

## REGISTRANT AND STAKEHOLDER CONSULTATION

### PROPOSED CHANGES TO THE BY-LAWS

#### Request:

The Registration Committee of the College is proposing amendments to the by-laws and is seeking feedback from registrants and stakeholders. The Registration Committee will review this feedback prior to presenting the proposed changes to the Board of Directors at their meeting in May 2022.

#### Background:

In 2017, the College submitted a proposal to the Ministry of Health to amend the Registration Regulation. These amendments are currently being considered by the government and are awaiting final approval. The intent of the proposed changes is to streamline the current Registration Regulation. Click [here](#) to view a copy of the proposed amendments.

The amended Registration Regulation will require several by-law and policy updates which the College will be working through over the course of the year. Currently there are two areas for which we are seeking feedback:

- **Fee for Inactive Class:** The proposed by-law changes will set the 2023 registration fee for a new Inactive Class of registration that will be available once the Ontario Government approves amendments to the Registration Regulation.
- **Professional Liability Insurance:** These details are currently found in the Registration Regulation itself but will be moved into the by-laws once the amendments to the regulation are approved by the Ontario Government. It was proposed that the details of liability insurance be removed from the regulation and addressed through by-law since this provides more flexibility. The proposed by-laws relating to insurance mirror the current requirements set out in the Regulation.

#### For Consideration:

##### **The updated Regulation will introduce a new Inactive Class of registration**

The Ministry of Health has recommended that the COO introduce an inactive class of registration. This is consistent with many other health regulatory bodies. The inactive class of

registration is intended for opticians who are not actively practising the profession but still wish to maintain their registration with the College.

Examples may include medical, parental or educational leave, change of profession, or temporary move out of Ontario. It is also important to note that under the new regulation, registrants will not be permitted to maintain their suspended status indefinitely and will have their certificate of registration revoked after three consecutive years of suspension.

### Annual Fee

- Like all other COO registrants, registrants in the inactive class will be required to renew their certificate of registration on an annual basis and pay a registration fee. Introduction of the inactive class of registration provides a lower-fee option for registrants who are not planning to practice, but that still accounts for the fact that it requires administrative resources to manage their non-practising status.
- The Registration Committee is proposing that the annual fee for opticians in the Inactive Class be equal to 1/3 of the Registered Optician Fee. For the 2023 renewal year, this would make the Inactive Optician fee equal to \$331.

### Can I change from Inactive to Active during the year?

- Yes. Registrants may apply to change their class of registration at any time during the registration year. During the renewal period, registrants will be provided with an option to renew in their current class of registration or change class. An administrative fee of \$125 will be charged to switch between the inactive and active classes outside of the renewal period.
- Inactive Opticians who decide to return to practice will be able to change their status to Active by paying the required fee and submitting proof of professional liability insurance.
- The total amount paid by a registrant would be equal to the **pro-rated Registered Optician fee**, minus an **equivalent pro-rated portion of the Inactive Fee** that was already paid. Essentially 'topping up' to the full 'active' fee.

### Can I change from Active to Inactive during the year?

- Yes. Opticians can change their class of registration from active to inactive during the registration year but will not be eligible for a refund of the unused portion of their annual registration fee. As an Inactive Optician, you will not be required to carry professional liability insurance.

### As an Inactive Optician, am I required to have Professional Liability Insurance?

- No. Registrants in the inactive class are not required to carry professional liability insurance; however, once they decide to return to the active class, they will be required to provide proof of professional liability insurance coverage.

### What happens if I am Inactive for longer than 3 years?

- Opticians who have been inactive longer than 3 years will have to undergo a review by the Registration Committee to assess currency of skill and knowledge.

### What if I choose not to move to the new Inactive class and allow my certificate of registration to be suspended?

- Opticians who are suspended for 3 years or more will have their certificate of registration revoked
- The Inactive Class will therefore be the best way for non-practising opticians to ensure that they can easily return to practise in the future.

### Proposed Changes to the By-Law Text

The full text of the proposed additions to the by-laws are set out below, in red.

#### Article 5: Fees

##### (a) Annual Registration Fees

Class	2017	2018	2019	2020	2021	2022	2023
Registered Optician	\$899	\$921	\$944	\$968	\$742	\$867	\$992
Registered Intern Optician	\$132	\$136	\$139	\$142	\$146	\$146	\$146
Registered Student Optician	\$132	\$136	\$139	\$142	\$146	\$146	\$146
Inactive Optician	-	-	-	-	-	-	\$331

##### (b) Pro-rated Registration Fees

- 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:



- 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.

(ii) Individuals who are registered in the Inactive Class and have paid the annual registration fee for the Inactive Class, and who request to change their status to the Registered Optician class, will be charged the following pro-rated Registered Optician fee:

- a. For requests submitted in the period January 1 to March 31:  
67% of the posted Registered Optician registration fee.
- b. For requests submitted in the period April 1 to June 30:  
50% of the posted Registered Optician registration fee.
- c. For requests submitted in the period July 1 to September 31:  
33% of the posted Registered Optician registration fee.
- d. For requests submitted in the period October 1 to December 31:  
17% of the posted Registered Optician fee.

#### 5.5 Reinstatement Fees and Status Change Fees

- (a) The reinstatement fees for the reinstatement of a certificate of registration for a Registrant who has been suspended by the Registrar, or as a result of a disciplinary or incapacity proceeding, are as follows:

Registered Optician:	\$125
Registered Intern Optician:	\$50
Registered Student Optician:	\$50

- (b) In addition to the reinstatement fee set out in 5.5 (a), the Registrant must pay the annual registration fee for the year in which they reinstate.
- (c) The fee for a Registrant to change from the Registered Optician Class to the Inactive Class or from the Inactive Class to the Registered Optician Class is \$125. This fee will only be charged if the change in status is made at a time other than during the Registrant's annual renewal process.
- (d) In addition to the status change fee set out in 5.5(c), a Registrant changing from the Inactive Class to the Registered Optician class must pay the annual registration fee for

the year in which they return to the Registered Optician class, in accordance with the pro-rated fee schedule set out in article 5.2(b)(ii).

## **Article 25: Professional Liability Insurance**

### 25.1 Professional Liability Insurance Mandatory

No Registrants shall engage in the practice of opticianry unless they have professional liability insurance containing coverage of not less than \$1,000,000.

### 25.2 Evidence of Liability Insurance

Registrants who are required to hold the professional liability insurance referred to in section 25.1 shall provide current documentary proof, in a form acceptable to the Registrar, that their professional liability insurance complies with this section in the following circumstances:

- (a) As a condition for the issue, renewal or reinstatement of a certificate of registration as a Registered Optician.
- (b) As a condition for a Registrant to change their status from the Inactive class to the Registered Optician class.
- (c) At any other time within 30 days of a request by the College.

### 25.3 Exemption

- (a) A Registrant who applies for the issue, renewal or reinstatement of a certificate of registration as a Registered Optician is exempt from the requirement to provide proof of professional liability insurance if, at the time they submit the application form, they provide the Registrar with a written undertaking that they will not engage in the practice of opticianry nor supervise or direct a Registered Intern Optician, Registered Student Optician or any other student optician until they provide current documentary proof, in a form acceptable to the Registrar, that they hold the professional liability insurance referred to in section 25.1.
- (b) Breach of an undertaking referred to in subsection (a) shall be an act of professional misconduct for the purposes of clause 51 (1) (c) of the Health Professions Procedural Code.