

Continuing Education Series

Code of Conduct

Module 1

To begin:

Download and print the file called Answer Sheets for the Exercises for the Code of Conduct Course Module 1.

Use the sheets provided to answer the questions posed in the module.

Fax or Mail the answer sheets to the office

Follow the instructions given at the end of this module.

Be sure to record your name and License number

Good Luck!

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Chapter 1: Introduction to Jurisprudence for Opticians

1.1 Introduction

Opticians are health professionals that have been given the right to become self-regulating under the terms of the *Health Professions Act*. The Act requires the Alberta Opticians Association/ College of Opticians of Alberta to construct a Code of Conduct that will govern the relationships among opticians, their customers/patients, other health professionals, and the general public. The Code of Conduct for opticians has three elements:

- a **Code of Ethics** that governs standards of personal and professional behaviour
- a **Practice Statement** that defines the scope of practice, and governs what opticians do
- **Standards of Practice** that defines how well opticians are expected to perform their duties

Most opticians will have little difficulty in following the requirements of the Code of Conduct, but without detailed knowledge of the demands of the Code, it is possible to accidentally contravene elements of the Code.

The Alberta Opticians' Association is setting up these modules so that licensed and student opticians can see the Code and understand the aspects of the Code. It is very expensive and very stressful for the optician being investigated and for the College to have a large number of discipline hearings; the knowledge gained after taking these modules will serve to increase member professionalism and to prevent accidental contraventions of the Code.

The process of understanding professional conduct, the code of ethics, a practice statement and the standards of practice require some study as the process can appear to follow the basic context of the Golden Rule i.e. "Do unto others as you would have them do unto you" but specifics of professional conduct, principles, codes and standards can appear at time to be complicated. Keeping the Golden Rule in mind at all times will ultimately lead you to the best understanding of each of these guidelines.

1.2 Structure of the Module

The module is arranged in six chapters, of which this introduction is Chapter 1.

Chapter 2 introduces the concept of a code of conduct as they are reflected by decisions of a Hearing Tribunal of the College of Opticians of Alberta, and then explores the Code of Ethics for the optician. There are short exercises included in the chapter, so that the optician can apply knowledge of ethical principles to situations that he/she is likely to meet in his/her professional practice. These exercises introduce the optician to situational decision-making, where there is often no absolute right answer.

Chapter 3 extends this concept, and relates cultural issues to the general principles involved in the code of ethics. It also introduces the process of discipline, where the College can impose sanctions for serious breaches of the Code of Ethics.

Chapter 4 introduces the concept of a scope of practice, and then explores the Practice Statement for the optician. There are short exercises included in the chapter, so that the optician can apply knowledge of the optician's scope of practice to situations that he/she is likely to meet in his/her professional practice.

Chapter 5 introduces the concept of performance standards, and then explores the Standards of Practice for the optician. There are short exercises included in the chapter, so that the optician can apply knowledge of the optician's standards of performance to situations that he/she is likely to meet in his/her professional practice.

Chapter 6 shows two case studies that illustrate aspects covered in the previous chapters. Exercises are attached to each of the two case studies.

When you have completed the exercises on the forms provided please submit your answers by fax or mail to the office. Include a cheque, money order or credit card information for \$75.00 and you will be set up to perform an online test. We will send you answers to the exercises that others have written so that you can compare your answers. We hope that this will give you an idea of how your colleagues view the questions and give you something to ponder. You will also be sent log in information to take the test.

Once that is complete continuing education credits will be applied to your file and you will be sent a certificate for completing the first level of the mandatory four levels of the Code of Conduct Course. This course must be completed over the next five years. Get a head start by sending it in as soon as possible.

Chapter 2: Codes of Conduct

2.1 Definitions

A **self-regulating profession** is any calling that is characterized by the following common goals, practices and membership qualifications:

1. Members have a well-defined scope of practice, whereby members have the right to practice certain skilled aspects of the profession.
2. Members refrain from providing services that are outside the profession's practice statement.
3. Members have entry level standards of academic and professional training to obtain membership in the profession, and must maintain and improve this training to retain membership in the profession.
4. Members perform their practice to the best of their ability, and guarantee a minimum level of competence in all their professional services.
5. Members' personal conduct in their professional practice must be fair and honourable, whether dealing with clients, the general public, colleagues, supervisors or people being supervised.
6. Members, through their regulatory body, advise members of their professional obligations and, in cases of breaches, counsel and discipline offending members.

A **regulated profession** is a profession whose code of conduct and scope of practice is incorporated into an Act of a legislature.

A **principles-based code** is a code that is relatively short, and consists of basic principles. Specific behaviours are judged against the general and specific principles found in the code, and are judged to be either consistent with the code, or inconsistent with the code. These principles-based codes are reflected by the Professional Conduct section of the Health Profession Act.

A **rules-based code** is a code, usually fairly lengthy, listing detailed provisions of allowed and disallowed acts, and allowed and disallowed procedures. Specific behaviours are judged by comparing the behaviour to the list of allowed and disallowed behaviours. If the specific behaviour is not included in either list, then the list has to be amended to reflect the views of the profession on the specific behaviour.

2.2 Principles-based codes

The ultimate principles-based code would be the Golden Rule: Do unto others as you would have them do unto you. This rule is the foundation of the ethical codes of the major religions of the world, and to the ethical codes of most people who do not formally practice any particular religion. No profession has a code that is this short. However, many professions have the parts of their codes dealing with personal conduct written in terms of a few basic principles. The professional conduct of opticians can be exemplified by the Professional Conduct section of the Health Professions Act under “Orders of tribunal”. These orders are the principles by which optician’s unprofessional conduct may be sanctioned by the College of Opticians of Alberta.

The definitions of unprofessional conduct in the Health Professions Act of Alberta identify what unprofessional conduct of all health professions in the province including Optometrists and Physicians and Surgeons (Ophthalmologists) implies. In other words every health profession in Alberta is held to the same standard of professional conduct.

Interpretation

1(1) In this Act,

- (pp) “unprofessional conduct” means any or all of the following, whether or not it is disgraceful or dishonourable:
- (i) displaying a lack of knowledge of or lack of skill or judgment in the provision of professional services;
 - (ii) contravention of this Act, a code of ethics or standards of practice;
 - (iii) contravention of another enactment that applies to the profession;
 - (iv) representing or holding out that a person was a regulated member and in good standing while the person’s registration or practice permit was suspended or cancelled;
 - (v) representing or holding out that person’s registration or practice permit is not subject to conditions when it is or misrepresenting the conditions;
 - (vi) failure or refusal
 - (A) to comply with the requirements of the continuing competence program, or
 - (B) to co-operate with a competence committee or a person appointed under section 11 undertaking a practice visit;
 - (vii) failure or refusal
 - (A) to comply with an agreement that is part of a ratified settlement,
 - (B) to comply with a request of or co-operate with an investigator,
 - (C) to undergo an examination under section 118, or
 - (D) to comply with a notice to attend or a notice to produce under Part 4;
 - (viii) contravening an order under Part 4, conditions imposed on a practice permit or a direction under section 118(4);

- (ix) carrying on the practice of the regulated profession with a person who is contravening section 98 or an order under Part 4 or conditions imposed on a practice permit or a direction under section 118(4);
- (x) carrying on the practice of the regulated profession of physicians, surgeons, osteopaths, dentists, chiropractors or optometrists on behalf of a corporation that does not meet the requirements of sections 104 to 115 or as a partner of a partnership that does not meet the requirements of section 98(3);
- (xi) carrying on the practice of the regulated profession of physical therapists on behalf of a corporation that does not meet the requirements of Schedule 20;
- (xii) conduct that harms the integrity of the regulated profession;

Please See Appdenices 1 and 2 for additional information about the Alberta Teachers Association Code of Professional Conduct and the Royal Institute of British Architects to provide a different perspective on professional conduct.

Exercise 2.1

Think of three examples of unprofessional conduct in the practice of opticianry, and match the example of unprofessional conduct to the definition from section (pp) of the Health Profession Act that has been violated.

Exercise 2.2

Give three examples of unprofessional conduct in the conduct of opticians, with the first example that involves a violation of one of the three basic principles of integrity, competence and relationships; with the second example that involves the suspension of practice for a stated period of time or under the supervision of another optician; and with the third example that requires the member to undertake counseling or be enrolled in a treatment program.

2.3 The Code of Ethics for Alberta Opticians

For opticians in Alberta, the standards of professional conduct are summarized in the Code of Ethics

These are as follows:

It shall be the IDEAL, the RESOLVE and the DUTY of each Optician to act in accordance with the following principles:

1. To keep the welfare of my customer / patient uppermost at all times, and shall continuously enhance my educational and technical proficiency in order that my customers / patients might receive the benefits of all acknowledged improvements in ophthalmic care.
2. To render my services to all my customers / patients with equal diligence, respect and without discrimination.
3. To hold in strict confidence all information acquired in the course of the professional relationship with my customer / patient, and shall not divulge any such information unless expressly authorized by my customer / patient, or by law.
4. To assist in maintaining the integrity of the profession, shall contribute to, and participate in its activities. I shall encourage and support the education of all individuals in the profession.
5. To foster good relationships among members of the ophthalmic professions, in order to facilitate inter-professional relationships and referrals for the benefit of my customer / patient.
6. To be professionally responsible for all services rendered by me and those under my supervision.
7. To practice within limitations of my level of competence irrespective of authorization under the Health Professions Act.
8. To be diligent in application of the standards of infection prevention and control.

Principle 1 of the Code of Ethics

To keep the welfare of my customer / patient uppermost at all times, and shall continuously enhance my educational and technical proficiency in order that my customers / patients might receive the benefits of all acknowledged improvements in ophthalmic care.

Here it is the welfare of the customer/patient that must be kept uppermost, so if there is a conflict between what the customer/patient wants and his/her welfare, the optician must explain both sides of the conflict to the patient, so that the patient can, in collaboration with the optician, make an informed decision that is in the patient's best interest.

Customers/patients must receive the benefits of acknowledged improvements in ophthalmic care, so that the optician must be sufficiently current in his/her knowledge to accept acknowledged improvements and to reject innovations of no proven value.

Exercise 2.3

Reflect on your own experience, either as a practicing optician or as a student optician, where you had to consider Principle 1 of the Code of Ethics before making a particular decision. State the situation, the decision you made, why you made that decision, and how Principle 1 influenced the decision you made.

Principle 2 of the Code of Ethics

To render my services to all my customers / patients with equal diligence, respect and without discrimination

This principle is in keeping with most of Alberta's anti-discrimination legislation; however, it does not have the detailed grounds of discrimination mentioned in Clause 1 of the teaching profession's *Standards of Professional Conduct*, but opticians would be advised to read into Principle 2 the list of grounds stated in Clause 1 of the teaching profession's *Code of Professional Conduct*. See below:

1 The teacher teaches in a manner that respects the dignity and rights of all persons without prejudice as to race, religious beliefs, colour, gender, sexual orientation, gender identity, physical characteristics, disability, marital status, family status, age, ancestry, place of origin, place of residence, socioeconomic background or linguistic background.

Exercise 2.4

Reflect on your own experience, either as a practicing optician or as a student optician, where you had to consider Principle 2 of the Code of Ethics before making a particular decision. State the situation, the decision you made, why you made that decision, and how Principle 2 influenced the decision you made.

Exercise 2.5

Should the forbidden grounds of discrimination be explicitly included in Principle 2? Justify why these grounds should or should not be included.

Principle 3 of the Code of Ethics

To hold in strict confidence all information acquired in the course of the professional relationship with my customer / patient, and shall not divulge any such information unless expressly authorized by my customer / patient, or by law.

This principle of confidentiality applies to all information acquired, whether it is the professional information contained in the medical records and previous prescriptions or it is personal information acquired in the general small talk that accompanies a visit to the optician. In most cases, this duty of confidentiality is fairly obvious, but there are some cases where the decision is more difficult. One of them relates to information given to the optician by a minor, and whether the optician can share this information with the minor's parent or guardian. Another relates to the sharing of patient information with a more experienced colleague so as to reach the best solution to a difficult or unusual problem.

Exercise 2.6

Reflect on your own experience, either as a practicing optician or as a student optician, where you had to consider Principle 3 of the Code of Ethics before making a particular decision. State the situation, the decision you made, why you made that decision, and how Principle 3 influenced the decision you made.

Principle 4 of the Code of Ethics

To assist in maintaining the integrity of the profession, shall contribute to, and participate in its activities. I shall encourage and support the education of all individuals in the profession.

This principle brings into question the relationships between the individual member and his/her membership in the Alberta Opticians Association/ College of Opticians of Alberta and between his/her membership and the training and continuing education programs offered by Alberta Advanced Education, the Northern Alberta Institute of Technology, and the College of Opticians of Alberta.

Exercise 2.7

Reflect on your own experience, either in terms of service to the College of Opticians of Alberta or in terms of fulfilling continuing education requirements, where you had to consider Principle 4 of the Code of Ethics before making a particular decision. State the situation, the decision you made, why you made that decision, and how Principle 4 influenced the decision you made.

Principle 5 of the Code of Ethics

To foster good relationships among members of the ophthalmic professions, in order to facilitate inter-professional relationships and referrals for the benefit of my customer / patient.

This requirement is complex, as there needs to be a balance among the needs of ophthalmologists (who ultimately have to answer to the College of Physicians and Surgeons), optometrists (who have primary responsibilities towards the measurements of optical defects and the construction of optical prescriptions) and opticians (whose members' primary responsibilities are the construction and supply of optical devices to satisfy the requirements of optical prescriptions supplied by other professionals).

If an optician feels that a prescription is wrong, and is inappropriate for the needs of his/her patient, what does he/she do? Principle 5 suggests that he/she take no action, but Principle 1 seems to indicate that the optician at least discuss with the other professional how the prescription be dispensed.

Exercise 2.8

Reflect on your own experience, either as a practicing optician or as a student optician, where you had to consider Principle 5 of the Code of Ethics before making a particular decision. State the situation, the decision you made, why you made that decision, and how Principle 5 influenced the decision you made.

Principle 6 of the Code of Ethics

To be professionally responsible for all services rendered by me and those under my supervision

This requirement is easy to perform for a solo practitioner, but more difficult in a corporate environment. When the optician has a client that is definitely assigned to him/her, then he/she is responsible, even when some of the duties are transferred either to a student optician or to a staff member who is neither a fully-qualified optician nor a student optician. If the optician supervises other opticians, any performance appraisal should be carried out in such a way that is consistent with Principles 4, 5, and 7.

Exercise 2.9

Reflect on your own experience, either as a practicing optician or as a student optician, where you had to consider Principle 6 of the Code of Ethics before making a particular decision. State the situation, the decision you made, why you made that decision, and how Principle 6 influenced the decision you made.

Principle 7 of the Code of Ethics

To practice within limitations of my level of competence irrespective of authorization under the Health Professions Act.

Authorizations under the Health Professions Act cover the dispensing and fitting of prescriptions for glasses, dispensing and fitting of prescriptions for contact lenses, and the carrying out of simple remote refractions. Each one of these three requires specific training and certification. However, it is possible that an optician, though qualified to carry out certain practices, may have limitations that prevent him/her from doing an effective job. In such cases, there is a responsibility to refer such cases to a colleague who is more able to take on that case.

Exercise 2.10

Reflect on your own experience, either as a practicing optician or as a student optician, where you had to consider Principle 7 of the Code of Ethics before making a particular decision. State the situation, the decision you made, why you made that decision, and how Principle 7 influenced the decision you made.

Principle 8 of the Code of Ethics

To be diligent in application of the standards of infection prevention and control

This is recognition that opticians form a health profession, requiring a fuller knowledge of infection prevention and control than would be needed for other areas in the retail practice. The questions of infection prevention and control are first stated in terms of a principle (Principle 8), and then amplified as a comprehensive set of rules in the *Standards of Practice*. As further knowledge of infections is discovered, it is likely that the entries in the *Standards of Practice* would be changed, but the general principle would remain constant.

Exercise 2.11

Consider the question of infection prevention and control and give an example where it might affect how you practice in various settings. Justify your decision with reference to Principle 8 of the Code of Ethics.

One question might be:

Should optical departments in large stores (whether department stores or big-box stores) have their own staff bathroom facilities, or can optical department staff use the general staff bathrooms?

Another might be:

Should the disinfection of tools and equipment be left to the newest staff member?

Chapter 3: Ethics, Culture and Discipline

3.1 Ethics and Culture

Canada is a multicultural society, especially in the larger centers. Different cultures have different standards, especially in terms of religious, authority, and gender roles. These different standards can be allowed for, but only in a limited way, as Principle 2 of the Code of Ethics requires all opticians to “render services to all my customers/patients with equal diligence, respect, and without discrimination”. Principle 7, recognizing personal limitations of competence, cannot be used to justify discrimination by saying: “I can’t treat this patient because I am uncomfortable treating female patients, and cannot treat them competently.”

As an example, it is ethical for an optician to choose not to work on his/her day of worship, whether it is a Friday, a Saturday or a Sunday, so long as his/her employer agrees; however it would not be ethical to refuse service to a patient on any religious ground. Symbols of religion, such as crosses or turbans, could be worn; however it would be unethical to attempt to convert a patient from one religion to another, or to bring up the subject of religion in conversations with patients.

3.2 Ethics, Standards and Discipline

When any of the principles in the Code of Ethics are broken, the College of Opticians of Alberta is obliged to take appropriate action to uphold the honour of the profession.

Most cases are accidental, and arise from the optician not understanding the precise obligations and responsibilities that opticians must adhere to. Examples might be that of an optician not signing and dating entries into patient files, or having a student optician make and sign entries into a patient file. These cases are often resolved on the spot by an optician’s colleague reminding the optician of the error made. Sometimes all it takes is a letter from the College reminding the member of his/her professional obligations. Behaviours are then changed, and the matter is then concluded.

The next step occurs when a simple letter is not enough. Sometimes the member does not believe that the conduct was contrary to the opticians’ code of conduct. In these cases, other members of the College would interview the member, explain how his/her conduct is against the regulations, give the member an opportunity to reply, and then come to some agreement that would resolve the problem. Some of these cases are the result of cultural misunderstandings, especially on matters of religious and gender roles, or on dispensary hygiene standards. An interview is often enough to resolve these matters.

The next step occurs when the member honestly believes that his/her conduct is acceptable, and no agreement is possible to resolve the situation by mutual consent. In these cases, the College may recommend that the member take certain corrective actions (such as a remedial course, or sensitivity training, or additional supervision of the members’ practice) in order to resolve the problem.

The previous three cases were treated as problems that needed resolution; however, there are some cases where the behaviour is treated as being worthy of sanction, both to punish the

member and to deter other members from similar behaviour. Examples might be the altering of prescriptions in a patient's file, or using confidential information in the patient's file for private gain. Here there is a formal discipline process, and the Hearing Tribunal of the College has the power to hold hearings to determine guilt or innocence. In cases where the member is guilty, the Hearing Tribunal of the College has the authority to impose sanctions on a member. These sanctions range from reprimands and fines to license suspensions and revocations.

Hearing Tribunals are very expensive and stressful, as both the Association and the member may require legal assistance to conduct a fair hearing. Members of the Hearing Tribunal, whether practicing opticians or lay members appointed by Alberta Health and Wellness, must hear all the evidence, call, examine and cross-examine witnesses, and come to a verdict that is consistent with the facts and the law surrounding the case.

Chapter 4: The Practice Statement for Alberta Opticians

4.1 Practice Statements and the Health Professions Act

For opticians in Alberta, the proposed practice statement is taken from the *Health Professions Act*. The statement is as follows:

In their practice, opticians do **one or more** of the following:

1. based on an optical prescription, design, supply, prepare, adjust and dispense optical appliances and prostheses, including corrective lenses,
2. promote eye health and the correct use of optical appliances and prostheses through education of consumers and regulated members,
3. perform refractions and identify the need for corrective lenses,
4. conduct or collaborate in optical related research,
5. when providing professional services referred to in this section, conduct assessments and make referrals where appropriate,
6. perform restricted activities authorized by the regulations.

From this list, it can be seen that opticians are not required to carry out all six components of the Practice Statement; generally, most opticians will carry out Components 1, 2, 5 and 6 on a regular basis. Component 3 is completely optional for opticians, and requires additional theoretical and practical training in the carrying out of refractions. Component 4 will generally apply only to those opticians with an affiliation to a university, an institute of technology, or to a teaching hospital.

4.2 Components of the Practice Statement

Component 1 of the Practice Statement

Based on an optical prescription, design, supply, prepare, adjust and dispense optical appliances and prostheses, including corrective lenses

This shows that opticians are responsible for the full process, from receipt of prescription to the final sale of the selected corrective lenses (either eyeglasses or contact lenses). It is unlikely that a single optician would be responsible for the whole process, as the optical industry has specialized, with some establishments focussing on laboratory work, and others in the retailing of frames to fit the prescribed lenses. The initial training of opticians involves all parts of Component 1, but opticians will generally tend to specialize. As a result, opticians have to be aware of Principle 7 of the Code of Ethics, and be aware of their limitations when asked to do optical work outside their specialization. As one example, this would certainly apply to the dispensing of low vision aids when an optician's main specialization is the retail sale of eyeglasses.

Component 2 of the Practice Statement

Promote eye health and the correct use of optical appliances and prostheses through education of consumers and regulated members

When a customer/patient is supplied with eyeglasses or with contact lenses, the optician's work is not over. The customer/patient will experience different sensations from the new prescription, and it is part of the optician's duty to explain what the customer/patient can expect. It is also necessary to make any adjustments, and to offer advice when and if the customer/patient should come back to the optician. The most time consuming cases are the first-time users of multifocal prescriptions, and the first-time user of contact lenses; in these cases, professional standards require that the optician spend time with the customer/patient to maximize the probability of a successful supply of the appliance. There is also a requirement to share health promotion concepts with patients and with colleagues, either in daily practice or in continuing education seminars. It is required that all opticians be vigilant in performing and enforcing proper infection control procedures. This includes correcting or reporting behaviour of peers.

Component 3 of the Practice Statement

Perform refractions and identify the need for corrective lenses

The need for corrective lenses may be identified through observation, vision screening or refraction. Opticians, who choose to perform remote refractions for the purpose of producing a prescription, are required to take additional training that is assigned by the authorized prescriber. In this case, opticians must be aware of Principle 7 of the Code of Ethics, and only do a refracting tests if they are authorized and comfortable doing so. Sometimes this requires that the optician refer the customer/patient to an optometrist or ophthalmologist for a problem with the remote refraction or more health related questions. The Standards of Practice indicate that referrals must be offered respectfully and in a timely manner.

Component 4 of the Practice Statement

Conduct or collaborate in optical related research.

This is specialized, and some opticians will never be involved in this type of work. If the optician is involved, there will be enhanced requirements in terms of privacy, informed consent of patients, conflict of interest, and ethical standards. Most universities and teaching hospitals will have ethics committees who approve research projects, and set down extremely formal and rigid requirements that the principal investigator must adhere to. When the research is sponsored by a commercial enterprise, the question of conflict of interest comes in, especially if payment is at a different scale if the research leads to a profitable outcome. Opticians should seek advice from the College of Opticians of Alberta if they have questions, before committing themselves to, or taking part in, any research program.

Component 5 of the Practice Statement

When providing professional services referred to in this section, conduct assessments and make referrals where appropriate.

The optician performs many types of assessments in their everyday practice. These may have to do with the suitability of a particular lens for a particular prescription or whether contact lenses are suitable for a patient. This component should be linked strongly with Principle 7 of the Code of Ethics, as opticians must assess whether they have the knowledge, equipment, and time to satisfy the requirements of the customer/patient. If the optician cannot satisfy the requirements, for any reason, a referral must be made to another provider (who may be an optician, or may be another health professional) who is more able to satisfy the customer/patient's requirements. Component 5 of the Practice Statement does not allow an optician to refuse service to a customer/patient in a discriminatory manner, serving some customers/patients directly, and referring others with the same needs to someone else. Discrimination is expressly forbidden under Principle 2 of the Code of Ethics.

Component 6 of the Practice Statement

Provide restricted activities authorized by the regulations.

The key here is the term *restricted activities*, and opticians have to perform some activities themselves, or have them performed by another licensed optician. Some activities can be performed by a student optician under supervision, while other more unrestricted activities may be performed by an unlicensed person. Even when the activities are performed by an unlicensed person, there are supervision requirements placed on the licensed optician. The list of “Restricted Activities” can be found in the Government Organization Act (GOA). The regulations and definitions of restrictive activities are always subject to change, and opticians are required to keep up to date as to what activities are restricted, and what activities are unrestricted.

Exercises 4.1 – 4.4 on the Practice Statement components

- 4.1 For your workplace, how much of the process sequence *design, supply, prepare, adjust* and *dispense* do you do directly for eyeglasses, and how much is done outside your workplace?
- 4.2 For your workplace, how much of the process sequence *design, supply, prepare, adjust* and *dispense* do you do directly for contact lenses, and how much is done outside your workplace?
- 4.3 What referrals do you commonly give, and why do you choose to make these referrals?
- 4.4 Under what circumstances do you give educational advice concerning either eyeglasses or contact lenses?

Chapter 5: The Standards of Practice

5.1 Introduction

The *Code of Ethics* defines how opticians behave in their relationships with the general public, with customers/patients, with colleagues, and with other ophthalmic professionals. All opticians must have a detailed knowledge of this, and must be able to recall any of the eight principles given in the Code.

The *Practice Statement* defines the scope of practice of licensed opticians; both in terms of what opticians can do, and in terms of opticians cannot do. Similarly, all opticians must know this, and be able to recall what is included in the Practice Statement.

Neither one, except for a small reference in Principle 1 of the Code of Ethics, deals with how well opticians are expected to perform their duties. In addition, the principles-based Code of Ethics must be supplemented by rules-based directives when dealing with the requirements for customer/patient privacy and confidentiality, or with the requirements for infection control.

The **Standards of Practice** provide these rules-based directives on key issues affecting the profession; they are exhaustive and detailed. Opticians must know what is in the Standards of Practice, and be able to look up relevant information in the appropriate section of the Standards of Practice. The Standards of Practice are arranged by number, as found in the Table of Contents

5.2 What is in the Standards of Practice?

Introduction	Page 3
Practice Statement	Page 5
Standard 1 Each Registered Optician is responsible for ensuring that they maintain appropriate levels of professional competence.	Page 6
Standard 2 Each Registered Optician is responsible to practice at all times within their competence limitations	Page 6
Standard 3 Each Registered Optician is responsible for ensuring that their place of employment has available for their use appropriate facilities, tools and equipment to allow them to comply with the standards of practice.	Page 7
Standard 4 Each Registered Optician is responsible for ensuring that their place of employment is a clean and safe environment.	Page 9
Standard 5 Each Registered Optician is responsible for ensuring that they comply with appropriate Privacy Legislation.	Page 9
Standard 6 Each Registered Optician will recognize limitations in expertise or	Page 12

scope and therefore the need for referral.	
Standard 7 Each Registered Optician who is a practicum supervisor is responsible all activities carried out by a student under their supervision.	Page 13
Standard 8 Each Registered Optician is responsible for complying with the code of ethics	Page 14
Standard 9 Each Registered Optician is responsible for ensuring that all standard tolerances are met for the accuracy of ophthalmic appliances	Page 14
Standard 10 Each Optician is Responsible for ensuring proper laws are adhered to where they are employed.	Page 15

These sections of the Standards of Practice can be put into four main areas: the running of a dispensary, the fitting and refitting requirements for filling prescriptions, the control of infection, and the issues associated with confidentiality, privacy, and record keeping.

5.3 The Running of a Dispensary

The running of a dispensary is considered a shared responsibility between the owner/manager of the dispensary and the licensed opticians working in the dispensary. In the standards there is a list of the tools and instruments that must be on the premises at all times that prescriptions for eyeglasses and contact lenses are being dispensed, together with requirements for the lighting, mirrors and sanitation. These will be provided by the owner/manager, but the licensed optician is responsible for keeping the tools and instruments in good working condition. This is outlined in Standards three and four.

There are the restrictions on staffing the dispensary; these restrictions are concerned with the duties of licensed opticians, student opticians, and unregulated staff. A careful distinction is made between the direct supervision of a student and on-site supervision of a student. Licensed opticians have to use their professional judgment as to the amount of supervision a student needs, bearing in mind that the licensed optician is ultimately responsible for the quality of the service being provided to the customer/patient. These are outlined in standards seven and ten.

Licensed opticians have three individual responsibilities by statute: they must maintain membership with the College of Opticians of Alberta, must carry sufficient errors and omissions insurance, and must sign any insurance and third-party payment forms on behalf of their customers/patients. These responsibilities cannot be delegated to anyone else.

Problems involved with the running of a dispensary are rarely likely to lead to ethics or discipline charges against an optician; it is more likely that these problems would lead to peer review or practice review. After a period of practice review and refresher training, the licensed optician will be able to run his/her dispensary to the standards incorporated in the *Standards of Practice*. The only occasions where ethics charges could result is when duties (especially the signing of prescriptions, insurance forms and third-party assignments) are unreasonably delegated to a student optician or to an unregulated staff member.

Exercise 5.1

You are responsible for making up the schedule for an optical department that must be open for 10 hours a day, 6 days a week, and for 7 hours on Sunday. Both eyeglass and contact lens prescriptions are filled from your dispensary. Some of your opticians are qualified to dispense eyeglass and contact lens prescriptions, while others are only qualified to dispense eyeglass prescriptions.

Explain how the Standards of Practice influence how you make up the schedule.

5.4 Fitting and Refitting Requirements of Filling Prescriptions

In Standard 5 there is a list of the nine tasks required in filling a prescription, whether for eyeglasses or for contact lenses, together with the four tasks required to be completed before a prescription can be considered as being fully dispensed. These 13 requirements indicate **what** should be done by a professional optician; they do not indicate fully **how well** they should be done. These requirements of how well are to be found in tolerance charts that are available for prescription eyeglasses, and for different types of contact lenses. These may be found posted on the website of the College of Opticians of Alberta. This requirement is laid out in Standard 9. It is likely that the tasks would remain constant, but changes in technology mean that the tolerances, testing procedures and inspection procedures are likely to change many times over the length of an optician's career. Opticians should always look up the current tolerances and procedures, and not rely on memory, or the tolerances learnt during their initial training.

These requirements are competence requirements that licensed opticians have to satisfy at all times in their practices. Problems here are problems of competence, not problems that lead to ethics charges and to discipline hearings.

Exercise 5.2

A patient comes in, expressing disappointment with the success of his new eyeglass prescription. What would you do to verify the prescription? What difference would it make if the prescription was not from your dispensary?

5.5 The Control of Infection

The safety of the patient is uppermost in the mind of the competent optician at all times. This safety should include lay out of the office and being mindful of physical hazards. It also includes the more illusive control of the spread of infectious diseases. Infections can be transmitted through the air, through the exchange of fluids, and through contact. Dispensers of ophthalmic appliances are at risk for picking up viral and bacterial infections from optical instruments and from their customers/patients. They are also at risk for transmitting infections from themselves to their customers/patients and the instruments they use in dispensing prescriptions, especially in the adjusting and fitting processes, where optician and customer/patient are in close physical

content. This is especially but not exclusively an issue when dealing with contact lenses. This requirement is laid out in Standard 4

On the website of the Alberta Opticians Association/College of Opticians of Alberta there is a detailed discussion of infection control, ranging from risk management protocols, immunization requirements, hand washing requirements, cleaning, disinfecting and sterilization requirements for instruments and equipment, and finally discussing influenza and respiratory infections. This information has been developed after the outbreaks of HIV/AIDS and SARS, where health-care providers often became very ill or even died as a result of acquiring infections in the course of their professional practice. These workers may also have been responsible for transmitting some of the infections from one patient to another. The basic balancing act is between being accessible to the customer/patient, maintaining full manual dexterity, and providing a barrier to the transmission of viruses and bacteria.

Exercise 5.3

Under what circumstances would you wear either a mask or gloves when fitting a prescription? List one situation where gloves are an advantage and one situation where they are a disadvantage.

What hazards might an optician look for to ensure safety in their office?

5.6 Issues Associated with Confidentiality, Privacy, and Record Keeping

Opticians must maintain all patient files for a period of seven years from the last visit. There are minimum requirements on what should be included in the patient file, and these are to be found in Standard 5. These files have to be kept in a secure place, such as a locked filing cabinet, and not left open for others to view. Files being disposed of must be shredded if there is any personal information included on them.

In addition Alberta's *Freedom of Information and Protection of Privacy Act* sets regulations on what information can be collected, what consents are required from the customer/patient, how long information can be stored, and the ownership of personal information. The file and the lens specifications belong to the patient. You are merely a custodian of that information. That means the RX from the Doctor, the measurements you take in your office, your clinical observations and the final specifications for the eyeglasses and or contact lenses.

Patient records are like most medical charts in that they have to be filled in at the same time as the service is provided, must be signed and dated by the licensed optician, and cannot be altered. If data has to be changed in a patient file, the original data must be retained, with a notation that the new data is as shown, with the reason for the change being added to the file.

Notes from other professionals, such as the original prescription provided by an optometrist, must be incorporated as given to the optician, and should never be altered or questioned without informing the other professional and discussing any proposed changes with him/her. It is

considered a very serious breach of ethics to alter a record, especially a record provided by another health professional.

Exercise 5.4

A 7-year-old comes in with a prescription for eyeglasses. Does the optician need the consent of the parent or guardian before starting to dispense the prescription? What changes would you make to your procedure if the patient were 16 years old?

Chapter 6: Case Studies

These two case studies are hypothetical examples, but are based on situations that could happen in an optical practice.

Case 1

The optician was moving his files to a new office after 20 years at the same location. He moved the files of all his current patients, but threw the files for his past patients into the recycling without shredding them. These files contained personal identifying information. A former patient recognized his name on one of the files and complained about the optician's practice.

Discussion of Case 1:

This case could be considered as:

- a breach of Principle 3 of the Code of Ethics, not holding the patient record in strict confidence
- a breach of the Standards of Practice with regards to record keeping
- a breach of provincial privacy legislation

Given the circumstances, it is certain that this action was a breach of all three pieces of legislation. The one we will deal with here is the Standards of Practice with regards to record keeping, as the Standards require any file information to be shredded if there is personal identifying information included in the file. In addition, if the patient had been seen at any time in the last seven years, then the file information could not be disposed of, and would have to be moved to the optician's new location or put into retrievable storage.

Exercises on Case 1

1. Explain why the optician is unlikely to be convicted of a breach of Principle 3 of the Code of Ethics in this case.
2. The College would probably conduct a Practice Review to monitor the optician's record keeping in his new location. Explain the advantages of conducting this Practice Review, rather than imposing a fine or a suspension.

Case 2

A patient complained that her new pair of glasses was uncomfortable to wear, and that her old ones were more comfortable. The optician examined the two prescriptions, noted that the new prescription was very different, and remarked to the patient that her optometrist had given her a faulty prescription. The patient went back to her optometrist, telling her what the optician had said. The optometrist complained to the College of Opticians of Alberta, citing unprofessional conduct.

Discussion of Case 2:

This case could be considered as:

- a breach of Principle 5 of the Code of Ethics, not fostering good relationships among members of the ophthalmic professions, and not benefitting the patient

The optician could tell the patient that the two prescriptions were different, since they were the patient's prescription. However, the optician could not make a judgment as to the accuracy of the prescription; all he should have done was to ensure that he had filled the prescription accurately. If the prescription had been filled accurately, then he should have talked to the optometrist, to clarify the prescription. Instead, he denigrated the optometrist's reputation in the eyes of her patient. These actions are likely to result in a conviction under Principle 5 of the Code of Ethics.

Exercises on Case 2

1. Explain why the optician is more likely to receive a fine or a suspension for this offence, rather than a direction to take a remedial course.
2. Should the optician be directed to write a formal apology to the optometrist and to the patient? Justify your decision.

Congratulations!

You have completed the first Module of the mandatory four module series in the Code of Conduct Course.

Now you must send your answer sheets to the office by fax or mail.

Include a cheque, money order or credit card information for \$75.00.

You will receive back

- A list of possible answers for the exercises to allow you the opportunity to compare your answers to others of your colleagues.
- A tax receipt for the mandatory continuing education
- A log in number for the required test

Once that is complete you will be awarded 5 EC continuing education credits and a Certificate of Completion.

APPENDIX 1



The Alberta Teachers' Association

CODE OF PROFESSIONAL CONDUCT

The Code of Professional Conduct stipulates minimum standards of professional conduct of teachers but is not an exhaustive list of such standards. Unless exempted by legislation, any member of The Alberta Teachers' Association who is alleged to have violated the standards of the profession, including the provisions of the Code, may be subject to a charge of unprofessional conduct under the bylaws of the Association.

In relation to pupils

1 The teacher teaches in a manner that respects the dignity and rights of all persons without prejudice as to race, religious beliefs, colour, gender, sexual orientation, gender identity, physical characteristics, disability, marital status, family status, age, ancestry, place of origin, place of residence, socioeconomic background or linguistic background.

2 (1) The teacher is responsible for diagnosing educational needs, prescribing and implementing instructional programs and evaluating progress of pupils.

(2) The teacher may not delegate these responsibilities to any person who is not a teacher.

3 The teacher may delegate specific and limited aspects of instructional activity to noncertificated personnel, provided that the teacher supervises and directs such activity.

4 The teacher treats pupils with dignity and respect and is considerate of their circumstances.

5 The teacher may not divulge information about a pupil received in confidence or in the course of professional duties except as required by law or where, in the judgment of the teacher, to do so is in the best interest of the pupil.

6 The teacher may not accept pay for tutoring a pupil in any subjects in which the teacher is responsible for giving classroom instruction to that pupil.

7 The teacher may not take advantage of a professional position to profit from the sale of goods or services to or for pupils in the teacher's charge.

In relation to school authorities

8 The teacher protests the assignment of duties for which the teacher is not qualified or conditions which make it difficult to render professional service.

9 The teacher fulfills contractual obligations to the employer until released by mutual consent or according to law.

10 The teacher provides as much notice as possible of a decision to terminate employment.

In relation to colleagues

11 The teacher adheres to agreements negotiated on the teacher's behalf by the Association.

12 The teacher does not undermine the confidence of pupils in other teachers.

13 The teacher criticizes the professional competence or professional reputation of another teacher only in confidence to proper officials and after the other teacher has been informed of the criticism, subject only to section 24 of the *Teaching Profession Act*.

14 The teacher, when making a report on the professional performance of another teacher, does so in good faith and, prior to submitting the report, provides the teacher with a copy of the report, subject only to section 24 of the *Teaching Profession Act*.

15 The teacher does not take, because of animosity or for personal advantage, any steps to secure the dismissal of another teacher.

16 The teacher recognizes the duty to protest through proper channels administrative policies and practices which the teacher cannot in conscience accept; and further recognizes that if administration by consent fails, the administrator must adopt a position of authority.

17 The teacher as an administrator provides opportunities for staff members to express their opinions and to bring forth suggestions regarding the administration of the school.

In relation to the profession

18 The teacher acts in a manner which maintains the honour and dignity of the profession.

19 The teacher does not engage in activities which adversely affect the quality of the teacher's professional service.

20 The teacher submits to the Association disputes arising from professional relationships with other teachers which cannot be resolved by personal discussion.

21 The teacher makes representations on behalf of the Association or members thereof only when authorized to do so.

22 The teacher accepts that service to the Association is a professional responsibility.

Approved by the 2004 Annual Representative Assembly pursuant to the Teaching Profession Act

Please note:

- Items 13 and 14 of the Code of Professional Conduct do not pertain to reporting to the Association on the possible unprofessional conduct of another member.
- The *Teaching Profession Act*, section 24(3), requires members to report forthwith to the executive secretary on the unprofessional conduct of another member.

APPENDIX 2

RIBA



Code of Professional Conduct

January 2005

Code of Professional Conduct

For Members of the Royal Institute of British Architects

Introduction

1. This Code and its accompanying Guidance Notes set out and explain the standards of professional conduct and practice that the Royal Institute requires of its members.
2. This Code comprises:
 - three principles of professional conduct
 - professional values that support those principles
 - Guidance Notes which explain how the principles can be upheld.

The Royal Institute's Values

Honesty, integrity and competency, as well as concern for others and for the environment, are the foundations of the Royal Institute's three principles of professional conduct set out below. All members of the Royal Institute are required to comply.

The Three Principles

Principle 1: Integrity

Members shall act with honesty and integrity at all times.

Principle 2: Competence

In the performance of their work Members shall act competently, conscientiously and responsibly. Members must be able to provide the knowledge, the ability and the financial and technical resources appropriate for their work.

Principle 3: Relationships

Members shall respect the relevant rights and interests of others.

Upholding the Principles

The notes below offer some brief guidance on how members can uphold the three principles. More detailed advice is set out in Guidance Notes to the Code, which are available separately from the Royal Institute.

1. Principle 1 – Honesty and Integrity

- 1.1 The Royal Institute expects its Members to act with impartiality, responsibility and truthfulness at all times in their professional and business activities.
- 1.2 Members should not allow themselves to be improperly influenced either by their own, or others', self-interest.
- 1.3 Members should not be a party to any statement which they know to be untrue, misleading, unfair to others or contrary to their own professional knowledge.
- 1.4 Members should avoid conflicts of interest. If a conflict arises, they should declare it to those parties affected and either remove its cause, or withdraw from that situation.
- 1.5 Members should respect confidentiality and the privacy of others.
- 1.6 Members should not offer or take bribes in connection with their professional work.

2. Principle 2 – Competence

- 2.1 Members are expected to apply high standards of skill, knowledge and care in all their work. They must also apply their informed and impartial judgment in reaching any decisions, which may require members to balance differing and sometimes opposing demands (for example, the stakeholders' interests with the community's and the project's capital costs with its overall performance).
- 2.2 Members should realistically appraise their ability to undertake and achieve any proposed work. They should also make their clients aware of the likelihood of achieving the client's requirements and aspirations. If members feel they are unable to comply, they should not quote for, or accept, the work.
- 2.3 Members should ensure that their terms of appointment, the scope of their work and the essential project requirements are clear and recorded in writing. They should explain to their clients the implications of any conditions of engagement and how their fees are to be calculated and charged. Members should maintain appropriate records throughout their engagement.

2.4 Members should keep their clients informed of the progress of a project and of the key decisions made on the client's behalf.

2.5 Members are expected to use their best endeavours to meet the client's agreed time, cost and quality requirements for the project.

3. Principle 3 – Relationships

3.1 Members should respect the beliefs and opinions of other people, recognise social diversity and treat everyone fairly. They should also have a proper concern and due regard for the effect that their work may have on its users and the local community.

3.2 Members should be aware of the environmental impact of their work.

3.3 Members are expected to comply with good employment practice and the RIBA Employment Policy, in their capacity as an employer or an employee.

3.4 Where members are engaged in any form of competition to win work or awards, they should act fairly and honestly with potential clients and competitors. Any competition process in which they are participating must be known to be reasonable, transparent and impartial. If members find this not to be the case, they should endeavour to rectify the competition process or withdraw.

3.5 Members are expected to have in place (or have access to) effective procedures for dealing promptly and appropriately with disputes or complaints.

The supporting Guidance Notes

Guidance Note	Related Principle(s)
1. Integrity, Conflicts of Interest, Confidentiality and Privacy, Corruption and Bribery	Principle 1, Principle 3
2. Competition	Principle 1, Principle 3
3. Advertising	Principle 1
4. Appointments	Principle 2
5. Insurance	Principle 2
6. CPD	Principle 2
7. Relationships	Principle 3
8. Employment and Equal Opportunities	Principle 3
9. Complaints and Dispute Resolution	Principle 3

Application of the Code

- 1. Professionalism**
The purpose of this Code is to promote professional good conduct and best practice. Members should at all times be guided by its spirit as well as its precise and express terms.
- 2. The Law**
Members must comply with all relevant legal obligations. It is not the remit of this Code to duplicate the provisions of business, employment, health and safety, environmental and discrimination law.
- 3. Amendments and Additions**
Periodically the Royal Institute will publish further guidance on specific aspects of professional practice and conduct. Members must observe such amendments and additions as they come into effect.

Other Applicable Codes

- 1. United Kingdom Codes**
Chartered Members who are also registered in the United Kingdom are subject to **The Architects' Code**, published by the **Architects Registration Board (ARB)**.
- 2. Other National Codes**
A member practising in a country outside the United Kingdom may be required to be a member of, or registered by, that country's professional or regulatory body for architects. If this is the case the Royal Institute recognises that a member's first obligation will be to comply with the rules of conduct published by the local professional or regulatory body.
- 3. Other Professions' Codes**
This Code applies to all members regardless of their fields of activity, contracts of employment or membership of other professional organisations. The Royal Institute recognises that members may participate in other professional activities and that when they do so the rules of the relevant professions' governing bodies will take precedence over this Code. Under normal circumstances the Royal Institute would take no action under this Code if the matter is also under consideration by another, more directly involved, professional body. However, such action may be considered necessary if the matter raises issues connected with a member's status as a member or an architect.

Discipline

1. **Contraventions of this Code**
Any member who contravenes this Code shall in accordance with **Byelaw 4** of the Royal Institute's Charter and Byelaws, be liable to reprimand, suspension or expulsion. The power to sanction a member for professional misconduct is exercised by the Disciplinary Committee on behalf of the Royal Institute's Council through a delegation of authority made under Byelaw 4.4.
2. **Remit**
Members' conduct outside the practice of architecture will not normally fall within the remit of this Code and the Royal Institute's Disciplinary Procedures, unless the Disciplinary Committee determines that such conduct generally offends against the honour and integrity of the profession.
3. **Judgments from External Competent Authorities**
A judgment from a competent court or tribunal against a member in his or her professional capacity as an architect may be considered sufficient evidence of a breach of this Code.
4. **Investigations**
Any member, against whom a complaint of professional misconduct has been received, may be required to answer inquiries arising under the **Disciplinary Procedure Regulations**. At the conclusion of an investigation, the Disciplinary Committee may reprimand, suspend or expel any member whose conduct is found to be in contravention of this Code or otherwise inconsistent with the status of a member.
5. **Professional Conduct Committee Judgments from the ARB**
Where a member is sanctioned by the ARB's Professional Conduct Committee, the Disciplinary Committee shall determine whether or not to impose the same, or an alternative, sanction on behalf of the Royal Institute.