



COLLEGE *of* OPTICIANS  
OF BRITISH COLUMBIA  
a B.C. Health Regulator

College of Opticians of British Columbia

College Bylaws

August 29, 2023

# **Bylaws of the College of Opticians of British Columbia under the *Health Professions Act***

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**COLLEGE OF OPTICIANS OF BRITISH COLUMBIA**

**BYLAWS**

**[Includes amendments up to January 9, 2023]**

**Definitions**

1. In these bylaws,

"Act" means the Health Professions Act;

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

"board" means the Board of the College of Opticians

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

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

"college" means the College of Opticians;

"delivery" means, with reference to a notice or other document, mail to or leave with a person, or deposit in a person's mailbox or receptacle at the person's residence or place of business, or transmit to the most recent electronic mail address provided to the college by a registrant for the purpose of delivery;

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

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

"in good standing", in respect of a registrant, means

- (a) the registrant's registration as a member of the college is not suspended under the Act;
- (b) the registrant is not in default of payment of any prescribed fees; and
- (c) no terms, limits or conditions are imposed on the practice of opticianry by the registrant under section 20, 32.2, 32.3, 33, 35, 36, 37.1, 38, 39 or 39.1 of the Act
- (d) no limits or conditions are imposed on the registrant on the practice of opticianry by another jurisdiction.

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

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

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

"sexual misconduct" by a registrant includes

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

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

## **PART 1: BOARD OF THE COLLEGE**

### **Composition of the Board**

- 2. The board consists of 6 elected board members and the appointed board members.

### **Repealed**

- 3. [Repealed 2023-08-29.]

### **Eligibility for Election**

- 4. (1) A registrant is eligible for election to the board if on the date of the election the registrant
  - (a) is engaged in the practice of opticianry, and
  - (b) is a registrant in good standing.
- (2) A registrant is not eligible to be elected under section 17(3)(a) of the Act and section 8 of the College Bylaws
  - (a) If the registrant is employed by the college or was employed by the college in the year immediately preceding election.
  - (b) The registrant is or was at any time on or after the date that is 11 months before the expiry of the applicable term of office, a director or officer of an opticianry professional association or a trade union that bargains on behalf of opticians.
- (3) An elected board member who has held office, by way of appointment or election or both, for a consecutive period of six years as a member of the board unless the term of office of the vacant office commences at least one year after the expiry of that consecutive period.

### **Notice of election**

- 5. (1) The registrar must notify every registrant eligible to vote under section 4 of an election under section 17(3)(a) of the Act by delivering notice at least 120 days prior to the expiry of the term of office.

- (2) The notice must contain information about the nomination procedure and the election procedure.
- (3) The accidental omission to deliver notice of an election to, or the non-receipt of such notice by, any person entitled to receive notice does not invalidate the election, any proceedings in relation thereto, or the results thereof.

### **Nomination procedure**

- 6. (1) Any registrant eligible to vote under section 5 may nominate for office a maximum of one registrant in good standing, who is not the subject of an investigation by the inquiry committee under section 33 of the Act or an unresolved citation issued by the registrar under section 37 of the Act, for each vacant board member position by delivering such nomination and election to the registrar, together with a letter of consent from the person nominated, at least 90 days prior to the expiry of the term of office.
- (2) A person nominated under subsection (1) must declare in writing that they will observe the provisions of the Act, the Regulation and these bylaws and the procedures related to the election and the conduct of the election.
- (3) The registrar may disqualify any nominee whose nomination or election contravenes the Act, the Regulation, or these bylaws.

### **Election procedure**

- 7. (1) At least 60 days prior to the expiry of the term of office, the registrar must prepare and deliver to each registrant eligible to vote under section 4
  - (a) an election ballot, and
  - (b) a notice of
    - (i) the time and date by which the ballot must be received by the college, and
    - (ii) the procedure for completing and delivering the ballot.
- (2) Each registrant eligible to vote under section 5 is entitled to one election ballot and may vote in favour of one candidate for each board member position to be filled in the board election.
- (3) The registrar must not count the vote of a registrant under subsection (2) unless the registrant's election ballot is cast using the procedure for completing and delivering a ballot specified in the notice under subsection (1)(b).
- (4) The person or persons receiving the most votes on the return of such valid ballots is deemed to be elected.

- (5) In the case of a tie vote, the registrar must cast one additional vote for one of the tied candidates by lottery.
- (6) In the event of any irregularity or dispute with respect to any nomination, the registrar is the sole arbitrator thereof, and their decision is final.
- (7) Where the number of nominees is less than or equal to the number of positions, the registrar will declare the nominees to be elected by acclamation.
- (8) The registrar must certify newly elected members of the board under Section 17.1(1) of the Act.

#### **Election Dates and Terms of Office**

- 8. (1) An election to the board under section 17(3)(a) of the Act will be held in December of each year in which the term of office for one or more board members comes to an end.
- (2) The term of office for an elected board member is three years, commencing on January 1 immediately following the election.
- (3) An elected board member may serve a maximum of two consecutive terms to a maximum of six years.
- (4) An elected board member may resign at any time by delivering a notice in writing to the registrar and the resignation is effective upon receipt by the registrar.
- (5) The board shall set the date for each election of the members of the board.
- (6) Despite subsections (2) and (3), the term of office for every elected board member who holds office on the date this subsection comes into force is extended by one year.

#### **Removal of elected board member**

- 9. (1) An elected board member ceases to hold office if they cease to be a registrant in good standing.
- (2) An elected board member ceases to hold office if they become an employee of the college, or a director or officer of an opticianry professional association.
- (3) An elected board member may be removed by special resolution of the board.

#### **Vacancy**

- 10. (1) Any vacancy of an elected board member may be filled by a registrant in good standing for the remainder of that member's term by an affirmative vote of at least 2/3 of the remaining board members.
- (2) If the vacancy referred to in subsection (1) occurs more than 365 days before the next scheduled board election, the board will call a by-election for appointment of an eligible registrant to fill that elected board member's position for the period of time until the next scheduled board election.

#### **Chair**

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

#### **Vice chair and acting chair**

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

#### **Board meetings**

13. (1) The board must meet at least four times in each fiscal year and must provide reasonable notice of board meetings to board members, registrants and the public.
- (2) Meetings of the board must be called by the registrar at the request of either the chair or any three board members.
- (3) Subject to subsection (4), meetings of the board must be open to registrants and to the public.
- (4) The board may exclude any person from any part of a meeting if it is satisfied that one or more of the following matters will be discussed
- (a) financial or personal or other matters of such a nature that the interest of any person affected or the public interest in avoiding public disclosure of those matters outweighs the public interest in board meetings being open to the public,
  - (b) information concerning an application by any individual for registration under section 20 of the Act, the disclosure of which would be an unreasonable invasion of the applicant's personal privacy,
  - (c) information concerning a complaint against, or an investigation of, any individual under Part 3 of the Act, the disclosure of which would be an unreasonable invasion of the individual's personal privacy,



- (d) information the disclosure of which may prejudice the interests of any person involved in
    - (i) a proceeding under the Act, including a disciplinary proceeding under Part 3 of the Act or a review under Part 4.2 of the Act, or
    - (ii) any other criminal, civil or administrative proceeding
  - (e) personnel matters,
  - (f) property acquisitions or disposals,
  - (g) the contents of examinations,
  - (h) communications with the Office of the Ombudsman,
  - (i) instructions to be given to or opinions to be received from legal counsel for the college, the board or committees, or any other matter that is subject to solicitor-client privilege,
  - (j) information that the college would be required or authorized to refuse to disclose to an applicant making a request for records under Part 2 of the *Freedom of Information and Protection of Privacy Act*, or
  - (k) information that the college is otherwise required by law to keep confidential.
- (5) If the board excludes any person from a part of a meeting, it must have its reasons for doing so noted in the minutes of the meeting.
  - (6) The registrar must ensure that minutes are taken at each meeting, retained on file for access by the registrants or members of the public and are published on the college website.
  - (7) A majority of the board constitutes a quorum.
  - (8) In the case of a tie vote the chair does not have a casting or second vote in addition to the vote to which they are entitled as a board member and the proposed resolution does not pass.
  - (9) The board may meet and conduct business:
    - (a) in person, or
    - (b) by using one or more of video conferencing, telephone conferencing, internet conferencing, or any other electronic means that allows for live, two-way communication, or
    - (c) using a combination of in-person attendance and attendance by means of communication described in paragraph (b).
  - (10) Except as otherwise provided in the Act, the Regulation, or these bylaws, the most recent edition of *Robert's Rules of Order* governs the procedures at meetings of the board.
  - (11) The accidental omission to deliver notice of a meeting to, or the non-receipt of a notice by, any

person entitled to receive notice under subsection (1) does not invalidate proceedings at that meeting.

### **Special Board Meetings**

14. (1) Despite section 13(3), the registrar or the chair may call a meeting of the board without providing notice to the registrants or the public if necessary to conduct urgent business.
- (2) A written resolution signed by the majority of board members is valid and binding and of the same effect as if such resolution had been duly passed at a meeting of the board and can be signed in counterparts and by mail, facsimile or email.

### **Committees**

15. (1) A committee member
  - (a) serves a term determined by the board not exceeding three years,
  - (b) is eligible for reappointment for a maximum of one term, and
  - (c) may be removed by a majority vote of the board.
- (2) A registrant is eligible for appointment to a committee if, on the day of the appointment, they are a registrant in good standing.
- (3) Despite subsection (1), a person who ceases to hold office as a member of a committee or, as applicable, a member of a panel of the committee, may continue to serve as a member of the committee and, and as applicable, a member of the panel to complete work of the committee or panel that began before the person ceased to hold office as a member of the committee or panel.
- (4) The board must designate a committee chair and a committee vice-chair from among the members of the committee appointed under subsection (1).
- (5) A majority of the committee constitute a quorum at a meeting of a committee.
- (7) A committee or a committee panel may meet and conduct business
  - (a) in person, or
  - (b) by using one or more of video conferencing, telephone conferencing, internet conferencing, or any other electronic means that allows for live, two-way communication, or
  - (c) using a combination of in-person attendance and attendance by means of communication described in paragraph (b).
- (6) Each committee must submit an annual report of its activities to the board.

### **Committee Panels**

16. (1) A committee or its chair may establish from time to time

- (a) the number of its members who will constitute any particular panel,
  - (b) the persons who will be members of any particular panel, one of whom must be a board member, and
  - (c) the chair of the panel.
- (2) A panel of a committee referred to in subsection (1) may perform any duty and exercise any power of that committee.

#### **Remuneration of Board and Committee Members**

- 17.
  - (1) A board member or committee member is entitled to be paid an honorarium in accordance with the policy established by the board.
  - (2) A board member or committee member is entitled to be reimbursed by the college for reasonable expenses necessarily incurred in connection with the activities of the board or committee, in accordance with the policy established by the board.
  - (3) Appointed board members and elected board members must be remunerated equally under the policies referred to in this section.
  - (4) All members of a committee must be remunerated equally under the policies referred to in this section.

#### **Registration Committee**

- 18. The registration committee consists of at least five persons appointed by the board, including at least two public representatives, one elected board member and at least two registrants in good standing

#### **Inquiry Committee**

- 19.
  - (1) The inquiry committee consists of at least five persons appointed by the board, including at least two public representatives, one elected board member and at least two registrants in good standing.
  - (2) No person may sit on the inquiry committee while a member of the discipline committee.

#### **Discipline Committee**

- 20.
  - (1) The discipline committee consists of at least five persons appointed by the board, including at least two public representatives, one elected board member and at least two registrants in good standing.
  - (2) No person may sit on the discipline committee while they are a member of the inquiry committee.
  - (3) No member of the discipline committee may participate in the hearing of a matter in which they were involved as a member of the inquiry committee.

- (4) Reasonable public notice of disciplinary hearings must be issued by the committee chair at least 14 days prior to the hearing.
- (5) The discipline committee may make an order that the public be excluded from a hearing for any of the reasons set out in subsection 14(4).

#### **Quality Assurance Committee**

- 21. The quality assurance committee consists of at least five persons appointed by the board, including at least two public representatives, one elected board member and at least two registrants in good standing.

#### **Patient Relations Committee**

- 22. The patient relations committee consists of at least five persons appointed by the board, including at least two public representatives, one elected board member and at least two registrants in good standing.

### **PART 2: COLLEGE ADMINISTRATION**

#### **Seal**

- 23. (1) A seal for the college must be approved by the board.
- (2) The seal of the college must be affixed to certificates of registration and such other documents as the board may direct by resolution.

#### **Registrar**

- 24. (1) In addition to the registrar's powers and duties under the Act, the registrar is the chief executive officer of the college, responsible to the board for all administrative and operational matters of the college, including hiring college employees or retaining other persons to assist the registrar.
- (2) The registrar is authorized to establish, by bylaw, forms for the purposes of these bylaws, and to require the use of such forms by registrants.

#### **Deputy Registrar**

- 25. (1) If a deputy registrar is appointed by the board
  - (a) the deputy registrar is directly responsible to the registrar,
  - (b) the deputy registrar is authorized to perform all duties and exercise all powers of the registrar, subject to the direction of the registrar, and
  - (c) if the registrar is absent or unable to act for any reason, the deputy registrar is authorized to perform all duties and exercise all powers of the registrar.

## **Fiscal Year**

26. The fiscal year of the college commences on April 1 and ends on March 31 of the following year.

## **Payments**

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

## **Financial authority**

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

## **Borrowing Powers**

29. (1) The board may raise money, guarantee or secure the payment or repayment of money on behalf of and in the name of the college, in any manner determined by the board, in order to carry out the purposes of the college.
- (2) The board must not enter into any security obligation in excess of \$250,000 without a special resolution approved by the registrants of the college at a general meeting.
- (3) The registrants may, by special resolution at a general meeting, restrict the borrowing powers of the board, but a restriction so imposed expires at the next general meeting.

## **Investments**

30. (1) The board may invest funds of the college in the name of the college and in accordance with the board's investment policy, which must be consistent with sections 15.1 and 15.2 of the *Trustee Act*.
- (2) The board may change those investments made pursuant to subsection (1).
- (3) All income derived from invested funds must be added to and become part of the ordinary income of the college.

## **Auditor**

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

## **Legal Counsel**

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

## **General Meetings**

33. (1) An annual general meeting of the registrants of the college must be held in the Province at a time and place chosen by the board and at least thirty days reasonable notice must be given to the registrants.
- (2) The board may call a special general meeting of the registrants of the college at any time, and will call such a meeting within thirty days after receipt by the registrar of a request for such a meeting signed by at least ten percent of all registrants who are then duly registered and in good standing.
- (3) Except as these bylaws otherwise provide, Robert's Rules of Order, Revised, must govern the procedures at the annual general meeting or a special general meeting.
- (4) Any twenty registrants in good standing may deliver written notice to the registrar, at least one month prior to the date of an annual or special general meeting of members, requesting the introduction of a special motion at the meeting.
- (5) On receipt of such a notice, the registrar will deliver to all registrants, at least 14 days prior to the date of that meeting, notice of the special motion and a copy of it.

## **PART 3 - COLLEGE RECORDS**

### **Freedom of Information and Protection of Privacy Act**

34. (1) The registrar is the "head" of the college for the purposes of the *Freedom of Information and Protection of Privacy Act*.
- (2) The registrar may authorize a deputy registrar, a person employed by the college or a person who has contracted to perform services for the college to perform any duty or exercise any function of the registrar that arises under the *Freedom of Information and Protection of Privacy Act*.
- (3) The board is responsible for ensuring that the registrar fulfils the college's duties under the *Freedom of Information and Protection of Privacy Act*.
- (4) The registrar must report annually to the board regarding the steps the college has taken to fulfil its duties under the *Freedom of Information and Protection of Privacy Act*.
- (5) Subject to section 75 of the *Freedom of Information and Protection of Privacy Act*, a person who makes a request for records under the *Freedom of Information and Protection of Privacy Act* must pay the fees set out in the Schedule of Maximum Fees contained in the *Freedom of Information and Protection of Privacy Regulation* for the services required to comply with that request.

## **Protection of Personal Information**

35. (1) The board must take reasonable measures to ensure that the collection, use, and disclosure of personal information by the college complies with the *Freedom of Information and Protection of Privacy Act*.
- (2) The board must take reasonable measures to ensure that, if personal information is provided by the college to any person or entity for processing, storage, or destruction, a contract is made with that person or entity which includes an undertaking by the person or entity to maintain the confidentiality of that personal information.

## **Disclosure of Annual Report**

36. The registrar must make the annual report under section 18(2) of the Act available electronically and free of charge on the college website, must notify registrants that the report is available, and must provide a paper copy of the report to any person on request upon payment of the fee set out in Schedule "C".

## **Disclosure**

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

## **Manner of Disposal of College Records Containing Personal Information**

38. The board must ensure that a college record containing personal information is disposed of only by:
- (a) effectively destroying a physical record by utilizing a shredder or by complete burning,

- (b) erasing information recorded or stored by any electronic method including without limitation on tapes, cassettes, floppy or hard disk drives, USB flash drives, optical discs, or equipment that includes an electronic system in which data is maintained, managed and backed up remotely and made available to users over a network, in a manner that ensures that the information cannot be reconstructed,
- (c) returning the record to the person the information pertains to, or
- (d) returning the record to the registrant who compiled the information.

## **PART 4: REGISTRATION**

### **Classes of Registrants**

39. A registrant must be registered in one of the following classes:

- (a) registered optician,
- (b) registered contact lens fitter,
- (c) non-practising registrant, and
- (d) temporary registrant.

### **Applications**

40. (1) For the purpose of section 20(2)(a) of the Act, every person seeking registration, including reinstatement or renewal of registration, must deliver a registration application to the college in the manner specified by the registrar for the class in which the person is seeking registration.
- (2) For each class, the registrar must specify the manner of delivery for the purpose of subsection (1) and may modify the manner of delivery from time to time as the registrar considers necessary or advisable

### **Registered Optician**

41. (1) For the purpose of section 20(2)(b) of the Act, an applicant must deliver, or cause to be delivered, to the college the following:
- (a) proof of graduation from one of the recognized opticianry education programs listed in Schedule "A" within 3 years prior to the date of application,
  - (b) proof of successful completion within 3 years prior to the date of application of the eyeglasses examination conducted by the National Alliance of Canadian Optician Regulators,
  - (c) the good character of the applicant consistent with the responsibilities of a registrant and the standards expected of a registrant, and



- (d) receipt by the registrar of
  - (i) a statutory declaration in Form 2
  - (ii) the application fee specified in Schedule “C”,
  - (iii) an authorization for a criminal record check in the form required by the *Criminal Records Review Act*, and
  - (iv) proof of professional liability insurance as required by section 64.
- (2) Despite subsection (1), an applicant who is authorized to practice as the equivalent of an optician in another Canadian jurisdiction may be granted registration as an optician by the registration committee if the applicant
  - (a) satisfies the registration committee that they are currently authorized to practise as an optician in that other jurisdiction, and
  - (b) meets the requirements of subsection (1)(c) and (d).
- (3) For the purpose of meeting the requirements established in subsection (2), the applicant must provide the registrar with a letter or certificate of the applicant’s good standing from each body responsible for the regulation of opticianry or another health profession in a Canadian jurisdiction where the applicant is, or has been, authorized to practice opticianry or another health profession.
- (4) Despite subsection (1), the registration committee has discretion, in satisfying itself under section 20 of the Act that the applicant meets the conditions or requirements for registration as a member of the college, to consider whether the applicant’s knowledge, skills and abilities are substantially equivalent to the standards of academic or technical achievement and the competencies or other qualifications established in subsection (1)(a) , and to grant registration on that basis, if the applicant also meets the requirements established in subsection (1)(b),(c) and (d).
- (5) Where application has been made under subsection (4), the eyeglasses examination conducted by the National Alliance of Canadian Optician Regulators must be successfully completed within 3 years of the date of application for registration.

#### **Registered Contact Lens Fitter**

- 42. (1) For the purpose of section 20(2)(b) of the Act, an applicant must deliver, or cause to be delivered, to the college the following:
  - (a) proof of current registration as an optician under section 41,
  - (b) proof of graduation from one of the recognized contact lens fitter education programs listed in Schedule “A” within 3 years prior to the date of application,
  - (c) proof of successful completion of the contact lens examination conducted by the National Alliance of Canadian Optician Regulators within 3 years prior to the date of application,

- (d) proof of the good character of the applicant consistent with the responsibilities of a registrant and the standards expected of a registrant, and
- (e) receipt by the registrar of
  - (i) a statutory declaration in Form 2
  - (ii) the application fee specified in Schedule "C",
  - (iii) an authorization for a criminal record check in the form required by the *Criminal Records Review Act*, and
  - (iv) proof of professional liability insurance as required by section 64.
- (2) Despite subsection (1), an applicant who is authorized to practice as the equivalent of a contact lens fitter in another Canadian jurisdiction may be granted registration as a contact lens fitter by the registration committee if the applicant
  - (a) satisfies the registration committee that they are currently authorized to practise as an optician in that other jurisdiction, and
  - (b) meets the requirements of subsection (1)(c) and (d).
- (3) For the purpose of meeting the requirements established in subsection (2), the applicant must provide the registrar with a letter or certificate of the applicant's good standing from each body responsible for the regulation of opticianry or another health profession in a Canadian jurisdiction where the applicant is, or has been, authorized to practice opticianry or another health profession.
- (4) Despite subsection (1), the registration committee has discretion, in satisfying itself under section 20 of the Act that the applicant meets the conditions or requirements for registration as a member of the college, to consider whether the applicant's knowledge, skills and abilities are substantially equivalent to the standards of academic or technical achievement and the competencies or other qualifications established in subsection (1)(a) , and to grant registration on that basis, if the applicant also meets the requirements established in subsection (1)(b),(c) and (d).
- (5) Where application has been made under subsection (4), the contact lens examination conducted by the National Alliance of Canadian Optician Regulators must be successfully completed within 3 years of the date of application for registration.

#### **Certification of Practising Opticians for Independent Automated Refraction**

43.

- (1) A practising optician may apply to the registrar under this section for certification that the practising optician is qualified and competent to perform a restricted activity under section 6(6) of the *Opticians Regulation*.
- (2) The registrar must grant certification under this section if the practising optician has:
  - (a) provided evidence satisfactory to the registrar that the practising optician has

- (i) successfully completed within three years prior to application an education program on automated refraction, recognized by the board for the purposes of section 6(6) of the *Opticians Regulation* and specified on Schedule “A”, and
  - (ii) a certification examination recognized by the board,
- (b) paid the fee specified in Schedule “C”.
- (3) If certification is granted under this section, the registrar must enter a notation of certification for independent automated refraction in the register in respect of the practising optician.
- (4) The registrar must remove a practising optician’s notation of certification for independent automated refraction from the register if the practising optician fails to meet any of the requirements in section 53, and the practising optician must not again perform a restricted activity under section 6(6) of the Regulation until
  - (a) the requirements in sections 53 are met to the satisfaction of the registrar, and
  - (b) the registrar has re-entered a notation of certification for independent automated refraction in respect of the practising optician.
- (5) Despite subsection (1), the registration committee has discretion, in satisfying itself under section 20 of the Act that the applicant meets the conditions or requirements for certification of independent automated refraction to consider whether the applicant’s knowledge, skills and abilities are substantially equivalent to the standards of academic or technical achievement and the competencies or other qualifications established in subsection 2(a)(i) and to grant certification on that basis if the applicant also meets the requirements established in subsection 2(a), (b) and (c).

#### **Non-practising Registrant**

- 44. (1) For the purposes of section 20(2) of the Act, the conditions and requirements for non-practising registration are
  - (a) the applicant is currently a registered optician or a registered contact lens fitter, and
  - (b) receipt by the registrar of
    - (i) an application for non-practising registration as specified by the registrar pursuant to section 40,
    - (ii) the fee specified in Schedule “C” for change in registration status from full registrant to non-practising registrant,
    - (iii) any other fee, fine, levy or debt owed to the college, and
    - (iv) statutory declaration Form 3.
- (2) A non-practising registrant must not

- (a) provide, delegate or supervise opticianry services in British Columbia, or
  - (b) vote at a general meeting of the college.
- (3) A non-practising registrant may be appointed to, and serve on, any committee established under these bylaws as a registrant member.
- (4) For the purposes of section 20(2) of the Act, the conditions and requirements for a non-practising registrant to return to full registration as a registered optician, a registered contact lens fitter or for return of certification for independent automated refraction, despite sections 41(1) or (2), sections 42(1) or (2) and section 43(2), as the case may be, are
- (a) the non-practising registrant is not in contravention of the Act, the *Opticians Regulation* or these bylaws,
  - (b) receipt by the registrar of
    - (i) an application as specified by the registrar pursuant to section 41 to return to full registration as a registered optician, a registered contact lens fitter or for certification for independent automated refraction,
    - (ii) a letter or certificate, in a form satisfactory to the registration committee and dated within 60 days prior to the date of application, from each body responsible for the regulation of opticianry or another health profession in a jurisdiction where the non-practising registrant is, or has been, authorized to practise opticianry or another health profession, specifying particulars of any cancellation, suspension, limitation or conditions on the non-practising registrant's entitlement to practise, or any investigation, review or proceeding which could lead to cancellation, suspension, limitation or conditions on the non-practising registrant's entitlement to practise,
    - (iii) an authorization for a criminal record check in the form required by the *Criminal Records Review Act*,
    - (iv) in the case of a non-practising registrant who is practising or has practised opticianry or another health profession in another jurisdiction, an authorization for a criminal record check in that jurisdiction,
    - (v) proof of completion of the requirements under section 53 as though the non-practising registrant had been a full registrant for the period since they ceased to be a full registrant,
    - (vi) the fee for change in registration status from non-practising registrant to full registrant specified in Schedule "C",
    - (vii) any other fee, fine, levy or debt owed to the college,
    - (viii) proof of professional liability protection or insurance coverage as required under section 64, and
    - (ix) evidence satisfactory to the registration committee that the non-practising registrant remains as a person of good character and fitness suitable for

registration as a member of the college.

- (5) A person must be registered as a non-practising registrant if the person is not employed in the Province of British Columbia in a position in which they are performing the activities stated in the scope of practise set out in section 4 of the *Opticians Regulation*.

### Temporary Registration

45. (1) For the purposes of section 20(2) of the Act, an applicant may be granted temporary registration by the registration committee for a period of up to 90 days in any 12-month period where the applicant:
- (a) is currently registered as an optician or a contact lens fitter in good standing in another Canadian jurisdiction, or
  - (b) is a former registrant who has not been registered for at least 3 years and who is completing requirements assigned by the registration committee, and
- (2) Receipt by the registrar of
- (a) an application for temporary registration as specified by the registrar pursuant to section 40,
  - (b) a notarized copy or other evidence satisfactory to the registration committee and dated within 60 days prior to the date of application, from each body responsible for the regulation of opticianry in a jurisdiction where the applicant is, or has been, authorized to practise opticianry, confirming the applicant's status in that jurisdiction and evidence satisfactory to the registration committee that the applicant is the person named therein,
  - (c) the application fee specified in Schedule "C",
  - (d) any other fee, fine, levy or debt owed to the college,
  - (e) proof of liability insurance as required by section 65,
  - (f) an authorization for a criminal record check in the form required by the *Criminal Records Review Act*.
- (3) Upon being granted registration in the temporary class, those persons described in subsection (1)(a) may perform only those activities that they are entitled to perform in their home jurisdiction.
- (4) Upon being granted registration in the temporary class, those persons described in subsection (1)(b) can perform only those activities that the registration committee approves.
- (5) A temporary registrant may not:
- (a) be appointed to, or serve on, the board or any committee established under these bylaws, or

- (b) vote at a general meeting of the college.
- (6) A temporary registrant may apply to the registration committee for one renewal of temporary registration.

### **Certificate of registration**

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

### **Renewal of registration**

- 47. (1) No later than thirty (30) days before an annual fee is due, the registrar must deliver to registrants notice of the amount of the fee, and the day on which the fee is due.
- (2) The registrar must renew a registration if the registrant,
  - (a) applies to the registrar and pays the fee for renewal of registration,
  - (b) pays any other outstanding fee, debt or levy owed to the college, and
  - (c) attests that the registrant is in compliance with the Act, the regulations, and these bylaws, and is in compliance with any limits or conditions imposed under section 32.2, 32.3, 33, 35, 36, 37.1, 38, 39 or 39.1 of the Act.
  - (d) has met the requirements of the College's continuing education program under section 53 of these bylaws.

### **Suspension**

- 48. (1) Where a registrant fails to pay an annual renewal of registration fee on or before March 31, they must cease to be registered unless the board otherwise directs.
- (2) The registrar shall deliver to a member fourteen days (14) notice of default and of intention to suspend a member's registration upon:
  - (a) failure to apply for a new certificate of registration;
  - (b) failure to pay the prescribed annual fee or any other prescribed fee; or
  - (c) failure to meet the requirements for renewal of the certificate set out in sections 47.

### **Reinstatement – Failure to Renew Registration**

- 49. (1) For the purposes of section 20(2) of the Act, the conditions and requirements for reinstatement of the registration of a former registrant whose previous registration was cancelled within the

last 3 years under section 49 are, despite sections 41(1) or (2), 42(1) or (2) or 44(4)

- (a) the former registrant was a registrant in good standing upon the cancellation of their previous registration,
- (b) the former registrant is not in contravention of the Act, the Regulation or these bylaws, and
- (c) receipt by the registrar of
  - (i) a reinstatement application in the form required by the registrar,
  - (ii) proof of completion of all applicable requirements of the quality assurance program under section 53, as though the former registrant's previous registration had not been cancelled under section 48,
  - (iii) the reinstatement of certificate of registration fee as specified in Schedule "C",
  - (iv) an authorization for a criminal record check in the form required by the *Criminal Records Review Act*,
  - (v) any other fee, fine, levy or debt owed to the college, including without limitation any fee still owing under section 47(2)(b), and
  - (vi) proof of professional liability protection or insurance coverage as required under section 64.
- (2) In the case that requirements under subsection 1(c)(ii) are not met, the registration committee will determine whether the applicant must meet any examination and continuing education or continuing competency program requirements of the registration committee in order to be reinstated.
- (3) For the purposes of section 20(2) of the Act, the conditions and requirements for reinstatement of the registration of a former registrant whose previous registration was cancelled 3 or more years ago are, despite sections 41(1) or (2), 42(1) or (2), or 44(4)
  - (a) the former registrant was a full registrant or non-practising registrant in good standing upon cancellation of their previous registration,
  - (b) the former registrant is not in contravention of the Act, the Regulation or these bylaws,
  - (c) evidence satisfactory to the registration committee of good character and fitness of the applicant consistent with the responsibilities of a registrant and the standards expected of a registrant,
  - (d) receipt by the registrar of
    - (i) a reinstatement application in the form required by the registrar,
    - (ii) a letter or certificate, in a form satisfactory to the registration committee and dated within 60 days prior to the date of application, from each body responsible for the regulation of opticianry or another health profession in a jurisdiction

where the former registrant is, or has been, authorized to practise opticianry or another health profession, specifying particulars of any cancellation, suspension, limitation or conditions on the former registrant's entitlement to practise, or any investigation, review or proceeding which could lead to cancellation, suspension, limitation or conditions on the former registrant's entitlement to practise,

- (iii) an authorization for a criminal record check in the form required by the *Criminal Records Review Act*,
  - (iv) proof of completion of all applicable requirements of the quality assurance program under section 53, for the most recent three-year period,
  - (v) the registration reinstatement assessment fee and the reinstatement of certificate of registration fee specified in Schedule "C",
  - (vi) any other fee, fine, levy or debt owed to the college, including without limitation any fee still owing under section 47(2)(b), and
  - (vii) proof of professional liability protection or insurance coverage as required under section 64, and
- (e) completion of an assessment approved by the registration committee, who will determine whether the applicant must meet any examination and continuing education or continuing competency program requirements of the registration committee in order to be reinstated.

### **Reinstatement Following Disciplinary Action**

50. (1) In this section, "disciplined person" means
- (a) a former full registrant or former non-practising registrant whose previous registration was cancelled or suspended
    - (i) under section 32.2, 32.3, 33, 35, 36, 37.1, 38, 39 or 39.1 of the Act, or
    - (ii) under section 48 or on the agreement or request of the former registrant at a time when it was suspended under section 32.2, 32.3, 33, 35, 36, 37.1, 38, 39 or 39.1 of the Act.
- of which the expiration date of the suspension or cancellation of registration has passed.
- (2) For the purposes of section 20(2) of the Act, the conditions and requirements for reinstatement of the registration of a disciplined person are, despite section 41, 42, 44, or 49 and subject to any applicable order or agreement under the Act
- (a) the disciplined person is not in contravention of the Act, the Regulation or these bylaws,
  - (b) evidence satisfactory to the registration committee
    - (i) of the good character and fitness of the disciplined person consistent with the



responsibilities of a registrant and the standards expected of a registrant,

(ii) that the goals of deterrence and rehabilitation have been met, and

(iii) that the disciplined person's registration will not

(A) pose an undue risk to public health or safety, or

(B) otherwise be contrary to the public interest,

(c) receipt by the registrar of

(i) a reinstatement application in the form required by the registrar,

(ii) a letter or certificate, in a form satisfactory to the registration committee and dated within 60 days prior to the date of application, from each body responsible for the regulation of opticianry or another health profession in a jurisdiction where the disciplined person is, or has been, authorized to practise opticianry or another health profession, specifying particulars of any cancellation, suspension, limitation or conditions on the disciplined person's entitlement to practise, or any investigation, review or proceeding which could lead to cancellation, suspension, limitation or conditions on the disciplined person's entitlement to practise,

(iii) an authorization for a criminal record check in the form required by the *Criminal Records Review Act*,

(iv) in the case of a disciplined person who is practising or has practised opticianry or another health profession in another jurisdiction, an authorization for a criminal record check in that jurisdiction,

(v) proof that the disciplined person has successfully completed all applicable quality assurance program requirements as though the disciplined person had been a registrant for the period since the cancellation of their previous registration,

(vi) the applicable registration reinstatement fee specified in Schedule "C",

(vii) any other fee, fine, levy or debt owed to the college, including without limitation any fee still owing under section 47(2)(b), and

(viii) proof of professional liability protection or insurance coverage as required under section 64, and

(d) in the case of a disciplined person who is a former registrant whose previous registration has been cancelled for 3 consecutive years or more prior to the date of application under this section, completion of an assessment approved by the registration committee, who will determine whether the applicant must meet any examination and continuing education or continuing competency program requirements of the registration committee in order to be reinstated.

(3) Evidence of rehabilitation is not required where the registration committee decides, on other grounds, not to reinstate the applicant.

## Notification of Change of Registration Information

51. A registrant must immediately update their online registration profile to reflect any change of address, name, contact information, changes in the registrant's employer, place of business or any other registration information previously provided to the registrar.

## Fees

52. The fees payable to the College pursuant to these Bylaws are set out in Schedule "C".

## PART 5: QUALITY ASSURANCE

### Quality Assurance Program

53. (1) The quality assurance program applies to full registrants, non-practicing registrants, and applicants for reinstatement under sections 48, 49 and 50 and is administered by the quality assurance committee.
- (2) The quality assurance program consists of a continuing competency program and any other requirements approved by the quality assurance committee, in accordance with criteria and guidelines established by the committee and published from time to time.
- (3) The continuing competency program consists of 3 components which must be completed within a 3-year cycle in accordance with the process and timelines set out in the criteria and guidelines:
- (a) completion of a continuing competency assessment; and
  - (b) completion of a professional development plan;
- (4) The quality assurance committee must establish policies for the application of the continuing competency program including criteria to determine when a continuing competency program cycle begins for a registrant in this Part.
- (5) In accordance with the *Human Rights Code* or as otherwise required by law, or by the quality assurance committee policies, the quality assurance committee or, if authorized by the quality assurance committee, the registrar may
- (a) extend the continuing competency program cycle of a registrant, or
  - (b) modify a quality assurance program requirement to be met by a registrant.
- (6) If a registrant does not fulfill the terms of the extension provided under section 5(a) then the registrant has not met the continuing education requirements in this Part.
- (7) Registrants are not entitled to renew their registration unless they have completed the criteria requirements under subsection (3).

- (8) The quality assurance committee or an assessor appointed by the quality assurance committee may
  - (a) audit the continuing competency program criteria applied by a registrant toward satisfaction of a continuing education requirement in this Part, and
  - (b) further to an audit under paragraph (a), require the registrant to provide evidence that they meet the criteria under subsection (3).
- (9) If, following an audit under subsection (8)(a), the quality assurance committee, or an assessor appointed by the quality assurance committee determines a registrant does not meet the criteria under subsection (3), the quality assurance committee or assessor appointed by the quality assurance committee may do one or both of the following, as applicable:
  - (a) work with the registrant to resolve any deficiency in the criteria under subsection (3);
  - (b) notify the inquiry committee under section 26.2 of the Act.

## **PART 6: INVESTIGATION AND DISCIPLINE**

### **Inspections**

- 54. (1) An inspector must not observe a registrant while the registrant is providing an opticianry service to a patient except if
  - (a) the consent of the patient being treated has been obtained in advance, or
  - (b) the service is being provided in a public setting.
- (2) While acting in the performance of their duties, inspectors are directly responsible to the registrar and may perform such duties as may be assigned to them by the registrar, the inquiry committee or the board.

### **Inquiry**

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

## **Mediation**

56. (1) If the complainant and the registrant agree, the inquiry committee may recommend under section 33(6)(b) of the Act that a complaint be mediated.
- (2) Following a recommendation under subsection (1), the inquiry committee must appoint a mediator who is acceptable to the complainant and the registrant.
- (3) If an agreement between the complainant and the registrant is reached through mediation, the terms of the agreement must be approved by the inquiry committee before becoming effective.
- (4) An agreement under subsection (3) must be provided to the inquiry committee and a copy of the agreement must be retained on file in accordance with section 61.
- (5) If an agreement is not reached through mediation, or if the terms of an agreement are not approved by the inquiry committee, the mediator must refer the matter back to the inquiry committee.
- (6) Where the registrant has agreed through mediation to a suspension or restriction of practice, the name of the registrant and the nature of the restrictions must be published on the College website.

## **Discipline**

57. (1) The registrar must keep records of the results of all investigations of the inquiry committee and all decisions of the discipline committee.
- (2) The discipline committee must arrange for a hearing to be recorded and a transcript made available to any party at their own expense.
- (3) Where disciplinary proceedings result in the limitation or suspension of a registrant's practice, the board must publish a notice containing
- (a) the name of the respondent,
  - (b) the facts of the case,
  - (c) the reasons for the decision, and
  - (d) the nature of the limitations or suspension and the date is in effect.
- (4) Where disciplinary proceedings result in the limitation or suspension of a registrant's practice, the board may direct the registrar to notify the boards or associations responsible for the regulation of the profession in other jurisdictions.
- (5) Where a complaint has been brought against a registrant who has been previously disciplined, the previous decisions of the discipline committee or any undertaking or consent given pursuant to section 35(1), 36(1) or 37.1 of the Act must be provided to the inquiry committee or the discipline committee following a determination having been made on the facts of the complaint and may be considered with respect to the penalty to be imposed by the discipline committee, or agreed to by the inquiry committee, and only where same is deemed to be relevant to the outstanding complaint.

- (6) A registrant while under suspension must not represent himself as a registrant or display a certificate of registration.
- (7) The tariff of costs applicable to subsections 33(7), 37.1(1) and (5), and 39(4) and (5) of the Act is set out in Schedule "B".

#### **Citation for Disciplinary Hearing**

- 58. (1) On the direction of a panel of the discipline committee, the registrar may join one or more complaints or other matters which are to be the subject of a discipline hearing in one citation as appropriate in the circumstances.
- (2) On the direction of a panel of the discipline committee, the registrar may sever one or more complaints or other matters which are to be the subject of a discipline hearing as appropriate in the circumstances.
- (3) On the direction of a panel of the discipline committee, the registrar may amend a citation issued under section 37 of the Act.
- (4) If a citation is amended under subsection (3) prior to a discipline hearing, the amended citation must be delivered to the respondent by personal service or sent by regular mail to the respondent at the last known address for the person recorded as required under section 21(2) of the Act not fewer than 14 days before the date of the hearing.
- (5) If a citation is amended under subsection (3) prior to a discipline hearing, and the amended citation changes the date, time or place of the hearing, the registrar must notify any complainant of the amendment not fewer than 14 days before the date of the hearing.

#### **Professional misconduct**

- 59. (1) The disciplinary committee must find that a registrant has committed an act of professional misconduct if the registrant has
  - (a) been found guilty of an offense that is relevant to the member's suitability to practice,
  - (b) been found by any other regulatory body to have committed an act that would, in the opinion of the disciplinary committee, be an act of professional misconduct as defined in subsections (c) through (m),
  - (c) committed an act of sexual misconduct,
  - (d) contravened a term, condition, or limitation imposed on the registrant's certificate of registration,
  - (e) contravened a standard of practice of the profession,
  - (f) practised the profession while the registrant's ability to do so is impaired by any substance,

- (g) prescribed, dispensed, or sold drugs for an improper purpose, or
  - (h) discontinued professional services that are needed unless
    - (i) the client requests the discontinuation,
    - (ii) alternative services are arranged, or
    - (iii) the client is given a reasonable opportunity to arrange alternative services,
  - (i) given information about a client to a person other than the client or their representative except with the consent of the client or their representative or as required or allowed by law,
  - (j) falsified a record relating to the registrant's practice,
  - (k) failed to provide a client access to their health care records where required by section 62(c),
  - (l) signed or issued, in the registrant's professional capacity, a document that the registrant knows contains a false or misleading statement,
  - (m) submitted an account or charged for services that the registrant knows is false or misleading, or
  - (n) contravened the Health Professions Act, the regulations, or any of these bylaws,
  - (o) committed an act which is defined as harassment under the Human Rights Act of British Columbia.
- (2) If the disciplinary committee finds that a registrant has committed an act of professional misconduct, it may
- (a) make an order under section 39 of the Act, and
  - (b) require the registrant to pay a fine of not more than (\$35,000).
- (3) If the disciplinary committee finds that a registrant has committed an act of sexual misconduct it must
- (a) reprimand the registrant, and
  - (b) revoke the registrant's certificate of registration if the sexual misconduct consisted of, sexual intercourse or other forms of physical sexual relations between the registrant and the client.

#### **Retention of Discipline Committee and Inquiry Committee Records**

60. (1) Records of the inquiry committee must be retained for not less than 10 years following the conclusion of an investigation and records of the discipline committee must be retained for not less than 10 years following the date a decision is rendered.

- (2) Despite subsection (1), documents setting out decisions and reasons of the inquiry and discipline committee relating to action taken under section 39(2) of the Act must be kept on permanent record at the office of the college.

## **PART 7: STANDARDS OF PRACTICE**

### **Standards of Professional Ethics and Practice**

61. (1) The board must publish on the college website or in another manner accessible to registrants and the public all standards, codes of ethics, limits and conditions established by the board in accordance with the authority set out in section 19(1)(k), (l), (z) and (1.1) of the Act.
- (2) Registrants must at all times conduct their practice in a manner that is in keeping with the standards, limits or conditions published by the board under subsection (1).

## **PART 8: REGISTRANT RECORDS**

### **Privacy Requirements**

62. A registrant must take all reasonable measures to ensure that the collection, use, disclosure and disposal of patient personal information occurs in accordance with the Personal Information Protection Act, and all other relevant legal requirements, and, without limitation, a registrant must:
- (a) ensure that patient personal information collected is current, legible, accurate and completely recorded,
  - (b) at all times protect and maintain the confidentiality of patient personal information collected,
  - (c) upon request, provide patients, or the legal representatives of patients, with access to their patient personal information in accordance with the Personal Information Protection Act, and all other relevant legal requirements, and
  - (d) ensure that all records from their practice containing patient personal information are safely and securely stored, or disposed of, by making reasonable security arrangements against such risks as unauthorized access, collection, use, disclosure or disposal.

### **Inspection of Records**

63. A registrant must make records kept under the Standards of Practice and any written or electronically, computerized or mechanically recorded documentation relevant to those records available at reasonable hours for inspection by representatives of the college, including the registrar, members of the inquiry committee, the discipline committee and the quality assurance committee, and assessors and inspectors appointed under any provision of these bylaws or the Act.

## **PART 9: GENERAL**

## **Liability protection or insurance coverage**

64. All registrants must obtain and at all times maintain insurance coverage for negligence in an amount of at least \$1,000,000.00 dollars per claim in a form that is satisfactory to the college.

## **Marketing and Advertising**

65. (1) In this part
- “advertisement” means the use of space or time in a public medium, or the use of a commercial publication such as a brochure or handbill, to communicate with the general public, or a segment thereof, for the purpose of promoting professional services or enhancing the image of the advertiser,
- “marketing” includes
- (a) an advertisement,
  - (b) any publication or communication in any medium with any patient, prospective patient or the public generally in the nature of an advertisement, promotional activity or material, a listing in a directory, a public appearance or any other means by which professional services are promoted, and
  - (c) contact with a prospective patient initiated by or under the discretion of a registrant.
- (2) Any marketing undertaken or authorized by a registrant in respect of their professional services must not be
- (a) false,
  - (b) inaccurate,
  - (c) unverifiable,
  - (d) misleading,
  - (e) misrepresentative of the effectiveness of any technique, procedure, instrument or device,
  - (f) undignified, offensive or in bad taste, or
  - (g) contrary to the ethical standards of the profession.
- (3) Without limitation, marketing violates subsection (2) if it
- (a) is calculated or likely to take advantage of the weakened state, either physical, mental or emotional, of the recipient or intended recipient,
  - (b) is likely to create in the mind of the recipient or intended recipient an unjustified expectation about the results which the registrant can achieve,



- (c) implies that the registrant can obtain results
    - (i) not achievable by other registrants,
    - (ii) by improperly influencing a public body or official, or any corporation, agency or person having any interest in the welfare of the recipient, or
    - (iii) by any other improper means, or
  - (d) compares the quality of services provided with those provided by
    - (i) another registrant,
    - (ii) a person authorized to provide health services under another enactment, or
    - (iii) practitioners of another health profession authorized by the Act.
  - (e) makes claims of special skills that are not supported by the education and experience of the registrant, or announces or holds out that the registrant has special qualifications that are not possessed by the registrant.
- (4) A registrant must not
- (a) state publicly that they speak on behalf of the college unless they have been expressly authorized by the board to state the official position of the college, or
  - (b) endorse or lend themselves as an optician to the advertisement of any property, investment or service for sale to the public unless such property, investment or service relates directly to the profession.
- (5) A registrant who, in any advertisement, includes a statement of fees for a specific service
- (a) must ensure that the statement sufficiently describes the fees and services so as to enable the recipient or intended recipient to understand the nature and extent of the services to be provided and the cost to the patient, and
  - (b) must not in the advertisement compare the fees charged by the registrant with those charged by another registrant of the college or a registrant or registrants of another college under the Act.
- (6) Unless otherwise authorized by the Act, the Regulation, these bylaws, or the board, a registrant
- (a) must not use the title “specialist” or any similar designation suggesting a recognized special status or accreditation on any letterhead or business card or in any other marketing, and
  - (b) must take all reasonable steps to discourage the use, in relation to the registrant by another person, of the title “specialist” or any similar designation suggesting a recognized special status or accreditation in any marketing.

- (7) A registrant must retain all marketing material for 1 year after the date of publication or broadcast, and must provide to the registrar, the inquiry committee, the discipline committee or the board upon request
  - (a) a copy of any such publication,
  - (b) a recording of any such broadcast made by use of any electronic media, including radio, television and microwave transmission, and
  - (c) a written record of when and where the publication or broadcast was made.
- (8) It is the duty of a registrant to verify the statements made in their marketing when requested to do so by the registrar, the inquiry committee, the discipline committee or the board.
- (9) Registrants who limit their practices to certain branches or areas of the profession may state in any marketing the branch or area to which the practice is restricted.

(1) Form 1A must read as follows:

**College of Opticians  
Of British Columbia**

**Form 1A  
Sight Testing—Client Information Sheet**

**Purpose**

Your optician has recommended an automated refraction, commonly referred to as a *sight test*. This information sheet will highlight what a sight test is and what it is not.

**What is a sight test?**

A sight test is a refraction conducted for the purpose of determining the refractive error of the eye. In other words, it tests your eyes' ability to focus. The results will help to determine what vision appliance, such as eyeglasses or contact lenses, is most appropriate to correct any deficiencies in your visual acuity—which tools will help you see better. However, a sight test does *not* include an eye health examination. Therefore, it is only an appropriate option if you need new eyeglasses or contact lenses but are not yet due for your next eye health examination.

**What is an eye health examination?**

In addition to determining refractive error, an eye health examination looks at the entire eye and visual system. It may detect eye diseases or disorders as well as other systemic health problems. An eye health examination may only be provided by an optometrist or other medical practitioner (e.g., an ophthalmologist).

**What do opticians do?**

Opticians are regulated health professionals who complete post-secondary education and licensing examinations to support the eye care needs of the public in BC. Opticianry skills may include (but are not limited to):

- Dispensing eyeglasses, contact lenses, or low vision aids.
- Promoting proper use of vision appliances.
- Promoting eye health.
- Working collaboratively with other eye care professionals.
- Conducting independent automated refractions (sight testing).

The opticians who conduct sight tests have received additional training for this skill and must be certified by the College of Opticians of British Columbia to provide the service to the public.

**Who can receive a sight test?**

There are limits and conditions on who may receive a sight test. These limits are stated in the Opticians Regulation—a provincial law that opticians must adhere to. Healthy adults aged 19 to 64 can receive a sight test. If you are under 19 or 65 or older, or have a history of the eye conditions or diseases listed below, you cannot receive a sight test unless an optometrist or other medical practitioner has already performed an eye health examination on you and has subsequently requested that a sight test be provided.

If you are 19 or older, you may only receive a sight test if you have had at least one eye health examination since turning 19. If you are aged 40 to 64, you may only receive a sight test if you have had at least one eye health examination since turning 40.

You cannot receive a sight test if you are currently experiencing or have a history of any of the following:

1. glaucoma

2. retinal detachment
3. macular degeneration
4. diplopia (double vision)
5. a prescription for corrective lenses containing prism
6. refractive error exceeding plus or minus 6.00 dioptres in either eye
7. diabetes
8. hypertension
9. recent head trauma
10. injury or pain occurring to or in either eye within the previous 3 months

For more information on sight testing eligibility, ask your optician.

### **What can I expect after a sight test?**

After the service is complete, your optician will prepare an assessment record that details your sight-test results and your pupillary distance (PD) at the time of the refraction. This assessment record can be used by any optician to make eyeglasses or to dispense contact lenses after a contact lens fitting. An optician may use their discretion or follow their business's policies when determining whether they can use another optician's assessment record to make your eyewear. Some optical locations may require you to have had an eye examination.

An assessment record is *not* the same as a prescription. A prescription for eyewear is a record created by an optometrist or other medical professional after completion of an eye health examination.

There are some exceptions. Depending on the results of your assessment, you may not be eligible to have an assessment record generated, and you may need to see an optometrist for an eye health examination before new eyeglasses can be dispensed to you. These exceptions are outlined in the Opticians Regulation—a provincial law that opticians must adhere to. Ask your optician for more information.

The fee for sight-testing varies by business, but the assessment record that your optician produces is free (for the first copy). The assessment record must be provided whether or not you request it.

If you are not eligible to receive your assessment record, the optician cannot charge you for the sight testing service.

### **How often should I get an eye health examination?**

The ideal frequency of eye health examinations varies from person to person; your family doctor, optometrist, or ophthalmologist can advise you on how often is right for you. Your optician can arrange for you to have an eye health examination with an optometrist, or, if you require specialist care, your family doctor can refer you to a medical doctor specializing in eye health (an ophthalmologist).

### **Looking out for you**

The College of Opticians of British Columbia (COBC) is the regulatory college for all opticians in BC. COBC establishes qualifications for opticians and works to ensure that opticians are providing competent and effective care. If you have questions or comments about the sight testing procedure, please contact us at 604-742-6472 or [reception@cobc.ca](mailto:reception@cobc.ca).

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Form 1B must read as follows:

## Form 1B

### Sight Testing—Client History & Eligibility

Date: \_\_\_\_\_  
MM/DD/YYYY

Name: \_\_\_\_\_  
Last First

Address: \_\_\_\_\_  
Number and street City  
\_\_\_\_\_  
Province Postal code

Phone: \_\_\_\_\_

Date of birth: \_\_\_\_\_ Current age: \_\_\_\_\_  
MM/DD/YYYY

By completing this form, you affirm that you have received, read, and understood **Form 1A: Sight Testing—Client Information Sheet**. If you do not know the difference between an eye health examination and a sight test, please ask your optician for clarification before proceeding.

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### Health information

1. Date of last eye health examination (by an optometrist, ophthalmologist, or other medical practitioner):  
\_\_\_\_\_
2. Did an optometrist, ophthalmologist or other medical practitioner advise you to visit an optician for a sight test? Yes\_\_\_\_ No\_\_\_\_  
If Yes, provide name of the optometrist, ophthalmologist, or medical practitioner:  
\_\_\_\_\_
3. To the best of your knowledge, are you currently experiencing and/or do you have a history of any of the following conditions?
  - a) High blood pressure/hypertension Yes\_\_\_\_ No\_\_\_\_
  - b) Diabetes Yes\_\_\_\_ No\_\_\_\_
  - c) Recent head injury Yes\_\_\_\_ No\_\_\_\_
  - d) Glaucoma Yes\_\_\_\_ No\_\_\_\_
  - e) Diplopia (double vision) Yes\_\_\_\_ No\_\_\_\_

- |  |                   |
|--|-------------------|
| f) Macular degeneration  | Yes____ No____    |
| g) Retinal detachment  | Yes____<br>No____ |
| h) Injury or pain occurring to or in either eye within the previous 3 months | Yes____<br>No____ |
| i) Refractive error exceeding plus or minus 6.00 dioptres in either eye      | Yes____<br>No____ |
| j) A prescription for corrective lenses containing prisms                    | Yes____<br>No____ |

4. Why have you come to have a sight test?

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5. Is there any other health condition or information that you would like the optician to be aware of? Please specify.

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CLIENT SIGNATURE: \_\_\_\_\_

OPTICIAN SIGNATURE: \_\_\_\_\_

Optician Name: \_\_\_\_\_

Optician License Number: \_\_\_\_\_

Date: \_\_\_\_\_

**For optician's use only:**

\_\_\_\_\_ If the client was ineligible for a refraction, the optician must recommend an eye health  
(Initial) examination. Initial to confirm that an eye health examination was recommended.

**Note:** The client history and eligibility form must be retained with the client file.

(2) Form 2 must read as follows:

#### Notarized Declaration

In the matter of an application for registration with the College of Opticians of British Columbia:

TO WIT:

I, \_\_\_\_\_ of \_\_\_\_\_  
(Applicant full name) (street address)  
in the city of \_\_\_\_\_ in the province of \_\_\_\_\_  
(city) (province)

do solemnly declare that:

1. I have not pleaded guilty to or been found guilty of a criminal offence in Canada, or an offence of a similar nature in a jurisdiction outside Canada, for which I have not been pardoned.
2. I have not been subject to an investigation by a regulatory organization that has resulted in my being convicted, in Canada or elsewhere, of an offence, nor have I been convicted, in Canada or elsewhere, of an offence that has resulted in my being investigated by a regulatory organization.
3. My past conduct does not demonstrate any pattern of incompetence or untrustworthiness which would make my registration contrary to the public interest.
4. My entitlement to practice opticianry or any other regulated profession has not been limited, restricted, or subject to conditions or discipline in any jurisdiction at any time.
5. At the present time, no investigation, review, or proceeding is taking place in any jurisdiction which questions my conduct, competency, or capacity, or which could impact my authorization to practice as a Licensed Optician in that jurisdiction.
6. I recognize that the *Health Professions Act* of British Columbia—in conjunction with the regulations, bylaws, standards of practice, and code of ethics of the College of Opticians of British Columbia—defines and governs my practice as a Licensed Optician. I declare that I will uphold the honour and dignity of the profession by adhering to and remaining informed about this legislation and documentation.
7. I understand that I will be conditionally registered as a Licensed Optician with the College of Opticians of British Columbia pending the satisfactory results of my criminal record check. I undertake not to provide opticianry services to vulnerable adults or to anyone under the age of 19 without the direct supervision of a Licensed Optician until my conditional registration is lifted by the College.

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

\_\_\_\_\_  
(Applicant signature)

DECLARED before me \_\_\_\_\_  
(Commissioner name)

in the city of \_\_\_\_\_  
(city)

in the province of \_\_\_\_\_  
(province)

this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

Commissioner's stamp, seal, or signature



(3) Form 3 must read as follows:

## Statutory Declaration for Non-Practising Applications

### APPLICATION FOR NON-PRACTICING STATUS

All Designations/Certifications

for

**Registrant Name**, Licence #

**DATE**

*An application to change status to non-practicing, or to renew with non-practicing status, is subject to the review and approval of the Registration Committee of the College. If your application is not approved, you will receive an email with further instructions.*

I am requesting to hold a non-practicing licence for the following reason:

**I am on a leave of absence. Please specify:**

Please provide a brief description of your work:

Please select the correct answer (YES or NO) regarding the work described above:

My work requires me to perform dispensing work.

My coworkers perform dispensing work.

Dispensing work is being done at my place of employment.

I understand that I will still be required to:

- Pay an annual licensing fee for my non-practicing licence.
- Make a non-practicing declaration each time I renew my licence.
- Fulfill the requirements of the Continuing Competency Program (CCP) according to my current 3-year cycle.
- Apply for practicing status before I return to practice.

## NON-PRACTICING STATUS DECLARATION

Canada, Province of British Columbia,

in the Matter of an Application for Non-Practicing  
Registration with the College of Opticians of British  
Columbia

I Declare That:

1. I am not involved in any activities pertaining to the scope of practice of an optician or contact lens fitter, as described in Section 4 of the Opticians Regulation.
2. I will change my status from non-practicing to practicing before performing any of the duties mentioned in the regulations of the College.

I make this Declaration, conscientiously believing it to be true, and agree that it shall have the same force and effect as if made under oath.

YES, I agree with this statement

## **Schedule “A”**

### **Recognized Opticianry Education Programs**

1. The optician and contact lens fitter programs of the following education providers are recognized by the College, under terms and conditions established by the Board, as meeting the standards of academic or technical achievement required for registration, for the purposes of sections 44(1)(a) and 45(1)(b) of the College bylaws:

- Georgian College
- Douglas College
- Seneca College
- Northern Alberta Institute of Technology
- Oulton College
- Collège communautaire du Nouveau-Brunswick (CCNB)
- Stenberg College

2. The independent automated refraction programs of the following education providers are recognized by the College, under terms and conditions established by the Board, as meeting the standards of academic or technical achievement required for registration, for the purposes of sections 46(2)(a)(i) of the College bylaws:

- Northern Alberta Institute of Technology
- Stenberg College
- Douglas College

## Schedule “B” COSTS

### A. INVESTIGATIONS TARIFF

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

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

## B. DISCIPLINARY HEARING TARIFF

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

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

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

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

## Schedule "C"

### FEE SCHEDULE

(effective as of February 16, 2023)

Item	Fee
<i>Initial Registration</i>	
Application fee	\$225.00
Optician	\$675.00
Optician and contact lens fitter	\$675.00
Optician with automated refracting certification	\$750.00
Optician and contact lens fitter with automated refracting certification	\$750.00
Non-practising registrant	\$295.00
Temporary Registration	\$168.75
<i>Registration Renewal</i>	
Optician	\$675.00
Optician and contact lens fitter	\$675.00
Optician with automated refracting certification	\$750.00
Optician and contact lens fitter with automated refracting certification	\$750.00
Non-practising registrant	\$295.00
Late registration fee - practising registrant	\$200.00
Late registration fee - non-practising registrant	\$103.25
<i>Other fees</i>	
Document assessment	\$225.00
Reinstatement	\$225.00
Reinstatement assessment	
Core skills & eyeglasses	\$100.00
Core skills, eyeglasses & contact lenses	\$150.00
Core skills, eyeglasses & automated refracting	\$150.00
Core skills, eyeglasses, contact lenses & automated refracting	\$200.00
Annual Report (printed hard copy)	\$20.00
Replacement certificate of registration	\$35.00