

COLLEGE OF OPTICIANS OF BRITISH COLUMBIA
BYLAWS

[Includes amendments up to July 14, 2010]

Definitions

1. In these bylaws,

"Act" means the Health Professions Act;

"appointed member" means a member of the board appointed under section 16(3) of the Act;

"board" means the Board of the College of Opticians

"board member" means both an elected member and an appointed member

"chair" means the chair of the board elected under section 12 (of these bylaws);

"college" means the College of Opticians;

"elected member" means a member of the board elected under s.16(3) (a) of the Act;

"examination" means a theoretical examination, given orally or in writing, or a practical examination, or any combination of these, and may include a supplemental examination;

"regulations" means the regulations made under the Health Professions Act;

"respondent" means a registrant named in a citation under section 36 of the Act;

"non active registrant" means a registrant not currently practising as an optician or contact lens fitter

"student contact lens fitter" means a student currently enrolled and attending a contact lens course recognized by the Board

"sexual misconduct" by a registrant includes

- (a) sexual intercourse or other forms of physical sexual relations between the registrant and the client,
- (b) touching of a sexual nature of the client by the registrant, or
- (c) behavior or remarks of a sexual nature by the registrant toward the client; and

"vice-chair" means the vice chair of the board elected under section 13 (of these bylaws).

PART I: BOARD OF THE COLLEGE

Elected registrants

2. The board includes 6 elected registrants.

Order of the Lieutenant Governor in Council, June 29, 2000

Electoral districts

3. (1) The following electoral districts are established for the purpose of the election of the members of the board.
 1. Electoral district I Lower Mainland.
 2. Electoral district 2 Vancouver Island
 3. Electoral district 3 Okanagan and Kootenays
 4. Electoral district 4 Cariboo
 5. Electoral district 5 (The nominee must be a registrant registered as a Contact Lens Fitter with the College of Opticians.)
- (2) Only a registrant shall be eligible to vote in an election of members to the Board.
- (3) Each registrant who is eligible to vote is eligible to vote both in electoral district 5 and in one of Electoral Districts I to 4, being the electoral district in which the member principally resides.

Order of the Lieutenant Governor in Council, June 29, 2000

Number of Members Elected

4. One member shall be elected to the Board from each of the electoral districts, except electoral district I, from which two members will be elected.

Eligibility' for Election

5. A registrant is eligible for election to the Board in an electoral district if the date of the election,
 - (1) he or she is engaged in the practice of opticianry in the electoral district for which he or she is nominated, or if he or she is not engaged in the practice of opticianry, is resident in the electoral district for which he or she is nominated;
 - (2) he or she is not in default of payment of any prescribed fees;
 - (3) his or her certificate of registration is not subject to a term, condition or limitation;
 - (4) he or she is not a candidate for election in, or already of a member of the Board for, another electoral district

- (5) in the case of electoral district 5 , the member must currently be registered as a contact lens fitter with the College.

Order of the Lieutenant Governor in Council, June 29, 2000

Nomination procedure

6. (1) At least 150 days prior to the date of the election, the registrar must notify every registrant in the college of a pending vacancy and provide information about the voting procedure and of the nomination procedure by sending a written notice to each registrant to his or her last known address.
- (2) The nomination of a candidate for election as a member of the Board shall be in writing and shall be given to the Registrar at least 90 days prior to the date of the election.
- (3) The nomination shall be signed by the candidate and by at least five registrants who support the nomination and who are eligible to vote in the electoral district in which the election is to be held.
- (4) A candidate may withdraw his or her nomination for election to the Board by written notice to the Registrar.
- (5) The registrar must disqualify any nominee whose nomination or election contravenes the Act, the regulations, or these bylaws.

Election procedure

7. (1) The registrar must supervise and administer all board elections.

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- (2) The registrar must prepare and deliver to each registrant an election ballot not less than 30 days prior to the date of the election.
- (3) A registrant may cast as many votes on a ballot in an election of members to the Board for each electoral district in which he or she is eligible to vote as there are members to be elected to the Board from each such electoral district.
- (4) A ballot must not be counted unless it is received no later than 5:00 p.m. on the date of the election and is contained in an envelope on which the registrant's name and signature appears.
- (5) The person or persons receiving the most votes on the return of such valid ballots must be deemed to be elected.
- (6) In the case of a tie vote, the registrar must cast one additional vote for one of the tied candidates by lottery.
- (7) In the event of any irregularity or dispute with respect to any nomination, the registrar must be the sole arbitrator thereof, and his or her decision must be final.

- (8) Where the number of nominees is less than or equal to the number of positions, the registrar will declare the nominees to be elected by acclamation.

First Election and Terms of Office

8. (1) (a) The first election of members from each electoral district shall take place on December 2, 1996.
- (b) The first term of office of members of the Board from Electoral District 3 and 4 who are elected in the first election of members to the Board shall be one year, commencing January 1, 1997.
- (c) The first term of office for members of the Board from Electoral District 2 and 5 who are elected in the first election of members of the Board shall be two years commencing January 1, 1997
- (d) The first term of office of members of the Board from Electoral District 1 and 6 who are elected in the first election of the members of the Board shall be three years, commencing January 1, 1997

Subsequent Election Dates and Terms of Office

9. (1) Subject to the provisions regarding the first elections, an election to the Board for an Electoral District shall be held in the month of December in the year in which the term of office of that District(s) members(s) expire(s).
- (2) Subject to the provisions regarding first elections, the terms of office of the elected member to the Board shall be three (3) years.
- (3) An elected member is eligible for re-election for a maximum of one (1) term
- (4) The Board shall set the date for each election of the members of the Board.
- (4.1) Elections will be held for two (2) members of the board each year, to be selected from all of the Electoral Districts in accordance with the following schedule, which is to be repeated on three year cycles;
- (a) in 2005 and every third year thereafter, elections will be held to elect the two (2) members of the Board for District 1 (Lower Mainland)
- (b) in 2006 and every third year thereafter, elections will be held to elect one member of the Board from each of District 3 (Okanagan and Kootenays) and District 5 (Contact Lens Fitter)
- (c) in 2007 and every third year thereafter, elections will be held to elect one member of the Board from each of District 2 (Vancouver Island) and District 4 (Cariboo).

Deposited with Ministry of Health December 19, 2005

- (5) An elected board member may resign at any time by delivering a notice in writing to the registrar and the resignation of an elected board member shall take effect immediately upon delivery of a notice in writing to the registrar.
- (6) An elected board member may be removed by a three-quarters vote of the board.

Vacancy

- 10. Any vacancy of an elected board member may be filled by a registrant in good standing for the remainder of that member's term by an affirmative vote of at least two thirds of the remaining board members.

Payments

- 11. A board member or a committee member may be paid a per diem or an honorarium by the college and must be reimbursed by the college for reasonable expenses necessarily incurred in connection with the activities of the board.

Chair

- 12. (1) A chair must be elected from among the members of the board by a majority vote of the board for a one year term.
- (2) The chair must
 - (a) preside at all meetings of the college and board and be an ex officio member of all committees,
 - (b) sign all certificates, diplomas and other instruments executed on behalf of the college as required,
 - (c) sign the minutes of each meeting when approved by the board, and
 - (d) act generally in accordance with the requirements of his or her office for the proper carrying out of the duties of the board.

Vice chair and acting chair

- 13. (1) The vice chair must be elected from among the members of the board by a majority vote of the board for a one year term to perform the duties of the chair in his or her absence.
- (2) In the absence of both the chair and the vice chair, an acting chair for a meeting must be elected by a majority vote of
 - (a) the board, in the case of a board meeting, and
 - (b) the registrants present, in the case of a general meeting. Board meetings

Board meetings

- 14. (1) The board must meet at least 4 times in each fiscal year and reasonable notice of meetings

must be given to the registrants of the college and to the public by the chair.

- (2) The meetings of the board must be open to registrants and to the public and the minutes of such meetings must be available upon request and at a fee not exceeding the cost of duplication and mailing.
- (3) Notwithstanding subsection 2, the board may exclude any person from any meeting, or part of a meeting₁ if it is satisfied that,
 - (a) financial or personal or other matters may be disclosed of such a nature that the desirability of avoiding public disclosure of them in the interest of any person affected or in the public interest outweighs the desirability of adhering to the principle that meetings be open to the public,
 - (b) a person involved in a criminal proceeding or civil suit or proceeding may be prejudiced₁
 - (c) personnel matters or property acquisitions will be discussed, or
 - (d) instructions will be given to or opinions received from legal counsel for the college, the board or committees.
- (4) If the board excludes any person from a meeting, it must have its reasons for doing so noted in the minutes of the meeting.
- (5) Meetings of the board must be called by the registrar at the request of the chair or any 3 board members.
- (6) A majority of the board constitutes a quorum.
- (7) A written resolution signed by all of the members of the board must be valid and binding and of the same effect as if such resolution has been duly passed at a meeting of the board.
- (8) The board may also conduct business by mail, facsimile, or conference telephone.
- (9) Except as otherwise provided in the Act, the regulations, or these bylaws, Robert's Rules or Order, Revised, must govern the procedures at meetings of the board.

Committees

15. (1) A committee member
 - (a) will serve a term of not more than three (3) years.
 - (b) is eligible for reappointment for a maximum of I term
 - (c) may be removed by a majority vote of the board.
- (2) The board must appoint a committee chair and a committee vice-chair from among the members of the committee.

- (3) A majority of the committee constitutes a quorum.
- (4) The meetings of a committee must be open to registrants and to the public and the minutes of such meetings must be available upon request and at a cost not exceeding the cost of duplication and mailing..
- (5) Notwithstanding subsection 14 (3)(a) through (d), the committee may exclude any person from any meeting, or part of a meeting, for any of the reasons set out in subsections 14(3)(a) through (d) of these bylaws.
- (6) Except as the Act, the regulations, or these bylaws otherwise provide, Robert's Rules of Order, Revised, must govern the procedures at committee meetings.
- (7) A committee may also conduct business by mail, facsimile, or conference telephone.
- (8) Each committee must annually submit a report of its activities to the board.
- (9) A committee or its chair may establish from time to time
 - (a) the number (at least 3) of its members who will constitute any particular panel;
 - (b) the persons who will be members of any particular panel one of whom must be an appointed member; and
 - (c) the chair of the panel.
- (10) A panel may exercise any power, duty, or function of the committee assigned to it by the committee

Appointment of Non Board Members to Committees of the College

- 15.1 A member is eligible for appointment to a committee if, on the day of the appointment he or she is a member in good standing.

Registration Committee

16. The registration committee is established consisting of five (5) members appointed by the board, including at least one (1) appointed member, one (1) elected member and three (3) registrants

Inquiry committee

17. The inquiry committee is established consisting of five (5) members appointed by the board, including one (1) appointed member, one (1) elected member and, three (3) registrants.

Discipline committee

18. (1) The discipline committee is established consisting of five (5) members appointed by the board, including one (1) appointed member, one (1) elected member and, three (3) registrants.

- (2) No person may sit on the discipline committee while they are a member of the inquiry committee.
- (3) No member of the discipline committee may participate in the hearing of a matter in which he or she was involved as a member of the inquiry committee.
- (4) Reasonable public notice of such hearings must be issued by the committee chair at least fourteen days prior to the hearing.
- (5) The discipline committee may make an order that the public be excluded from a hearing for any of the reasons set out in subsections 14 (3) (a) through d) of these bylaws.

Quality assurance committee

19. The quality assurance committee is established consisting of five (5) members appointed by the board, including one (1) appointed member, one (1) elected member and, three (3) registrants.

Executive committees

20. The executive committee is established consisting of four (4) members appointed by the board, including at least one (1) appointed member and three other members.

Client relations committee

21. The client relations committee is established consisting of five (5) members appointed by the board, including one (1) appointed member, one (1) elected member and three (3) registrants.

Definitions

- 21.1 On or before January 1, 1997 in sections 15 to 21,
 - (a) "appointed" means a member of the board who is not practising as an optician and is appointed under section 16 (2) of the Act,
 - (b) "elected" means a member of the board practising as an optician who is appointed under section 16 (2) of the Act, and
 - (c) "registrant" means a person practising as an optician.

PART II: COLLEGE ADMINISTRATION

Seal

22. (1) The Board may provide a common seal for the College.
- (2) The seal of the college must be affixed to certificates of registration and other such documents as the board may direct by resolution, under the hands of such persons as the

Board may designate.

Registrar

23. (1) The registrar must
- (a) be responsible for the funds of the college and make deposits in a chartered bank or other similar financial institution designated by the board,
 - (b) at each meeting of the board, submit a report of all revenues and expenditures since the last meeting unless otherwise ordered by the board,
 - (c) submit an annual report to the annual general meeting of the college, and
 - (d) submit a financial statement to the auditor immediately after the end of each fiscal year.
- (2) The Registrar will make available to each registrant a copy of the audited financial statements for the College no later than 120 days after the end of the fiscal year for the College.

Deposited with the Minister of Health, June 1, 2007

- (3) The registrar is an ex officio member of every committee of the board.

Deputy registrar

24. (1) The board may appoint a registrant of the college to act as deputy registrar.
- (2) A deputy registrar must
- (a) be directly responsible to the registrar,
 - (b) perform the duties of the registrar in his or her absence,
 - (c) perform such duties as laid down by the registrar, and
 - (d) have the same authority as the registrar under these bylaws where the deputy registrar is performing the duties of the registrar pursuant to sections 24(2)(b) and 24(2)(c).

Inspectors

25. While acting in the performance of their duties, inspectors must
- (a) be directly responsible to the registrar and must perform such duties as may be assigned to them by the registrar, the inquiry committee or the board, and
 - (b) not observe the practice of the profession by or under the supervision of the registrant without the consent of the client being treated.

Fiscal year

26. The fiscal year of the college must commence on the first day of April and must end on the last day of March of the following year.

Payments

27. All payments on behalf of the college must be made by cheque and the cheques must be signed by a board member and the registrar or two board members.

Financial authority

28. The board may
- (a) enter into agreements with any person, corporation or institution
 - (b) raise or secure the payment or repayment of money on behalf of and in the name of the college, in the manner it decides, in order to carry out the purposes of the college, and
 - (c) invest funds of the college in lawful securities for the establishment of trust funds in the name of the college and may change those investments.

Borrowing powers

29. The registrants may, by special motion at an annual or special general meeting, restrict the borrowing powers of the board, but a restriction imposed expires at the next annual general meeting.

Investment Income

30. All income derived from invested funds must be added to and become part of the ordinary income of the college.

Auditor

31. The board must appoint a chartered accountant or a certified general accountant with audit privileges who must be the auditor and who must audit the financial statement submitted to him or her by the registrar immediately after the end of each fiscal year.

Legal Counsel

32. The board or, with the consent of the board, a committee, may retain legal counsel for the purpose of assisting the board, or committees in carrying out any duty or responsibility under the Act, the regulations or these bylaws

General Meetings

33. (1) An annual general meeting of the registrants of the college must be held in the Province at

a time and place chosen by the board and at least thirty days reasonable notice must be given to the registrants.

- (2) The board may call a special general meeting of the registrants of the college at any time, and will call such a meeting within thirty days after receipt by the registrar of a request for such a meeting signed by at least ten percent of all registrants who are then duly registered and in good standing.
- (3) Except as these bylaws otherwise provide, Robert's Rules of Order, Revised, must govern the procedures at the annual general meeting or a special general meeting.
- (4) Any twenty registrants in good standing may deliver written notice to the registrar, at least one month prior to the date of an annual or special general meeting of members, requesting the introduction of a special motion at the meeting.
- (5) On receipt of such a notice, the registrar will send to all registrants, at least 14 days prior to the date of that meeting, notice of the special motion and a copy of it.
- (6) If a special motion is passed by a majority of the registrants present and voting at the meeting, and if the total number of registrants present and voting on the special motion represents at least twenty percent of registrants who are then in good standing, then that special motion will bind the future actions of the board to the extent that it does not conflict with the Act, the regulations, or these bylaws.

PART III: REGISTRATION

Classes of registrants

34. A registrant must be registered in one of the following classes:
- (a) Registered optician
 - (b) Registered contact lens fitter
 - (c) Non - practicing registrant
 - (d) Student contact lens fitter

Amended on December 31, 2009

Registered Optician

35. (1) For the purposes of section 20(2) of the Act, the requirements for registration as an optician are
- (a) graduation from one of the recognized opticianry education programs listed in Schedule "A",
 - (b) successful completion of the eyeglasses examination conducted by the National Association of Canadian Optician Regulators,

- (c) evidence satisfactory to the registration committee of the good character of the person consistent with the responsibilities of a registrant and the standards expected of a registrant, and
 - (d) receipt by the registrar of
 - (i) a signed application for registration as an optician in Form 5,
 - (ii) the application fee specified in section 44,
 - (iii) a notarized copy, or other evidence satisfactory to the registration committee, of his or her diploma and evidence satisfactory to the registration committee that he or she is the person named therein,
 - (iv) a statutory declaration in Form 1,
 - (v) a signed criminal record check authorization form, and
 - (vi) proof of professional liability insurance as required by section 46.
- (2) Despite subsection (1), an applicant who is authorized to practice as the equivalent of an optician in another Canadian jurisdiction may be granted registration as an optician by the registration committee if the applicant
- (a) satisfies the registration committee that he or she is currently authorized to practice as an optician in that other jurisdiction, and
 - (b) meets the requirements of subsection (1)(c) and (d).
- (3) For the purpose of meeting the requirements established in subsection (2), the applicant must provide the registrar with a letter or certificate of the applicant's good standing from each body responsible for the regulation of opticianry or another health profession in a Canadian jurisdiction where the applicant is, or has been, authorized to practice opticianry or another health profession.
- (4) Despite subsection (1), the registration committee has discretion, in satisfying itself under section 20 of the Act that the applicant meets the conditions or requirements for registration as a member of the college, to consider whether the applicant's knowledge, skills and abilities are substantially equivalent to the standards of academic or technical achievement and the competencies or other qualifications established in subsection (1)(a) and (b), and to grant registration on that basis, if the applicant also meets the requirements established in subsection (1)(c) and (d).

Amended on December 31, 2009

Registered Contact Lens Fitter

36. (1) For the purposes of section 20(2) of the Act, the requirements for registration as a contact lens fitter optician are
- (a) current registration as an optician under section 35,
 - (b) graduation from one of the recognized contact lens fitter education programs specified in Schedule “A”,
 - (c) successful completion of the contact lenses examination conducted by the National Association of Canadian Optician Regulators, and
 - (d) receipt by the registrar of
 - (i) a signed application for registration as a contact lens fitter in Form 5,
 - (ii) the application fee specified in section 44, and
 - (iii) a notarized copy, or other evidence satisfactory to the registration committee, of his or her diploma and evidence satisfactory to the registration committee that he or she is the person named therein.
- (2) Despite subsection (1), an applicant who is authorized to practice as the equivalent of a contact lens fitter in another Canadian jurisdiction may be granted registration as a contact lens fitter by the registration committee if the applicant
- (a) satisfies the registration committee that he or she is currently authorized to practice as a contact lens fitter in that other jurisdiction, and
 - (b) meets the requirements of subsection (1)(a) and (d).
- (3) For the purpose of meeting the requirements established in subsection (2), the applicant must provide the registrar with a letter or certificate of the applicant’s good standing from each body responsible for the regulation of opticianry or another health profession in a Canadian jurisdiction where the applicant is, or has been, authorized to practice opticianry or another health profession.
- (4) Despite subsection (1), the registration committee has discretion, in satisfying itself under section 20 of the Act that the applicant meets the conditions or requirements for registration as a contact lens fitter, to consider whether the applicant’s knowledge, skills and abilities are substantially equivalent to the standards of academic or technical achievement and the competencies or other qualifications established in subsection 1(b) and (c), and to grant registration on that basis, if the applicant also meets the requirements established in subsection 1(a) and (d).

Amended on December 31, 2009

Student Contact Lens Fitter

37. (1) For the purposes of section 20(2) of the Act, the requirements for registration as a student contact lens fitter are
- (a) enrollment in an education program referred to in section 36(1)(b) or participation in a program of education, training or assessment specified by the registration committee that is, in the opinion of the registration committee, the equivalent of a program referred to in section 36(1)(b), and
 - (b) receipt by the registrar of
 - (i) a signed application for registration as a student contact lens fitter in Form 5,
 - (ii) the application fee specified in section 44,
 - (iii) a statutory declaration in Form 1, and
 - (iv) a signed criminal record check authorization form.

Non practising Registrant

38. A person must be registered as a non practising registrant if the person
- (a) applies to the registrar and pays the application fee for non practicing registration
 - (b) meets the requirements for full registration under 35 (a) and (b) for a registered optician or 36 (a) and (b) for a registered contact lens fitter
 - (c) meets the requirement for continuing education under Section 43
 - (d) is not employed in the Province of British Columbia in a position in which they are performing the activities stated in the scope of practise laid out in Section 4 of the Opticians' Regulations.

Certificate of registration

39. (1) Upon an applicant for registration becoming a registrant, the registrar will issue to that person a certificate of registration which may contain limitations permitted by the Act, the regulations or these bylaws.
- (2) A certificate of registration, or any renewal of a certificate of registration, is valid until the following March 31.

Renewal of registration

40. (1) No later than thirty (30) days before an annual fee is due, the registrar must notify

registrants of the amount of the fee, and the day on which the fee is due.

- (2) The registrar must renew a registration if the registrant,
 - (a) applies to the registrar and pays the fee for renewal of registration,
 - (b) pays any other outstanding fee, debt or levy owed to the college, and
 - (c) attests that the registrant is in compliance with the Act, the regulations, and these bylaws, and is in compliance with any limits or conditions imposed under section 38 (1)(c) of the Act,
 - (d) has met the requirements of the College's continuing education program under Section 45(1) of these bylaws.

Suspension

41. (1) Where a registrant fails to pay an annual renewal of registration fee on or before March 31, he or she must cease to be registered unless the board otherwise directs.
- (2) The registrar shall give a member fourteen days (14) notice of default and of intention to suspend a members registration upon:
 - (a) failure to apply for a new certificate of registration
 - (b) failure to pay the prescribed annual fee or any other prescribed fee; or
 - (c) failure to meet the requirements for renewal of the certificate set out in subsections 40(a)

Reinstatement

42. (1) A member whose certificate of registration has been suspended by the Registrar under section 41, may apply to the registrar to lift the suspension by,
 - (a) submitting an application for reinstatement in a form supplied by the Registrar;
 - (b) submitting evidence of insurance
 - (c) submitted evidence of having completed continued education requirements
 - (d) is not in contravention of the Act, the regulations or these bylaws
 - (e) paying,
 - (i) the fee the member failed to pay, if any, and
 - (ii) the prescribed reinstatement fee or, if the application for reinstatement is made not later than one (1) year from the date of expiry of his or her registration the prescribed fee for late renewal.

- (2) For the purpose of subclause (1)(e)(i), if the member was suspended for failure to pay the annual fee, the member shall be reinstated if he or she pays the annual fee payable in the year in which the member is reinstated.
- (3) To be eligible for reinstatement, the applicant must meet the requirements for renewal of a certificate of registration set out in section 40 (2)
- (4) If the application for reinstatement is made within three years from the date of the suspension of the members certificate of registration, and the applicant has meet the requirements of this section, the registrar shall lift the suspension.
- (5) An application for reinstatement made more than three years from the date of suspension shall be referred to the registration committee, which shall evaluate the applicants qualifications and determine whether the applicant must meet any examination and continuing education program in order to be reinstated.
- (6) On payment of the renewal of registration fee, and any arrears, the registrar must issue to the registrant making payment a receipt under his or her hand and the seal of the college that the registrant is subject to his or her compliance with the Act, the regulations, and the bylaws, entitled to practice opticianry/contact lens fitting in the Province as a registrant of the College.
- (7) The board may
 - (a) fix special fees for non-resident registrants,
 - (b) establish a lesser renewal of registration fee for a registrant who practices for less than a full year, and
 - (c) extend the time for a registrant to pay the annual renewal of registration fee on such terms and conditions as the board deems appropriate including the payment of a late payment fee in an amount equal to 35 percent of that person's annual renewal of registration fee.

Examinations

Amended on December 31, 2009

43. (1) Unless otherwise provided for in these bylaws, all examinations required to be taken under these bylaws must be prepared by or under the direction of, or adopted by, the registration committee.
- (2) The registration committee must
 - (a) determine the time and place for the holding of examinations designate examiners and substitutes and determine the procedures for the conduct of the examinations, and
 - (b) review the results of the examination or re-examination for each applicant and make a determination as to that applicants qualification for registration as either a

Registered Optician or a Registered Contact Lens Fitter.

- (3) If, in an examiners opinion, an applicant conducts him or herself improperly during the course of an examination, he or she will be disqualified from further participation in that or any other examination, except with the consent of the registration committee.

If an applicant is disqualified under this subsection, he or she must be given the reasons in writing.

- (4) Applicants for registration must;
- a) pay to the College the prescribed examination fee
 - b) be permitted opportunities to take a further examination if they fail their initial examination, and
 - c) be notified of the results of the examination or re-examination as soon as is practicable.
- (5) An applicant may appeal the decision of the registration committee to the Board

Fees

- 44 (1) Prior to July 1996 applicants for registration must pay to the College initial registration fees in the following amounts:
- (a) for registration as a Registered Optician \$395.00 or
 - (b) an additional \$50.00 for registration as a Registered Contact Lens Fitter.
- (2) After July 1, 1996 applications for registration must pay the College initial registration fees in the following amounts.
- (a) for registration as a Registered Optician \$545.00 or
 - (b) an additional \$50.00 for registration as a Registered Contact Lens Fitter
- (3) Each registrant must pay to the College an annual renewal of registration fees on or before March 31, in the following amounts:
- (a) registration as a Registered Optician \$350.00 or
 - (c) an additional \$50.00 for registration as a Registered Contact Lens Fitter

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- (4) The application fee for the issue of a new certificate of registration for a person whose certificate of registration has been revoked as a result of a disciplinary or incapacity proceeding is \$200.00
- (5) The reinstatement fee is \$200 for each year or part of the year from the time the

certificate was revoked or suspended, to a maximum of \$700.00

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- (6) The examination fee for registration as a Registered Optician \$600.00
- (7) The examination fee for registration as a Contact Lens Fitter is \$600.00

Deposited with Ministry of Health Services November 10, 2004

- (8) The reexamination fee for either a Registered Optician or a Contact Lens Fitter is \$600.00

Deposited with Ministry of Health Services February 13, 2008

- (9) The fee for non practicing registrant is \$175.00
- (10) The fee for a student contact lens fitter is \$125.00
- (11) The fees are subject to Goods and Services Tax

Filed with Ministry of Health Services December 11, 2009

- (12) the document assessment fee for all applicants is \$165
- (13) the prior learning assessment fee is \$600 for applicants considered for admission under section 35 (4) and section 36 (4) of these Bylaws

Continuing Education

- 45. (1) Registrants are not entitled to renew their registration unless they have filed with the board, together with their application, proof of having completed an approved course of continuing education.
- (2) An "approved course of continuing education" means a minimum number of hours of theoretical, practical or other instruction offered to registrants and approved by the board.

Liability insurance

- 46. All registrants must be insured against liability for negligence in an amount of at least one million dollars per occurrence.

PART IV: INVESTIGATION AND DISCIPLINE

Mediation

- 47. (1) In accordance with section 32(4)(b) of the Act, the inquiry committee may recommend that a complaint be mediated by a mediator chosen by the inquiry committee or the parties.
- (2) Mediation must

- (a) not be used without the consent of the complainant and the registrant,
 - (b) be conducted pursuant to the terms of a written agreement established by the inquiry committee, approved by the board, and executed by the complainant and the registrant, and
 - (c) be confidential.
- (3) Subject to subsection (5), where an agreement is reached through mediation, the complaint is deemed to have been resolved.
 - (4) Where the registrant has agreed through mediation to a suspension or restriction of practice, the name of the registrant, and the nature of the restrictions must be published in such publication as the board may decide.
 - (5) If a registrant contravenes an agreement reached pursuant to mediation, the registrar must refer the matter back to the inquiry committee for further action under section 32 (4) of the Act.

Inquiry

- 48. (1) The inquiry committee must notify a complainant, and registrant who is the subject of an investigation where it acts on its own motion under section 32 of the Act,
 - (a) of the investigation and the general nature of the information regarding the matter which it has in its possession.
 - (b) of the progress of the investigation within (6 months) of the commencement of the investigation, and every three months thereafter, and
 - (c) of its decision in writing as soon as practicable.
- (2) The report of the inquiry committee to the board regarding its findings in an investigation must be appended to the minutes of the meeting in which it is presented.

Discipline

- 49. (1) The registrar must keep records of the results of all investigations of the inquiry committee and all decisions of the discipline committee.
- (2) The discipline committee must arrange for a hearing to be recorded and a transcript made available to any party at his or her own expense.
- (3) Where disciplinary proceedings result in the limitation or suspension of a registrant's practice, the board must publish a notice containing
 - (a) the name of the respondents,
 - (b) the facts of the case,

- (c) the reasons for the decision, and
 - (d) the nature of the limitations or suspension and the date it is in effect.
- (4) Where disciplinary proceedings result in the limitation or suspension of a registrant's practice, the board may direct the registrar to notify the boards or associations responsible for the regulation of the profession in other jurisdictions.
 - (5) Where a complaint has been brought against a registrant who has been previously disciplined, the previous decisions of the discipline committee or any undertaking or consent given pursuant to section 35(1) of the Act must be provided to the inquiry committee or the discipline committee following a determination having been made on the facts of the complaint and may be considered with respect to the penalty to be imposed by the discipline committee, or agreed to by the inquiry committee, and only where same is deemed to be relevant to the outstanding complaint.
 - (6) A registrant while under suspension must not represent himself as a registrant or display a certificate of registration.
 - (7) The tariff of costs applicable to subsections 33(7), 37.1(1) and (5), and 39(4) and (5) of the Act is set out in Schedule "B".

Reinstatement

50. (1) A person whose registration has been revoked may, after the expiration, apply to the registration committee for reinstatement of registration.
- (2) When considering an application for reinstatement the registration committee must consider whether
 - (a) the applicant poses a risk to clients or the public, and
 - (b) the goals of deterrence and rehabilitation have been met
- (3) Evidence of rehabilitation is not required where the registration committee decides, on other grounds, not to reinstate an applicant

Professional misconduct

51. (1) The disciplinary committee must find that a registrant has committed an act of professional misconduct if the registrant has
 - (a) been found guilty of an offense that is relevant to the member's suitability to practice,
 - (b) been found by any other regulatory body to have committed an act that would, in the opinion of the disciplinary committee, be an act of professional misconduct as defined in subsections (c) through (m)
 - (c) committed an act of sexual misconduct,

- (d) contravened a term, condition, or limitation imposed on the registrant's certificate of registration,
 - (e) contravened a standard of practice of the profession,
 - (f) practised the profession while the registrant's ability to do so is impaired by any substance,
 - (g) prescribed, dispensed, or sold drugs for an improper purpose, or
 - (h) discontinued professional services that are needed unless
 - (i) the client requests the discontinuation,
 - (ii) alternative services are arranged, or
 - (iii) the client is given a reasonable opportunity to arrange alternative services,
 - (i) given information about a client to a person other than the client or his or her representative except with the consent of the client or his or her representative or as required or allowed by law,
 - (j) falsified a record relating to the registrant's practice,
 - (k) failed to provide a client access to his or her health care records where required by section 55,
 - (l) signed or issued, in the registrant's professional capacity, a document that the registrant knows contains a false or misleading statement,
 - (m) submitted an account or charged for services that the registrant knows is false or misleading, or
 - (n) contravened the Health Professions Act, the regulations, or any of these bylaws.
 - (o) committed an act which is defined as harassment under the Human Rights Act of British Columbia
- (2) If the disciplinary committee finds that a registrant has committed an act of professional misconduct, it may
- (a) make an order under section 38 of the Act, and
 - (b) require the registrant to pay a fine of not more than (\$35,000).
- (3) If the disciplinary committee finds that a registrant has committed an act of sexual misconduct it must
- (a) reprimand the registrant, and

- (b) revoke the registrant's certificate of registration if the sexual misconduct consisted of¹ sexual intercourse or other forms of physical sexual relations between the registrant and the client

Disclosure

- 52. (1) Where an inquiry about the registration status of a person is received by the board or the registrar, the registrar must disclose
 - (a) whether or not the person is a registrant,
 - (b) whether or not the person has previously been a registrant and whether or not the person's registration was revoked as a result of discipline proceedings within the three years preceding a request for the information,
 - (c) whether or not the person is a registrant whose registration is suspended,
 - (d) whether or not the practice of the registrant is restricted in any way, and
 - (e) whether or not there are any conditions attached to the practice of the registrant and the specifics of the conditions.
- (2) The registrar may disclose whether or not any other penalty pursuant to section 38(1) of the Act has ever been imposed.
- (3) Except with the consent of the person affected, the registrar must not release the names of complainants, clients, or their families or information which might otherwise enable a person inquiring about the status of a registrant to establish the identity of complainants, clients, and their families.

PART V: STANDARDS OF PRACTICE

- 53. (1) In the practice of opticianry a registrant shall follow generally accepted standards of practice and procedures in fitting and dispensing of optical appliances and in the assessment and care of the client.
- (2) Guidelines for defining procedures considered necessary for compliance with the standards required in Section 53(1) shall be compiled at the direction of the Board and copies of such guidelines shall be available to each registrant.
- (3) A registrant shall maintain a record of each client for whom he or she provides a service and the record for each client shall contain no less than what is required by the Board and circulated with the guidelines as required in Section 53 (2).
- (4) A registrant shall keep the records required under Section 53 (3) in a systematic manner and shall retain each record for a period of at least three years after the date of the last entry in a record.
- (5) A registrant shall have at the minimum the usual and necessary, instruments, equipment

and physical facilities for the proper fitting, dispensing, assessment and care of the client

- (6) A registrant who uses automated refraction equipment must notify the registrar in Form 4 no later than seven days after the registrant commences use of the equipment.
- (7) Despite subsection (6), a registrant who, on October 1, 2006, is using automated refraction equipment must notify the registrar in Form 4 no later than October 8, 2006.
- (8) After October 1, 2007, a registrant must not use automated refraction equipment unless the registrant has delivered to the registrar satisfactory evidence that the registrant has successfully completed
 - (a) a certification program on the use of automated refraction equipment approved by the board, and
 - (b) a certification examination approved by the board.
- (9) Before using automated refraction equipment, a registrant must
 - (a) provide written notice to the client as prescribed in Form 3 in a language understood by the client, and
 - (b) obtain the signature of the client on Form 3.
- (10) Each Form 3 signed by a client is part of the record described in subsection (3) for the client, and must be retained for the period specified in subsection (4).

Deposited with the Minister of Health, July 24, 2006

PART VI: MISCELLANEOUS

Review of accounts

- 54.
- (1) If any person who is obliged to pay a registrant's account applies in writing for a review of that account within three months after it is rendered, or within such further period as the registrar considers reasonable in the circumstances, and encloses a copy of the account, the registrar must review the account and determine the proper amount.
 - (2) If the fee set forth in the account under review is not in accordance with the range of fees customarily charged at the time the services were rendered, the registrar must fix a fee which he or she considers to be reasonable, proper, and customary.
 - (3) The registrar must deliver written notice to the client and to the member concerned advising of the fee the registrar has fixed.
 - (4) If the registrant fails to repay to the client forthwith any amount which the client has paid in excess of that fee, the registrant may be found to have engaged in professional misconduct.

Access to health care records

- 55
- (1) Registrants must not, except in appropriate circumstances, refuse an individual access to the health care records pertaining to that individual in the custody or under the control of the registrant
 - (2) For the purposes of this section,
 - (a) "appropriate circumstances" means circumstances in which release of the health care records could reasonably be expected to
 - (i) result in immediate and grave harm to the safety, or mental or physical health of the applicant,
 - (ii) threaten any individual's safety, or mental or physical health,
 - (iii) interfere with public safety, or
 - (iv) disclose personal information regarding another individual.
 - (b) "access to" means the opportunity to examine and make copies of, and
 - (c) "health care records" includes clinical records, medical files, information relating to the medical, psychiatric, or psychological history of an individual, documents, drawings, photographs, letters, papers, and any other thing on which information is recorded or stored by graphic, electronic, mechanical or other means, but does not include a computer program or any other mechanism that produces records.
 - (3) A registrant must respond to an applicants request for access to his or her health care records within 30 days of the request by
 - (a) providing access to the applicant, or
 - (b) providing written reasons for the refusal of access.
 - (4) Where a registrant provides access and the applicant requests a copy of the record, a copy must be provided, without charge or a search fee, if it can be reasonable reproduced.
 - (5) During any review of a decision to refuse access to a health care record, the registrant must prove that the applicant has no right of access.
 - (6) Registrants must provide access to the health care records of an infant under 19 years of age to the persons having guardianship or custody of that infant, except where
 - (a) the infant has requested that the persons entitled to the guardianship or custody of the infant not be granted such access, and
 - (b) the registrant is satisfied the infant has understood the nature and consequences and reasonably foreseeable benefits and risks of the health care that is the subject matter of the record.

Advertising

56. (1) An advertisement with respect to a member's practice or place of practice must not contain,
- (a) anything that is false or misleading;
 - (b) anything that, because of its nature, cannot be verified;
 - (c) a claim of specialization, if the member does not hold a Specialty Certificate issued by the College; or,
 - (a) the members name or photograph, or other likeness, in an advertisement that implies, or could be reasonably interpreted to imply, that the professional expertise of the member is relevant to the subject matter of the advertisement, if it is not.

Forms

(1) Form 1 must read as follows

CANADA PROVINCE OF BRITISH COLUMBIA IN THE MATTER OF AN APPLICATION FOR REGISTRATION IN THE COLLEGE OF OPTICIANS

TO WIT:

_____ of _____ in the city of _____ in the Province of British Columbia do solemnly declare that

1. I have not been convicted in Canada or elsewhere of any offense that, if committed by a person registered under the Act, would constitute unprofessional conduct or conduct unbecoming a person registered under these bylaws.
2. My past conduct does not demonstrate any pattern of incompetency or untrustworthiness which would make registration contrary to the public interest.
3. I am a person of good character.
4. My entitlement to practice as an Optician has not been limited or restricted or had conditions attached thereto in any jurisdiction at any time.
5. At the present time, no investigation, review or proceeding is taking place in any jurisdiction which could result in the suspension or cancellation of my authorization to practise as an Optician in that jurisdiction.
6. I, having read the Health Professions Act of British Columbia and the regulations and bylaws of the College of Opticians in force pursuant thereto, do declare that I will uphold the honour and dignity of the profession and adhere to the Health Professions Act of British Columbia and the regulations and bylaws of the College of Opticians in force pursuant thereto.

AND I make this solemn declaration, conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

DECLARED before me at the city of _____ in the Province of British Columbia, this _____ day of _____

A Commissioner for taking Affidavits in British Columbia.

(2) A certificate of registration must be in the following form (Form 2):

COLLEGE OF OPTICIANS OF BRITISH COLUMBIA

Certificate No. _____

CERTIFICATE OF REGISTRATION

The Board of the College of Opticians hereby certifies that _____ of
_____ in the City of _____, Province of British Columbia, has met the
qualifications provided for in the bylaws of the College made pursuant to the Health Professions
Act, and is duly qualified to practise _____ as a registrant/certified specialist
in _____ of the College of _____ of British Columbia.

GIVEN under the Seal of the Board at _____, British Columbia, this _____
day of _____

(ii) a renewal fee in the amount of \$_____

(3) Form 3 must read as follows:

Form 3a: Keeping Your Eyes Healthy

Automated Refraction vs. Eye Health Examination

It is important for you to understand the difference between an automated refraction—also called an automated sight test—and an eye health examination.

Eye Health Examination	Automated Refraction
Checks how healthy your eyes are	Checks the ability of yours eyes to focus
Checks the health of your eyes and symptoms of some disorders that affect the eye	N/A
Performed by: A. Ophthalmologist B. Family Physician C. Optometrist	Performed by an Optician

You need to have regular eye health examinations because you might not know you have an eye health problem. Eye health examinations are an essential part of your overall health care throughout your life.

Eye Diseases

If undetected or untreated, eye diseases and disorders can lead to serious health problems and can greatly affect the normal activities of daily life. The symptoms listed below are potential indications of a serious health problem. If you have any of these symptoms, consult your family physician or another healthcare provider *immediately*.

Cataracts

A cataract is a painless, cloudy area in the lens of the eye. A cataract blocks light from reaching the retina and may cause vision problems. Symptoms:

- cloudy, fuzzy, or foggy vision and glare from lamps or the sun
- difficulty driving at night because of severe glare produced by headlights
- frequent changes to your eyeglasses prescription
- double vision in one eye
- second sight (a temporary improvement in near vision in farsighted people).

Diabetes (diabetic retinopathy)

Diabetes damages the small blood vessels in the retina. Diabetic retinopathy can lead to poor vision and even blindness. Symptoms:

- frequent urination
- extreme thirst
- increased hunger
- unusual weight loss
- blurred vision
- drowsiness
- extreme fatigue.

Glaucoma

Glaucoma damages the nerve located in the back of the eye and this results in loss of eyesight. If glaucoma is not treated, vision loss may continue, leading to total blindness over time. Symptoms:

- vision loss – side (peripheral) vision is usually lost before central vision
- sudden, severe blurring of vision
- severe pain in or around the eye
- colored halos around lights
- eye redness
- nausea and vomiting

Macular Degeneration

Macular degeneration is an eye disease that destroys central vision by damaging a part of the retina called the macula. Side (peripheral) vision is not affected, and many people function well in spite of losing their central vision, although walking, reading, and other activities that require central vision are more difficult. Symptoms:

- dim or more blurry central vision
- a blank or blind spot
- objects appearing distorted or smaller than they really are
- trouble with tasks like reading or driving.

Retinal Detachment

Retinal Detachment occurs when the two layers of the retina become separated from each other and from the wall of the eye. Retinal detachment may occur without warning. Symptoms:

- shadow or curtain effect across part of your visual field that does not go away
- new and sudden vision loss
- loss of side (peripheral) vision
- floaters in your field of vision
- flashes of light or sparks when you move your eyes or head.

Protect Your Vision

Being able to see is one of the most valuable aspects of life. Protect your vision with eye testing:

Automated Refraction (Optician)

Purpose: measures how well your eyes focus

Eye Health Examination (Ophthalmologist/Family Physician/Optomtrist)

Purpose: help you correct/adapt to vision changes, and detect eye problems at their earliest stages—when they are most treatable (many eye health diseases and disorders can be present without you noticing any symptoms, and some can start and develop quickly)

How often should I get my eyes tested?

The desired frequency of eye health examinations *VARIABLES* from person to person. Your family doctor can advise you on how often you need to have an eye health examination. If you require specialist care, your family doctor will refer you to a medical doctor specializing in eye health physician (ophthalmologist). Your optician or your family doctor can arrange for you to have an eye health examination by a physician or optometrist.

Opticians: Your eye care professionals

Opticians are highly skilled eye care professionals who undergo rigorous and extensive training. They design and dispense eyeglasses, contact lenses, low vision aids and prosthetic ocular devices for customers.

Automated refracting opticians receive advanced training and are trained in providing automated refraction services and care. Opticians also educate and advise consumers about product choices that will provide maximum visual acuity.

Looking out for you

The College of Opticians of BC (COBC) is the health regulatory college for all Opticians in British Columbia. The College establishes qualifications for Opticians and works to ensure Opticians are providing competent and effective care. If you have any questions or comments about the sight testing procedure, please contact us at:

420-2025 West Broadway
Vancouver, BC, V6J 1Z6
Tel: (604) 278-7510
Toll-free: 1-888-771-6755
Email: reception@cobc.ca
Website: www.cobc.ca

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Form 3b:

Client Notice- Automated Refraction (Sight Testing)

Date: _____
MM/DD/YYYY

Name: _____
Last First

Address: _____
Street City Province Postal Code

Phone Home: (____) _____ Work: (____) _____

Do you presently wear eyeglasses or contact lenses? Yes No

Date of last eye examination _____
MM/DD/YYYY

Date of Birth _____
MM/DD/YYYY

Please Note:

- A sight test (refraction) is performed by an optician to determine your prescription
- If corrective lenses are needed, the sight test will provide the information required to dispense your eyewear.
- A sight test is not a medical examination and will not determine the presence of eye disease. Your optician can advise you on the recommended frequency of eye exams for healthy adults.

If you check 'yes' to any of the conditions below, the optician may refer you to a physician or optometrist for an eye health exam – (please check those that apply)...

- | | |
|--|--|
| <input type="checkbox"/> Recent head or eye injury | <input type="checkbox"/> High blood pressure |
| <input type="checkbox"/> Diabetes | <input type="checkbox"/> Macular Degeneration |
| <input type="checkbox"/> Glaucoma including immediate family history | <input type="checkbox"/> Retinal detachment |
| <input type="checkbox"/> Double vision | <input type="checkbox"/> Sudden increase in 'floaters' |
| <input type="checkbox"/> Corrective lenses containing prism | <input type="checkbox"/> Blind spots |
| <input type="checkbox"/> Flashes of light | <input type="checkbox"/> Other eye disease _____ |

CLIENT:

I have read and understand all of the information contained in this Notice. I authorize the release of the information pertaining to this form.

Client Signature _____ Date: _____
MM/DD/YYYY

OPTICIAN:

I have reviewed the information recorded on this Notice.

Optician's Signature _____ Date: _____
MM/DD/YYYY

(4) Form 4 must read as follows:

NOTIFICATION OF USE OF AUTOMATED REFRACTION EQUIPMENT

I hereby give notice to the Registrar of the College of Opticians of British Columbia that I will start using automated refraction equipment, according to College Bylaws sections 53(6) and 53(7).

1. **Name (Last, First, Middle):** _____

2. **Date of Birth:** _____ (year/month/day)

3. **Social Insurance Number** (for identification purposes only): _____ - _____ - _____

4. **Business Address:**

Business Name: _____

Name of Owner/Operator: _____

Address: _____

City, Province: _____ Postal Code: _____

Business Phone: _____ Business Fax: _____

Email: _____

5. **Start Date of Use of Automated Refraction Equipment:** _____ (year/month/day)

6. **Automated Refraction Education Background:**

Program	Date of Enrolment	Date of Completion
Examination	Date of Examination	Pass or Fail

TO THE BOARD OF THE COLLEGE OF OPTICIANS OF BRITISH COLUMBIA

I, _____ (name), of _____ (street address) in the city of _____ in the Province of British Columbia do solemnly declare, that I have completed the questions above to the best of my knowledge and belief. The completed form hereto affixed is correct and true. And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the CANADA EVIDENCE ACT.

Signature of the Registrant

Date

(5) Form 5 must read as follows:

COLLEGE OF OPTICIANS OF BRITISH COLUMBIA: FORM 5

A. SELECT A CATEGORY:

- 1) I want to register as a NEW STUDENT CONTACT LENS FITTER
- 2) I want to register as a NEW DISPENSING OPTICIAN
- 3) I want to register as a NEW CONTACT LENS FITTER
- 4) I want to register as a NEW NON-PRACTICING DISPENSING OPTICIAN or CONTACT LENS FITTER

B. PERSONAL INFORMATION:

1) Personal Information

Full Name (First, Middle, Last) _____

COBC Registration # _____ Date of Birth (MM/DD/YYYY) _____
(For Existing Registrants Only)

Social Insurance # _____ Phone _____

Fax _____

2) Home Address Information

Home Address _____

City _____ Province _____ Country _____

Postal Code _____ E-mail _____

Has your Address Changed? Yes No If yes, since when: _____

3) Employment & Business Address Information

Are you currently employed in optics in BC? Yes No
If Yes, Please fill out employment information below:

Are you the owner/operator of the business in BC? Yes No
If Yes, Please fill out business information below:

Business Name _____ Manager _____

Business Address _____ Phone _____

City _____ Province _____ Fax _____

Postal Code _____ E-mail _____

Has your Address Changed? Yes No If yes, since when: _____

4) Preferred Mailing Address from the College: Home Business

(Circle one to indicate the addresses listed above you wish to use)

C) EDUCATIONAL BACKGROUND INFORMATION:

Name: _____

OPTICAL COURSES	Date of Graduation (Expected Date)	Completed (Y/N)	Partial Completion (Y/N)
a) Douglas College Dispensing			
b) Douglas College Contact Lens			
c) NAIT Dispensing Optician			
d) NAIT Contact Lens Program			
e) BC College of Optics Dispensing			
f) BC College of Optics Contact Lens			
g) Other (Give Details):			

D) DECLARATION

I do solemnly swear, that I have completed the questions above to the best of my knowledge and believe the completed form hereto affixed is correct and true. And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the CANADA EVIDENCE ACT.

SIGNATURE OF APPLICANT

DATE

Schedule “A”

1. The optician and contact lens fitter programs of the following education providers are recognized by the College, under terms and conditions established by the Board and with the terms ending on the dates indicated, as meeting the standards of academic or technical achievement required for registration, for the purposes of sections 35(1)(a) and 36(1)(b):

Georgian College (expires May 30, 2015)

Douglas College (expires December 31, 2015)

Seneca College (expires December 31, 2015)

Northern Alberta Institute of Technology (expires December 31, 2015)

**Schedule “B”
Costs**

INVESTIGATIONS TARIFF

For the purposes of calculating costs under this tariff, an investigation is deemed to run from the time the registrar receives a complaint in writing under subsection 32(1) of the Act or an investigation is commenced under section 33 of the Act, whichever occurs first, until the inquiry committee takes action under subsection 33(6) of the Act

<i>Expense</i>	<i>Rate of indemnity</i>
Legal representation for the purposes of the investigation	up to 50% of actual legal fees
Other reasonable and necessary professional services contracted for the purposes of the investigation	up to 100% of actual fees
Other reasonable and necessary disbursements incurred for the purposes of the investigation (including disbursements incurred by legal counsel)	up to 100% of actual disbursements

DISCIPLINARY HEARING TARIFF

For the purposes of calculating costs under this tariff, qualifying expenses incurred from the time that the inquiry committee directs the registrar to issue a citation under subsection 33(6)(d) of the *Act* until

- (a) the inquiry committee accepts a written proposal for consent under subsections 37.1(2) or (5),
- (b) the discipline committee dismisses the matter under subsection 39(1), or
- (c) the discipline committee issues an order under s. 39(2)

are deemed to be expenses for the purposes of preparing for and conducting the hearing

<i>Expense</i>	<i>Rate of indemnity</i>
Legal representation for the purposes of preparing for and conducting the hearing	up to 50% of actual legal fees
Reasonable and necessary expert witness fees for the purposes of preparing for and conducting the hearing	up to 100% of actual fees
Other reasonable and necessary disbursements incurred for the purposes of preparing for and conducting the hearing (including disbursements incurred by legal counsel)	up to 100% of actual disbursements

CODE OF ETHICS

- 1. General**
- 2. Duty to the public**
- 3. Duty to clients**
- 4. Duty to the profession**
- 5. Duty to colleagues**

CODE OF ETHICS

General

1. (1) To uphold and advance the honour and dignity of the profession and its high standards of ethical conduct, registrants must
 - (a) be honest and impartial in serving their clients, the public, and their profession,
 - (b) strive to increase the competence and prestige of their profession,
 - (c) use their knowledge and skill to improve the health and well-being of their clients and the public, and
 - (d) respect the dignity and professional status of, and professional relationships with, their colleagues.
- (2) Every registrant is charged with the duty to uphold the honour and dignity of the profession of opticianry and to adhere strictly to the principles set forth in this code.
- (3) The profession is given the privilege of self-governance under the Act and, accordingly, registrants must understand the Act, the regulations, and the bylaws and must strictly observe or perform their duties and obligations thereunder.

Duty to the public

2. (1) The duty of registrants to the public includes
 - (a) educating the public in the promotion of ophthalmic health, but presentations for such purposes must be in accordance with generally accepted professional standards and must not contravene these bylaws with respect to marketing of professional services,
 - (b) providing leadership in community activities whose purpose is to improve the health and well-being of the individual and the community,
 - (c) publicizing any advance or discovery in any branch of optical science in journals and professional publications, and

- (d) not making any statement or declaration or sign any certificate or any other document, or induce or permit a client to sign any certificate or document which they know or ought to know to be untrue, misleading, or otherwise improper.

Duty to clients

- 3. (1) The duty of registrants to clients includes
 - (a) maintaining client confidentiality except as may be necessary to divulge such information in order to protect the welfare of the individual or the community, or as may be required by law, or under the Act or the bylaws¹ or in connection with investigations by the inquiry committee under section 32 of the Act, or except to the extent the client has expressly agreed that the registrant may release specific information,
 - (b) consulting and providing treatment to any member of the public or, if they are unavailable, to make alternative arrangements,
 - (c) maintaining their knowledge of opticianry current, and
 - (d) rendering treatment only in accordance with current generally accepted professional standards, except that registrants may use experimental methods and materials in treatment provided such methods and materials
 - (i) are within the bounds of accepted scientific criteria for well-designed experiments¹, such as the human experimental protocols established by the University of British Columbia, for research and other studies involving human subjects in effect from time to time¹
 - (ii) have been approved in writing by the college,
 - (iii) are used in accordance with the requirements set forth in that approval, and
 - (iv) are explained to clients as being experimental and the range and possible results and problems of the experiment are conveyed.
- (5) Registrants may treat clients only when they are qualified by training or experience to carry out the treatment plan. Registrants must always be willing to check their diagnosis, treatment, and prognosis by consultation with fellow practitioners or specialists in the field of opticianry or medicine pertaining to the case under consideration. Registrants should be willing to refer a client when advisable.
- (6) Registrants must protect the health of their clients at all times by not delegating or referring any duty or procedure to a person who is not qualified to perform such duty or procedure by skill and training, or by licensure if required under the Act, the regulations, or these bylaws, and by not condoning or being a party to such delegations or referrals. Registrants must ensure that the actions of all personnel within their employ or control comply with the Act, the regulations and these bylaws.

- (7) Registrants must keep adequate records of their clinical findings, diagnosis and treatment with respect to each of their clients. When a registrant who is presently treating a client requests records from another registrant who has formerly treated the client, the registrant must make copies of those records available to the attending registrant only where the client has instructed that the records be transmitted and has given his or her consent for their release.

Duty to the profession

- 4. The duty of registrants to the profession includes the duty
 - (a) to support the advancement of the profession through local, provincial, and national societies, and
 - (b) not to warrant or guarantee the success of care or treatment, but to provide the highest standard of care and accept full responsibility for treatment.

Duty to colleagues

- 5. (1) Registrants should not
 - (a) comment or pass judgment on the qualifications of, or procedures rendered by, other registrants unless
 - (i) such comment is in the best interests of the client's health and well-being,
 - (ii) the registrant has a duty to file a report with the registrar in accordance with sections 39 and 40, and
 - (iii) the registrant has been subpoenaed as a witness and is testifying under oath,
 - (b) compete for clients or professional services by methods which would adversely affect the honour, dignity, or credibility of the profession, or
 - (c) compare their professional competence to that of other registrants.
- (2) In the event of a consultation, registrants should render only the treatment which was specifically requested.