

All applicants to the College of Opticians (the “College”) for a certificate of registration must complete a registration application. As set out in the College’s Registration Regulation<sup>1</sup>, the application requires applicants to respond “yes” or “no” to a series of questions about whether they have ever had any of the following:

- Conviction(s) for any criminal offence;
- Conviction(s) for any offence related to the practice of opticianry;
- Finding(s) of professional misconduct, incompetency, incapacity in opticianry or another regulated health profession, in Ontario or any other jurisdiction; and
- A current proceeding of professional misconduct, incompetency, incapacity in opticianry or another regulated health profession, in Ontario or any other jurisdiction.

The College asks these questions in an effort to protect the public by ensuring that an applicant will practice in accordance with the law, will display appropriate knowledge, skill and judgment and will provide safe and ethical care when registered as a registrant of the College.

Responding “yes” to any of these questions about convictions, findings and ongoing proceedings does not necessarily mean that an applicant will be refused registration. However, it does mean that the College will require additional information for review before it can proceed with the application.

### **Criteria and Process for the Evaluation of Convictions, Findings and Ongoing Proceedings**

Applicants who answer “yes” to these questions will be required to provide a detailed written submission explaining the circumstances pertaining to the conviction, finding or ongoing proceeding. Applicants may also be asked to provide additional information and/or documentation depending on the matter disclosed, which may include, but is not limited to: court documents/transcripts/reports/orders, letters of reference, letters of professional conduct/decisions and reasons from other regulatory bodies, etc.

Applicants are also advised to provide information/documentation which would demonstrate an understanding of their accountability as a healthcare professional, and explaining how the matter is not a hindrance to their ability to practice opticianry in the public interest. This information or documentation may include, but is not limited to: a personal statement, evidence of compliance with court orders, evidence of remediation/rehabilitation, etc.

The Registrar will review applications where an applicant has convictions, findings or ongoing proceedings. Each application will be considered individually. The Registrar may decide to:

1. Register the applicant;
2. Register the applicant with terms and conditions consented to by the applicant<sup>2</sup>, or

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<sup>1</sup> Ontario Regulation 869/93, section 4 (1) 1

<sup>2</sup> Any such agreement must be approved by a panel of the Registration Committee.

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**Registration Policy** **Policy Dealing with Convictions, Findings and Ongoing Proceedings**

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3. Refer the application to the Registration Committee for further consideration.

Once referred to the Registration Committee, applicants may make further submissions to the Registration Committee within 30 days of being notified of the referral. The Registration Committee has the authority to:

1. Direct the Registrar to register the applicant;
2. Direct the Registrar to register the applicant with terms, conditions, and limitations; or
3. Direct the Registrar to refuse to register the applicant.

In considering the application, the Registrar/Registration Committee will evaluate the following factors:

- The seriousness of the matter disclosed;
- The date the matter occurred (ie. period of time since the matter occurred);
- The relevance of the matter to professional practice;
- Whether any remedial steps have been taken by the applicant in relation to the matter and the outcome;
- The subsequent conduct of the applicant (ie. no further evidence of conduct issues); and
- Any other relevant factors based on the specific circumstances of the matter.

If the Registration Committee decides to impose terms, conditions, and limitations, these may include, but are not limited to: supervision, monitoring or mentorship; counselling; additional courses or continuing education (ie. ethics, boundaries); assessment; restrictions on practice settings, scope of practice or patient demographic.

Applicants have the right to appeal decisions of the Registration Committee to the Registration Appeals Panel (RAP) within 15 days of receipt of the written decision, in accordance with the RAP Policy. After an application has been disposed of by the RAP and a final order of the Committee has been issued, an applicant may appeal the order to the Health Professions Procedural Board (HPPRB) within 30 days of receiving the decision.

Once issued a certificate of registration, a registrant has an ongoing duty to report all information concerning convictions, findings or proceedings<sup>3</sup>. Failure to do so may result in a referral to the Inquiries, Complaints and Reports Committee (ICRC), Discipline Committee, and possible revocation of the certificate of registration.

It would be considered an act of professional misconduct for an applicant to become registered with the College based on false or misleading statements or omissions in the registration application. Such misconduct may lead to a referral to the ICRC/Discipline Committee, and possible revocation of the certificate of registration.

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<sup>3</sup> O. Reg. 869/93 at s. 4(2)

**Public Disclosure of Information**

As part of the College's [transparency initiative](#)<sup>4</sup>, and in accordance with the by-laws<sup>5</sup>, information provided by an applicant about the following matters **may**, at the discretion of the Registration Committee, be posted on the College's public register once the applicant becomes a registrant:

- Findings of Guilt (after January 1/16) relating to a registrant's suitability to practice (by-law 15.6(xxiv))
- Findings of professional misconduct, incompetence (inside or outside of Ontario) (by-law 15.6(xv))
- Findings of incapacity (inside or outside of Ontario) (by-law 15.6(xvi))
- Bail conditions (by-law 15.6(xxiii)).

**NOTICE OF LEGISLATIVE AMENDMENT**

Ontario Regulation 261/18 is a regulation made under the *Regulated Health Professions Act, 1991* which came into effect on May 1, 2018. This regulation supersedes the College's Policy Dealing with Convictions, Findings and Ongoing Proceedings with respect to the information about registrants of the College that is required to be posted to the public register.

Accordingly, as of May 1, 2018, despite anything in this policy, the College must post the following information to the public register once an applicant becomes a registrant:

- Findings of Guilt made under the *Criminal Code (Canada)* or the *Controlled Drugs and Substances Act (Canada)*
- Any currently existing conditions of release (bail conditions) following a charge for an offence under the *Criminal Code (Canada)* or the *Controlled Drugs and Substances Act (Canada)*
- Outstanding charges against a registrant under the *Criminal Code (Canada)* or the *Controlled Drugs and Substances Act (Canada)*
- Findings of professional misconduct, incompetence (inside or outside Ontario)

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<sup>4</sup> <https://collegeofopticians.ca/public/about-us/college-initiatives/transparency-initiative>

<sup>5</sup> <https://collegeofopticians.ca/registrants/professional-obligations/legislation>