

Health Professions Act
OPTICIANS REGULATION

PROPOSED

**TO REPLACE
B.C. REG. 118/2010**

Contents

- 1 Definitions
- 2 College name
- 3 Reserved titles
- 4 Scope of practice
- 5 Restricted activities
- 6 Limits or conditions on services and restricted activities
- 7 Patient relations program

Definitions

1 In this regulation:

"Act" means the *Health Professions Act*;

"assessment record" means the record produced by an independent automated refraction conducted by a person who is authorized under the Act to conduct independent automated refractions;

"authorizing document" means

- (a) a prescription for a corrective eyeglass lens, or
- (b) an assessment record;

"automated refraction" means a refraction conducted only for the purpose of assessing visual acuity, by using an automated refraction system comprised of one or more computerized components, including an autorefractor or autophoropter or a lensometer, or a similar device;

"contact lens" means a lens or mold designed or offered for the purposes of being placed on the surface of the cornea or other anterior surface of an eye to correct the refractive error of, or induce physiological change in, the eye;

"contact lens fitter" means a registrant authorized under the bylaws to fit contact lenses;

"contact lens record" means

- (a) the record, prepared by a person authorized under the Act to fit a contact lens, of the contact lens specifications derived from fitting a contact lens using information contained in an authorizing document, or
- (b) the equivalent of a record described in paragraph (a) of this definition, prepared in another province or a foreign jurisdiction by a person who is the equivalent, in that other province or foreign jurisdiction, of a person authorized under the Act to fit a contact lens;

"dispense" means to design, prepare, fit, adjust, verify or supply;

"electronic" has the same meaning as in the *Electronic Transactions Act*;

PROPOSED AMENDMENT - OPTICIANS REGULATION

"fit" means, in respect of a contact lens,

- (a) to select or recommend the design and type required, or
- (b) to perform any test related to assessing physiological safety or suitability;

"independent automated refraction" means an automated refraction conducted without the involvement of a prescriber;

"interpupillary distance" means one or more measurements of the distance between the pupils of the eyes, as will be required for the proper fitting of eyeglasses;

"opticianry" means the health profession in which a person provides the services of

- (a) dispensing vision appliances by
 - (i) using information contained in prescriptions, contact lens records and assessment records, and
 - (ii) duplicating corrective eyeglass lenses, with no change in refractive value, using a lensometer or similar device,
- (b) conducting automated refractions on the request of prescribers,
- (c) conducting independent automated refractions, and
- (d) promoting eye health and proper use of vision appliances;

"optometrist" means a person who is authorized under the Act to practise optometry;

"prescriber" means

- (a) an optometrist, or
- (b) a qualified medical practitioner

who prepares

- (c) a prescription, or
- (d) a contact lens record;

"prescription" means the record of an authorization to dispense a vision appliance for use by a named individual but does not include an assessment record or a contact lens record;

"prescription for a corrective eyeglass lens" means

- (a) the record, derived from an eye health examination and prepared by a prescriber, of an authorization to dispense a corrective eyeglass lens for use by a named individual, or
- (b) the equivalent of a record described in paragraph (a) of this definition, prepared in another province or a foreign jurisdiction by a person who is the equivalent, in that other province or foreign jurisdiction, of a person authorized under the Act to prescribe a corrective eyeglass lens,

that sets out

- (c) the lens power required to correct the refractive error of an eye, and
- (d) reading add, prisms, back vertex distance and contraindications;

"qualified medical practitioner" means a medical practitioner who is authorized under the Act to provide eye and vision system health services;

"supply" does not include a wholesale transaction;

"verify" means to inspect and confirm, before supplying to the named individual, that the following specifications are met:

- (a) in the case of a corrective eyeglass lens, the specifications set out in
 - (i) the authorizing document, or
 - (ii) the information contained in an authorizing document and provided by the individual as described in section 5 (3) (a) (ii);
- (b) in the case of a contact lens, the specifications set out in
 - (i) the contact lens record, or
 - (ii) the information contained in a contact lens record and provided by the individual as described in section 5 (3) (b) (ii);

"vision appliance" means an appliance or a device designed or offered for a vision condition,

PROPOSED AMENDMENT - OPTICIANS REGULATION

- (a) including a corrective eyeglass lens, contact lens or low vision aid, and
- (b) excluding complete ready-to-wear eyeglasses not designed or offered for use by a named individual.

College name

2 The name "College of Opticians of British Columbia" is the name of the college established under section 15 (1) of the Act for opticianry.

Reserved titles

3 (1) The titles "optician" and "dispensing optician" are reserved for exclusive use by registrants.

(2) The title "contact lens fitter" is reserved for exclusive use by contact lens fitters.

Scope of practice

4 A registrant may practise opticianry.

Restricted activities

5 (1) ~~A contact lens fitter in the course of practising opticianry may~~ Subject to section 6, a contact lens fitter in the course of practising opticianry may do any of the following:

- (a) fit a contact lens; ~~lens, or~~
- (b) supply a contact lens for the purpose of fitting a contact lens.

(1.1) ~~Subject to subsections (2) and (3), only a registrant may provide a service that includes the performance of an activity set out in subsection (1).~~

(2) ~~Subsection (1.1) does not apply to a person who provides a service that includes the performance of an activity set out in subsection (1) if the person is under the supervision of a contact lens fitter.~~

~~(2) The following services may be provided only by contact lens fitters or under the supervision of a contact lens fitter by persons who are not contact lens fitters:~~

- ~~(a) fitting a contact lens;~~
- ~~(b) supplying a contact lens for the purpose of fitting a contact lens.~~

(3) Subject to sections 6 and 8 of the Schedule to this regulation, ~~nothing in this regulation prevents a person from~~ subsection (1.1) does not apply to a person who

PROPOSED AMENDMENT - OPTICIANS REGULATION

- (a) ~~dispensing dispenses~~ a corrective eyeglass lens, if the person who dispenses it has possession of
- (i) an electronic or a written copy of an authorizing document in respect of the individual for whose use the corrective eyeglass lens is to be dispensed, or
 - (ii) information contained in an authorizing document and provided to the person, in written or electronic form, by or on behalf of the individual for whose use the corrective eyeglass lens is to be dispensed, accompanied by a statement from that individual certifying the existence and validity of the authorizing document and the accuracy of the information provided,
- and if the person dispenses the corrective eyeglass lens in accordance with the authorizing document described in subparagraph (i) or the information described in subparagraph (ii), as applicable;
- (b) ~~dispensing dispenses~~ a contact lens, if the person who dispenses it has possession of
- (i) an electronic or a written copy of a contact lens record in respect of the individual for whose use the contact lens is to be dispensed, or
 - (ii) information contained in a contact lens record and provided to the person, in written or electronic form, by or on behalf of the individual for whose use the contact lens is to be dispensed, accompanied by a statement from that individual certifying the existence and validity of the contact lens record and the accuracy of the information provided,
- and if the person dispenses the contact lens in accordance with the contact lens record described in subparagraph (i), or the information described in subparagraph (ii), as applicable;
- (c) ~~dispensing dispenses~~ a duplicate of a corrective eyeglass lens, with no change in refractive value, using a lensometer or similar device.

Limits or conditions on services and restricted activities

- 6** (1) A registrant who is not a contact lens fitter may conduct only the examination required for the proper fitting of eyeglasses.
- (2) A contact lens fitter may conduct only the examination required for the proper fitting of eyeglasses or contact lenses.
- (3) A registrant may alter a prescription only with the express prior authorization of the prescriber who prepared the prescription.
- (4) Subsection (3) does not apply to the vertex alteration required for the proper fitting of eyeglasses or contact lenses using conversion charts or similar formulae.
- (5) Subject to subsections (3) and (4), a registrant may dispense
- (a) a corrective eyeglass lens only in accordance with a prescription for a corrective lens or an assessment record, and
 - (b) a contact lens only in accordance with a contact lens record.
- (6) A registrant may conduct an independent automated refraction
- (a) only in accordance with the limits and conditions set out in the Schedule to this regulation, and
 - (b) only if the registrant has successfully completed a certification program established, required or approved under the bylaws to ensure that registrants are qualified and competent to conduct independent automated refractions.
- (7) A contact lens fitter must provide, free of charge, a legible written or electronic copy of the contact lens record, on completion of the fitting, to
- (a) the client, whether or not requested by the client, and
 - (b) another person specified by the client, if requested by the client.
- (8) A registrant must provide to a client, free of charge and whether or not requested by the client, a legible written or electronic copy of any prescription, contact lens record or assessment record provided to the registrant by the client for the purpose of dispensing a vision appliance.

Patient relations program

- 7** The college is designated for the purposes of section 16 (2) (f) of the Act.

Schedule

Limits and Conditions on the Conduct of Independent Automated Refractions

- 1** The registrant must provide written notice to the client, in the form specified in the bylaws and in a language understood by the client, at the time of the independent automated refraction, explaining
 - (a) that the procedure to be conducted is an independent automated refraction and is not an eye health examination,
 - (b) the distinction between an independent automated refraction and an eye health examination, and that only a prescriber may perform an eye health examination,
 - (c) which ocular diseases or other conditions specified in section 5 of this Schedule preclude a client from being able to have an independent automated refraction, and
 - (d) the desirability of periodic eye health examinations and recommending that the client have an eye health examination in addition to the independent automated refraction.

- 2** Prior to conducting the independent automated refraction, the registrant must ensure the client has signed the notice described in section 1 of this Schedule, attesting to the following:
 - (a) that the client has read and understands the information contained in the notice;
 - (b) that the client is between the ages specified in section 5 (a) of this Schedule;
 - (c) that the client has had the examination specified in section 5 (b) of this Schedule;
 - (d) that to the best of the client's knowledge, the client is not subject to and does not have a history of any ocular disease or other condition specified in section 5 (c) of this Schedule.

- 3** If the client does not meet the requirements established in section 2 of this Schedule, the registrant must not conduct the independent automated refraction and must recommend that the client have an eye health examination.

PROPOSED AMENDMENT - OPTICIANS REGULATION

4 The registrant must, in relation to the notice signed under section 2 of this Schedule,

- (a) provide, free of charge, and whether or not requested by the client, a legible written or electronic copy to the client, and
- (b) retain a copy with the client's health care record until it may be destroyed in accordance with the bylaws.

5 The registrant must not conduct an independent automated refraction for a client who

- (a) is under the age of 19 years or is 65 years of age or older,
- (b) has not had at least one eye health examination since attaining the age of 19 years or, if the client is 40 years of age or older, has not had at least one eye health examination since attaining the age of 40 years, or
- (c) is subject to or has a history of any of the following:
 - (i) glaucoma, retinal detachment, macular degeneration or diplopia;
 - (ii) a prescription for corrective lenses containing prisms;
 - (iii) refractive error exceeding plus or minus 6.00 dioptres in either eye;
 - (iv) diabetes or hypertension;
 - (v) recent head trauma;
 - (vi) injury or pain occurring to or in either eye within the previous 3 months;
 - (vii) any other condition, symptom or sign indicating a need for an eye health examination as set out in the standards, limits or conditions established by the college for the practice of opticianry.

6 Corrective eyeglass lenses must not be dispensed, and a contact lens must not be fitted or dispensed, on the basis of an assessment record, in any of the following circumstances:

- (a) the assessment record indicates that there has been a change in refractive error exceeding
 - (i) plus or minus 1.00 dioptre in either eye within the previous 6 months, or

PROPOSED AMENDMENT - OPTICIANS REGULATION

- (ii) plus or minus 2.00 dioptres in either eye since the date of the most recent prescription or assessment record, if any, provided by the client to the registrant;
- (b) the assessment record indicates that
 - (i) there is refractive error exceeding plus or minus 6.00 dioptres in either eye, or
 - (ii) prisms might be required;
- (c) the best corrected visual acuity will be less than 20/25 in either eye;
- (d) the client is not satisfied with the client's best corrected vision after 2 contemporaneous independent automated refractions have been conducted.

7 The registrant must recommend that a client have an eye health examination in any of the circumstances described in section 6 of this Schedule.

8 Sections 1 to 5 and 6 (a) to (c) of this Schedule do not apply if a prescriber who has performed an eye health examination of the client has requested a registrant to conduct an independent automated refraction on the client.

- 9** The client must not be charged for an independent automated refraction if
- (a) due to an error during the independent automated refraction, no assessment record is produced or a corrective eyeglass lens or contact lens cannot be fitted or dispensed using information contained in the assessment record, or
 - (b) under section 6 of this Schedule, a corrective eyeglass lens or contact lens must not be fitted or dispensed using information contained in the assessment record.

- 10** The registrant must, in relation to the assessment record,
- (a) set out the client's interpupillary distance in the assessment record, as measured at the time of the independent automated refraction,
 - (b) provide, free of charge, a legible written or electronic copy to
 - (i) the client, whether or not requested by the client, and
 - (ii) another person specified by the client, if requested by the client, and

PROPOSED AMENDMENT - OPTICIANS REGULATION

- (c) retain a copy with the client's health care record until it may be destroyed in accordance with the bylaws.