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The Lieutenant Governor in Council approves the Opticians Profession Regulation set out in the attached Appendix.

For Information only

Recommended by: Minister of Health and Wellness

Authority: Health Professions Act
(section 131)

APPENDIX
Health Professions Act
OPTICIANS PROFESSION REGULATION

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Definitions

1 In this Regulation,

- (a) “Act” means the *Health Professions Act*;
- (b) “College” means the College of Opticians of Alberta;
- (c) “Competence Committee” means the competence committee of the College;
- (d) “Complaints Director” means the complaints director of the College;
- (e) “Council” means the council of the College;
- (f) “courtesy register” means the courtesy register category of the regulated members register;
- (g) “general register” means the general register category of the regulated members register;
- (h) “provisional register” means the provisional register category of the regulated members register;
- (i) “Registrar” means the registrar of the College;
- (j) “Registration Committee” means the registration committee of the College.

Register categories

2 The regulated members register established by the Council under section 33(1)(a) of the Act has the following categories:

- (a) general register;

- (b) provisional register;
- (c) courtesy register.

Registration

General register

3(1) An applicant for registration as a regulated member on the general register must

- (a) have successfully completed a diploma program in eyeglass dispensing approved by the Council,
- (b) have successfully passed the competency examination in eyeglass dispensing approved by the Council, and
- (c) have successfully passed the jurisprudence examination approved by the Council.

(2) An applicant under subsection (1) must have completed the requirements set out in that subsection within the 3 years immediately preceding the date that a complete application is received by the College.

(3) If an applicant is unable to meet the requirements of subsection (2), the applicant must demonstrate to the Registrar or Registration Committee that the applicant is currently competent to practise as an optician.

(4) For the purposes of subsection (3), the Registrar or Registration Committee may require an applicant to undergo any examination, testing, assessment, training or education the Registrar or Registration Committee considers necessary, including a requirement that the applicant successfully pass the examination referred to in subsection (1)(b) or (c).

Equivalent jurisdiction

4 An applicant for registration as a regulated member on the general register who is currently registered in good standing in another jurisdiction recognized by the Council under section 28(2)(b) of the Act as having substantially equivalent registration requirements to those set out in section 3 may be registered on the general register.

Substantial equivalence

5(1) An applicant for registration as a regulated member who does not meet the registration requirements of section 3 but whose qualifications have been determined by the Registrar or Registration Committee under section 28(2)(c) of the Act to be substantially equivalent to the registration requirements set out in section 3 may be registered on the general register.

(2) In determining whether an applicant's qualifications are substantially equivalent under subsection (1), the Registrar or Registration Committee may require the applicant to undergo any examination, testing or assessment activity to assist with the determination.

(3) The Registrar may direct an applicant under subsection (1) to undergo any education or training activities the Registrar or Registration Committee considers necessary in order for the applicant to be registered.

(4) The Registrar may require an applicant under subsection (1) to provide any other relevant information or evidence that the Registrar or Registration Committee considers necessary in order to assess an application under this section.

Provisional register

6(1) An applicant for registration as a regulated member may be registered on the provisional register if the applicant

- (a) is qualified to practise opticianry in another jurisdiction and the applicant's competencies are being assessed under section 5,
- (b) has met the requirements for registration under section 3(1)(a) but has not successfully passed the examinations referred to in section 3(1)(b) and (c), or
- (c) is enrolled in upgrading as directed by the Registrar or Registration Committee for the purpose of completing the registration requirements referred to in section 3(4).

(2) A registration on the provisional register may be valid for up to one year.

(3) The Registrar may extend a registration on the provisional register if the Registrar is of the opinion that extenuating circumstances exist.

(4) A person registered on the provisional register may practise only while under the supervision of

- (a) a regulated member registered on the general register or courtesy register,
- (b) an optometrist, or
- (c) an ophthalmologist.

(5) If a regulated member registered on the provisional register meets the registration requirements set out in section 3, the Registrar must remove the regulated member's name from the provisional register and enter it on the general register.

Courtesy register

7(1) An optician registered and in good standing in another jurisdiction who applies for registration in Alberta on a temporary basis for a specified purpose approved by the Registrar and who satisfies the Registrar of having competence to provide the services related to the specified purpose may be registered on the courtesy register.

(2) The term of a registration under subsection (1) is one year or less, as specified by the Registrar.

(3) It is a condition of registration on the courtesy register that the person must remain registered in good standing in the jurisdiction in which the person was registered at the time of the person's application for registration on the courtesy register, and if the registration in the other jurisdiction is suspended or cancelled, the courtesy registration is cancelled.

Good character

8 An applicant for registration as a regulated member must provide written evidence to the Registrar of having good character and reputation by submitting one or more of the following on the request of the Registrar:

- (a) references from colleagues, one of which must be from another jurisdiction if the applicant is registered in another jurisdiction;
- (b) a statement by the applicant as to whether the applicant
 - (i) is currently undergoing an unprofessional conduct process or investigation by the College, or
 - (ii) has previously been disciplined by another regulatory organization responsible for the regulation of opticians or any other profession;
- (c) a statement by the applicant as to whether the applicant has ever pleaded guilty or has been found guilty of a criminal offence in Canada or an offence of a similar nature in a jurisdiction outside Canada for which the applicant has not been pardoned;
- (d) the results of a current criminal records check;
- (e) any other relevant evidence as requested by the Registrar.

Liability insurance

9 An applicant for registration as a regulated member must provide evidence of having the type and amount of professional liability insurance required by the Council.

Restricted Activities

Restricted activity of dispensing corrective lenses

10(1) All regulated members of the College are authorized to perform, in the practice of opticianry and in accordance with the standards of practice, the restricted activity of dispensing corrective lenses for the purpose of dispensing eyeglasses.

(2) A regulated member who dispenses corrective lenses for the purpose of dispensing eyeglasses may do so only

- (a) in accordance with a prescription from a person who is authorized to prescribe corrective lenses, or
- (b) when the lenses are being duplicated with no change in refractive value.

Other authorized restricted activity

11(1) A regulated member registered on the general register who

- (a) has successfully completed a certificate program in contact lens dispensing approved by the Council,
- (b) has successfully passed the competency examination in contact lens dispensing approved by the Council, and
- (c) has received notification from the Registrar that the authorization is indicated on the general register

is authorized to perform, in the practice of opticianry and in accordance with the standards of practice, the restricted activity of dispensing corrective lenses for the purpose of dispensing contact lenses and to use rose bengal or ophthalmic preparations of lidocaine in combination with sodium fluorescein to stain eye tissue.

(2) A regulated member who dispenses corrective lenses for the purpose of dispensing contact lenses may do so only

- (a) in accordance with a prescription from a person who is authorized to prescribe corrective lenses, or
- (b) when the contact lenses are being duplicated with no change in refractive value.

(3) A regulated member registered on the courtesy register is authorized to perform, in the practice of opticianry and in accordance with the standards of practice, the restricted activity in subsection (1) for the purpose of dispensing contact lenses if the regulated member

- (a) has provided evidence of competence satisfactory to the Registrar, and

- (b) has received notification from the Registrar that the authorization is indicated on the courtesy register.

Restriction

12 Despite any authorization to perform restricted activities, regulated members must restrict themselves in performing restricted activities to those activities that they are competent to perform and to those that are appropriate to the member's area of practice and the procedure being performed.

Students, regulated members, supervision

13(1) A student who is enrolled in an eyeglass dispensing program approved by the Council is permitted to perform the restricted activity referred to in section 10(1) with the consent of and under the supervision of a regulated member registered on the general register or courtesy register.

(2) A regulated member who consents to supervise a student under subsection (1) must

- (a) be either
 - (i) present in the room and available to assist, or
 - (ii) if the supervising regulated member is of the opinion that the student is able to safely and competently perform the restricted activity being performed, on-site and available for consultation,
- (b) be authorized to perform the restricted activity referred to in section 10(1), and
- (c) ensure that the student who is being supervised is familiar with, and practises in accordance with, the standards of practice.

(3) A regulated member registered on the general register who is enrolled in a certificate program in contact lens dispensing approved by the Council is permitted to perform the restricted activity referred to in section 11(1) with the consent of and under the supervision of a regulated member registered on the general register.

(4) A regulated member who consents to supervise a regulated member under subsection (3) must

- (a) be either
 - (i) present in the room and available to assist, or
 - (ii) if the supervising regulated member is of the opinion that the regulated member is able to safely and competently perform the restricted activity being performed, on-site and available for consultation,

and

- (b) be authorized to perform the restricted activity referred to in section 11(1).

Titles, Abbreviations and Initials

Authorization to use titles, etc.

14(1) A regulated member registered on the general register may use the following titles, abbreviations and initials:

- (a) optician;
- (b) ophthalmic dispenser;
- (c) optical dispenser;
- (d) R.O.

(2) A regulated member registered on the general register who is authorized to perform the restricted activity described in section 11(1) may use the following titles, abbreviations and initials:

- (a) contact lens practitioner;
- (b) contact lens fitter;
- (c) contact lens dispenser;
- (d) R.C.L.P.

(3) A regulated member registered on the provisional register may use the title “provisional optician”.

(4) A regulated member registered on the courtesy register may use any one or more of the titles referred to in subsection (1) or (2), if the Registrar authorizes the regulated member to use any one or more of the titles and indicates the authorization on the courtesy register.

(5) A regulated member may use the title “registered” together with any other title the regulated member is authorized to use by this section.

(6) A regulated member registered on the general register and a regulated member registered on the courtesy register may use the title “specialist” if the regulated member

- (a) meets the requirements established by the Council for the use of the title specialist,
- (b) is authorized by the Registrar to use that title, and

- (c) has received notification from the Registrar that the authorization is indicated on the appropriate register.
- (7) The Registrar must indicate an authorization under subsection (6) on the appropriate register.
- (8) The Registrar may impose conditions on an authorization issued under subsection (6)(b).

Practice Permit

Renewal requirements

- 15** A regulated member who applies for renewal of a practice permit must provide
- (a) evidence of having the type and amount of professional liability insurance required by the Council,
 - (b) a statement by the applicant as to whether the applicant has been subject to any disciplinary action by a regulatory organization responsible for the regulation of opticians or of any other profession since the applicant's last practice permit,
 - (c) a statement as to whether, since the applicant's last practice permit, the applicant has ever pleaded guilty or has been found guilty of a criminal offence in Canada or an offence of a similar nature in a jurisdiction outside Canada for which the applicant has not been pardoned, and
 - (d) satisfactory evidence of having complied with the continuing competence requirements set out in this Regulation.

Conditions on practice permit

- 16** For the purposes of issuing a practice permit, the Registrar, the Registration Committee or the Competence Committee may impose conditions, including, but not limited to, the following:
- (a) that the regulated member complete continuing competence requirements within a specified time;
 - (b) that the regulated member complete any examinations, testing, assessment, practicum, work experience, training or counselling;
 - (c) that the regulated member be prohibited from engaging in sole practice;
 - (d) that the regulated member limit the member's practice to specified areas, procedures or practice settings approved by the Registrar, the Registration Committee or the Competence Committee and refrain from performing specific procedures or practising in specified areas or settings;

- (e) that the regulated member be required to practise under supervision as specified by the Registrar, the Registration Committee or the Competence Committee;
- (f) that the regulated member be required to report to the Registrar, the Registration Committee or the Competence Committee on specified matters on specified dates;
- (g) that the practice permit is valid only for the time and purpose stated on the permit;
- (h) that the regulated member be prohibited from supervising students of the profession or regulated members of the College.

Continuing Competence

Program required credits

17(1) As part of the continuing competence program, a regulated member registered on the general register must obtain the following continuing competence program credits in each successive 3-year period:

- (a) 20 continuing competence program credits;
- (b) if authorized to perform the restricted activity described in section 11, 15 continuing competence program credits in activities related to contact lens dispensing in addition to those required under clause (a).

(2) The commencement date under subsection (1) for the initial 3-year period

- (a) for a person who, on the coming into force of this Regulation, is deemed to be a regulated member registered on the general register and is participating in the continuing competence program of the Alberta Opticians Association, is the person's commencement date under that program, and
- (b) in all other cases, is the date determined by the Registrar.

Program requirements

18(1) To obtain continuing competence program credits, a regulated member registered on the general register may undertake one or more of the following continuing competence activities in accordance with the rules established under section 19:

- (a) attending lectures or courses in opticianry or that are relevant to the practice of opticianry;
- (b) instructing or lecturing in opticianry or in areas relevant to the practice of opticianry;
- (c) presenting or participating in approved opticianry seminars or study groups;

- (d) participating in contact lens education programs;
- (e) publication of papers in opticianry or related fields;
- (f) attending approved events;
- (g) self-directed learning;
- (h) other activities approved by the Council.

(2) As part of the continuing competence program, a regulated member registered on the general register must each year complete the following in a form satisfactory to the Registrar:

- (a) a self-assessment;
- (b) a competence plan that states the regulated member's continuing competence goals for the year and the continuing competence activities to be undertaken during the year to achieve the continuing competence goals;
- (c) a list of the continuing competence activities carried out by the regulated member during the year.

(3) A regulated member registered on the general register must, on the request of the Registrar, submit to the Registrar anything referred to in subsection (2).

(4) The Registrar or Competence Committee must periodically select regulated members in accordance with criteria established by the Council for a review and evaluation of all or part of the member's continuing competence program.

Continuing competence program rules

19(1) The Council may establish rules governing

- (a) eligibility of an activity to qualify for continuing competence program credits,
- (b) the number of continuing competence program credits earned for a particular activity,
- (c) requirements that regulated members participate in a specified number of professional development activities,
- (d) limits on the number of continuing competence program credits that can be earned from specific activities,
- (e) the transfer of continuing competence program credits earned in one year to the following year, and

- (f) the continuing competence program.
- (2) The Registrar and the Competence Committee may recommend rules or amendments to the rules to the Council.
- (3) Before the Council establishes any rules or amendments to the rules, the rules or amendments to the rules must be distributed by the Registrar to all regulated members for their review.
- (4) The Council may establish rules and amendments to the rules 30 or more days after their distribution under subsection (3) and after having considered any comments received on the proposed rules or proposed amendments to the rules.

Rule distribution

20 The Registrar must distribute the rules and any amendments to the rules established under section 19(4) to the regulated members and provide copies on request to the Minister, the regional health authorities and any person who requests them.

Practice visits

21(1) The Competence Committee may, as part of the continuing competence program, undertake practice visits for the purposes of assessing continuing competence and select individual regulated members or groups of regulated members registered on the general register for practice visits.

(2) The selection of individual regulated members or groups of regulated members registered on the general register for practice visits must be undertaken in accordance with the criteria approved by the Council.

(3) If the results of a practice visit are unsatisfactory, the Competence Committee may direct individual regulated members or groups of regulated members registered on the general register to undertake one or more of the following within a specified period of time:

- (a) correct any problems identified in the practice visit;
- (b) complete specific continuing competence requirements or professional development activities within a specified time;
- (c) complete examinations, testing, assessments, training, work experience, education or counselling;
- (d) practise under the supervision of another regulated member for a specified period of time;
- (e) limit their practice to specified professional services, restricted activities or practice settings;

- (f) refrain from practising specified professional services, restricted activities or in specified practice settings;
- (g) refrain from supervising other opticians, students or other persons providing professional services as directed by the Competence Committee;
- (h) report to the Competence Committee on specified matters on specified dates.

Alternative Complaint Resolution

Process conductor

22 When a complainant and an investigated person have agreed to enter into an alternative complaint resolution process, the Complaints Director must appoint an individual to conduct the alternative complaint resolution process.

Agreement

23 The person conducting the alternative complaint resolution process must, in consultation with the complainant and the investigated person, establish the procedures for and objectives of the alternative complaint resolution process, which must be set out in writing and signed by the complainant, the investigated person and the representative of the College.

Confidentiality

24 The complainant and the investigated person must, subject to sections 59 and 60 of the Act, agree to treat all information shared during the process as confidential.

Leaving the process

25 The complainant or the investigated person may withdraw from the alternative complaint resolution process at any time.

Reinstatement

Reinstatement application

26(1) A person whose registration and practice permit have been cancelled under Part 4 of the Act may apply in writing to the Registrar to have the registration reinstated and the practice permit reissued.

(2) An application under subsection (1) may be made

- (a) not earlier than 5 years after the date of cancellation, and

(b) no more than once each calendar year after the refusal of an application under section 28.

(3) An applicant under subsection (1) must provide evidence to the Registrar of qualifications for registration.

Consideration of application

27(1) An application under section 26 must be reviewed by the Registrar or the Registration Committee.

(2) When reviewing an application under section 26, the Registrar or the Registration Committee must consider

- (a) the record of the hearing at which the applicant's registration and practice permit were cancelled, and
- (b) whether the applicant
 - (i) meets the current requirements for registration,
 - (ii) has met any conditions that have been imposed before the applicant's registration and practice permit were cancelled, and
 - (iii) is fit to practise opticianry and does not pose a risk to public safety.

Decision

28 The Registrar or the Registration Committee may, on completing the review of an application in accordance with section 27, make one or more of the following orders:

- (a) an order refusing the application for reinstatement;
- (b) an order directing the reinstatement of the person's registration and the reissuance of the person's practice permit;
- (c) an order imposing specified conditions on the person's practice permit;
- (d) an order directing the applicant to pay any or all of the College's expenses incurred in respect of the application as provided for in the bylaws;
- (e) any other order that the Registrar or the Registration Committee considers necessary for the protection of the public.

Review by Council

29(1) An applicant whose application for reinstatement is refused or on whose practice permit conditions have been imposed under section 28 may request a review by the Council.

(2) Sections 31 and 32 of the Act apply to a review under subsection (1).

Access to decision

30(1) The Registrar or the Registration Committee, under section 28, and the Council, under section 29, may order that its decision be published in a manner the Registrar or the Registration Committee or the Council considers appropriate.

(2) The College must make the decisions under section 28 and 29 available for 5 years to the public on request.

Information

Duty to provide information

31(1) An applicant for registration or a regulated member must provide the following information, in addition to that required under section 33(3) of the Act, to the Registrar on the request of the Registrar, on application for registration and when there are changes to the information:

- (a) the following demographic, academic and training information:
 - (i) gender;
 - (ii) full legal name and, if applicable, any previous names;
 - (iii) preferred form of address;
 - (iv) date of birth;
 - (v) a passport-type photograph;
 - (vi) home address, telephone number, fax number and e-mail address;
 - (vii) academic and practical training qualifications and where and when they were obtained;
- (b) the following practice information:
 - (i) current employer's name;
 - (ii) place of employment, mailing address, telephone number, fax number and e-mail address;
 - (iii) emergency contact telephone number;

- (iv) type of facility in which the member practises;
- (v) job title or position;
- (vi) date of commencement of employment;
- (vii) areas of practice and any specialties;
- (viii) name of the current supervising regulated member or current optometrist or ophthalmologist, as the case may be, if the regulated member is registered on the provisional register;
- (ix) languages in which a regulated member or an applicant for registration provides professional services;
- (x) the name of any other jurisdiction in which a regulated member or an applicant for registration is registered to practise opticianry;
- (xi) the name of any other college of a regulated health profession with which a regulated member or an applicant for registration is registered to practise and whether the regulated member or the applicant for registration is providing professional services regulated by that college.

(2) On the request of a member of the public, the College may disclose the following information with respect to a regulated member:

- (a) place of employment;
- (b) area of practice;
- (c) languages in which professional services are provided.

(3) Subject to section 34(1) of the Act and subsection (2), the College may disclose the information collected under subsection (1)

- (a) with the consent of the regulated member whose information it is, or
- (b) in a summarized or statistical form so that it is not possible to relate the information to any particular identifiable person.

Section 119 information

32 The periods of time during which the College is to provide information under section 119(4) of the Act are as follows:

- (a) information referred to in section 33(3) of the Act entered in a register with respect to a regulated member, while the member is registered as a regulated member of the College and for 2 years after ceasing to be registered except for the information referred to in section 33(3)(h) of the Act;
- (b) information referred to in section 119(1) of the Act respecting
 - (i) the suspension of a regulated member's practice permit, while the suspension is in effect and for 5 years after the period of suspension has expired,
 - (ii) the cancellation of a regulated member's practice permit, for 5 years after the cancellation,
 - (iii) the conditions imposed on a regulated member's practice permit, while the conditions are in effect,
 - (iv) the directions made that a regulated member cease providing professional services, while the directions are in effect, and
 - (v) the imposition of a reprimand or fine under Part 4 of the Act, for 5 years after the imposition of the reprimand or fine;
- (c) information as to whether a hearing is scheduled to be held under Part 4 of the Act with respect to a named regulated member, until the hearing is concluded;
- (d) information respecting
 - (i) whether a hearing has been held under Part 4 of the Act with respect to a named regulated member, for 5 years from the date the hearing is concluded, and
 - (ii) a decision and a record of the hearing referred to in section 85(3) of the Act of a hearing held under Part 4 of the Act, for 5 years after the date the hearing tribunal of the College rendered its decision.

Transitional Provision, Repeals and Coming into Force

Transitional provision

33 On the coming into force of this Regulation, a person described in section 6 of Schedule 16 to the Act is deemed to be registered on the regulated members register in the category that the Registrar considers appropriate.

Repeals

34(1) The *By-laws of the Alberta Guild of Ophthalmic Dispensers* (AR 572/65) are repealed.

(2) The *Ophthalmic Dispensing Regulation* (AR 69/86) is repealed.

Coming into force

35 This Regulation comes into force on the coming into force of Schedule 16 to the *Health Professions Act*.