and
- b) Fee for service

If approved, these by-law changes will come into effect on July 1, 2024.

APPENDIX A
Proposed By-Law Amendments

Proposed Change	Rationale
<p>ARTICLE 1: INTERPRETATION</p> <p>1.1 Definitions</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>5.1 Initial Registration Application Fees</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>Registered Student Optician: \$65</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>

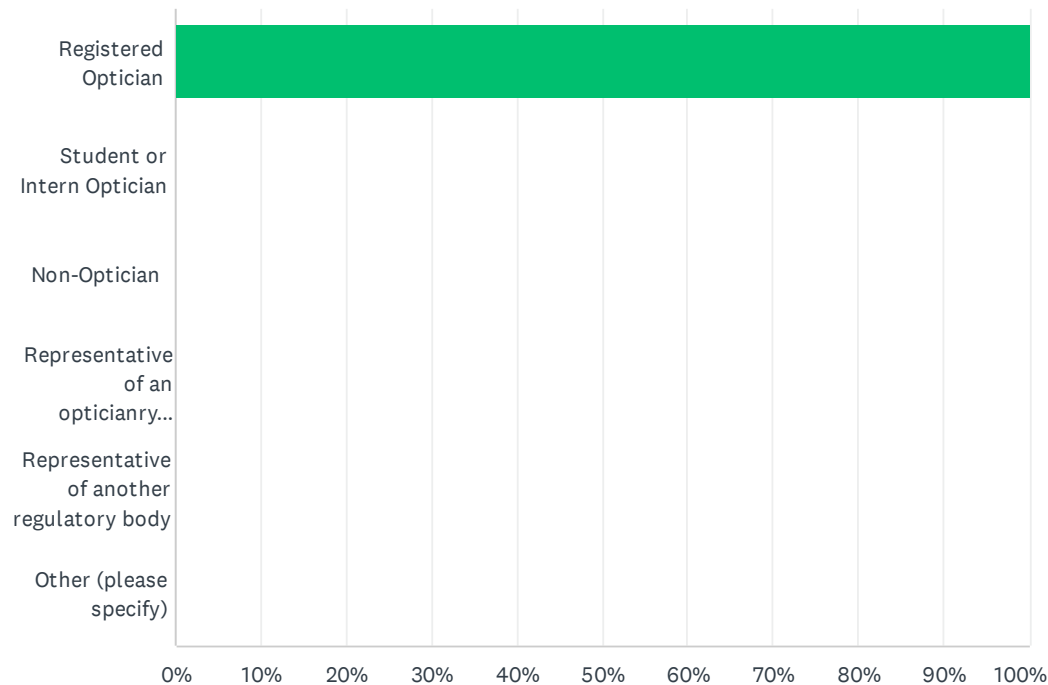
Proposed Change	Rationale																																			
<p>5.2 <u>Annual Renewal and</u> Registration Fees</p> <p><u>(a) Annual Renewal Deadline</u></p> <p><u>On or before January 15 each year, every eligible Registered Optician, Inactive Optician and Emergency Optician shall:</u></p> <p><u>i. Complete 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><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></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><u>(c) Annual Registration Fees</u></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																														
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Proposed Change	Rationale
<p>(db) Pro-rated Registration Fees</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"> a. For applications submitted in the period January 1 to March 31: 100% of the posted registration fee. b. For applications submitted in the period April 1 to June 30: 75% of the posted registration fee. c. For applications submitted in the period July 1 to September 31: 50% of the posted registration fee. d. For applications submitted in the period October 1 to December 31: 25% of the posted fee. <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"> a. For requests submitted in the period January 1 to March 31: 67% of the posted Registered Optician fee. b. For requests submitted in the period April 1 to June 30: 50% of the posted Registered Optician fee. c. For requests submitted in the period July 1 to September 31: 33% of the posted Registered Optician fee. d. For requests submitted in the period October 1 to December 31: 17% of the Registered Optician fee. 	<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) Penalties</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>The penalties for late payment of annual registration fees are as follows</p> <table> <tr> <td>Registered Optician:</td><td>\$125</td></tr> <tr> <td>Registered Intern Optician:</td><td>\$ 50</td></tr> <tr> <td>Registered Student Optician:</td><td>\$ 50</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	Registered Student Optician:	\$ 50	<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										
Registered Student Optician:	\$ 50										
<u>Inactive Optician:</u>	<u>\$ 50</u>										
<u>Emergency Optician:</u>	<u>\$ 50</u>										
<p>SCHEDULE A TO BY-LAW, ARTICLE 5: FEES FOR SERVICES</p>											
<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>										

Q1 Please indicate if you are a :

Answered: 58 Skipped: 0

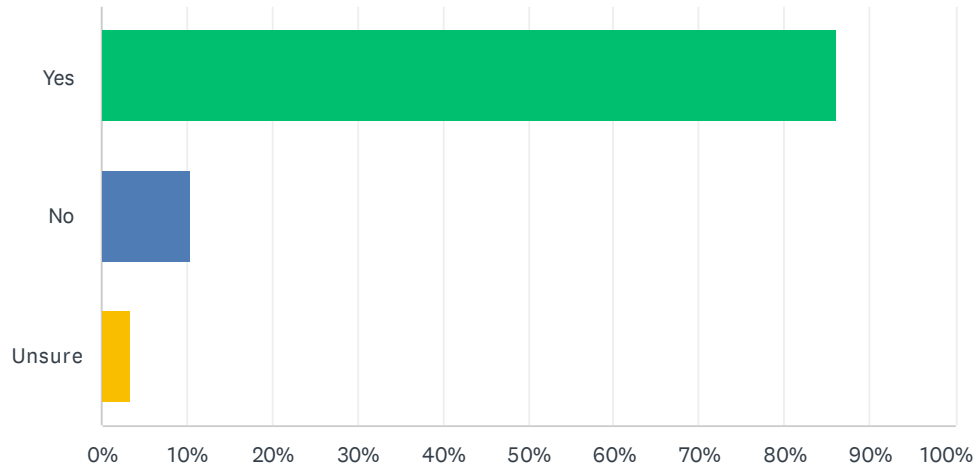


ANSWER CHOICES	RESPONSES	
Registered Optician	100.00%	58
Student or Intern Optician	0.00%	0
Non-Optician	0.00%	0
Representative of an opticianry association	0.00%	0
Representative of another regulatory body	0.00%	0
Other (please specify)	0.00%	0
TOTAL		58

#	OTHER (PLEASE SPECIFY)	DATE
	There are no responses.	

Q2 Are you in favour of extending the annual renewal deadline to January 15?

Answered: 58 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	86.21%	50
No	10.34%	6
Unsure	3.45%	2
TOTAL		58

#	COMMENTS	DATE
1	It would take away from the holiday rush.	4/21/2024 2:40 PM
2	I agree this will help lessen the stress and trouble involved with the holiday season.	4/21/2024 2:24 PM
3	It's a busy time in December. Extending it a couple of weeks past Christmas/New Years would give a bit of breathing room	4/15/2024 4:21 PM
4	Doesn't make a difference to me, additional time to complete CE is nice	4/6/2024 11:40 AM
5	I don't see the need for this, it will just create confusion	3/26/2024 3:54 PM
6	Just give us a chance if we are running out of time at least we are able to contact the college if there are issues.	3/24/2024 3:05 PM
7	Great recommendation as year end is a busy time of the year due to holidays.	3/24/2024 2:38 PM

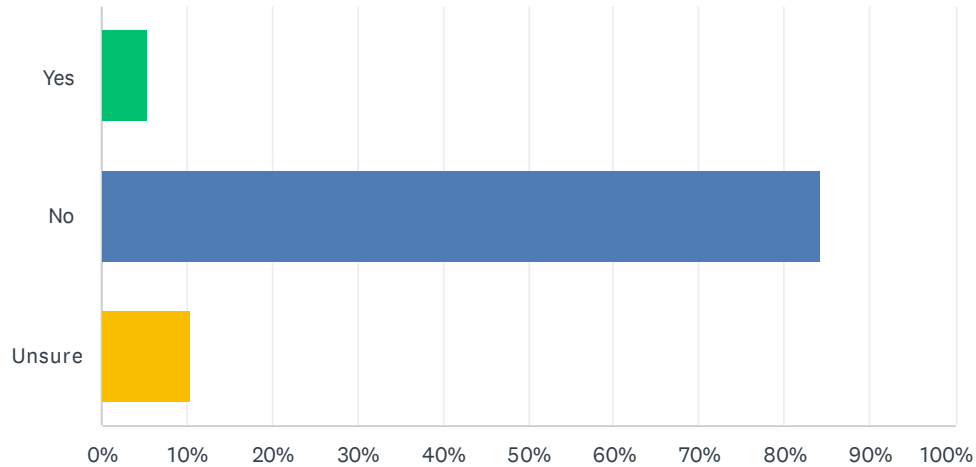
Q3 What is your preferred date for the annual renewal deadline?

Answered: 8 Skipped: 50

#	RESPONSES	DATE
1	December 31	5/6/2024 8:37 AM
2	Dec 31	4/21/2024 5:17 PM
3	Doesn't matter at all	4/6/2024 11:41 AM
4	December 31	3/26/2024 3:55 PM
5	12/31	3/24/2024 3:12 PM
6	Mar	3/24/2024 2:48 PM
7	December 31, no change	3/24/2024 11:49 AM
8	As it is	3/17/2024 11:19 AM

Q4 Will extending the annual renewal deadline to Jan 15 create any challenges for you or your business?

Answered: 57 Skipped: 1



ANSWER CHOICES	RESPONSES	
Yes	5.26%	3
No	84.21%	48
Unsure	10.53%	6
TOTAL		57

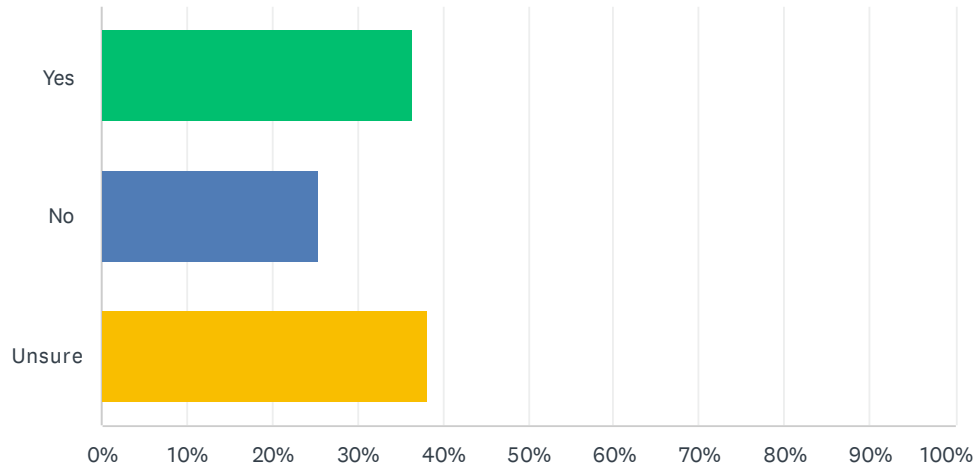
Q5 Please provide details of the challenge(s) you anticipate.

Answered: 1 Skipped: 57

#	RESPONSES	DATE
1	Not interested in this change	3/17/2024 11:20 AM

Q6 Do you agree with the proposed fees for the new Emergency Class of registration?

Answered: 55 Skipped: 3

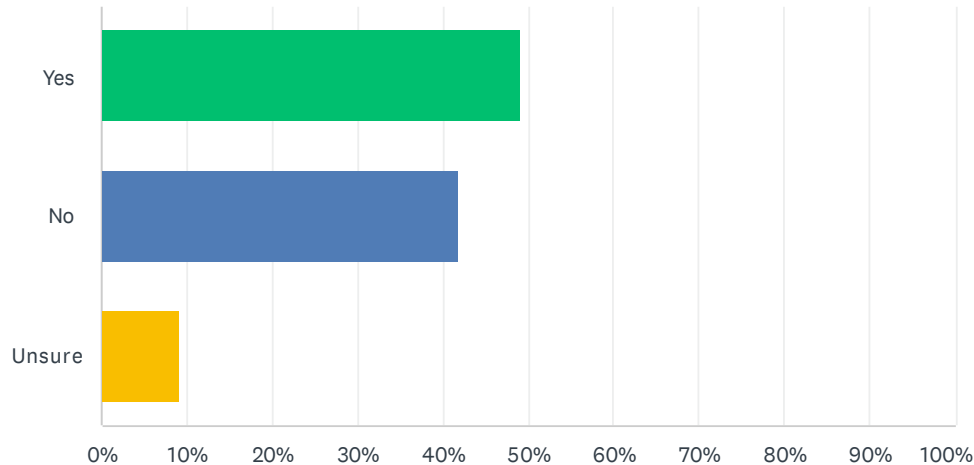


ANSWER CHOICES	RESPONSES	
Yes	36.36%	20
No	25.45%	14
Unsure	38.18%	21
TOTAL		55

#	COMMENTS	DATE
1	The description of the "emergency optician" duties seems unclear. Is there a difference between the scope of practice of a "Registered Optician" and an "Emergency Optician"? What is the purpose of proposing such legislation? Is the goal to train current opticians on how to handle emergency healthcare cases during public health crises, such as COVID-19? If so, what is the scope of their practice? Or is the goal to have short-term courses to produce more opticians in case of many retirements?	4/22/2024 9:03 AM
2	Why is there a fee?	4/21/2024 2:42 PM
3	I don't know what that means	3/24/2024 2:42 PM
4	WHAT??? No to an emergency class	3/15/2024 4:54 PM

Q7 Do you agree with the proposed administrative fee for document requests?

Answered: 55 Skipped: 3



ANSWER CHOICES	RESPONSES	
Yes	49.09%	27
No	41.82%	23
Unsure	9.09%	5
TOTAL		55

#	COMMENTS	DATE
1	I believe that it's important to consider the financial situation of opticians, especially since many are over the age of 55 and facing economic hardships. Adding more pressure to an already stressed workforce could lead to a mental health crisis, which would also affect public health. I believe that supporting our opticians and ensuring that they can continue to provide quality care without undue financial burden is the key to the college's success.	4/22/2024 9:03 AM
2	Due to the cost of everything I agree that you should charge.	4/21/2024 2:28 PM
3	Not that I've ever requested documents but I feel we pay a large enough annual registration fee that adding a \$25 fee just to send a document seems unreasonable. With the digital world we live in, I can't imagine sending a document of any kind would cost much in time or expense.	4/15/2024 4:25 PM
4	Already pay a lot of fees	3/17/2024 11:21 AM

Q8 Do you have any other comments/feedback on the proposed by-law changes?

Answered: 14 Skipped: 44

#	RESPONSES	DATE
1	If it is necessary to change the renewal date, what does 2 weeks accomplish? Why not March to March or June to June fir example	5/6/2024 8:39 AM
2	It appears that new by-laws have been put in place to ensure that registered healthcare providers, specifically opticians, are adequately trained and qualified to serve the public. However, it is worth noting that many optical businesses do not have opticians on-site. Instead, salespeople and assistants are trained to perform the work of opticians. Rather than focusing solely on the opticians themselves, it would be beneficial to provide clear guidelines and standards for all optical industries to follow, in order to ensure that the quality of services provided is consistently high. This approach would help reduce the pressure on opticians while still improving the overall quality of care.	4/22/2024 9:03 AM
3	Unsure	4/21/2024 2:42 PM
4	No	4/16/2024 10:35 PM
5	No	3/27/2024 3:22 PM
6	No	3/24/2024 3:11 PM
7	N/A	3/24/2024 3:07 PM
8	No	3/24/2024 3:05 PM
9	No	3/24/2024 2:42 PM
10	No	3/24/2024 2:42 PM
11	No	3/24/2024 2:41 PM
12	N/a	3/24/2024 2:33 PM
13	no	3/19/2024 10:46 PM
14	None	3/17/2024 11:21 AM