



COLLEGE OF
Optometrists
OF ONTARIO

COUNCIL MEETING

**FRIDAY SEPTEMBER 25, 2020
AT 9:00 A.M.**

(PUBLIC INVITED TO ATTEND)

VIRTUAL MEETING

COUNCIL AGENDA

Friday, September 25, 2020 | 9:00 a.m.

Virtual

Item	Item Lead	Time (mins)	Action Required	Page No.
1) Call to Order/Attendance	P. Quaid	1	Decision	5
2) Adopt the Agenda	P. Quaid	1	Decision	5
a) Conflict of Interest Declaration				
3) Consent Agenda	P. Quaid	10	Decision	5
PART 1 - Minutes of Prior Council Meetings				6
i) June 25, 2020				12
ii) July 27, 2020				
iii) Motions and Actions Items Arising from the Minutes				
PART 2 - Reports			Receive for Information	
b) Committee Reports				
i) Executive Committee				16
ii) Quality Assurance:				
i. QA Panel				17
ii. QA Subcommittee				18
iii. CP Panel				19
iii) ICRC				20
iv) Registration				22
v) Discipline				23
vi) Governance/HR Committee				25
vii) Audit/Finance/Risk Committee				30
4) Registrar's Report	I. Teich	60	Presentation	31
10:15-10:30 a.m. – Morning Break		15		

5) Presentation from the Optometric Examining Board of Canada CEO	K. Allen	45	Presentation	31
6) Auditor Selection - In Camera Session Council will go in camera under: · Section 7b of the <i>Health Professions Procedural Code</i> , which is Schedule 2 to the <i>Regulated Health Professions Act, 1991</i>	P. Quaid	10	Discussion	32
7) Motions Brought Forward from Committees				
a) Audit/Finance/Risk Committee: Auditor Selection	B. Kassir	20	Decision	35
b) Quality Assurance Committee				
i) Clinical Practice Panel: Return to Work Guidance Revisions	C. Grewal	10	Decision	36

ii) QA Subcommittee: CE Policy	W. Ulakovic	10	Decision	46
c) Registration Committee:				
i) Approval of 2020 Jurisprudence Exam	W. Ulakovic	10	Decision	94
ii) Approval of the 2020 Optometric Examining Board of Canada Written Exam	W. Ulakovic	10	Decision	95
iii) Approval of the 2020 National Board of Examiners in Optometry Exam	W. Ulakovic	10	Decision	105
iv) National Competency Profile	W. Ulakovic	10	Decision	110
12:45-1:15 p.m. – Lunch Break		30		
<i>Motions continued</i>				
d) Governance/HR Committee: By-law Amendments	A. Micucci	45	Decision	133
8) Virtual Boardroom Security - In Camera Session Council will go in camera under: · Section 7b of the <i>Health Professions Procedural Code</i> , which is Schedule 2 to the <i>Regulated Health Professions Act, 1991</i>	P. Quaid	45	Discussion	375
9) List of Acronyms			Receive for Information	376
10) Dates of Upcoming Council Meetings				
d) Friday December 4, 2020				
e) Friday March 26, 2021				
f) Friday June 18, 2021				
g) Friday September 17, 2021				
h) Friday December 10, 2021				
11) Adjournment (approx. 2:50 p.m.)	P. Quaid	1	Decision	



Vision and Mission

Vision: A leading regulator focused on safe eye care and progressive practice.

Mission: To regulate Ontario's optometry profession in the public interest.

1 -3 / INTRODUCTION

1. Call to Order/Attendance
2. Adopt the Agenda
 - a. Conflict of Interest Declaration
3. Consent Agenda
 - PART 1 - Minutes of Prior Council Meetings
 - i) June 25, 2020
 - ii) July 27, 2020
 - iii) Motions and Actions Items Arising from the Minutes
 - PART 2 - Reports
 - b) Committee Reports
 - i) Executive Committee
 - ii) Quality Assurance:
 - i. QA Panel
 - ii. QA Subcommittee
 - iii. CP Panel
 - iii) ICRC
 - iv) Registration
 - v) Discipline
 - vi) Governance/HR Committee
 - vii) Audit/Finance/Risk Committee



**College of Optometrists of Ontario
Council Meeting
June 25, 2020
DRAFT #1**

Attendance:

Dr. Patrick Quaid	Mr. Bashar Kassir
Dr. Richard Kniaziew	Mr. Howard Kennedy
Ms. Suzanne Allen	Mr. Albert Liang
Ms. Kathryn Biondi	Dr. Lindy Mackey
Dr. Linda Chan	Dr. Annie Micucci
Dr. Lisa Christian	Dr. Christopher Nicol
Mr. Ravnit Dhaliwal	Mr. Narendra Shah
Dr. Camy Grewal	Dr. William Ulakovic
Ms. Winona Hutchinson	Dr. Marta Witer

Staff:

Ms. Maureen Boon, Registrar/CEO	Mr. Justin Rafton
Ms. Hanan Jibry	Mr. David Wilkinson
Ms. Amber Lepage-Monette	Ms. Bonny Wong

Guests: David Lynch, Optimus SBR

1 **1. Call to Order:** P. Quaid called the meeting to order at 9:01 a.m. welcoming all attendees and guests.

2

3 **2. Adoption of the Agenda:** A draft agenda was circulated prior to the meeting.

4

5 Moved by A. Liang and seconded by M. Witer **to adopt the agenda.**

6

Motion carried

7

8 **a. Conflicts of Interest:** P. Quaid asked Council members if anyone had a conflict of interest with any
9 item on the day's agenda.

10

11 Several long-standing Council members noted they may have conflicts related to the governance item,
12 specifically regarding term limits. P. Quaid confirmed this will be discussed with the item.

13

14 P. Quaid reminded Council of the many opportunities to participate throughout the meeting, including
15 pulling items out of the consent agenda, discussion periods, and member topics.

16

17 **3. Adoption of the Consent Agenda:** A draft consent agenda was circulated prior to the meeting. The
18 following items were included in the consent agenda:

19

20

21

PART 1 - Minutes of Prior Council Meetings

- 22 a. April 20, 2020
- 23 b. May 14, 2020
- 24 c. June 11, 2020

25 PART 2 - Reports

- 26 a. Committee Reports
 - 27 i. Executive Committee
 - 28 ii. Patient Relations
 - 29 iii. Quality Assurance:
 - 30 A. QA Panel
 - 31 B. CP Panel
 - 32 iv. Registration
 - 33 v. Governance/HR Committee
 - 34 vi. Audit/Finance/Risk Committee

35

36 Moved by W. Hutchinson and seconded by S. Allen **to adopt the consent agenda.**

37

Motion carried

38

39 A. Miccuci requested the Governance/HR report be pulled out of the consent agenda to review
40 questions that were received through Council meeting feedback survey. A. Miccuci clarified that
41 investment questions are brought to the Audit/Finance/Risk Committee to answer; regarding
42 performance reviews, staff undergo performance reviews conducted by the Registrar, who is reviewed
43 by Council.

44

45 **4. Registrar | CEO Report**

46

47 M. Boon provided an update on regulatory, strategic and operational work over the last several months
48 as well as a look ahead to the next three to six months.

49

50 The College is keen to ensure that, once OEBC exams are available, it can register people quickly and
51 therefore has worked to move the jurisprudence exam online. A small dip in complaints can be tied to
52 the reduced working hours for optometrists during COVID-19, however, the investigation panels
53 continue to meet, and staff have cleared the decision backlog. Quality Assurance is working to restart
54 assessments and move some elements virtually, where possible.

55

56 M. Boon provided overview of regulation submission process, including scope regulation, ahead of
57 today's agenda item.

58

59 M. Boon also provided an overview of operational work, including vendor review and managing
60 regulatory activities virtually. The College hired an informatics student to help with data analysis, which
61 is ongoing. The College is also working to ensure fast, clear honest communication with optometrist and
62 stakeholders. M. Boon provided a brief overview of communication items related to COVID-19.

63

64 M. Boon and P. Quaid have been speaking with the OEBC's new CEO. The College has an outstanding
65 proposal with OEBC that focuses on getting applicants access to exam.

66

67 Throughout COVID-19, the College has participated in many collaborative stakeholder meetings,
68 including HPRO.

69

70 The College is now considering a transition plan for returning to the office in the ongoing COVID-19
71 environment and is launching a new virtual boardroom over the coming months.

72

73 **5. Motions Brought Forward from Committees:**

74 **a. Quality Assurance Subcommittee**

75

76 Council was reminded that it is being asked to approve the draft policy for circulation, which will be
77 returned to Council for final approval in September.

78

79 W. Ulakovic spoke to the item, noting that no changes are being proposed regarding number of hours.
80 The most notable changes are shifting Category A and B lecture credits to approved Council
81 on Optometric Practitioner Education (COPE)-approved credits. Regarding the CE audit, the policy
82 proposes eliminating the random audit to focus on the deficiency audit.

83

84 Council asked how these changes affect the OE Tracker inputting system as well as tracking non-COPE
85 hours. B. Wong confirmed optometrists can continue to input into OE Tracker without problem and that
86 a self-learning opportunity form has been created.

87

88 Council asked how hours are tracked for those supervising externships. B. Wong confirmed that clinical
89 supervisors will receive 12 hours per year.

90

91 Council asked for clarification regarding Category A and B. Category A typically includes higher-level
92 lectures without industry sponsorship, whereas a lecture sponsored by a drug manufacturer would not
93 be Category A. “Other opportunities” provide optometrists with flexibility and are similar to previous
94 Category B.

95

96 P. Quaid asked for a show of hands to approve the proposed key changes to the 2021-2023 CE Policy for
97 circulation.

98

Motion carried

99 **b. Clinical Practice Panel**

100

101 C. Grewal provided background on the Ontario Association of Optometrists’ (OAO) scope expansion
102 proposal. There was consensus among the Clinical Practice Panel (CPP) that the College could support
103 the scope expansion proposal, but noted that if there is an expansion of scope, there would need to be
104 an updated curriculum for students and training for practising optometrists.

105

106 Council clarified the process going forward. The OAO will be bringing the proposal forward to the
107 Ministry and wanted College approval prior to the submission.

108

109 Council questioned the wording of the motion, specifically the word “generally”. It was clarified that this
110 was intended to reflect the need for the training and education updates to go along with the scope

111 expansion. It was confirmed that University of Waterloo generally supports education before legislation
112 and that advanced procedures are already in some curricula.

113
114 Council recommended amending the motion to read “in principle.”

115
116 P. Quaid asked Council to raise their hands in support of including the wording “in principle” in the
117 motion. All hands were raised.

118
119 Moved by H. Kennedy and seconded by K. Biondi **that the College supports in principle the OAO’s**
120 **proposed changes to optometry’s scope of practice.**

121 **Motion carried**

122
123 **c. Clinical Practice Panel**

124
125 C. Grewal provided an overview of recent revisions to the COVID-19 Return to Work guidance,
126 specifically regarding contact lens fittings. A new reference was also added regarding non-contact
127 tonometry.

128
129 Moved by L. Chan and seconded by W. Ulakovic **to approve revisions to the *Return to Work: Infection***
130 ***Prevention and Control for Optometric Practice* guidance document.**

131 **Motion carried**

132
133 **d. Governance Committee**

134
135 A. Micucci presented an overview of the by-law revisions, specifically two key points (changing from
136 appointments to election for the Executive Committee and changes to the Conflict of Interest process)
137 and reminded Council that today’s motion is to approve the circulation of the amendments, not the final
138 by-laws.

139
140 Council discussed how term limits will affect participation in a limited pool of professionals. A lack of
141 term limits could also be discouraging newer optometrists from running against more experienced
142 professionals. It was noted that the Governance Committee has taken these issues into account and is
143 also looking at increasing engagement and participation among professionals.

144
145 Results from the April Council feedback survey were noted as showing overall support for the by-law
146 changes presented. The survey results presented as part of the briefing materials show 10 Council
147 members were in support.

148
149 It was noted that the term limits being proposed (21 years) are generous in comparison with most other
150 term limits seen in regulatory organizations. The term limits are also intended to help with succession
151 planning and turnover.

152
153 Council asked about the lack of provision in the current by-laws for the Vice-President to automatically
154 assume the President role. An automatic assumption has not historically been the case with the College
155 Council.

156

157 Council discussed the issue of professional members being elected. Council was reminded that elected
158 members represent the public in their district, not optometrists.

159
160 Overall, the majority of Council members expressed that they were in favour of the term limits. Several
161 noted they were in favour of succession planning and some element of term limits but had issues with
162 certain parts of the proposal.

163
164 The issue of Executive Committee meetings being open to the public was raised. It was noted there
165 could be ways to make Executive Committee decisions more available to Council.

166
167 Moved by L. Mackey and seconded by M. Witer **to approve the proposed by-law revisions for**
168 **circulation.**

169 **Motion carried**

170
171 **e. Registration Committee**

172
173 W. Ulakovic provided background on the issue: in April 2018, the College submitted a comprehensive
174 regulation amendment to the Ministry intended to ensure that the Registration Committee had the
175 tools it needed to set standards of conduct for applicants that were consistent with the standards of
176 conduct for registrants. Additional amendments are now being proposed.

177
178 Moved by H. Kennedy and seconded by A. Micucci **to approve the proposed further amendments to**
179 **the Registration Regulation.**

180 **Motion carried**

181
182 Council took a break at approximately 11:30 a.m. and returned at 11:47 a.m.

183
184 **5. Strategic Planning Committee**

185
186 M. Witer introduced the item and the consultant D. Lynch to present the new Strategic Plan.

187
188 D. Lynch provided an overview of the process and project approach before turning back to M. Witer and
189 M. Boon.

190
191 M. Witer outlined the new Mission, Vision and Values.

192
193 M. Boon walked Council through the strategic priorities and Key Performance Indicators (KPIs). An
194 operational action plan will be developed to demonstrate how to implement the strategic plan. KPIs will
195 be presented to Council in September.

196
197 Moved by M. Witer and seconded by P. Quaid **to approve the College's 2020-2023 strategic plan.**

198
199 **Motion carried**

200
201 P. Quaid introduced a new section called Member Topic, which is intended to provide an additional
202 opportunity for members to discuss items not covered in the agenda. Larger items should be prepared
203 by staff ahead of the meeting.

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7. IN CAMERA SESSION: In accordance with Section 7 (1.1) of the *Health Professions Procedural Code* (HPPC), Council will go in camera under Section 7(2)(d) of the HPPC, whereby personnel matters or property acquisitions will be discussed.

Moved by W. Hutchinson and seconded by K. Biondi **to move the meeting in camera.**

Motion carried

Council returned from in camera at 12:14 p.m.

P. Quaid reminded Council to complete the feedback survey that will follow.

Considerations for the September meeting are still being made.

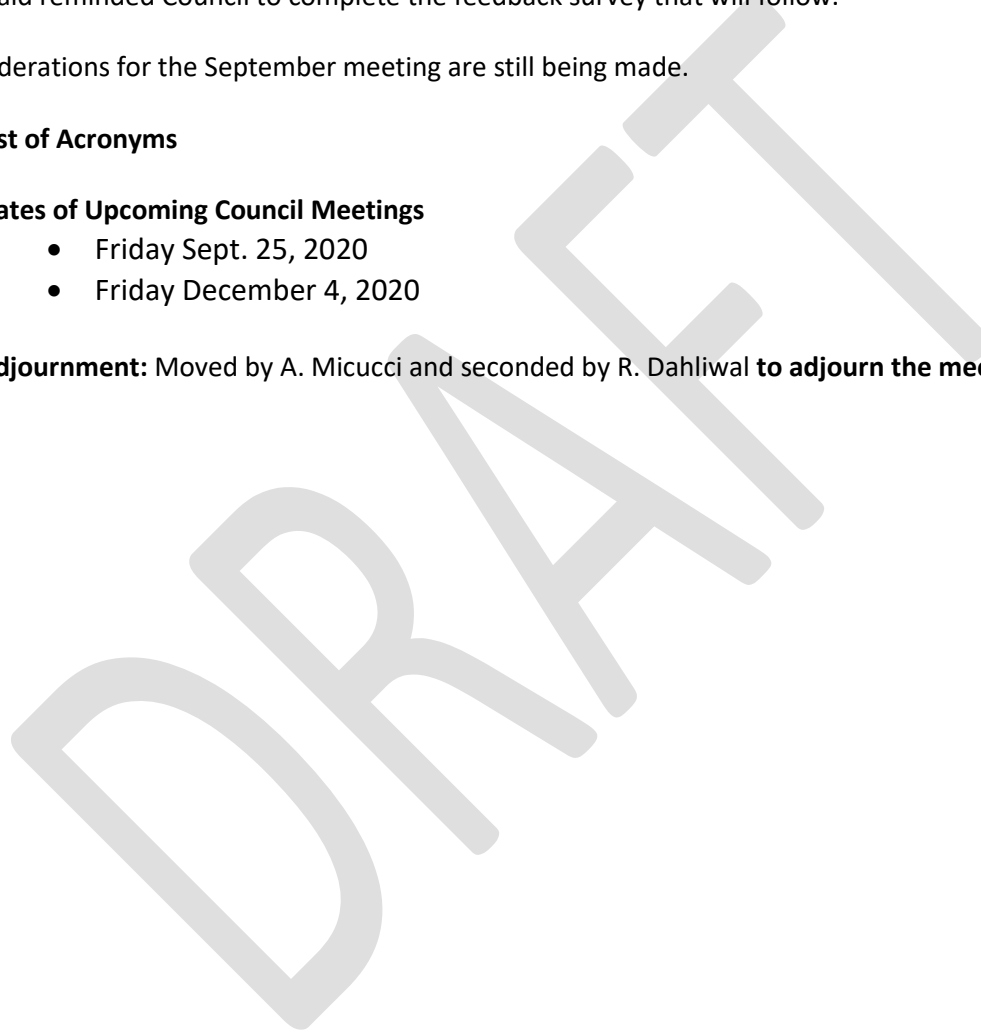
12. List of Acronyms

11. Dates of Upcoming Council Meetings

- Friday Sept. 25, 2020
- Friday December 4, 2020

13. Adjournment: Moved by A. Micucci and seconded by R. Dahliwal **to adjourn the meeting at 12:16 p.m.**

Motion carried





**College of Optometrists of Ontario
Council Meeting
July 29, 2020
DRAFT #1**

Attendance:

Dr. Patrick Quaid (President)
Dr. Richard Kniaziew (Vice-President)
Ms. Suzanne Allen
Ms. Kathryn Biondi
Dr. Linda Chan
Dr. Lisa Christian
Mr. Ravnit Dhaliwal
Dr. Camy Grewal

Ms. Winona Hutchinson
Mr. Bashar Kassir
Mr. Howard Kennedy
Dr. Lindy Mackey
Dr. Annie Micucci
Dr. Christopher Nicol
Mr. Narendra Shah
Dr. William Ulakovic
Dr. Marta Witer

Staff & Guests:

Ms. Amber Lepage-Monette

Mr. Ira Tiech

- 1 **1. Call to Order:** P. Quaid called the meeting to order at 7:03 p.m.
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3 **2. Adoption of the Agenda:** A draft agenda was circulated prior to the meeting.
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6 **a. Conflicts of Interest:** P. Quaid asked Council members if anyone had a conflict of interest with any
7 item on the day's agenda. None were declared.
8
9 B. Kassir brought forward an item to revise the College by-law 14.02 to make Executive Committee
10 meetings, briefing materials and minutes public to provide increased transparency.
11
12 Council discussed the item and requested that a briefing note be prepared with background information
13 for Council's consideration. Council noted that legal counsel should be brought into discussions related
14 to governance changes, and that the item should be reviewed by the Governance Committee.
15
16 B. Kassir amended the motion.
17
18 Moved by B. Kassir and seconded by K. Biondi **that the Governance Committee review the request for**
19 **Council to amend item 14.02 in the College by-laws to make Executive Committee meetings open to**
20 **the public.**
21
22 H. Kennedy abstained, noting as a public member on the Executive Committee he was unsure he should
23 vote on the matter at this time.
24

Motion carried

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4. IN CAMERA SESSION: In accordance with Section 7 (1.1) of the *Health Professions Procedural Code* (HPPC), Council will go in camera under Section 7(2)(d) of the HPPC, whereby personnel matters or property acquisitions will be discussed.

Moved by R. Kniaziew and seconded by W. Hutchinson **to have the meeting go in camera.**

Motion carried

13. Adjournment: Moved by N. Shah and seconded A. Micucci **to adjourn the meeting at 8:35 p.m.**

Motion carried

DRAFT



Council Meeting – Sept. 25, 2020

COUNCIL ACTION LIST STATUS

Updated September 15, 2020

Date	Minute Line	Action	Status	Comments
05/14/20	55	That staff, with guidance from CPP, develop a patient-facing FAQ regarding the COVID-19 Return to Work guidance.	Complete	A patient FAQ appears on the College website and is updated as needed.

Council Meetings – Apr-July 2020

MOTION LIST

Updated September 15, 2020

Date	Minute Line	Motion	Committee	Decision
04/20/20	55	Moved by C. Grewal and seconded by A. Liang to approve the audited financial statements for the fiscal year ending December 31, 2019.	Audit/Finance/ Risk	Motion carried
04/20/20	129	Moved by R. Kniaziew and seconded by C. Grewal to appoint, effective immediately, L. Mackey (Discipline Committee), K. Biondi (Discipline, Governance/HR and Patient Relations), and R. Dhaliwal (Discipline and Quality Assurance Committee (QA Panel)).	Governance/ HR	Motion carried
04/20/20	138	Moved by W. Hutchinson and seconded by L. Chan to approve H. Kennedy's acclamation to the Executive Committee.	Governance/ HR	Motion carried

05/14/20	37	Moved by W. Hutchinson and seconded by S. Allen to release the document Return to Work: Infection Prevention and Control for Optometric Practice.	CPP	Motion carried
06/11/20	59	Moved by R. Kniaziew and seconded by W. Hutchinson to approve the job action policy.	Executive	Motion carried
06/25/20	96	P. Quaid asked for a show of hands to approve the proposed key changes to the 2021-2023 CE Policy for circulation.	QAS	Motion carried
06/25/20	119	Moved by H. Kennedy and seconded by K. Biondi that the College supports in principle the OAO's proposed changes to optometry's scope of practice.	CPP	Motion carried
06/25/20	129	Moved by L. Chan and seconded by W. Ulakovic to approve revisions to the Return to Work: Infection Prevention and Control for Optometric Practice guidance document.	CPP	Motion carried
06/25/20	167	Moved by L. Mackey and seconded by M. Witer to approve the proposed by-law revisions for circulation.	Governance/ HR	Motion carried
06/25/20	178	Moved by H. Kennedy and seconded by A. Micucci to approve the proposed further amendments to the Registration Regulation.	Registration	Motion carried
06/25/20	197	Moved by M. Witer and seconded by P. Quaid to approve the College's 2020-2023 strategic plan.	Strategic Planning	Motion carried
07/29/20	18	Moved by B. Kassir and seconded by K. Biondi that the Governance Committee review the request for Council to amend item 14.02 in the College by-laws to make Executive Committee meetings open to the public.	Member	Motion carried

Executive Committee Activity Report

Reporting date: September 25, 2020

Chair: Dr. Patrick Quaid, President

Meetings in 2020: 13 (February 13; March 13; March 16; March 20; April 9; April 23; May 7; May 15; May 21; May 22; May 27; June 4; August 17)

Tasks Completed Since Last Council Meeting:

- Engagement of College Interim Registrar

Information Items

Strategic Plan Review

The Committee was provided an overview presentation by the Interim Registrar on strategic planning and a review of the College's recently approved Strategic Plan. The exercise outlined potential key performance indicators based on these objectives. Members agreed that the plan was a living document and could be amended. Council would be provided further information on next steps and action planning.

By-law Reform

The Committee had a preliminary discussion on the proposed by-law revisions out for consultation. It was noted that the consultation feedback and motion would be further discussed and considered by the Governance/HR Committee before being presented back to Council. The Committee did raise concerns with term limits and limiting the powers of Executive Committee. Council would further discuss the proposal at the September meeting.

Quality Assurance Committee – QA Panel Activity Report

Reporting date: September 25, 2020

Chair: Dr. Linda Chan

Information Items

Due to COVID-19, the practice assessments component of the QA program has been suspended since March 2020. Directive #2, which previously limited the provision of non-urgent care, was revised on May 26, 2020 so that optometrists can begin a gradual return to non-urgent care. The QA Panel plans to resume practice assessments sometime in the Fall of 2020, including discussion of the following items:

- Revisions of the Short Records Assessment and Complete Records Assessment protocols to reflect changes to OPR 4.2 approved by Council at its April 20, 2020 meeting.
- In light of COVID-19, the following adjustments have been made to the QA process for optometrists randomly selected to complete a practice assessment in 2020:
 - extension of file accumulation period for prospective patient records from 60 to 90 days; and
 - submission of previous first-time patient records up to one year prior to the notification date.
- Recognizing that COVID-19 may have changed routine practice, an additional question has been added to the Practice Assessment Questionnaire that asks optometrists to advise of any changes in clinical/office procedures and any additional infection control practices.
- Concerns from the Vision Institute of Canada (VIC) regarding restarting practice evaluations were reviewed, including the potential risk of exposing patients sitting for optional eye exams. The panel agreed with VIC's concerns and deferred practice evaluations for six months for QA purposes.
- Virtual opportunities were considered, such as:
 - Remote/virtual coaching opportunities where possible; and
 - To ensure the health and safety of College staff, randomly selected optometrists will be asked to submit patient records electronically through a secure file sharing website instead of submitting physical records to the College.

Quality Assurance Committee – QA Subcommittee Activity Report

Reporting date: September 25, 2020

Chair: Ms. Ellen Pekilis

Information Items

The QA Subcommittee (QASC) continued working on redeveloping the QA program, including:

Continuing Education (CE) Policy for the 2021-2023 Cycle: reviewed consultation feedback and made revisions as needed. The final CE Policy is presented to Council for approval.

Self-Assessment (SA): performed extensive jurisdictional scan of SA tools used by other optometric regulators in Canada and the U.S. as well as other health profession regulators in Ontario, including a presentation by the Ontario College of Pharmacists.

Key areas reviewed:

1. Type (self-rating questionnaire vs. objective feedback tool)
2. Format (online vs. paper);
3. Mandatory vs. optional;
4. Frequency of completion (annually, biennially, etc.); and
5. Review of content by the QA Committee.

Key highlights from scan:

1. No American optometric regulator has a SA program;
2. Other optometric regulators in Canada do not have SA tools or use tools that are similar to the College of Optometrists of Ontario's Practice Assessment Questionnaire; and
3. Most health profession regulators in Ontario use self-rating questionnaires that are submitted annually/biennially with no oversight of content. Some colleges use an objective feedback tool (case studies and multiple-choice questions). These colleges informed QASC that their registrants found the feedback tools useful and effective as they objectively helped registrants identify learning needs and guide their continuing education activities.

QASC decided that the best approach to assist optometrists in identifying areas needing improvement is to develop an objective feedback tool that would be linked to a learning plan, participation in CE/ other learning opportunities, and self-reflection. Individual contents of the SA will not be reviewed by the QA panel. To ensure the tool is based on best practices, further research was done (e.g., processes, policies, timelines, and costs associated with initial development and ongoing maintenance). Next steps include recruiting and training item writers to develop content.

Practice Assessment: collaborated with other committees (ICRC, QAP, and PRC) and QA assessors to identify risk-based opportunities and learning objectives. Consolidated all information and established a working list of issues based on risk categories (severity and frequency). Next steps include working with CPP to identify and address gaps in Optometric Practice Reference, map assessment criteria to appropriate standards, and develop a Risk Assessment Tool.

Communications Strategy: develop and carry out a plan to engage and educate the profession on the QA program redevelopment project.

QA – Clinical Practice Panel (CPP) Activity Report

Reporting date: Friday, September 25, 2020

Chair: Camy Grewal, OD

Tasks Completed Since Last Council Meeting:

- Review of Return to Work Guidance (COVID-19)
- Discussion of Specialties/CCSO

Key Priorities

CPP's continued priority remains return to work guidance for optometrists during the COVID-19 pandemic.

Information Items

A motion to approve updated return to work guidance is provided separately.

Inquiries, Complaints and Reports Committee Activity Report

Reporting date: September 25, 2020

Committee Co-Chairs: Dr. Richard Kniaziew & Dr. David White

This report is intended to provide Council with information on the complaints process while maintaining confidentiality and fairness throughout the process. In keeping with Section 36 of the Regulated Health Professions Act (“RHPA”), details about specific cases are not shared as part of the Committee report.

Information Items

Since March 16, 2020, the processing of complaints and reports (including newly filed complaints) has been significantly impacted by *O. Reg. 73/20*.¹ This regulation has effectively suspended all limitation periods and any periods of time within which any step must be taken in any proceeding in Ontario, subject to the discretion of the decision-maker. As a result, many complaint/report investigations have been paused and/or delayed and the ICRC has not been able to utilize all available investigative tools. However, in several cases involving serious allegations, the ICRC did exercise its discretion to set deadlines.

Complaints Processed Since Last Reporting on December 20, 2019²

- Cases newly filed: 41
- Cases reviewed by the Panels: 25
- Cases resolved through Alternative Dispute Resolution (ADR): 2
- Panel decisions pending: 2

Decision Breakdown	Total
Decisions Issued	28
Case Type	
• Complaints	25
• Registrar’s Report	3
• Incapacity Inquiry	0
Dispositions (for complaint cases above)	
• No further action (NFA)	16
• Remedial agreement	4
• Advice or recommendation	3
• Verbal Caution	2
• Specified Continuing Education or Remediation Program	1
• Signed undertaking	1
• Referral to Discipline	1

¹ <https://www.ontario.ca/laws/regulation/200073>

² The last ICRC Report to Council was submitted for the January 2020 Council meeting. Due to the pandemic and state of emergency, regular Committee reporting was not required and is now resuming.

Nature of Allegations (for dispositions above, NFA excluded)	
• Unprofessional behaviour	7
• Care (quality, failure to diagnose/refer, unsafe care)	7
• Improper billing/fees related	7
• Related to eyeglasses or contact lens prescriptions	6
• Delegation	1
Timeline for Resolution (for complaint cases above)	
• Less than 120 Days	3
• 121-150 Days	6
• 151-180 Days	2
• 180+ Days	17

HPARB Appeals

- New appeals: 4
- ICRC Decision Confirmed: 1
- Outstanding appeals to be heard: 4
- Appeals heard and awaiting decisions: 1

Registration Committee Activity Report

Reporting date: September 25, 2020

Chair: Dr. Bill Ulakovic

Key Priorities:

Optometry Competency Framework project

- The Committee prioritized the national competency profile project, which Touchstone Institute (Touchstone) refers to as the Optometry Competency Framework.
- Touchstone made a presentation and delivered the final competency profile reports to the Committee at its August 2020 meeting.

Optometry Examining Board of Canada

- In July 2020, the College received a reply to the proposal made by the former College President to the Optometry Examining Board of Canada (OEBC) Board of Directors in July 2019.
- The Committee was invited to provide feedback on the request-for-proposals (RFP) seeking assessment services prior to issuing it in August 2020. Touchstone Institute was invited to submit a proposal in response to the RFP.
- The OEBC CEO made a presentation to the Committee at its August 2020 meeting and responded to the Committee's questions.

Registration Process during COVID-19

- College staff continued to accept applications for registration electronically and followed-up with applicants to validate submitted documents.
- College staff have been working with a database service provider and IT consultant to develop an online registration application. An online registration application that allows applicants to upload their registration requirements is expected to significantly reduce the number of applicant inquiries about the status of their applications and shorten the time from candidate application to registration.

Further Amendments to the Registration Regulation draft amendments

- The further amendments to the Registration Regulation draft amendments were submitted to the Ministry of Health and Long-Term directly following the June 25, 2020, Council meeting.

Discipline Committee Activity Report

Reporting Date: September 25, 2020

Chair: Jim Hoover, OD

The Discipline Committee is preparing to conduct one discipline hearing:

1. Dr. Jon Barnes – date(s): TBA

Date of Referral: August 4, 2020

1. From in or about 2008 to in or about 2017, Dr. Jon Barnes submitted, to the Ontario Health Insurance Plan, improper claims for insured services and false claims for services that were not rendered to his patients. By doing so, Dr. Barnes has committed an act or acts of professional misconduct as provided by subsection 51(1)(c) of the Health Professions Procedural Code, being Schedule 2 to the Regulated Health Professions Act, 1991, S.O. 1991, c. 18, as defined in Ontario Regulation 119/94, under the Optometry Act, 1991, S.O. 1991, c. 35 (“Ontario Regulation 119/94”):

- a. paragraph 1.14 of Ontario Regulation 119/94, in that:
 - Dr. Barnes failed to maintain the standards of practice of the profession related to record keeping, including in relation to Optometric Practice Reference, 5.1 Patient Record;
- b. paragraph 1.24 of Ontario Regulation 119/94, in that:
 - Dr. Barnes did not maintain the required records, including, but not limited to, the day sheets, as required by section 8 of Part IV of Ontario Regulation 119/94, as well as the information required to be included in patient records at subsection 10(2) of Part IV;
- c. Paragraph 1.25 of Ontario Regulation 119/94, in that:
 - Dr. Barnes falsified records relating to his practice,
- d. Paragraph 1.26 of Ontario Regulation 119/94, in that:
 - Dr. Barnes signed or issued, in his professional capacity, certificates, reports or similar documents that contained statements he knew or ought to have known were false, misleading or otherwise improper, or omitted statements or information that he knew or ought to have known should be included;
- e. Paragraph 1.28 of Ontario Regulation 119/94, in that:
 - Dr. Barnes submitted or allowed to be submitted accounts for professional services that he knew or ought to have known were false or misleading; and
- f. Paragraph 1.39 of Ontario Regulation 119/94, in that:

- Dr. Barnes engaged in conduct or performed an act that, having regard to all the circumstances, would reasonable be regarded by members as disgraceful, dishonourable, unprofessional and unethical.

Discipline Case Returned by the Divisional Court, on Appeal, for a New Hearing

On January 11, 2019, a Panel of the Discipline Committee found Dr. Gregory Miller guilty of sexual abuse of a patient. On March 25, 2019, the Panel ordered that Dr. Miller's certificate of registration be revoked, that he be reprimanded and that he reimburse the College up \$16,060 for funding provided to the patient. He was also ordered to partially reimburse the College for costs in the amount of \$37,000. Dr. Miller appealed both the Panel's misconduct findings and its penalty decision on February 19, 2019.

On April 28, 2020, the Divisional Court released its decision and set aside the Merits Decision and remit the matter to a differently constituted Discipline Committee of the College for a new hearing. Given the decision on the merits, the issue of penalty if applicable, should be determined by the Discipline Committee that rehears the case against Dr. Miller.

The Divisional Court decision in its entirety can be found here:

<https://www.collegeoptom.on.ca/public/discipline/discipline-decisions/dr-gregory-miller-october-2018/>

Committee training: Due to COVID-19, the Discipline Committee was not able to hold its annual orientation meeting and training, originally scheduled for May 1, 2020.

Eleven members appointed to the Discipline Committee have completed the Health Profession Regulators of Ontario training session "Conducting a Discipline Hearing Webinar – Basic Program" on June 12, 2020.

Governance/HR Committee Activity Report

Reporting date: September 25, 2020

Chair: Dr. Annie Micucci

Meetings in 2020: 4 (March 23; June 1; August 19; September 2)

Tasks Completed Since Last Council Meeting:

- Discussed and reviewed consultation feedback regarding proposed by-law revisions;
- Finalized proposed by-law revisions for Council approval;
- Discussed recommendation regarding public nature of Executive Committee meetings;
- Reviewed process and responses to Council member self-evaluation;
- Commencing recruitment process for new College Registrar/CEO;
- Prioritized ongoing development of terms of reference for each statutory committee.

Key Priorities

The Committee's key task for this Council year was to spearhead a review and revision of the College by-laws. The Chair provided an overview of the anticipated recommendations to Council at its April 2020 meeting, before presenting the by-laws for circulation at the June 2020 meeting. The by-laws were circulated for a 60-day window, at which time the Committee reviewed feedback.

The Committee has now prepared its final recommendation on by-law reform. In developing its recommendations, the Committee reviewed best practices and other models, had extensive internal discussions, and considered both Council and consultation feedback. In addition, a fulsome legal review and administrative document restructuring was undertaken. A motion with the proposed by-law revision for Council approval are now provided separately in the briefing materials.

The Committee was also tasked with examining the implications of Executive meetings being held in a public forum, in the same manner as Council meetings. Following initial deliberations, the Committee will lead a discussion during the September Council meeting.

The Committee is also prioritizing the development of defined terms of reference for each committee. In 2018, Council approved new/revised terms of reference for Executive, Governance/HR and Audit/Finance/Risk; no formal terms of reference are in place for statutory committees. Staff and past committee chairs have been working to develop these documents. The Committee aims to present draft terms for Council approval at the December meeting.

Information Items

Registrar Recruitment Process

The Committee has initiated a Registrar recruitment process. The Committee will be establishing a selection subcommittee and using an external executive search firm to assist in the work. The intended timeline would be to have a new Registrar/CEO in place by January 1, 2021.

Council Meeting Evaluation

The Committee will continue to distribute an evaluation survey following each Council meeting and asks that all members please complete in a timely fashion. The survey results following the June 25, 2020 meeting are provided as an addendum to the report.

Attachments

- June 25 Council Meeting Evaluation – Results and Feedback

Council Meeting Evaluation – Survey Results

Following the Council meeting on June 25, 2020, members were sent an online survey to complete, asking them to evaluate the meeting effectiveness and make any suggestions moving forward. Out of the 18 members in attendance, 17 responded to the survey.

1. Did you have the opportunity to engage in the virtual meeting? If not, how can you be better engaged?

- Yes, able to engage in the meeting (x15)
- We are all getting used to the virtual meetings so will continue to work on it
- It is always a two way street
- Not really. Too many perspectives heard but there was no consensus

2. Do you feel any Council members (yourself included) hold back from sharing their opinion on matters, or sometimes simply agree with the group?

- No (x8)
- Yes (x2)
- Felt more comfortable sharing my opinion than at previous meetings as everyone's opinion was sought and had more meetings under the belt
- Find it mor intimidating sharing opinion via video conference compared to in-person meeting
- Generally feel that members hold back their true opinions. At this meeting however, chair forced everyone to talk on the most controversial topic
- I feel this might be the case, but perhaps a function of being new to Council and becoming familiar with the work and subject matter
- Members mostly do not hold back
- Not on important issues as anyone can disagree and has the right to say how they think/feel
- Open and share
- There are a couple members that probably do not share unless asked
- Uncomfortable to discuss term limits with professional members

3. Council approved the circulation of the proposed by-law amendments. Ahead of the September meeting, the Governance/HR Committee will review the consultation feedback before presenting it for final approval. Based on today's discussion, the Committee would again like to gauge support for the proposed term limits for Council, committees and officers. Please indicate your support on a 1-5 scale below:

- 6 members = LEVEL 5 – I love it 100%
- 6 members = LEVEL 4 – I can live with it/I will support it after our meeting
- 2 members = LEVEL 3 – I like it, but 2-3 changes required
- 3 members = LEVEL 2 – I like it, but many changes required
- 0 = LEVEL 1 – I hate it

4. If you do not support the proposal, please provide any further comments or suggestions for the Committee.

- Committee involvement should be removed from term calculations. If there are too many volunteer applications, it could always be rejected, but if there aren't enough volunteers, then it is a win-win
- Do not think that the five fingers would apply here – so do not take my '2' rating seriously; I had to pick one. The proposal is okay and I can support it as it is; however, engagement with the profession should be demonstrated moving forward and there is no reason for such long term limits. There is no lack of volunteers from the profession but there is not an effective management of the resources we have (i.e. many volunteers on Discipline but members won't run for elections)
- Do not support the appointment of the executive members outside of the election of President and Vice President and do not fully support the term limits as presented.
- Expressed comments during the meeting. Why fix something that is not broken?
- Support changing election procedures but do not think term limits are sensible - period. The College has a good election system and needs to foster more engagement from the profession in terms of candidates and voting. The apathy is a much bigger problem than term durations. Unsure as to the logic of term limits (period) but especially with respect to committees. After all, doesn't Council and Governance decide this, so why are committee limits necessary. Changes seem very rushed to push through unnecessarily and should be considered as part of the Strategic Plan. It also may be better to discuss this topic in person as more engagement and debate usually in person overall.
- Support the motion, though Governance may want to consider in the future removing committee term limits, or alternatively having term limits that do not include time spent on Council.
- Support the motion, though Governance may want to consider a refinement that an elected member would be well advised to be on and off Council/committees over the course of their career and not 21 years straight
- The Committee did its job and is carrying out its mandate. No issue with term limits.

5. How would you like Governance/HR to handle the feedback provide through these surveys?

- 11 (Council to discuss as a whole at future meetings)
- 5 (Council Chair to review in depth and make changes to meeting management style)
- 1 (Council Chair to review in depth and make changes to meeting management style and point out at meetings where this is being done)

Comments:

- Council and staff present extensive experience in varied fields. Open discussion will present and develop the best standards and the reasoning to employ changes.
- Great to know that feedback is being heard and some references to why changes taken would be helpful

6. Do you have any other comments, questions, or concerns?

- A 1/2 hour session on what constitutes perceived or real conflict would be helpful
- Appreciate presenter referring to page numbers in the PDF before discussing material.
- Briefing materials were excellent and provided detailed information

- Council members were given the opportunity to voice their concerns and received with respect. Good group to work with.
- Display a countdown timer to ensure we are following the allocated time for discussion.
- Enjoyed the graphics as they provide a better understanding.
- Good meeting time management
- Hope the September meeting can be in-person
- On term limits, there is obvious real conflict of interest and those Council members need to recuse themselves and the Chair has to make sure this happens
- Really liked that the chair asked each Council member to comment on term limit question. Roundtable is not always necessary but appreciated when topics are personal or of significance to the board.
- Thank you to staff for all that is done for Council and committee meetings to run smoothly.
- Well done on Vision statement
- As all members were muted immediately upon entering the meeting, it felt very formal and lacked any camaraderie that we usually have in person. It will be important to get that back the longer we have virtual meetings. May want to consider starting the meeting 20 minutes early specifically so that people have a chance to catch up before business/broadcast starts.
- “Interesting that agism was not raised today with term limit discussion. Something Council should be aware of. It was stated that doctors refusing to see OHIP based on age was not acceptable. Yet we then discriminate against older council members without batting an eyelid.”
- “The purpose of term limits is to allow more members to run for Council and/or volunteer for committees. Realistically, the term limit of 21 years is more than sufficient time for succession planning, utilizing expertise, etc. Sadly, not supporting term limits is about self preservation and is archaic. If we don’t make progressive changes (like mandatory term limits) then we won’t be in line with our new vision of being ‘a leading regulator’ and can be perceived as an example of ‘white privilege’ in this current climate.”
- Will there be an opportunity to review the input received from the consultations?

Audit/Finance/Risk Committee Activity Report

Reporting date: September 25, 2020

Chair: Bashar Kassir

Tasks Completed Since Last Council Meeting:

- Drafted preliminary revisions to Honoraria and Expenses Policy, to be reviewed at next committee meeting.
- Discussion re: HST charged on membership fees; Committee will seek advice.
- Initiated review of Investments Policy.
- Initiated Auditor Selection and Review Process through a Request for Proposals; invited presentations by prospective firms and made selection. Consent motion to Council submitted for approval of new auditors at this meeting.
- Prioritized discussions to seek resolution and legal opinion regarding security associated with the virtual boardroom, and to provide a report to Council at this meeting.

Key Priorities

- Review of the College's Honoraria and Expenses Policy.
- Review of the College's Investment Policy.
- Selection and approval of new auditors.
- Ongoing review of risks: IT, operational, organizational, financial, and strategic.
- Developing budget for fiscal year 2021, to be presented at the next committee meeting on November 4, 2020 for approval; updating current budget vs actuals and preparing financial reporting and various analyses for Q3 period ending September 30, 2020 and impact of COVID-19, for review by Council at the next meeting on December 4, 2020.
- Cybersecurity training for Council members.

Information Items

Financial Reporting:

- A financial analysis of the impact of COVID-19 on the budget, as well as a full report on the investment portfolio, will be provided at the next meeting on December 4, 2020.

4-5 / REPORTS

4. Registrar's Report: Interim Registrar Ira Teich to provide College updates via PPT presentation that will touch on:
 - a. Updates regarding the previous two months of College operations
 - b. Updates regarding the Strategic Plan
5. Presentation from Kim Allen, CEO of the Optometric Examining Board of Canada

6 / OTHER MATTERS

6. Auditor Selection - In Camera Session

Council will go **in camera** under:

- Section 7b of the *Health Professions Procedural Code*, which is Schedule 2 to the *Regulated Health Professions Act, 1991*

7 / MOTIONS

7. Motions Brought Forward from Committees

- a. Audit/Finance/Risk Committee
 - That Council approve the auditor as recommended by the Audit/Finance/Risk Committee.
- b. Quality Assurance Committee
 - Clinical Practice Panel
 - That Council approve revisions to *Return to Work: Infection Prevention and Control for Optometric Practice*.
 - QA Subcommittee
 - That Council approve the final version of the 2021-2023 CE Policy.
- c. Registration Committee
 - That Council approve the 2020 College jurisprudence exam.
 - That Council approve the 2020 OEBC written exam and OSCE as one of two standards assessment examinations set or approved by the College for registration purposes.
 - That Council approve the 2020 National Board of Examiners in Optometry (NBEO) exam as an alternate standards assessment examination set or approved by the College for registration purposes.
 - That Council receive the 2020 national competency profile that was developed jointly between the College and Touchstone Institute.
- d. Governance/HR Committee
 - That Council approve the following aspects of the by-law proposal (separate motions for each):
 - Administrative changes (new format with eight parts);
 - Establish Council term limits (nine-year consecutive term, three-year waiting period following consecutive term limit, 18-year total);
 - Establish committee term limits (nine-year maximum for any one committee, 21-year total, exceptional appointment clause);
 - Establish officer term limits (four-year maximum for each President and Vice-President position, exceptional circumstance clause);

- Reduce Executive Committee duties in by-laws to only the legislative requirement;
- Institute appointment model for non-officer positions on the Executive Committee;
- Remove/reduce explicit and prescriptive processes (incl. obtaining volunteers and selecting committees, process for disqualification/sanctioning, conflict of interest and code of ethics).

BRIEFING NOTE

Audit/Finance/Risk Committee – August 2020

Issue

The College is seeking to engage a new audit/accounting firm to provide an annual independent audit of the financial statements of the organization.

Decision(s) for Council

Discussion to be held in camera. The motion by Council to be held out of camera.

To approve the selection of the new auditing firm as selected by the Committee in its meeting on August 21, 2020.

Contact

- Deborah McKeon
Manager, Finance and Office Administration

BRIEFING NOTE

QA – Clinical Practice Panel – September 2020

Subject

Update to Return to Work Guidance (COVID-19)

Background

In the section “Controls of the Environment,” the examples of high-level disinfectants that are cited directly from PHO IPAC guidelines may, in many cases, be damaging to ophthalmic equipment (e.g., tonometer prisms). The College addressed this previously in an early FAQ ([Is it OK to use 3% hydrogen peroxide to clean Goldmann tonometer prisms?](#)).

To mitigate any ongoing misunderstanding, it is proposed that the referenced examples of low- and high-level disinfectants are struck from the guidance documents.

Optometrists should refer to manufacturer’s instructions regarding disinfection of clinical equipment, and a reference/link is added to Health Canada’s list of disinfectants with evidence for use against COVID-19.

Decision(s) for Council

To approve revisions to Return to Work: Infection Prevention and Control for Optometric Practice

Supporting Materials

- The revised document is provided showing track changes.

Next Steps

CPP will plan to review return to work guidance again at a fall meeting.

Contact

- David Wilkinson, Practice Advisor



RETURN TO WORK: INFECTION PREVENTION AND CONTROL FOR OPTOMETRIC PRACTICE

The following document presents guidance for optometrists returning to work during the ongoing COVID-19 pandemic. This information was developed through consultation with [Infection Prevention and Control for Clinical Office Practice](#),¹ public health information specific to COVID-19,² and profession-specific guidelines, and will be modified in the event of additional directives by the Ministry of Health (MOH) and as the COVID-19 pandemic evolves. **The contents of this guidance will be reviewed and updated as Ontario progresses through [each phase](#) of its recovery.**

Optometry practices must comply with both the College’s Return to Work guidance and the Ministry of Health guidance [COVID-19 Operational Requirements: Health Sector Restart](#) when providing care.

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Summary of Requirements

- Do not schedule appointments for any person who has symptoms of COVID-19,^{3,4} who is living with someone that has symptoms, who has been in contact with a confirmed case of COVID-19 without wearing appropriate PPE, or who has travelled outside of Canada within 14 days.
- Hands must be cleaned before and after every patient interaction.
- Hand sanitizing stations must be available at clinic entrances and must be used by anyone entering the clinic.
- Optometrists and staff must wear personal protective equipment (PPE) covering their mouth, nose, and eyes when interacting with patients.
- Anyone entering the office, including patients, must wear a mask.
- Health Canada guidelines must be followed if reprocessing PPE.⁵
- Optometrists must consider how physical distancing can be maintained in the office (> 2 m).
- Slit lamp shields must be installed.
- Optometrists must update and document their standard operating procedures (SOPs) related to infection control.
- Every device or appliance (including eyeglass frames) that patients contact must be disinfected before use with the next patient.
- Optometrists and their staff must not present to work when ill with symptoms of infection.
- Automated visual field assessment must only occur when necessary, and with patients wearing a properly secured mask covering their mouth and nose.

Summary of Recommendations

- Telehealth⁶ is recommended if in-person care is not required.⁷
- It is strongly recommended that optometrists post their infection control SOPs on their website and in their office reception area where they will be available to patients.
- When scheduling patients, it is strongly recommended that optometrists prioritize based on clinical need.
- It is strongly recommended that optometrists provide dispensing services (spectacles & contact lenses) by appointment only, and direct delivery should be used when optometrists consider it is appropriate.

Risk Assessment and Screening

A risk assessment and screening⁸ must be performed before every interaction with a patient, including at the time of scheduling an appointment, upon arrival at the office, and in the examination room. When scheduling appointments, optometrists must screen patients for symptoms of COVID-19, recent travel history, and reason for visit. Optometrists must not schedule an appointment for any person with a positive screening result for COVID-19, who has common symptoms of COVID-19 or other febrile illness, who is living with someone that has symptoms, or who has travelled outside of Canada within the past 14 days. Patients with a positive screening result for COVID-19 should be referred to Telehealth Ontario ([1-866-797-0000](tel:1-866-797-0000)). If a patient has possible symptoms of COVID-19, or a recent travel history, and urgent eye care may be required, optometrists should consult an ophthalmologist or access the ophthalmologist on-call, depending on the arrangements in their local communities. If no other options are available, patients with symptoms of COVID-19 who require urgent eye care can be referred to the emergency room.

Optometrists are recommended to implement a system for virtual and/or telephone consultations to replace in-person visits when and where possible. When screening the reason for a visit, optometrists should consider whether in-person care is required or whether care could be provided using [telehealth](#) to support ongoing physical distancing in the community.

Conjunctivitis (pink eye) is an atypical symptom of COVID-19,⁴ however, conjunctivitis⁸ represents a positive screening result⁷ that should be referred to Telehealth Ontario. Optometrists screening patients with complaints of pink eye (conjunctivitis), should manage these patients using telehealth, if possible.

Optometrists should consider scheduling appointments only by telephone, email, and/or website application. 'Walk-in' appointment scheduling should be discouraged by signage outside of the office.

Optometrists should consider whether a temperature assessment, using an infrared thermometer, is appropriate as part of their risk assessment protocol for when patients arrive at the office.

Hand Hygiene

[Hand hygiene](#)⁹ is considered the most important and effective infection prevention and control (IPAC) measure to prevent the spread of COVID-19. Optometrists and their staff must clean their hands before and after every patient interaction. In addition, optometrists must clean their hands before and after any contact with a patient's eye/tears, and upon the insertion and removal of gloves. Cleaning hands with soap and water for at least 20 seconds is recommended. In order for hands to be cleaned at the right time, it is necessary to be able to clean hands at the point-of-care. Where optometrists do not have a sink in their exam room, alcohol-based hand rub (ABHR) may also be used (a minimum of 70 per cent alcohol).

Optometrists must have a hand sanitizing station available at their office's entrance/reception, and elsewhere in their office, for use by patients. Optometrists must require that all persons sanitize their hands upon first entering the office. Optometrists should not use homemade hand sanitizers.¹⁰

Personal Protective Equipment (PPE)

PPE is worn to prevent the transmission of microorganisms from patient to staff and from staff to patient. Optometrists and staff must wear PPE covering their mouth, nose, and eyes when interacting with patients (i.e., whenever they are within 2 m of one another).

Eye protection includes safety glasses, safety goggles, face shields and visors attached to masks. Eye protection should provide both front and side coverage. Prescription glasses, without a side shield, are not acceptable as eye protection.

Optometrists should not compete with front-line workers for PPE that may be in short supply, such as N-95 respirators. Surgical masks are considered an appropriate alternative to N-95 respirators as long as optometrists are not performing aerosol-generating procedures. If N-95 respirators are not available, the risk of droplet dispersal is further reduced by the patient also wearing a mask. Optometrists should use their judgment regarding masks that may be appropriate (e.g., surgical masks, N-95 respirators, or other comparable alternatives).

Optometrists should consider wearing gloves and/or using disposable cotton tip applicators whenever they are touching patients' eyes or eyelids. Optometrists should consider the types of gloves that suit their care activities. Latex gloves are generally not recommended because of the risk of allergic reaction. Wearing gloves is not a substitute for hand hygiene.¹

Optometrists and their staff are expected to wash any worn gowns or clothing at the end of each day.

Optometrists must not allow any person (> 2 years of age) into their office who is not wearing a mask (disposable/reusable). When scheduling appointments, patients should be advised to arrive to the office wearing a mask. Ideally, optometry offices should have inventory to sustain recommended PPE use for its workforce and patients for two weeks without the need for emergency conservation effort. Optometrists must follow Health Canada guidelines if reprocessing PPE.⁶

Optometrists are responsible for educating themselves and staff on how to safely fit, put on, take off, replace and reprocess (if appropriate) PPE.

Precautions to Maintain Physical Distancing

Physical distancing (> 2 m) – Optometrists must consider how physical distancing can be maintained in their office including, but not limited to, the frequency and interval of appointments scheduled; emphasizing punctual arrival for appointments; only admitting patients to the office by appointment and at the time of their appointment; dispensing spectacles and contact lenses by appointment only; repositioning chairs in the reception/waiting area; using ground markings; limiting the number of people allowed in the office and exam room(s) at any time; recommending to patients that they attend their appointment alone or with as few other people as possible (e.g., one parent/support-person/substitute decision maker).

Contact-less procedures – Optometrists are encouraged to adopt contact-less procedures where possible, including but not limited to, contact-less payment systems, when collecting patient information, and the electronic delivery of prescriptions and receipts (e.g., by email).

Protective barriers – Optometrists must install slit lamp shields. Other protective barriers, e.g., plexiglass barriers in the frequented areas of reception and pre-test, should be considered depending on the office layout, where possible.

Control of the Environment

Optometrists must document and update their SOPs regarding infection control of the office environment (an example is provided in Appendix 1). Every person working at an optometric clinic (optometrists, staff, and student interns) must review SOPs related to infection control.

Optometric office settings will usually feature two components:

Public component is the public areas of the clinical office that are not involved in patient care. This includes waiting rooms, offices, corridors and service areas. Areas designated in the public component are cleaned with a detergent.

Clinical component is the area involved in patient care. This comprises the clinical areas of the office, including examination rooms, procedure rooms, bathrooms and diagnostic and treatment areas. Areas designated in the clinical component are cleaned with a detergent and then disinfected with a hospital grade disinfectant. ‘High-touch’ surfaces may require more frequent cleaning.

Every device or appliance (including eyeglass frames) that patients come into contact with must be disinfected before use with the next patient. Follow the manufacturer’s instructions regarding appropriate contact time and the use of disinfectants, in order to provide appropriate disinfection and avoid damaging equipment or appliances.

[Optometrists should refer to Health Canada’s website for a list of disinfectants with evidence for use against COVID-19¹¹.](#)

~~Low-level disinfection is generally appropriate for diagnostic equipment, chairs, frames, ocluders, pens, etc. Low-level disinfectants include, but are not limited to:~~

- ~~Alcohols (70-95% ethyl or isopropyl alcohol)~~
- ~~Chlorine (1:50 dilution of household bleach)~~
- ~~QUAT (quaternary ammonium cation); multiple commercial types, e.g., Fantastik~~
- ~~phenolics (i.e., Lysol, Pine Sol)~~
- ~~CaviCide~~

~~High-level disinfection is appropriate for contact lens cases, contact lenses, and generally any equipment that touches patients' eyes (e.g., spuds, alginate brushes, lacrimal dilators, lid tools, tonometer probes, gonioscopy lenses, etc.). After disinfection, saline rinse followed by air dry is generally appropriate.~~

~~High-level disinfectants include, but are not limited to:~~

- ~~2% glutaraldehyde~~
- ~~6% hydrogen peroxide~~
- ~~7% hydrogen peroxide enhanced action formulation~~
- ~~0.2% peracetic acid~~
- ~~0.55% ortho-phthalaldehyde (OPA)~~

~~When in doubt, high-level disinfection is recommended.~~

Equipment disinfection and hand washing should be performed in front of patients, where possible.

It is strongly recommended that optometrists post their infection control SOPs on their website and in their office reception area where they will be available to patients.

Administrative Controls

Optometrists and their staff must not present to work when ill with symptoms of infection. Any person with symptoms of COVID-19 should stay home, contact their primary care provider or Telehealth Ontario, and should not return to work until they are asymptomatic and have been cleared by their primary care provider or Telehealth Ontario of any concern of COVID-19.

Any confirmed case of COVID-19 in an optometrist, staff member or visitor to the office should be reported to the local Public Health Unit. Optometrists should follow the subsequent directions of their local Public Health Unit. In order to facilitate contact tracing, optometrists must maintain a log of every person who visits their office, including date and time.

Optometrists and staff should plan their work schedules so to minimize the number of people in contact with patients/visitors, and one another. Optometrists should also consider whether it is appropriate to continue to practice at multiple locations at this time.

Optometrists and staff should self-declare their health status at the beginning of each day. Optometrists and their staff should adhere to the recommended immunization schedule.¹

It is recommended that staff work at individual workstations, if possible. Efforts should be made to have patients interact with as few staff as possible.

Clinical Guidance

When scheduling patients, it is strongly recommended that optometrists prioritize based on clinical need.

Optometrists performing initial (new) contact lens fittings should consider measures that would limit the amount of time spent in close proximity to patients, and the amount of time patients spend in the office.

It is strongly recommended that optometrists provide spectacle and contact lens dispensing services (OPR 6.4, 6.5)^{12a} by appointment only, and direct delivery should be used when considered appropriate.

Automated visual field assessment (OPR 6.8)^{12a} must only occur when necessary, and with patients wearing a properly secured mask covering their mouth and nose.

Optometrists should use their professional judgment regarding when the measurement of intraocular pressure (IOP) may be necessary. When performing tonometry, optometrists should consider which equipment to use, which PPE should be worn, the risk of aerosol generation, barriers that may be appropriate, and how to disinfect the equipment and immediate surrounding environment. There is no current evidenced-based consensus regarding the COVID-19 risk associated with non-contact tonometry (NCT).^{13a} However, risk is certainly reduced through patient screening, wearing PPE, and disinfection of the equipment and surrounding environment. Optometrists should consider using other equipment to measure IOP, if possible.

Optometrists should refer to industry standards regarding how to clean specific devices^{14a} and appliances (including frames of different materials).

Optometrists should consider the use of minim diagnostic pharmaceutical agents (eye drops) at this time.

References

- ¹Infection Prevention and Control for Clinical Office Practice. Provincial Infectious Diseases Advisory Committee. 2015. <https://www.publichealthontario.ca/-/media/documents/B/2013/bp-clinical-office-practice.pdf?la=en>.
- ²Coronavirus Disease 2019 (COVID-19). Public Health Ontario. <https://www.publichealthontario.ca/en/diseases-and-conditions/infectious-diseases/respiratory-diseases/novel-coronavirus>.
- ³COVID-19: Stop the spread. <https://www.ontario.ca/page/covid-19-stop-spread>
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- ¹¹Hard-surface disinfectants and hand sanitizers (COVID-19): List of disinfectants with evidence for use against COVID-19. Health Canada. <https://www.canada.ca/en/health-canada/services/drugs-health-products/disinfectants/covid-19/list.html>
- ¹²Optometric Practice Reference (OPR). College of Optometrists of Ontario. <https://www.collegeoptom.on.ca/members/professional-practice/optometric-practice-reference-opr/>
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Appendix A: Sample Standard Operating Procedure

(If using this sample, it should be filled in/personalized)

Frequency legend:

1. Before direct patient contact
2. After direct patient contact
3. Before and after direct patient contact
4. End of every day
5. Weekly
6. Monthly

Who legend:

- A. Optometrist
- B. Staff

Disinfection Agent:

BRIEFING NOTE – QA SUBCOMMITTEE

Council Meeting – September 2020

Subject

Continuing Education (CE) Policy (2021-2023)

Background

The next CE cycle runs from January 1, 2021 to December 31, 2023. Formal consultation on the proposed key changes to the 2021-2023 CE Policy occurred between June 29, 2020 and August 28, 2020. A total of 114 comments were received. The QA Subcommittee reviewed the feedback and made revisions as needed.

Decision for Council

To approve the final version of the 2021-2023 CE Policy.

Supporting Materials

1. Final version of the 2021-2023 CE Policy
2. College consultation: collated feedback
3. Consultation results: summary of concerns/suggestions
4. Top five concerns/suggestions regarding changes to 2021-2023 CE policy: QA Subcommittee decisions and rationale
5. Equivalencies CE credit hours calculations for current vs. next CE cycles
6. Revised Other Learning Opportunities Form

Next Steps

- If approved by Council, CE policy will be rolled out to optometrists along with updated [Frequently Asked Questions](#) on the College website

Contacts

- Ellen Pekilis, QA Subcommittee Chair
- Bonny Wong, Coordinator, Quality Assurance Programs

Policy

Type:	Quality Assurance Program		
Name:	Continuing Education: January 1, 2021 – December 31, 2023		
Status:	Draft	Version:	1
Date Approved:		Date Revised:	

Purpose

The purpose of this policy is to outline the requirements of continuing education that must be met by optometrists in the three-year continuing education cycle: January 1, 2021 to December 31, 2023.

Participation in Continuing Education

As per the [Optometry Act, 1991. O. Reg. 119/94](#), a key component of the College's Quality Assurance Program is mandatory Continuing Education (CE). Optometrists are required to participate in the CE component to ensure their continuing competence and quality improvement, to address changes in practice environments, and to ensure they remain current with changes in technology, scope and standards of practice.

Current Cycle

The current cycle runs from January 1, 2021 to December 31, 2023.

Optometrists must complete a minimum of **seventy (70)** credit hours of continuing education related to the maintenance of their standards of practice or continuing competence by the end of the three-year cycle.

Breakdown

Of those 70 hours, an optometrist must complete:

- **a minimum of 50 (fifty)** hours of Council on Optometric Practitioner Education (COPE) accredited CE;
 - **20 (twenty)** of those COPE accredited hours must be in topics reasonably related to ocular disease and management or related systemic disease; and
- **the remaining 20 (twenty)** hours may be obtained by completing COPE accredited CE or other learning opportunities, which give optometrists a wider range of options and the opportunity to make flexible selections that suit their learning needs and practice.

Accepted learning opportunities for the remaining 20 hours include:

Learning Opportunities	Calculation of CE Credit Hours
Organized events: conferences, education, events, and lectures that are not COPE-accredited	Hour-for-hour
Professional journals: reading of articles in refereed optometric, ophthalmologic, or medical journal	Hour-for-hour
Distance learning activities: print, internet, video that are not COPE accredited	Hour-for-hour
Graduate studies in optometry or a related health discipline preapproved by the Quality Assurance Panel	Full-time studies: 20 hours per year Part-time studies: pro-rated 20 hours per year
Residency at an ACOE-accredited school	20 hours per year
Faculty appointment at an ACOE-accredited school	Full-time: 20 hours per year Part-time: pro-rated 20 hours per year
Fellowship or Diplomate in the American Academy of Optometry or Fellowship in the College of Optometrists in Vision Development	20 hours during the cycle the fellowship or diplomate is awarded
Publication of an article in a refereed optometric, ophthalmologic, or medical journal	10 hours
Publication of a case report in a refereed journal	2 hours
Lectures prepared and given to regulated health professionals for their primary continuing education or regulated health professionals in training education at a Canadian or American accredited school. If a faculty member prepares and gives lectures to regulated health professionals as part of their appointment, they may claim CE credit hours either for their faculty appointment or lectures prepared and given to regulated health professionals, but not both.	3 credit hours/hour of lecture—each lecture may be counted one time only
Appointment as a clinical supervisor/staff optometrist at an ACOE-accredited school	Full-time: 7 hours per academic year Part-time: pro-rated 7 hours per academic year

<p>Supervising optometrist in an external clerkship rotation for students from ACOE-accredited schools or the IOBP</p>	<p>One rotation of minimum 7 weeks in an academic term:</p> <ul style="list-style-type: none"> • Full-time: 7 hours • Part-time: pro-rated 7 hours <p>One short rotation (i.e. 4 week) in an academic term:</p> <ul style="list-style-type: none"> • Full-time: 3 hours • Part-time: pro-rated 3 hours
<p>Participation in an organization approved to administer an entry-to-practice examination or an evaluating examination for foreign-trained practitioners.</p>	<p>Clinical Assessor: 1 credit hour per two hours spent assessing or training to assess candidates</p> <p>Question Author: 1 credit hour per question accepted to the database</p> <p>Question Item Selector: 1 credit hour per two hours spent selecting questions for the examinations</p>
<p>Certification in a Cardiopulmonary Resuscitation (CPR) Heart Saver AED (C) or CPR HCP (Health Care Provider) level with AED</p>	<p>5 hours per cycle</p>

New Registrants

Optometrists may only claim CE credit hours that have been completed following their initial registration with the College. Newly registered optometrists during the current cycle will be required to complete a prorated number of hours based on their registration year as follows:

Year of Registration	Total Hours	COPE Accredited Hours (*)	Other Learning Opportunities Hours
2021	47	34 (14)	13
2022	24	17 (7)	7
2023	No requirement	No requirement	No requirement

*Number of COPE accredited hours that must be in topics reasonably related to ocular disease and management or related systemic disease

Participation Verification Certificate

A participation verification certificate must be issued for COPE accredited CE activities.

For other learning opportunities, optometrists must complete the 'Continuing Education: Other Learning Opportunities' form, which requires the following information:

- **Activity:** select one of the accepted learning opportunities;
- **Instructor:** name of the instructor of the CE activity or "Self" if there is no instructor;
- **Provider/resource used:** name of the provider of the CE activity or the resource material used;
- **Format:** select one of the activity formats. There are two options for online formats:
 - **Online – Interactive:** webinar, video conference, teleconference, or other format that allows for immediate interaction and feedback between the audience and the instructor. Once the event has taken place, optometrists may no longer participate in that activity; and
 - **Online – Enduring:** webcast, podcast, video, journal, website, written or other format that provides one-way content to the audience without immediate interaction with the instructor. There is not just one time on one day to participate in the activity, rather, the optometrists determine when they participate;
- **Presentation (if applicable):** select one of the activity presentations or leave blank if not applicable;
- **Category:** select one of the activity categories. See "COPE Categories" for description of each category;
- **Date:** date of completion of the activity;
- **City, Province/State, Country:** location of the activity; and
- **Number of credit hours claimed:** number of credit hours claimed for the activity.

CE Exclusions

Although the College recognizes the value in trade show participation, this activity does not qualify for CE.

Reporting of Hours

Optometrists must **self-declare completion** of CE requirements on their **Annual Report** at the end of the three-year cycle (2023).

Optometrists must **also submit all CE credit hours to OE TRACKER**. It is the responsibility of the optometrist to claim only credit hours that is relevant to their maintenance of practice and/or continuing competence. Some CE providers send COPE accredited attendance information directly to OE TRACKER. Otherwise, the optometrist must submit their own certificates for COPE accredited CE activities. For other learning opportunities, optometrists must submit completed 'Continuing Education: Other Learning Opportunities' forms to OE TRACKER. The College will verify optometrists' reporting hours through individual OE TRACKER profiles. It is incumbent upon optometrists to ensure that their OE TRACKER profiles are up to date, particularly toward the end of the CE cycle.

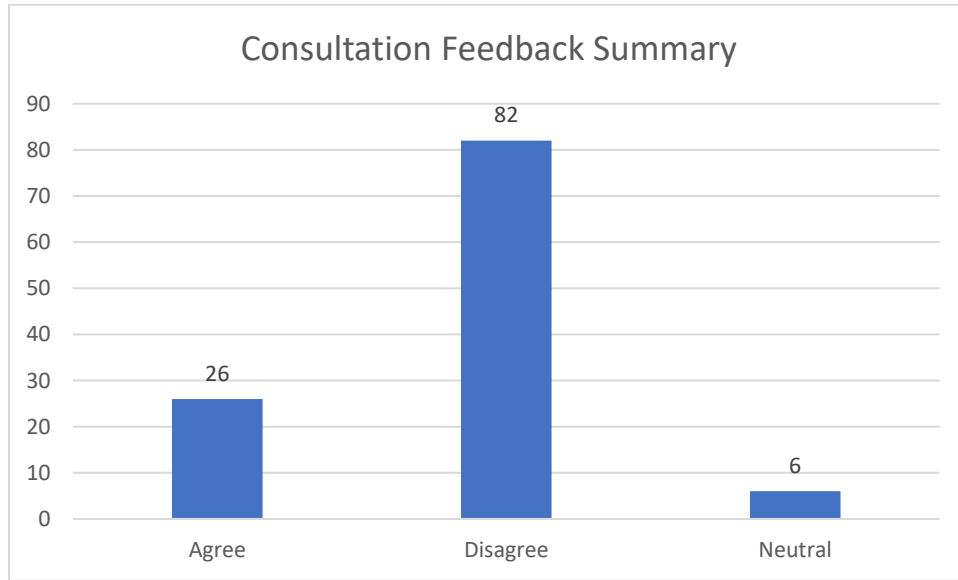
Deficiency Audit

The College will perform a deficiency audit at the conclusion of this three-year reporting cycle. The deficiency audit identifies those who fail to meet the CE hour requirement.

As per the *Optometry Act*, the Registrar is required to refer optometrists who fail to acquire the required number of CE credit hours to the Quality Assurance Committee for a practice assessment. As such, optometrists found to be deficient in CE hours based on the breakdown above will be required to participate in a practice assessment at their own cost according to the College's Schedule of Fees and Penalties.

College Consultation – Collated Feedback Proposed 2021-2023 CE Policy Changes

Table 1. A total of one hundred and fourteen (114) comments were received. The nature of the comments are summarized below.



Optometrists

1. Date: 06/29/2020 Type: Optometrist (Ontario)

Some suggestions:

Remove the A and B categories or have a more balanced less limiting requirement or each

Remove the 3 yearly term and switch to yearly

Let people carry over credits from previous year (all or a percentage there of)

Stick with ARBO and the online platform. Seems easy to use

Used to be licenses in Australia and NZ they had a similar system to the above

Remove random acting as arbo is tracking for you

Good luck!

2. Date: 06/29/2020 Type: Optometrist (Ontario)

Hi,

I have read the changes to both areas and agree with them.

Thanks,

3. Date: 06/29/2020 Type: Optometrist (Ontario)

Hello,

Your infographic saved the day. It was most helpful for this rather complicated set of changes. It's not complicated for you of course as you have been immersed in it. You explain everything well (the program, the reasons etc.) if membership will indeed take the time to go thru all the details. The changes are good and will suit a variety of learning methods.
Kind regards,

4. Date: 06/29/2020 Type: Optometrist (Ontario)

Sounds great to me! I already read 4 journals per month which is at least 10 hours each month. Would be nice to get some credit for this.

5. Date: 06/29/2020 Type: Optometrist (Ontario)

Thank you for reviewing the CE policy. I am in favour of all the changes proposed, except, would be more inclined to have greater flexibility in my CE learning. I would be in favour of less COPE required hours and more non COPE "other education hours". Say 40 COPE hours to 30 non-cope hours. I would also support less of a "tax" on the hours obtained from "participation in an organization approved to administer an entry-to-practice examination or an evaluating examination for foreign-trained practitioners". The equitant hours of only 0.5CE hours for 2 hours of work seems excessive. I would propose 1 CE hour for every 2 hours of participation in this event.
Just my option.
Thank you again for this review

6. Date: 06/29/2020 Type: Optometrist (Ontario)

It would be nice if we could accumulate hours to be used for the following year. I think this would be helpful in case one gets sick or something like this pandemic happens. For someone like myself, I would continue to do CE regardless of how many hours I have but I can be a bit more picky choosing the ones I'm interested in.
Regards,

7. Date: 06/29/2020 Type: Optometrist (Ontario)

Feedback on CE Policy revisions

1. Types of CE and Hours requirement - Agree to consolidate with COPE accreditation as that is the more common standard of quality assurance.
However, on the topic of hours required, 70 hours over 3 years is not a lot of CE. As Ontario tries to catch up to other provinces and more advanced US states in terms of scope of practice, we'll need to demonstrate a higher level of competency to convince our MD colleagues that we are capable of taking on the task. Maintaining such a low requirement goes counter to that.
2. Format of CE - Agree on standardizing and consolidating QA of CE to the COPE standards.
3. Other learning opportunities - appreciate the flexibility in applying other learning opportunities towards requirements but have some concern over how one might prove certain types of activities like reading a journal article.
4. Topic requirements - I think the requirement for 20 hours minimum of disease related learning is too little. As optometrists have become the primary eye care provider rather than simply the source of refractions and spectacle wear, the ability to at least appropriately diagnose and triage diseases of the eye and associated systemic conditions is of the utmost importance. To have only 20/70 hours over 3 years be required in that area does not appropriately reflect our role in eye care and

reduces our credibility in the eyes of our MD colleagues when scope expansion discussions come up next.

As for the removal of the 10 hour limit on practice management hours, I feel we're going the wrong direction. Practice management hours make you better at running a practice, not providing eye care to a patient and I believe they should not count towards the already small 70 hour requirement. I am concerned that allowing practice management credits would allow some to use these hours to complete the 70 hour requirement without improving their competency. However, I may be misunderstanding what we're considering practice management courses. The example in the document regarding infection control policies does not sound like a practice management course to me, it's a systemic disease course on management of infection control. Practice management courses, in my limited understanding, would be those that teach you how to market/build your dry eye practice or specialty contact practice. Would that count towards the CE count? In my opinion, those optometrists that have financial motivation to attend these courses will do so regardless if it counts for CE, those optometrists whos' decision to attend the course is contingent on whether it counts towards CE would be better served attending an alternate course.

5. Participation certificate - Implementing a form that is self completed and has no accountability as a way to get CE hours is concerning to me. While I can appreciate that many non COPE sources of learning do not provide certificates, it is concerning to me that 20/70 hours in a 3 year period can be completely made up.

6. Reporting requirements - happy to see a switch to using OE tracker. Many of the large CE opportunities are in the US and use OE tracker so it makes sense to consolidate.

7. CE Audits - Sounds reasonable to remove the random audit if it's only purpose was to ensure appropriate category A vs B differentiation.

Thank you for taking my feedback into consideration,

8. Date: 06/29/2020 Type: Optometrist (Ontario)

Hello

I am in favour of the new policy for the CE for 2021-2023.

Thanks,

9. Date: 06/29/2020 Type: Optometrist (Ontario)

Hello,

My main concern is that the primary source of my CE over the years has come from the Sally Letson Symposium in Ottawa. It is hosted by ophthalmology here and has always been quite educational. It was considered category A, but I do not believe it was COPE accredited. I am afraid that with this change, this symposium (and lectures like this) may not be considered valid CE.

10. Date: 06/29/2020 Type: Optometrist (Ontario)

Thank you for sending this along. Here are my thoughts on the items up for discussion.

CE Policy:

-this should be adaptable to the current pandemic situation. There has been plenty of COPE approved CE offered online by different organizations that would fit into Category A or B requirements. That being said, we've seen a decrease or elimination of in person meetings within Ontario and across Canada. In addition, virtual CE hours from some providers have been truncated and reduced. Hence a pro-rated fulfilment for CE hours would make sense during this time.

-as far as allowing other types of learning including distance learning, I presume this is referring to online CE which is already happening and in place. This should absolutely be allowed given the current pandemic situation.

-removing the random audit. I think during times of unforeseen circumstances, the College does need to pivot and adapt to its members so removing the random audit during these times would be reasonable and supported. Offices have enough to worry about in regards to surviving in the new normal so triaging the level of importance of random audits needs to take place. One less thing to worry about given offices are focusing on being accessible to patients with the new return to work guidances in place. I think that's probably stressful enough for most members to worry about and focus on (I'm hearing that some colleagues are deciding not to return to work, and I can tell you first hand that things are not and should not be "normal" for most practices).

Hope this helps and I'm glad the College is addressing these issues appropriately during these times. Best,

11. Date: 06/29/2020 Type: Optometrist (Ontario – Past Committee Member)

- I think that the number of CE hours required per cycle should be increased to 80
 - I feel that max of 35 Equivalent Credit hours should be allowed per cycle and that they equal to 5 (not 3) credit hours of other learning.
 - I believe we should have a minimum of 30 hours of ocular dz and management. Therapeutics should be included in this category of compulsory credits.
 - I agree with OE tracker method of reporting as well as audits and certifications.
- Hope this helps.

12. Date: 06/29/2020 Type: Optometrist (Ontario)

The new policies look great and I'm in favor of the new changes.
Excellent changes.

13. Date: 06/29/2020 Type: Optometrist (Ontario)

To Whom it May Concern:

I would like to respond to the recent request for revisions on CE policy. In 2019, I was responsible for organizing the CE speakers and credits for our regional association. There was, in my opinion, an undue amount of work that was required in order to receive COPE approval for each course. It put an unnecessary burden on the speaker (most of whom were local ophthalmologists that we are keen to hear speak). I am concerned that we will lose the ability to recruit local speakers and run these events in the future, as many ODs limit their attendance to CE events based on the ability to get COPE approved credits. Having local speakers allows one to network with referral sources with local knowledge of current medical options.

I believe that CE should, without a doubt, be part of Quality Assurance and that there must be some regulation to ensure that the CE is of high quality. However, COPE approval was such a headache that I will not be volunteering for that position in the future. I feel it actually hindered the quality of the CE that we could have received due to onus, time and financial constraints it put on the speakers. They defaulted to presenting older, pre-approved lectures to avoid going through COPE approval.

I appreciate your consideration of my opinion and look forward to hearing about potential revisions in the future.

Sincerely,

14. Date: 06/29/2020

Type: Optometrist (Ontario)

Hi,

- changing the types of CE and hours required
- allowing for other types of learning (including distance learning)
- removing the random audit

I recommend combining the CE types (A,B) into one and reducing the hours required. I would keep the random audit as this ensures members keep up to date with CE.

Thanks,

15. Date: 06/30/2020

Type: Optometrist (Ontario)

In response to new proposed CE policy, I think that reducing the number of hours awarded for being a UW clinical supervisor from 4 hours to 7 hours, and moving it from category A to category B is a drastic change. Although I enjoy teaching, it does require a lot of extra time, and 4 hours of category B credits annually provides little extra incentive. I also feel that the changes being proposed will make it harder for students to find placements, especially post-COVID when less practices are willing to accept students.

Kind regards,

16. Date: 06/30/2020

Type: Optometrist (Ontario)

I'm writing to provide feedback regarding changes to CE policies specifically around supervision of clerkship students (7 down to 4 hours) and, Fellowship reduction (30 down to 10), lecture (2), among others. It doesn't seem clear or obvious as to why the deflation of the CE equivalents for these processes are being considered nor is it in the best interest of the public. The educational equivalents of these specific tasks have a tremendous positive impact on the quality and calibre of eye care derived by the public. I would argue that this deflation will likely result in the withdrawal of clerkship sites for Canadian students as well as decrease the quality of CE for professional education. As an example I spend at least 5 dedicated hours per week with my students (1 hour each day) and more on projects throughout the term, so 7 hours is already undervalued. For every 1 hour of COPE A CE I deliver, I spend at least 4 hours in preparation for that 1 hour.

As a member in good standing, I respectfully ask the above changes be withdrawn as it specifically affects educators and by association learners who ultimately affect the public. As the COO mandate stands to protect the public, the suggested changes would result in the opposite.

Respectfully,

17. Date: 06/30/2020

Type: Optometrist (Ontario)

I am concerned about a number of the proposed reductions to CE hour equivalencies, eg. for Fellowships or for supervising OD students. These reductions now reflect a paltry number of hours nowhere near the actual time spent on these activities. Moreover I am concerned that de-incentivizing pursuit of these learning opportunities will dissuade practitioners from heightening their learning via these mechanisms, and that they will instead default to easily-acquired credits through lectures, etc. It certainly decreases my desire to pursue anything but the easiest, most basic means of attaining credits.

18. Date: 06/30/2020

Type: Optometrist (Ontario)

Hi,

I would like to provide feedback on the proposed CE Policy changes. I enthusiastically agree with most of the proposed changes as they diversify the types of CE that qualify and helps keep the profession dynamic in this ever-changing world. However, I do not think random audits should be removed. Without the concern of being audited, I fear that some college members may not accurately report their CE, especially in cases where they do not meet the minimum requirement and want to avoid a deficiency audit.

Otherwise, thank you for progressing our profession.

Sincerely,

19. Date: 06/30/2020

Type: Optometrist (Ontario – Past Council Member)

I believe that all the proposed changes are long overdue and should be implemented especially given the fact it is already mirroring the type of CE that most take currently.

I however am a bit unclear as to whether a member would have the choice of taking COPE-approved CE for the remaining 20 hours or would COPE be capped at 50?

Truly great work otherwise!!

20. Date: 07/01/2020

Type: Optometrist (Ontario)

Hello,

I wanted to weigh in on some of the CE changes for the next cycle.

1) While consolidating to COPE-approved CE may make things easier to audit, can we be assured that various CE events will have sufficient COPE-approved talks at a good rate? I know that currently, there are several category A events that don't necessarily comply with COPE requirements (although all COPE is Category A), and so that would eliminate various options that we normally count towards our Category A needs.

Continuing education is often expensive as it is, so I would hope that switching to COPE standards does not increase the costs of maintaining our education from what it has been.

2) Why are the equivalencies for Category A decreasing? The example given online was for CPR HCP - I also believe things like supervising UW students are also decreasing, etc. These types of activities require a lot of time to perform, and to have them only count for 3 hours of learning seems like a big cut from 5. What was the justification to do this?

3) I approve eliminating the random audit - everything can be logged and tracked easily through ARBO and our OE tracker. The audit just creates more unnecessary work for all parties.

4) What are the self-completed forms for the other types of learning? Is that strictly through ARBO? without needing proof of a certificate?

Thanks for considering the above in your final decisions.

21. Date: 07/02/2020

Type: Optometrist (Ontario)

To The College of Optometrists of Ontario,

This is my response to one of the proposed changes to the continuing education (CE) guidelines. As a supervising optometrist for the external clerkship rotations for University of Waterloo Optometry Students, I have witnessed and made several observations regarding my participation in the externship program.

1. The program is an essential component to both academic studies and to the development of a diverse skillset that is simply impossible to duplicate in the classroom or in the clinic at The University of Waterloo.
2. Students rely on these external clinic placements for education, honing clinical skills and to provide them with experiences that help them to learn what type of clinic they are best suited to when they graduate.
3. I was begged and recruited to become a clinical supervisor because there are simply not enough external sites for all students to attend. Since sites are in short supply, students are at risk of being unable to select a site in an area they may want to return to after graduation. This does not help to address the current imbalance of the distribution of optometrists in Ontario. For 10-20 years, new graduates have been taking jobs in large cities with absolutely no consideration for rural areas. There is a general need for optometrists in all rural areas of the province and the program relies on supervisors like myself for continued participation.
4. I personally spend AT LEAST three to five hours PER WEEK (approximately 35 hours per term) reading textbooks with students to develop their clinical judgement and skills yet I only receive 7 hours of CE credit. The time I spend refreshes my knowledge on a daily basis.
5. Teaching goes BOTH ways. I have learned new information from the students as well.
6. Supervising optometrists participate in the program because they want to help and teach students. The unfortunate reality is that externship placements cost clinics revenue. Supervisor's reduce patient load and dedicate their precious time to the program and they do so because they like to pass on clinical pearls and to help students become better clinicians.
7. Supervisors will reconsider participating in the external clerkship program even more now that they have reopened from COVID-19.
8. I fear that by reducing the CE credits given to a supervising optometrist (from 7 hours to 4 hours in a 7 week rotation) that fewer optometrists will participate in the external clerkship program that generally has a difficult time finding placements for all students.
9. I have students lined up for 2021 but if I am only going to receive 4 hours of CE credit per term I will simply have to cancel my participation in the program and the students will have to scramble to find a new site to accept them (receiving 7 hours of CE credit is bad enough for the time I dedicate to it).
10. I would argue that the current CE credit for supervisors is NOT ENOUGH! It needs to be increased to at least 8 or 10 hours per full term please and the hours need to be included in the 50 COPE-accredited CE hours.

I urge you to reach out to me anytime. My cell number is: . If I can be of any further help, let me know.

Yours truly,

22. Date: 07/02/2020

Type: Optometrist (Ontario)

Thank you for considering giving credit for time spent reading peer reviewed journal articles. I am wondering why not also encourage the reading of current or updated textbooks (optometry related of course).

For example, when I purchased my OCT I found it helpful to have read 'Optical Coherence Tomography of Ocular Diseases 3rd ed', which I found gave me a more comprehensive understanding of the technology than could have been gained from reading periodicals at that time, as the text of this single book referenced many peer reviewed articles. I think reading books gives a broader knowledge base than individual articles with a narrow focus, unless of course you read a lot of them (which is essentially what a textbook is).

Please consider including books as an option for creditable CE.
Either way, I am happy for the change.
Sincerely,

23. Date: 07/06/2020 Type: Optometrist (Ontario)

Re: proposed CE requirements and reporting...I am in favour of the proposed changes. Thank you.

24. Date: 07/10/2020 Type: Optometrist (Ontario)

Dear College of Optometrists of Ontario,

I am writing in response to the proposed changes to the CE policy. I am concerned with the overall reduction in CE hours for most activities, particularly for fellowship, teaching, and authorship. This is not an accurate reflection of the amount of work that goes into these areas of professional learning. An FCOVD requires 100 hours of continuing education, which of course can be documented in the regular CE hours that a person accumulates, but in the year that it is awarded, a candidate spends much more than 10 hours preparing for the written and oral exams. Furthermore, the time spent writing case reports and written responses to the questions is not reflected anywhere else in CE hours. Reducing it to 10 hours dilutes the amount of work required, and suggests that getting an FCOVD is less than taking a weekend course.

When someone is spending a lot of time doing courses to prepare for FCOVD, they may not have a lot of other opportunities to also attend courses for the rest of their category A hours. With limited time and resources, people may not have the means to do extra in addition to pursuing FCOVD in a given cycle, and may opt to do higher-yield activities to get their hours. This will create an extra barrier for someone deciding to pursue this certification.

Ultimately this will disincentivize doctors from pursuing their fellowship, and patients will be the ones to suffer. Concussion patients will get bounced around to various professionals who are unable to address their visual symptoms, and kids with learning related vision problems will continue to suffer at school with only accommodations that don't address the root issues.

This does not affect me directly as I have already earned my hours for FCOVD, but in the interest of ensuring that patients have access to optimal vision care, I implore you to reconsider these proposed changes.

25. Date: 07/11/2020 Type: Optometrist (Ontario)

Changing the 50 hours to only cope from category A will exclude CE from ophthalmology universities which don't seek cope approval. This would decrease our ability to attend these conferences which are high quality education. I believe something should be added to include these courses in the 50 segment.

26. Date: 07/24/2020 Type: Optometrist (Ontario)

Specifically relating to the CE Policy, the COO has announced the following change to WOVS clerkship preceptors that we interpret as a reduction of CE hours per cycle from 21 hours to 12 hours; a difference of 9 hours per cycle or 3 hours per year.

27. Date: 07/30/2020 Type: Optometrist (Ontario)

To whom it may concern,

I was informed by the school of optometry at Waterloo that the college is proposing to reduce the CE hours given to preceptors. I believe that the college should continue to give the 7 hours per year for two reasons. Firstly we spend an enormous amount of time with the students every day of practice and are dedicated to helping them become better practitioners as well as mentoring them to become professionals. Getting the 7 hours per year helps us reduce the time of going to conferences and CE courses in lieu of many more hours than the 7 hrs teaching the students per student.

Secondly because of Covid - at this time I have had to accept extra students (2-3) each term because of the restrictions going to the US to accommodate the school and the current students. I think at this time it would best to continue with the 7 hrs of CE per year given to preceptors. Thank you.

28. Date: 08/07/2020 Type: Optometrist (Ontario)

I think these changes will make it more difficult to obtain COPE approved lecture hours as opposed to category A, which typically includes more courses. I am not opposed to this change.

29. Date: 08/07/2020 Type: Optometrist (Ontario)

I agree with the Proposed CE.
Thanks,

30. Date: 08/07/2020 Type: Optometrist (Ontario)

Feedback on amendments:
Support changes to the continuing education options and proportion of allotted hours. Reflects changes in the current practice of optometry and future projection of the direction of optometric practice. In addition provides current options that may not be conventional.
I am not in a position to evaluate the effectiveness of the random audit and therefore unable to comment on the yield and subsequent remediation if found necessary. Hope this is of some assistance.

31. Date: 08/07/2020 Type: Optometrist (Ontario)

I support keeping the category A and B as I believe A credits are quite equivalent to cope.

32. Date: 08/07/2020 Type: Optometrist (Ontario)

Hi College,
Here are my points: I agree with some of the actions to be taken - aka all CAT A should be COPE, everything should be tracked via OE tracker vs. both College and OE tracker as that causes confusion. I also agree that now with COVID-19, and many different avenues to get CE, the College needs to reflect that and allow these different avenues (aka. through webinars, etc).
However, I do believe that certain items that you have listed as "other learning" should qualify as CAT A hours too. Reading of a journal article is not the equivalent as teaching a student, or being an examiner, or being part of an examination committee (aka blueprint, writing Q+A questions for exams, etc). As both of those examples, countless hours are spent on educating ourselves to make sure we have the qualification and the most up to date knowledge to then be able to pass that onto the student or candidate.

33. Date: 08/08/2020

Type: Optometrist (Ontario)

Hello!

In making the requirements for the 50 hours Cat A the same for all formats, what does this entail? What is the proposed requirement? I would like to know this, otherwise I approve the other changes.
Thank you,

34. Date: 08/08/2020

Type: Optometrist (Ontario)

I do believe that there is not enough credit given to things like :

CPR (especially this >> it is so crucial in my opinion to have the entire office staffed with assistants / therapists / doctors who know what to do in time of need, and I believe that not enough members are adequately certified as health professionals because there isn't enough weight assigned to this)
SUPERVISION OF OPTOMETRY STUDENT INTERNSHIPS / EXTERNSHIPS (this takes a lot of time and effort ... far more research and learning than the actual teaching and supervision that needs to happen)

TEACHING / LECTURING (there is a lot more prep work and research and learning than given credit for)

CASE REPORTS (as above)

FELLOWSHIPS (this is super intense, it's like another degree, so it involves many many tireless hours of learning and prep work, far more than given credit for)

I believe that a way to elevate our profession and the motivation for our members to strive for better is to give them credit for the hard work they put in to things such as listed above. Attending a lecture, whether on line or in person doesn't guarantee that the member retains anything long lasting, even if they have to answer a few questions at the end. The work and effort that goes in to **all of the above DOES.**

Respectfully,

35. Date: 08/09/2020

Type: Optometrist (Ontario)

Hello There,

I think there is a big problem with the new CE policy in terms of increasing the COPE approved hours. All Canadian medical and ophthalmological meetings do not get the COPE approval, though highly recognized and professional they don't need COPE approval which also not needed by other medical specialties. Those meetings are extremely beneficial to optometrists and highly professional. They are also abundantly available and easy to attend for Canadian optometrists. Avoiding to attend these type of meetings for lacking COPE approval -in my opening- is a big loss to Canadian optometrists continuing education and knowledge.

These meetings are approved and accredited by the highest medical authorities in Canada; the Committee on Accreditation of Continuing Medical Education (CACME), the Royal College of physicians and surgeons of Canada and Royal college of family physicians of Canada.

There are equally important medical/ ophthalmological American meetings and activities accredited by American medical association- physician recognition award (AMA PRA category 1) and the Accreditation Council for Continuing Medical Education (ACCME). They are also don't have COPE approval.

I do encourage our college to include this highly recognized type of meetings as equal to the COPE approved meetings.
Thank you

36. Date: 08/09/2020 Type: Optometrist (Ontario)

Good afternoon,
I support the proposed changes in the CE Policy.
Thank you

37. Date: 08/09/2020 Type: Optometrist (Ontario)

Hello,
The new CE policy is very good and simplify the process but I would like you also to consider assessors and coaches that volunteer for the college for some CE similar to supervising students. Also, the CE for preceptors was reduced from 21hours /cycle to 12 . I would appreciate if you reconsider that decision. They should have equal CE to faculty appointed ODs in my opinion.
Best Regards

38. Date: 08/10/2020 Type: Optometrist (Ontario)

Hello,
If you are looking for feedback for members on CE policy, I would welcome new types of CE to be allowed and suggest that continuing the random audit for CE hours would probably be a good thing to keep because it is easy to check through OE Tracker and, if members are aware it will possibly be audited so they have even more incentive to keep this up. I personally think, however, that most health professionals realize it is important to keep abreast of new developments and keep knowledge fresh to help deliver excellent care. If your past efforts at random audit demonstrate all members obtained CE on a regular basis and the audit was a waste of time, please disregard my audit opinion.
Thanks for your important work at the College.

39. Date: 08/10/2020 Type: Optometrist (Ontario)

I do believe that there is not enough credit given to things like :

- CPR** (especially this >> it is so crucial in my opinion to have the entire office staffed with assistants / therapists / doctors who know what to do in time of need, and I believe that not enough members are adequately certified as health professionals because there isn't enough weight assigned to this)
- SUPERVISION OF OPTOMETRY STUDENT INTERNSHIPS / EXTERNSHIPS** (this takes a lot of time and effort ... far more research and learning than the actual teaching and supervision that needs to happen)
- TEACHING / LECTURING** (there is a lot more prep work and research and learning than given credit for)
- CASE REPORTS** (as above)
- FELLOWSHIPS** (this is super intense, it's like another degree, so it involves many many tireless hours of learning and prep work, far more than given credit for)

I believe that a way to elevate our profession and the motivation for our members to strive for better is to give them credit for the hard work they put in to things such as listed above. Attending a lecture, whether on line or in person doesn't guarantee that the member retains anything long

lasting, even if they have to answer a few questions at the end. The work and effort that goes in to **all of the above DOES.**

40. Date: 08/10/2020 Type: Optometrist (Ontario)

Hello there,

From the looks of the new CE policy plan, it appears to be easier to navigate and report CE than the current format. I am a new grad and one of my big worries with the CE is that I am doing it incorrectly. I'm worried I'm not reporting to the correct place(s), or getting the correct kinds of CE to fulfill the requirement for my first year out. Because of this I've been just getting all Category A CE (I think) because I don't want to mess up and end up with a deficiency in a certain area. Even on the infographic it feels like some of the things listed under the current system are details that I don't think I've seen before or were not clearly stated all in one place.

A simpler system would be very much appreciated. I don't mind getting a certain amount of CE done each year and reporting what I did but I don't want to end up getting CE that I won't be able to use and I don't want to "incorrectly report" something that wasn't aware was incorrect in the first place.

I know this probably feels like just an insult commentary on the current system but it's mostly to hopefully give the College some more insight into the current issues and how, in my opinion, it appears the new policy will be hopefully improving them.

If you have any questions at all please feel free to reach out.

Best,

41. Date: 08/20/2020 Type: Optometrist (Ontario)

My primary concern with the change to the CE Policy is requiring that the formerly Category A credits to now be COPE approved. Many credits that were previously readily accepted as "Category A" did not have COPE approval in the past. One example I can think of is the Vision Institute CE event held yearly in Markham, ON. I attended in 2019 and I believe that none of those lectures had COPE approval but all 20 hours were considered Category A by the COO standards.

Ophthalmology courses that many optometrists routinely attend such as the Sally Letson Symposium in Ottawa and the Rosen Symposium in Kingston are fantastic, high-quality events held yearly and optometrists would lose out on the full benefit of CE hours from those events. These are events that are presently considered Category A but would not have COPE approval going forward. I also believe that in the era of OE Tracker, there is no need to have random CE audits any longer as all hours can be easily reviewed by the COO via ARBO.

42. Date: 08/21/2020 Type: Optometrist (Ontario)

Good day,

I agree with the new CE policy changes for the years 2021 to 2023.

Thank you

43. Date: 08/24/2020 Type: Optometrist (Ontario – Past Council Member)

Dear Ira and Patrick,

Thank you for asking members for their feedback on the College's proposed new CE Policy for the 2021-23 CE Cycle. I have chaired the Quality Assurance (QA) Committee of the College of

Optometrists of Ontario and have a good understanding of what the College is trying to accomplish. By doing fifty (50) hours of COPE (Council on Optometric Practitioner Education), this will eliminate any need to do QA assessments of CE for our members which will save many long tedious hours of committee work.

My recommendation is to reduce the amount of COPE approved CE to thirty-five (35) credits instead of fifty (50) COPE approved credits for the 2021-23 CE Cycle.

The reasoning behind this are:

- Having 50 COPE approved CE will make it very difficult for regional societies to survive such as the Ottawa Society of Optometrists, Northern Society meeting (North Bay, Timmins area), the Thunder Bay Annual meeting, London Society... since local ophthalmologists will not easily get COPE approved courses (they volunteer their own time to come and talk to the societies and will find the COPE process to onerous).
- An analysis three (3) years ago showed that most members (optometrists) in Ontario only had on average twenty (20) to twenty-five (25) COPE CE. Doing a jump to fifty (50) COPE CE is very onerous for members and will cause difficulties for Ontario CE providers such as the OAO, Vision Institute and other organizations that offer CE opportunities in Ontario.
- A gradual increase of COPE approved CE will give time for organizations to adapt.
- The COVID-19 pandemic has caused severe strain on optometrists' incomes and asking for fifty (50) COPE approved CE will cause another layer of undue hardship to our members who are now financially strapped since getting COPE approved CE are expensive compared to non-COPE approved CE which are equally educational and sometimes better.
- Having Fifty (50) COPE CE will reduce inter-collaboration between ophthalmologists and optometrists and other health care professionals since the onerous process of getting COPE approved CE discourages many educators to participate in this program.

I hope the Council will review my comments and vote to reduce the amount of COPE approved credits for the 2021-23 CE Cycle to 35 credits instead of the fifty (50) presently proposed.

Sincerely,

44. Date: 08/25/2020 Type: Optometrist (Ontario)

I agree with the proposals.

45. Date: 08/26/2020 Type: Optometrist (Ontario)

I recommend that the current CE hours policy remain in place. The proposal to reduce CE hours equivalencies will act as a disincentive for optometrists to participate in activities that promote the profession.

I also recommend that its Category A status remain in place. The proposed requirement for 50 COPE accredited hours will make it more difficult to secure quality speakers, especially ophthalmologists, due to the extra paperwork involved with COPE accreditation status.

I have two recommendations regarding the "Other Learning Opportunities" form. First, all fields should be mandatory in order to help ensure that they are fully completed before submitted.

Second, the form should include separate sections for "Activity #1" and "Activity #2" to make it clear that there are in fact two different learning opportunities.

46. Date: 08/26/2020 Type: Optometrist (Ontario)

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48. Date: 08/26/2020 Type: Optometrist (Ontario)

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I have two recommendations regarding the “Other Learning Opportunities” form. First, all fields should be mandatory in order to help ensure that they are fully completed before submitted. Second, the form should include separate sections for “Activity #1” and “Activity #2” to make it clear that there are in fact two different learning opportunities.

We supervise interns at our clinic and it is quite time consuming and stimulating; this should be rewarded.

49. Date: 08/26/2020 Type: Optometrist (Ontario)

I recommend that the current CE hours policy remain in place. The proposal to reduce CE hours equivalencies will act as a disincentive for optometrists to participate in activities that promote the profession.

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I have two recommendations regarding the “Other Learning Opportunities” form. First, all fields should be mandatory in order to help ensure that they are fully completed before submitted. Second, the form should include separate sections for “Activity #1” and “Activity #2” to make it clear that there are in fact two different learning opportunities.
It would be pertinent, especially post pandemic, to remain most things with CE as they are.

50. Date: 08/26/2020 Type: Optometrist (Ontario)

I recommend that the current CE hours policy remain in place. The proposal to reduce CE hours equivalencies will act as a disincentive for optometrists to participate in activities that promote the profession.

I also recommend that its Category A status remain in place. The proposed requirement for 50 COPE accredited hours will make it more difficult to secure quality speakers, especially ophthalmologists, due to the extra paperwork involved with COPE accreditation status.

I have two recommendations regarding the “Other Learning Opportunities” form. First, all fields should be mandatory in order to help ensure that they are fully completed before submitted. Second, the form should include separate sections for “Activity #1” and “Activity #2” to make it clear that there are in fact two different learning opportunities.

51. Date: 08/26/2020 Type: Optometrist (Ontario)

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53. Date: 08/26/2020 Type: Optometrist (Ontario)

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I have two recommendations regarding the “Other Learning Opportunities” form. First, all fields should be mandatory in order to help ensure that they are fully completed before submitted. Second, the form should include separate sections for “Activity #1” and “Activity #2” to make it clear that there are in fact two different learning opportunities.

The current CE policies in place have worked well for years, and will continue to work efficiently in the best interest of our profession.

54. Date: 08/26/2020

Type: Optometrist (Ontario)

I recommend that the current CE hours policy remain in place. The proposal to reduce CE hours equivalencies will act as a disincentive for optometrists to participate in activities that promote the profession.

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I have two recommendations regarding the “Other Learning Opportunities” form. First, all fields should be mandatory in order to help ensure that they are fully completed before submitted. Second, the form should include separate sections for “Activity #1” and “Activity #2” to make it clear that there are in fact two different learning opportunities.

No further comments.

56. Date: 08/26/2020

Type: Optometrist (Ontario)

I recommend that the current CE hours policy remain in place. The proposal to reduce CE hours equivalencies will act as a disincentive for optometrists to participate in activities that promote the profession.

I also recommend that its Category A status remain in place. The proposed requirement for 50 COPE accredited hours will make it more difficult to secure quality speakers, especially ophthalmologists, due to the extra paperwork involved with COPE accreditation status.

I have two recommendations regarding the “Other Learning Opportunities” form. First, all fields should be mandatory in order to help ensure that they are fully completed before submitted. Second, the form should include separate sections for “Activity #1” and “Activity #2” to make it clear that there are in fact two different learning opportunities.

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58. Date: 08/26/2020 Type: Optometrist (Ontario)

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I have two recommendations regarding the “Other Learning Opportunities” form. First, all fields should be mandatory in order to help ensure that they are fully completed before submitted. Second, the form should include separate sections for “Activity #1” and “Activity #2” to make it clear that there are in fact two different learning opportunities.

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I also recommend that its Category A status remain in place. The proposed requirement for 50 COPE accredited hours will make it more difficult to secure quality speakers, especially ophthalmologists, due to the extra paperwork involved with COPE accreditation status.

I have two recommendations regarding the “Other Learning Opportunities” form. First, all fields should be mandatory in order to help ensure that they are fully completed before submitted. Second, the form should include separate sections for “Activity #1” and “Activity #2” to make it clear that there are in fact two different learning opportunities.

I think it's incredible important to reward those who wish to put in extra effort to better our profession. As such, clinical supervisors for 4th yr OD students and those wishing to pursue Fellowships or higher level learning should be encouraged and credited accordingly. Encouraging higher levels of education and increasing the quality of education should be on the forefront of the college's mandate.

60. Date: 08/26/2020 Type: Optometrist (Ontario)

I recommend that the current CE hours policy remain in place. The proposal to reduce CE hours equivalencies will act as a disincentive for optometrists to participate in activities that promote the profession.

I also recommend that its Category A status remain in place. The proposed requirement for 50 COPE accredited hours will make it more difficult to secure quality speakers, especially ophthalmologists, due to the extra paperwork involved with COPE accreditation status.

I have two recommendations regarding the "Other Learning Opportunities" form. First, all fields should be mandatory in order to help ensure that they are fully completed before submitted. Second, the form should include separate sections for "Activity #1" and "Activity #2" to make it clear that there are in fact two different learning opportunities.

the proposed CE change for mentoring optometry students is disappointing, we spend a lot of time teaching them and mentoring them for little CE credit.

61. Date: 08/26/2020 Type: Optometrist (Ontario)

For the CE Policy I believe that allowing different styles of learning like distance learning for example, will provide us with more opportunities for learning and keeping updated with trends, new practices, etc. It will also allow us to save some time commuting, which therefore, provides us with extra time to participate more.

62. Date: 08/26/2020 Type: Optometrist (Ontario)

I recommend that the current CE hours policy remain in place. The proposal to reduce CE hours equivalencies will act as a disincentive for optometrists to participate in activities that promote the profession.

I also recommend that its Category A status remain in place. The proposed requirement for 50 COPE accredited hours will make it more difficult to secure quality speakers, especially ophthalmologists, due to the extra paperwork involved with COPE accreditation status.

I have two recommendations regarding the "Other Learning Opportunities" form. First, all fields should be mandatory in order to help ensure that they are fully completed before submitted. Second, the form should include separate sections for "Activity #1" and "Activity #2" to make it clear that there are in fact two different learning opportunities.

Please consider the above idea's.

63. Date: 08/26/2020 Type: Optometrist (Ontario)

I recommend that the current CE hours policy remain in place. The proposal to reduce CE hours equivalencies will act as a disincentive for optometrists to participate in activities that promote the profession.

I also recommend that its Category A status remain in place. The proposed requirement for 50 COPE accredited hours will make it more difficult to secure quality speakers, especially ophthalmologists, due to the extra paperwork involved with COPE accreditation status.

I have two recommendations regarding the "Other Learning Opportunities" form. First, all fields should be mandatory in order to help ensure that they are fully completed before submitted. Second, the form should include separate sections for "Activity #1" and "Activity #2" to make it clear that there are in fact two different learning opportunities.

I agree with the new proposal

64. Date: 08/26/2020 Type: Optometrist (Ontario)

I recommend that the current CE hours policy remain in place. The proposal to reduce CE hours equivalencies will act as a disincentive for optometrists to participate in activities that promote the profession.

I also recommend that its Category A status remain in place. The proposed requirement for 50 COPE accredited hours will make it more difficult to secure quality speakers, especially ophthalmologists, due to the extra paperwork involved with COPE accreditation status.

I have two recommendations regarding the "Other Learning Opportunities" form. First, all fields should be mandatory in order to help ensure that they are fully completed before submitted. Second, the form should include separate sections for "Activity #1" and "Activity #2" to make it clear that there are in fact two different learning opportunities.

65. Date: 08/26/2020 Type: Optometrist (Ontario)

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I have two recommendations regarding the "Other Learning Opportunities" form. First, all fields should be mandatory in order to help ensure that they are fully completed before submitted. Second, the form should include separate sections for "Activity #1" and "Activity #2" to make it clear that there are in fact two different learning opportunities.

COPE accreditation is killing the ability of local optometric societies to host CE with local OMDs that provide high quality lectures. It is too high a burden to place on a guest speaker who may be volunteering their time. The title of the lecture alone should be enough to distinguish if the lecture is business oriented.

66. Date: 08/26/2020 Type: Optometrist (Ontario)

I agree with the proposed changes to the college CE policy.

The College has my full support in these changes.

67. Date: 08/26/2020 Type: Optometrist (Ontario)

I recommend that the current CE hours policy remain in place. The proposal to reduce CE hours equivalencies will act as a disincentive for optometrists to participate in activities that promote the profession.

I also recommend that its Category A status remain in place. The proposed requirement for 50 COPE accredited hours will make it more difficult to secure quality speakers, especially ophthalmologists, due to the extra paperwork involved with COPE accreditation status.

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Allow more flexible forms of CE ie magazine reading- lectures Optometry volunteer work

68. Date: 08/26/2020 Type: Optometrist (Ontario)

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I have two recommendations regarding the "Other Learning Opportunities" form. First, all fields should be mandatory in order to help ensure that they are fully completed before submitted. Second, the form should include separate sections for "Activity #1" and "Activity #2" to make it clear that there are in fact two different learning opportunities.

I would like to see no change to CE requirements. Even welcome more hours!

69. Date: 08/26/2020 Type: Optometrist (Ontario)

I recommend that the current CE hours policy remain in place. The proposal to reduce CE hours equivalencies will act as a disincentive for optometrists to participate in activities that promote the profession.

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Category A credits should remain the same number because they ensure that members have remained vigilant in their learning efforts. Online courses are valuable but not as effective in requiring the full attention of the members to the information and there are no opportunities for discussion through which members learn a lot.

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Please reconsider your position.

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I think the 50 cope requirement should be upheld.

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Continuing education hours must not be reduced- it cheapens our great profession by allowing less than stellar practitioners to remain. We must not cater to the lowest common denominator.

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94. Date: 08/27/2020

Type: Optometrist (Ontario)

To the College of Optometrist of Ontario,

I have several issues with the proposed changes for the upcoming CE cycle.

First I would like to congratulate the College by aligning itself with COPE certification. I found the current category A & B to be not only cumbersome but a very real slap in the face to ARBO / COPE. I realize that getting COPE status for a course has lately become very arduous with fewer presenters wishing to undertake getting status for their lectures. Those that object to COPE are, in my opinion, misdirecting their ire, it should be with ARBO/COPE not the COO for making it so difficult.

I do not understand, nor do I agree with, the reduction in the hours for fellowship, diplomate, teaching, lecturing authorship, etc. Why was this reduction even considered? In an attempt to understand the rationale behind the proposed change I googled the optometric council members of the COO. What I found was disheartening to say the least.

Of the 10 council members I googled the information I found was as follows:

3 have fellowships (1 FCOVD , 1 FAAO, 1 FCOVD & FAAO)

1 has written a book and several articles at least as much as I could find

1 teaches at a medical school

1 lectures on practice management

2 are a clinical instructor / professor at UW optometry

2 are involved with the Vision Institute

2 seem to be more concerned about all the money they make and not the practice of optometry

3 have absolutely nothing extra going on except being on Council.

1 OD I could not find any information on a google search: you would be hard pressed to know they were an optometrist except they are listed on the COO find a doc site.

This grand total is more than 10 because some members fall into 2 or more categories.

Could not figure out who might have diplomate status and who else may have written articles aside from Dr. Quaid.

By this google search as far as I can determine, are you telling me that 70% of the council members have absolutely NO clue how much hard work it is to obtain fellowship, diplomate status, write a paper while working full time or even half time, or maybe half-time with small children. (Children, yes they figure with the rising number of women in this profession.) And that uneducated 70% can

help unilaterally decimate the CE credits allowed for all the extra hours of grueling work required to obtain status?

What is the rationale for the reduction? Nothing is given in all the literature supplied on the COO website regarding why the reduction is proposed..

Who wants to change it?

Why do they want to change it?

Were there allegations that optometrists didn't do all the required work and therefore should not get the credits?

Is someone on council jealous of someone else's (not necessarily on council) CE credits for fellowship?

This just all seems like the typical sleight of hand from the COO. Change something, give some rhetoric on 'why' but never fully explain the motivation behind the change. In sharp contrast the rationale for reverting back to COPE / nonCOPE is succinctly explained and nicely delineated. I know the OAO does not wholly support the COPE move, however I defend the COO on this matter. BUT this reduction of fellowship / diplomate / authorship / teaching / externships etc CE..... is a big pile of BS. Who has a bee in their bonnet over the current awarding of CE for the work?

It seems a pity that some externship sites are now revisiting all the work they put into mentoring students and some will likely withdraw their offices from the program all because of the decrease in CE credit hours they will get.

Please revisit this portion of the proposed change and table it until further clarification of the motivation behind it. Right now it just seems from spite.

Sincerely

95. Date: 08/27/2020

Type: Optometrist (Ontario)

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I am opposed to decreasing the amount of hours given as a CE credit for individuals who present CE lectures. The amount of time and research required does not justify decreasing the CE hours allocated to presenters.

96. Date: 08/27/2020

Type: Optometrist (Ontario)

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97. Date: 08/27/2020

Type: Optometrist (Ontario)

Dear COO, I have reviewed the policy changes proposed by the College. I would like to comment about the proposed CE policy for 2021-2023. I agree with the new CE policy, but would like to add one recommendation. There are many medical CE courses in Canada, both in person and on the internet, that offer credit to practitioners. Unfortunately, they are not COPE approved. Would the COO consider adding medically approved CE credits to our approved CE credits if they are related to Optometry topics? For instance, a course that is offered to ophthalmologists concerning diabetic retinopathy, and is approved by the College of Physicians of Ontario, could be used towards the 50 hours of COPE approved credits. Perhaps limit the use of these credits to a limited amount towards our CE cycle (i.e 10 hours per cycle). This would open up our CE education to many more courses.

98. Date: 08/28/2020

Type: Optometrist (Ontario)

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If there is a goal to move to a system that allows all traditional CE to be obtained and tracked via the OE Tracker and therefore requiring only COPE approved CE to be counted, I would suggest that this amount be 40 hours every cycle, and then 30 hours could be for the “Other Learning Opportunities” - which should also include the ability to count/credit non-COPE approved lectures / seminars. Some non-COPE approved providers still provide outstanding quality and important and valuable CE that should not be cut off from our credits.

99. Date: 08/28/2020

Type: Optometrist (Ontario)

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105. Date: 08/28/2020 Type: Optometrist (Ontario)

I don't understand why you would penalise CE providers who don't apply for COPE approval, for example the Vision Institute. This is a mistake. Leave the category A and COPE as equivalents, there's no need to change it. By your own logic, most of the hours claimed are COPE anyway, so why impose extra costs and bureaucratic nonsense on the providers for whom this is an onerous requirement? It will have the longer-term effect of decreasing the number of Canadian lecturers at no substantial benefit to the profession.

As a secondary issue, I believe we should be trying to reduce our dependence on American organisations. It was wrong to get involved with ARBO, and it's wrong to emphasise COPE approval. The category system isn't broken, and it doesn't require fixing.

106. Date: 08/28/2020 Type: Optometrist (Ontario)

- I would prefer to keep the current category requirements to ensure we are all learning through approved resources and setting a standard of our knowledge up-to-date.

- I am concerned about how it is possible for "reading professional journals" will be regulated/tracked fairly.

107. Date: 08/28/2020 Type: Optometrist (Ontario)

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Externahip sites should not lose hours.
Earning a designation should not lose hours.
Writing a published paper or presenting a poster should not lose hours.
Giving a lecture should not lose hours.

108. Date: 08/30/2020 Type: Optometrist (Ontario)

I recommend that the current CE hours policy remain in place. The proposal to reduce CE hours equivalencies will act as a disincentive for optometrists to participate in activities that promote the profession.

I also recommend that its Category A status remain in place. The proposed requirement for 50 COPE accredited hours will make it more difficult to secure quality speakers, especially ophthalmologists, due to the extra paperwork involved with COPE accreditation status.

I have two recommendations regarding the "Other Learning Opportunities" form. First, all fields should be mandatory in order to help ensure that they are fully completed before submitted. Second, the form should include separate sections for "Activity #1" and "Activity #2" to make it clear that there are in fact two different learning opportunities.

109. Date: 08/30/2020 Type: Optometrist (Ontario)

I recommend that the current CE hours policy remain in place. The proposal to reduce CE hours equivalencies will act as a disincentive for optometrists to participate in activities that promote the profession.

I also recommend that its Category A status remain in place. The proposed requirement for 50 COPE accredited hours will make it more difficult to secure quality speakers, especially ophthalmologists, due to the extra paperwork involved with COPE accreditation status.

I have two recommendations regarding the "Other Learning Opportunities" form. First, all fields should be mandatory in order to help ensure that they are fully completed before submitted. Second, the form should include separate sections for "Activity #1" and "Activity #2" to make it clear that there are in fact two different learning opportunities.

I agree with these recommendations.

110. Date: 08/30/2020 Type: Optometrist (Ontario)

I recommend that the current CE hours policy remain in place. The proposal to reduce CE hours equivalencies will act as a disincentive for optometrists to participate in activities that promote the profession.

I also recommend that its Category A status remain in place. The proposed requirement for 50 COPE accredited hours will make it more difficult to secure quality speakers, especially ophthalmologists, due to the extra paperwork involved with COPE accreditation status.

I have two recommendations regarding the "Other Learning Opportunities" form. First, all fields should be mandatory in order to help ensure that they are fully completed before submitted. Second, the form should include separate sections for "Activity #1" and "Activity #2" to make it clear that there are in fact two different learning opportunities.

I agree with these recommendations.

Public

Stakeholder

1. Date: 08/10/2020	The Office of the Fairness Commissioner (OFC)
<p>CE Policy Revisions While the policy lies outside the OFC’s jurisdiction, we would like to commend your efforts and desire to enhance the policy and allow greater flexibility in meeting the policy requirements for your registered members.</p>	

2. Date: 08/25/2020	The Ontario Association of Optometrists (OAO)
<p>OAO recommends that the current CE hours policy remain in place. The proposal to reduce CE hours equivalencies will act as a disincentive for optometrists to participate in activities that promote the profession.</p> <p>OAO also recommends that its Category A status remain in place. The proposed requirement for 50 COPE accredited hours will make it more difficult to secure quality speakers, especially ophthalmologists, due to the extra paperwork involved with COPE accreditation status.</p> <p>OAO has two recommendations regarding the “Other Learning Opportunities” form. First, all fields should be mandatory in order to help ensure that they are fully completed before submitted.</p> <p>Second, the form should include separate sections for “Activity #1” and “Activity #2” to make it clear that there are in fact two different learning opportunities.</p>	

3. Date: 08/28/2020	The School of Optometry and Vision Science, University of Waterloo
<p>The University of Waterloo, School of Optometry and Vision Science appreciates the opportunity to provide feedback to the College regarding proposed changes to the CE policy.</p> <p>Faculty appointment at an ACOE-accredited school: Faculty at the School of Optometry & Vision Science are committed to innovation and dissemination of new knowledge. In an effort to bring the latest evidence-informed practice and research to the profession to benefit the public, faculty deliver COPE approved CE, and also provide didactic and clinical education to our future colleagues. The proposed change is to reduce CE hour credit from 24 to 14 hours per year and the change from 35 category B hours to 20 non-COPE approved hours per cycle. While we respect the College mission to protect the public, the rationale behind the reduction in CE for faculty per cycle and also the focus on COPE approved CE is unclear. Additional information about the rationale and evidence for the change would be welcome.</p> <p>Supervising optometrist in an external clerkship rotation for students from ACOE accredited schools or the IOBP: Optometrists throughout Canada have provided a valued service to the clinical education and training of optometry students for students</p>	

at the University of Waterloo as well as Schools and Colleges of Optometry in the United States. The optometrist preceptors provide clinical wisdom and insight, experience in various practice settings, and help prepare new graduates to provide contemporary optometric care in service to the public.

The role of optometrist preceptors in Canada has become even more critical given the immigration challenges of traveling to the US for clinical training rotations, now followed by the travel restrictions in response to the COVID 19 pandemic. There is no financial compensation provided by Schools and Colleges of Optometry to optometrist preceptors, which makes recognition of their contribution through CE credit both appropriate and meaningful.

The proposed change to reduce CE hours from 21 to 12 hours per cycle diminishes the recognition of the contribution optometrist preceptors make towards students achieving their learning outcomes. We caution that any disincentive at this time in which optometrists are already struggling to meet the requirements for practice in a COVID-19 environment may lead some to discontinue their participation.

Additional information about the rationale and evidence for the change would be welcome, and we would be happy to have a dialog to develop a mutual understanding before implementation.

Thank you for the opportunity to provide feedback on the proposed changes to the Continuing Education (CE) Policy for the 2021-23 CE cycle.

4. Date: 08/28/2020

The College of Audiologists and Speech-Language Pathologists of Ontario

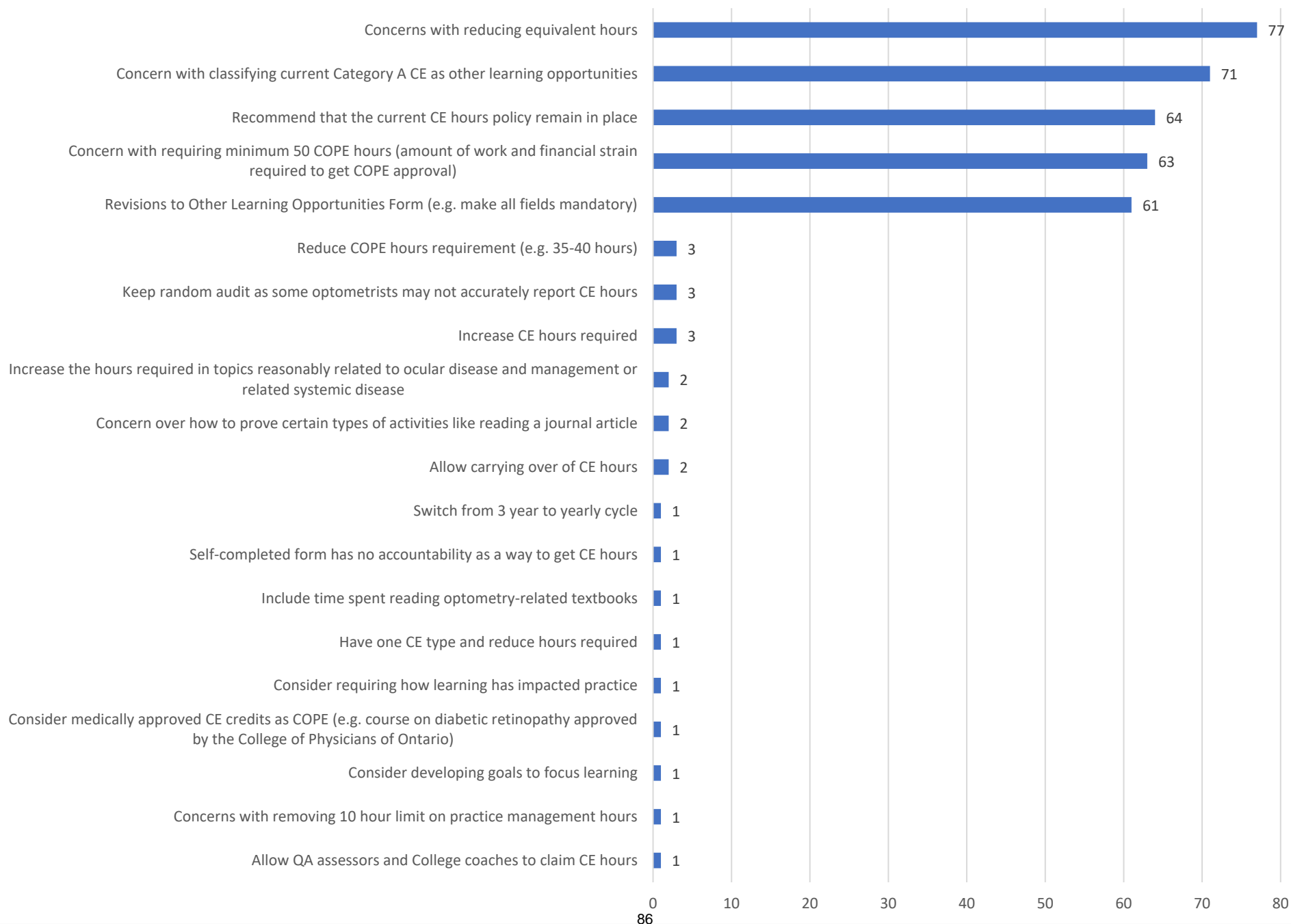
The requirements in the Policy for your registrants to remain current through the pursuit of specified and flexible continuing education are thorough and serve to protect the public. The submission of the CE credit hours on the OE tracker ensures that all registrants comply with the quality assurance program.

We have two additional items for your consideration :

1. Are optometrists required to develop goals to focus their learning?
2. Do they have to indicate how their learning impacted their practice?

Consultation Results: Summary of Concerns/Suggestions

Consultation Results: Summary of Concerns/Suggestions



TOP FIVE CONCERNS/SUGGESTIONS REGARDING CHANGES TO 2021-2023 CE POLICY:

QA SUBCOMMITTEE DECISIONS AND RATIONALE

No.	Key Concerns/Suggestions	QA Subcommittee Decision and Commentary
1	<p>Concerns with reducing equivalent hours:</p> <ul style="list-style-type: none"> the proposed changes would decrease the maximum number of hours per cycle for activities currently considered Category A equivalencies from 35 to 20 hours in the next cycle the credit hours of each of these activities would be decreased by a factor of 1.75. Example: in the current cycle, publication of an article in a refereed optometric, ophthalmologic, or medical journal is equivalent to 10 hours. For the next cycle, it would be equivalent to 6 hours 	<p>Decision #1: maintain proposed changes of requiring 70 hours of CE with a minimum of 50 (fifty) hours of Council on Optometric Practitioner Education (COPE) accredited CE and the remaining 20 (twenty) hours may be obtained by completing COPE accredited CE or other learning opportunities.</p> <p>Rationale: after extensive review of the COPE accreditation process, the QA Subcommittee is confident that requiring a minimum of 50 hours of accredited CE is best practice for several reasons, including:</p> <ul style="list-style-type: none"> COPE is a recognized accreditation program for optometric CE courses; there is currently no Canadian version of COPE; there are Canadian representatives on the COPE committee; CE providers are required to meet COPE accreditation criteria, which includes: <ul style="list-style-type: none"> incorporating into CE activities the educational needs (knowledge, competence, or performance) that underlie the professional practice gaps of their learners; generating activities/educational interventions that are designed to change competence, performance, or patient outcomes as described in its mission statement; and analyzing changes in learners (competence, performance, or patient outcomes) achieved as a result of the overall program’s activities/educational interventions; COPE Standards for Commercial Support ensure independence in CE activities; and COPE has been deemed substantially equivalent to the Accreditation Council for Continuing Medical Education (ACCME®), which accredits organizations that provide continuing medical education (CME) for physicians. COPE has adopted the ACCME accreditation criteria; and COPE accredited CE would ensure Ontario optometrists are participating in high-quality and meaningful CE. <p>Decision #2: maintain the same CE credit hour equivalencies of the current policy to be used in other learning opportunities up to a maximum of 20 credit hours per CE cycle. See <i>Equivalencies CE Credit Hours Calculations for Current vs. Next CE Cycles</i> for further details.</p> <p>Rationale: allows optometrists participating in equivalent activities to adapt to new changes. The Subcommittee will continue to research best practices for equivalent activities and increase engagement with the membership and stakeholders to improve CE requirements for future cycles.</p>

No.	Key Concern/Suggestion	QA Subcommittee Decision and Commentary
2	<p>Concern with classifying CE activities provided by current Category A CE as other learning opportunities. This includes CE activities provided by the following providers:</p> <ul style="list-style-type: none"> • a Canadian or American national, provincial, or state optometric association or regulator; • a Canadian or American school or college of optometry, or an accredited university in another health discipline; and • Vision Institute of Canada or the American Academy of Optometry; or 	<p>Decision: maintain proposed changes of requiring 70 hours of CE with a minimum of 50 (fifty) hours COPE accredited CE and the remaining 20 (twenty) hours may be obtained by completing COPE accredited CE or other learning opportunities.</p> <p>Rationale: after extensive review of the COPE accreditation process, the QA Subcommittee is confident that requiring a minimum of 50 hours of accredited CE is best practice for several reasons, including:</p> <ul style="list-style-type: none"> • COPE is a recognized accreditation program for optometric CE courses; • there is currently no Canadian version of COPE; • there are Canadian representatives on the COPE committee; • CE providers are required to meet COPE accreditation criteria, which includes: <ul style="list-style-type: none"> ○ incorporating into CE activities the educational needs (knowledge, competence, or performance) that underlie the professional practice gaps of their learners; ○ generating activities/educational interventions that are designed to change competence, performance, or patient outcomes as described in its mission statement; and ○ analyzing changes in learners (competence, performance, or patient outcomes) achieved as a result of the overall program’s activities/educational interventions; • COPE Standards for Commercial Support ensure independence in CE activities; and • COPE has been deemed substantially equivalent to the Accreditation Council for Continuing Medical Education (ACCME®), which accredits organizations that provide continuing medical education (CME) for physicians. COPE has adopted the ACCME accreditation criteria; and • COPE accredited CE would ensure Ontario optometrists are participating in high-quality and meaningful CE.

No.	Key Concern/Suggestion	QA Subcommittee Decision and Commentary
3	<p>Concern with requiring minimum 50 COPE hours (amount of work and financial strain required to get COPE approval)</p>	<p>Decision: maintain proposed changes of requiring 70 hours of CE with a minimum of 50 (fifty) hours COPE accredited CE and the remaining 20 (twenty) hours may be obtained by completing COPE accredited CE or other learning opportunities.</p> <p>Rationale:</p> <ul style="list-style-type: none"> • after review of the COPE accreditation process and fees, the Subcommittee agreed that requiring COPE accreditation would not lower the quality or quantity of CE available to the profession; • there is currently no Canadian version of COPE; • COPE already has an established CE accreditation system; and • OE TRACKER data indicates that optometrists are already taking approximately 72% of their CE hours as COPE accredited courses; so, the proposed changes to the policy are simply reflecting the current reality of optometrists with a simpler and more efficient process.
4	<p>Recommend that the current CE hours policy remain in place</p>	<p>Decision: maintain proposed changes of requiring 70 hours of CE with a minimum of 50 (fifty) hours COPE accredited CE and the remaining 20 (twenty) hours may be obtained by completing COPE accredited CE or other learning opportunities.</p> <p>Rationale: the proposed changes are best practices for the aforementioned reasons.</p>
5	<p>Revisions to Other Learning Opportunities Form:</p> <ul style="list-style-type: none"> • all fields should be mandatory in order to help ensure that they are fully completed before submitted; and • the form should include separate sections for “Activity #1” and “Activity #2” to make it clear that there are in fact two different learning opportunities. 	<p>Decision: revisions have been adopted (see Revised Other Learning Opportunities Form).</p> <p>Rationale: revisions will help improve and clarify the Other Learning Opportunities form.</p>

CALCULATION OF CE CREDIT HOURS FOR EQUIVALENCIES FOR CURRENT VS. NEXT CE CYCLES

Learning Opportunities	Current Cycle	Next Cycle
Organized events: conferences, education, events, and lectures that are not COPE-accredited	Hour-for-hour	Same
Professional journals: reading of articles in refereed optometric, ophthalmologic, or medical journal	Not currently accepted	Hour-for-hour
Distance learning activities: print, internet, video that are not COPE accredited	Hour-for-hour	Same
Graduate studies in optometry or a related health discipline preapproved by the Quality Assurance Panel	Full-time studies: 35 hours Part-time studies: pro-rated 24 hours	Full-time studies: 20 hours per year Part-time studies: pro-rated 20 hours per year
Residency at an ACOE-accredited school	35 hours per year	20 hours per year
Faculty appointment at an ACOE-accredited school	Full-time: 24 hours Part-time: pro-rated 24 hours	Full-time: 20 hours per year Part-time: pro-rated 20 hours per year
Fellowship or Diplomate in the American Academy of Optometry or Fellowship in the College of Optimetrists in Vision Development	30 hours during the cycle the fellowship or diplomate is awarded	20 hours during the cycle the fellowship or diplomate is awarded

Learning Opportunities	Current Cycle	Next Cycle
Publication of an article in a refereed optometric, ophthalmologic, or medical journal	10 hours	Same
Publication of a case report in a refereed journal	2 hours	Same
Lectures prepared and given to regulated health professionals for their primary continuing education or regulated health professionals in training education at a Canadian or American accredited school. If a faculty member prepares and gives lectures to regulated health professionals as part of their appointment, they may claim CE credit hours either for their faculty appointment or lectures prepared and given to regulated health professionals, but not both.	3 credit hours/hour of lecture—each lecture may be counted one time only	Same
Appointment as a clinical supervisor/staff optometrist at an ACOE-accredited school	Full-time: 7 hours per academic year Part-time: pro-rated 7 hours per academic year	Same

Learning Opportunities	Current Cycle	Next Cycle
<p>Supervising optometrist in an external clerkship rotation for students from ACOE-accredited schools or the IOBP</p>	<p>One rotation of minimum 7 weeks in an academic term:</p> <ul style="list-style-type: none"> • Full-time: 7 hours <p>One short rotation (i.e. 4 week) in an academic term:</p> <ul style="list-style-type: none"> • Pro-rated 3 hours <p>Maximum of 21 hours in a CE cycle</p>	<p>One rotation of minimum 7 weeks in an academic term:</p> <ul style="list-style-type: none"> • Full-time: 7 hours • Part-time: pro-rated 7 hours <p>One short rotation (i.e. 4 week) in an academic term:</p> <ul style="list-style-type: none"> • Full-time: 3 hours • Part-time: pro-rated 3 hours
<p>Participation in an organization approved to administer an entry-to-practice examination or an evaluating examination for foreign-trained practitioners.</p>	<p>Clinical Assessor: 1 credit hour per two hours spent assessing or training to assess candidates</p> <p>Question Author: 1 credit hour per question accepted to the database</p> <p>Question Item Selector: 1 credit hour per two hours spent selecting questions for the examinations</p>	<p>Same</p>
<p>Certification in a Cardiopulmonary Resuscitation (CPR) Heart Saver AED (C) or CPR HCP (Health Care Provider) level with AED</p>	<p>5 hours per cycle</p>	<p>Same</p>

CONTINUING EDUCATION: OTHER LEARNING OPPORTUNITIES

Complete all the information below and submit it to OE TRACKER using your OE TRACKER mobile app, by email at arbo@arbo.org or by fax at 1-888-703-4848. **All fields are mandatory.** CE credit hours will be entered into your OE TRACKER account within five business days. If you have any questions, contact the ARBO office by email or by phone at 1-866-869-6852, 9:00 am-5:00 pm ET.

First Name:	Last Name:
OE TRACKER #:	Ontario, Canada Registration #:
Email:	Phone Number:
Submission Date:	Number of Pages:

ACTIVITY #1	
Activity:	
Instructor:	
Provider/resource used:	
Format:	
Presentation (if applicable):	
Category	
Date:	
City, Province/State, Country:	
Number of credit hours claimed:	
ACTIVITY #2	
Activity:	
Instructor:	
Provider:	
Format:	
Presentation (if applicable):	
Category	
Date:	
City, Province/State, Country:	
Number of credit hours claimed:	

BRIEFING NOTE

Council meeting – September 2020

Subject

The 2020 jurisprudence exam for registration purposes.

Background

Those applying to register as optometrists in Ontario are required to successfully complete a jurisprudence exam set or approved by the College. The College's jurisprudence exam is reviewed periodically by College staff and is approved by the College Council on an annual basis.

Paragraph 7.1 of s. 2(1) of the Registration Regulation (837/93) as amended under the *Optometry Act, 1991*, reads as follows:

“The applicant has successfully completed an examination in jurisprudence set or approved by the College ...”

Previously held in-person, the College's jurisprudence exam transitioned to a proctored online exam in June 2020 as a result of COVID-19. The online Jurisprudence exam pass rate is comparable to the in-person pass rate with candidates having the added benefit of being able to challenge the exam over the course of a few days at their leisure. Having an online exam will also facilitate exam performance reporting in the future.

Decision for Council

To approve the 2020 jurisprudence exam for registration purposes.

Contact

Hanan Jibry, Assistant Registrar

BRIEFING NOTE

Council meeting – September 2020

Subject

The 2020 Optometry Examining Board of Canada (OEBC) written exam along with the Objective Structured Clinical Exam (OSCE) as one of two standards assessment examinations set or approved by the College for registration purposes.

Background

The Committee continues to have confidence in candidates who have successfully challenged the OEBC written exam and OSCE with respect to entry-level competence and public safety.

Paragraph 7 of s. 2(1) of the Registration Regulation (837/93) as amended under the *Optometry Act, 1991*, reads as follows:

“The applicant must meet the criteria set out in one of the following subparagraphs:

- i. successful completion, not more than three years before applying for registration, of the standards assessment examinations set or approved by the College...”

The Registration Committee considers which standards assessment examination for the College Council to approve on an annual basis.

OEBC has taken positive steps over the last few months (see supporting materials) beginning with the installation of its new CEO in May 2020. Additionally, the OEBC Board directed the CEO to create and maintain criteria for the best means to measure the specific entry-to-practice competencies (i.e., live patient, standardized patients, and models). Another positive step is that, in August 2020, OEBC issued a request-for-proposals (RFP) for assessment services and invited Touchstone Institute to submit a proposal. In addition, OEBC invited the Registration Committee to review and provide comments on its RFP and to observe its September 2020 exam OSCE.

Decision for Council

To approve the 2020 OEBC written exam and OSCE as one of two standards assessment examinations set or approved by the College for registration purposes.

Supporting Materials

July 7, 2020 OEBC reply to College’s July 2019 proposal

Contact

Hanan Jibry, Assistant Registrar



July 07, 2020

Dr. Patrick Quaid, FCOVD, PhD
President
College of Optometrists of Ontario
65 St Clair Ave E Suite 900,
Toronto, ON M4T 2Y3

RE: College of Optometrists of Ontario — AGM Submission
Achieving the Objective of One Canadian Entry to Practice (ETP) Exam

Thank you for your thoughtful submission. We appreciate that COO remains committed to working collaboratively towards the development of one Canadian, bilingual ETP exam and that you have deferred the work on your exam until this process is concluded.

I am sorry that our response has taken so long. I want to ensure that OEBC has its new governance structure and CEO in a position to take action.

We also appreciate that you recognized that these issues represent a significant potential change for the OEBC and that the process will take time. We concur that there must be a clear objective, an agreement in principle on the key directions, a method to develop a proposal and specific timelines for overall completion. However, we are taking action now to address some of the issues as they need immediate attention.

We would also like to collaborate with the COO regarding the development of a competency model. The National Competency Model was due for a substantive review. When it was developed in 2015, the target was to review the model every five years. We can start the collaboration on the model immediately.

Thank you for providing an opportunity for our CEO to present to your Council in September 2020. We look forward to working with you to define the plan for moving forward well in advance of that meeting.

Re-Position OEBC

About twenty-five years ago, the optometric regulatory authorities created the Canadian Examiners in Optometry to develop and administer a national bilingual Entry to Practice (ETP) Examination. OEBC's failure to gain buy-in to significant changes to the exam, slow responses and not providing some information when requested by Members has eroded trust and strained relationships. So, understandably some Members have drifted from our roots.

The Members authorize and control the Board through the bylaws. Our Board acts in the best interests of the corporation, by taking into account the competing self-interests of Members, candidates, optometry schools, agents and other stakeholders. We set the direction and priorities, as stewards and trustees.

To maintain a high level of accountability to Members, as a Board, we must

- strategically manage risks
- back its decisions with coherent policies
- operate within the scope of authority authorized by the Members
- decide upon a set of parameters to guide its decisions

In this way, the Board uses a structure to approach unexpected issues and concerns without straying away from the organization's best interests.

In July 2018, the Board adopted a policy governance model to build a stronger linkage with the Members and ensure appropriate oversight of the exam. However, the strict application of the model did not meet the Members' expectations. On June 18, 2020, the OEBC Board adopted a Modified Policy Governance Model:

- **Governance Position:** With the Members above it and operational matters below it, the Board is a critical link in the chain of command. Its' role is the commander. The Board exists to exercise that authority and empower others to act. The Board bears full and direct responsibility for the governance process and products, and accountability for any authority and performance expectations delegated to others.
- **Strategy** is the very essence of the Board, and policy is the result of its strategic deliberations. The plan to implement strategy/policy is the domain of the CEO.
- **Governance Policy Manual** — Sets out the Members' expectations for the results OEBC should produce. The Board translates these expectations into criteria for success and provides processes to check that those criteria are met. An [electronic copy](#) is publicly accessible and viewable on OEBC.CA

The Board will focus on

- a) Having an ongoing dialogue with the Members and FORAC to discern their expectations for what results OEBC should produce
- b) Translating those expectations, plus other information and the Directors' perspectives and the Corporate values, into strategy and written criteria for success
- c) Checking to see that those criteria were met
- d) Managing risks — A Risk Register will be maintained and discussed at each Board meeting. Risks are ranked by the likelihood of occurrence on the potential impact on the organization
- e) Living its corporate value of Transparency, Integrity, Trust, Engagement, and Responsibility

Moving Forward Framework

As noted above, we concur with you that there must be a clear objective, an agreement in principle on the key directions, a method to develop a proposal and specific timelines for overall completion.

We are proposing the framework below as a means to articulate our intended actions. It is a working document for your review and comment.

Objective

In light of COO's submission, OEBC amended its vision, in June 2020, to read "To be the sole provider of competence assessments for optometric regulatory authorities in Canada."

We see the objective of this framework is to work with COO and the other Members of OEBC to be able to buy-in and support our new vision.

To achieve this, we believe that OEBC must have an entry to practice exam that is bilingual, reflective of the cultural and systemic attributes of the Canadian health systems, legally valid and defensible and meets the Members' expectations today, and in the future.

Exam Content

COO Submission	<i>The College is pleased that there has been an agreement that both live patients and models should be used where appropriate. As previously indicated, the College believes that, at a minimum, the following technical skills should be tested on live subjects: tonometry, gonioscopy, slit lamp fundus biomicroscopy and Binocular Indirect Ophthalmoscopy (BIO). The College looks forward to receiving information on the process for making this change and the potential timing.</i>
Agreement in Principle	Use live patients, standardized patients, and models as appropriate to measure the specific entry to practice competencies.
OEBC Action	<p>The Board has approved policies to direct the CEO to create and maintain criteria for the best means (live patient, standardized patients, and models) to measure the specific entry to practice competencies. The criteria will be circulated to Members for review and comment. Once adopted, the criteria will be publicly available on our website.</p> <p>The RFP for Assessment service includes at least two stations using live patients in the Spring 2021 OSCE.</p>
Completion	The criteria will be finalized in November 2020 and applied to the Spring 2021 OSCE.

Exam Oversight

<p>COO Submission</p>	<p><i>The College believes that regulators need to have meaningful input into the structure and content of the exam and effective mechanisms to raise issues of concern. The current oversight structure, which appears to include the annual general meeting of the members, the board meetings and the annual report, are insufficient to generate the required confidence in the process.</i></p> <p><i>At minimum, a service agreement should be developed between OEBC and FORAC members clearly setting out the services that OEBC provides to FORAC members specifically addressing the following:</i></p> <ul style="list-style-type: none"> • <i>Communication of significant changes to the structure or content of the exam.</i> • <i>Communication in addition to the annual report.</i> • <i>A clear mechanism for regulators to receive information about and provide input into or feedback on the exam.</i> • <i>A process for raising concerns about the exam, as well as how those concerns will be managed and reported on.</i>
<p>Agreement in Principle</p>	<p>Exam oversight is one of the OEBC Board’s critical accountabilities. This accountability cannot be delegated. It must either take it on or delegate the responsibility to ensure it is carried out to Members' satisfaction.</p>
<p>OEBC Action</p>	<p>The Board is developing Governance Process and Executive Limitation policies regarding the Treatment of Members for consideration at our September meeting.</p> <p>These policies are intended to address all of these issues. A draft will be circulated to Members for review and comment in July 2020.</p> <p>Once the policies are in place, the Board monitors compliance with its policies. Monitoring of these policies will occur every six months for the next two years, then annually after that.</p> <p>As part of our increased communication, we issued a Summary of our June 18, 2020 Board meeting a few days after the meeting. We plan to continually provide these Summaries after each meeting.</p>
<p>Completion</p>	<p>Policies in place in September 2020 and monitored every six months</p>

Governance

<p>COO Submission</p>	<p><i>FORAC, OEBC members and OEBC directors are essentially all the same people. This creates overlap and inherent conflict. The College supports OEBC's proposed bylaw revisions, which signal a move towards a competency-based board by removing the requirement for the Board to be composed of a majority of regulators.</i></p> <p><i>However, as long as OEBC directorship is the only way to have true oversight of the exam, regulators will continue to wish to be directors. If there was another way, this would be less important. OEBC could transition to a true board structure, with members who have experience overseeing an organization and other professional exams. Ultimately on a long-term basis, regulators of course should not be on the OEBC board, but should still be able to receive and provide information to the OEBC via FORAC or other mechanisms.</i></p>
<p>Agreement in Principle</p>	<p>The Members would elect some directors based on competencies and other directors based on regional representation of regulator.</p>
<p>OEBC Action</p>	<p>The Members directed the Board to consider the size and composition of the Board. At its June meeting, the Board consensus was to revisit Board composition to have proposals for Member consideration in advance of the upcoming AGM, where the terms of three Directors expire. the Board needs. The proposal will include a transition plan to the new Board to ensure the Members' voices continue to guide the organization through the transition.</p>
<p>Completion</p>	<p>The size and composition of the Board approved at the 2021 AGM. Given the Board will likely be smaller than ten, likely no new members would be appointed at the AGM. For the 2022 AGM, the terms of three more directors expire, the new directors would be selected on competency bases. For the 2023 AGM, the Board would achieve its size and composition.</p>

Relationship between FORAC and OEBC

COO Submission	<i>The ongoing roles of OEBC and the Regulators needs to be clarified in any go-forward proposal.</i>
Agreement in Principle	When OEBC deals with FORAC, it is treating the regulators as customers of the entry-to-practice assessment. When the regulators meet at the AGM, they are in the role of "owners" of OEBC. When a regulator sits on the OEBC Board, he or she brings their knowledge and understanding of the issues to the Board deliberations. However, his or her fiduciary duty is to OEBC.
OEBC Action	<p>OEBC is developing and will maintain a RACI model to assist in providing clarity with the four roles that OEBC and Members might play in any project or process, this includes the following:</p> <ul style="list-style-type: none"> • Responsible: People or entities who do the work. They must complete the task or objective or make the decision. Several people can be jointly responsible. • Accountable: Person or entity who is the "owner" of the work. He or she must sign off or approve when the task, objective or decision is complete. This person must make sure that responsibilities are assigned in the matrix for all related activities. Success requires that there is only one person accountable, which means that "the buck stops there." • Consulted: People, entities or stakeholders who need to give input before the work can be done and signed-off on. These people are "in the loop" and active participants. • Informed: People, entities or stakeholders who need to be kept "in the picture." They need updates on progress or decisions, but they do not need to be formally consulted, nor do they contribute directly to the task or decision. <p>Once developed, OEBC will work with FORAC to review the model annually.</p>
Completion	The RACI model will be substantially completed in September 2020, and updated in November 2020, following the awarding of the RFP for Assessment Services.

Role of Touchstone

<p>COO Submission</p>	<p><i>As you know, Touchstone is currently developing a new competency profile, which is expected to be completed in Spring 2021. Regulators appear to have concerns about Touchstone and the relationship between Touchstone and the College, but it is not clear what these concerns are.</i></p> <p><i>To be clear, the College has confidence in Touchstone because of its work on the IGOEE and exam development for other regulators. The College believes that the significant resources of an organization and economies of scale would protect the OEBC and improve both the exam and its administration. It believes that Touchstone could be valuable to the OEBC in one or more of the following ways:</i></p> <ul style="list-style-type: none"> <i>• Using the new competency profile to replace the existing OEBC profile from 2015.</i> <i>• Blueprint development.</i> <i>• Exam development.</i> <i>• Exam administration.</i> <i>• Exam evaluation and psychometrics.</i> <p><i>The College believes that a new approach to exam development, administration and evaluation is needed. It has suggested that Touchstone could be helpful in this regard. If OEBC does not wish to use Touchstone, we would suggest that there be a process to determine which organization would be best suited to be involved at each step of the process, with clear consultation processes and accountabilities (i.e. RFP process with clear contracts in place).</i></p>
<p>Agreement in Principle</p>	<p>OEBC should use the best assessment service provider to meet Members' needs.</p>
<p>OEBC Action</p>	<p>OEBC has notified Martek, its existing Provider, that it will be issuing an RFP for Assessment Services in August 2020. The contract will be starting on January 1, 2021. The Provider will be responsible for the Spring 2021 exam.</p> <p>COO has significant experience with Assessment Service providers. We would welcome COO's review and comments on the RFP before it is issued.</p> <p>Touchstone, Martek, Yardsticks, and other leading assessment services providers will be invited to submit proposals.</p>

	OEBC is assessing the use of computer-based testing to deliver the written portion of its exam. Our novel concept of "Test Pods ¹ " may be used for the November 2020 administration.
Completion	Contract to be issued in November 2020

NBEO

COO Submission	<p><i>Regulators are concerned about the impact of Ontario's acceptance of the NBEO on the OEBC exam. To date, the impact is not significant. Since the College's decision to accept the NBEO exam in January of 2019, we have registered four optometrists who have taken the exam out of a total of one hundred and forty-three registrants. We will continue to track these numbers and report any trends.</i></p> <p><i>The College acknowledges the WOVs research project, although the conclusions warrant further discussion, given that other regulators in Canada accept US exams notwithstanding the differences in health care contexts between the two countries. The College would reiterate that it is not prepared to revisit the decision to accept the NBEO exam until there is a firm commitment to move forward with a revised Canadian ETP exam. In addition, any movement from Ontario with respect to NBEO would have to be in lock step with other current provinces currently accepting NBEO.</i></p>
Agreement in Principle	COO will revisit its decision to accept the NBEO once OEBC has addressed the principles for moving forward on each item in a manner satisfactory to COO.
OEBC Action	<p>In parallel, OEBC is working to make the exam more accessible and at a lower total cost to the student. We estimate that up to four hundred Canadians are enrolled in US Optometry schools. While not all of the graduates will return to Canada, annually we expect about seventy-five of them to return to practice in Canada.</p> <p>For the first time, OEBC consulted with students directly regarding the best dates, locations and delivery methods for writing the exam in November 2020. This collaboration led to inspiring the Testing Pod model mentioned above.</p>

¹ where OEBC engages sites such as a School of Optometry or an Optometric Clinic where 5 to 100 candidates would supply their own computer and an OEBC authorized proctor would oversee the exam

	OEBC has also established bi-annual meetings with the Directors of Canada's Schools of Optometry, and offer to provide reports on the performance of candidates graduating from their institution that will assist in their accreditation process.
Completion	December 2020

Please consider the above as a working document. We would have a meeting soon to review this document and to finalize the steps to move forward.

Yours sincerely,



Lorne Ryall
Chair

- cc. Maureen Boon, MHsc, BSc, Registrar and CEO, COO
OEBC Board Members
Kim Allen, CEO, OEBC

BRIEFING NOTE

Council meeting – September 2020

Subject

The 2020 National Board of Examiners in Optometry (NBEO) exam as an alternate standards assessment examination set or approved by the College for registration purposes.

Background

The Committee continues to have confidence in candidates who have successfully challenged the NBEO examination with respect to entry-level competence and public safety.

Paragraph 7 of s. 2(1) of the Registration Regulation (837/93) as amended under the *Optometry Act, 1991*, reads as follows:

“The applicant must meet the criteria set out in one of the following subparagraphs:

- I. successful completion, not more than three years before applying for registration, of the standards assessment examinations set or approved by the College...”

The Registration Committee considers which standards assessment examination for the College Council to approve on an annual basis.

In January 2019, the College Council approved the NBEO exam. The NBEO recently reviewed Part III of its exam, which comprises the clinical portion, and developed a preliminary exam blueprint (see supporting materials) as well as a plan to have each candidate in the remaining two stations perform the following technical skills on a standardized patient:

- Gonioscopy
- Tonometry
- Biomicroscopy
- Dilated Biomicroscopy
- Binocular Indirect Ophthalmoscopy (BIO)

The National Board Examination Review Committee (NBERC) continues to be the independent oversight body responsible for ensuring that the NBEO exam meets all requirements for testing entry-level competencies.

During COVID-19, the College has registered approximately 30 candidates, most of whom were able to successfully challenge the NBEO exam. The approximately 80 remaining candidates are still waiting to challenge the re-scheduled OEBC exam at the end of September or early November 2020.

Decision for Council

To approve the 2020 National Board of Examiners in Optometry (NBEO) exam as an alternate standards assessment examination set or approved by the College for registration purposes.



[Supporting Materials](#)

2020 Preliminary NBEO exam blueprint (Source: *NBEO*)

[Contact](#)


Hanan Jibry, Assistant Registrar

Blueprint

The blueprint specifies the major competency domains assessed by the exam. The competency domains represent the related sets of knowledge, skills, and abilities required for the safe and effective practice of optometry. The clinical presentation categories specify the topics of the case scenarios to be included in every version of the exam. The weight of the competency domains and clinical presentations specifies the emphasis of each of these elements on the exam.

Competency Domains	Weight
Clinical Assessment and Interpretation	29
Management and Documentation	25
Skills	22
Patient Education	13
Communication and Professionalism	11
Total	100

Clinical Presentations	Weight
Anterior Segment Disease	17
Posterior Segment Disease	16
Glaucoma	14
Systemic Disease	11
Refraction	11
Neuro-Ophthalmic Disease	9
Contact Lenses	8
Binocular Vision	8
Pediatrics	6
Total	100



PART III EXAM

**Patient Encounters
and
Performance Skills
(PEPS)**

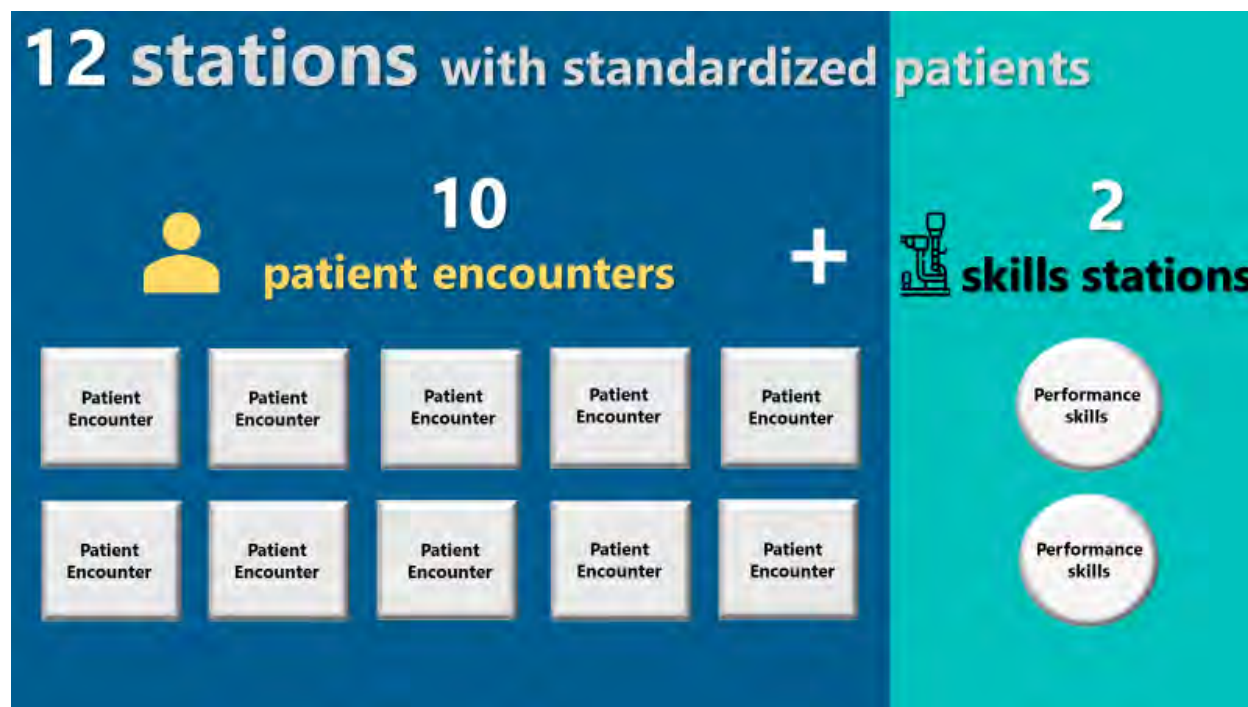
BLUEPRINT

The blueprint includes five competency domains and nine clinical presentations which will be assessed on the Part III exam. The domain that carries the most emphasis is Clinical Interpretation and Assessment (29%) followed by Management and Documentation (25%). Functionally, this means the ability to interpret and synthesize clinical data will be prioritized over the collection of data or the physical performance of skills. These two domains will be evaluated through the creation of an electronic SOAP note, which will capture clinical decision-making and the generation of a treatment plan. The Skills domain (22%) will be evaluated through the physical performance of five skills on a standardized patient; no patient scenario will be included in these skills-only stations. Patient Education will comprise 13% of the exam and the candidate will be evaluated on the ability to provide information to the patient in a clear and understandable manner. Communication and Professionalism (11%) includes treating the patient with respect, sharing and receiving information in an effective manner, and collaborating with the patient and other professionals to provide optimal care for the patient.

The clinical presentation categories represent the major groups of diagnoses that an optometrist should be proficient in treating in order to protect the public. Both frequency and criticality were considered in the designation and weighting of the clinical presentations. Additionally, priority was given to those conditions that are life- or vision-threatening if not properly detected and managed.

Exam Model

The exam model is the functional depiction of the exam and represents how the blueprint will be operationalized. Although multiple versions of the exam will be used, each version will fulfill the requirements set forth in the blueprint. Each competency domain will be addressed by multiple stations, and the clinical presentations will serve as topics for the patient encounters.



The exam will consist of twelve stations. At each of the twelve stations, candidates will interact with a standardized patient. In ten of the stations, candidates will be presented with a clinical scenario in which they will be expected to perform a focused case history, interpret and synthesize clinical data, and generate a management plan. Each candidate will assess patients with conditions which fall into the nine clinical presentation categories included in the blueprint: anterior segment disease, posterior segment disease, glaucoma, refraction, systemic disease, neuro-ophthalmic disease, contact lenses, binocular vision, and pediatrics.

In the remaining two stations, each candidate will perform the following skills on a standardized patient:

- Gonioscopy
- Tonometry
- Biomicroscopy
- Dilated Biomicroscopy
- Binocular Indirect Ophthalmoscopy (BIO)

Additional information regarding details of the stations will be published in the candidate guide, which is currently under development.

Frequently Asked Questions

Why is the Part III exam changing?

The Part III exam has historically focused on the physical performance of the skills that comprise an eye exam; however, it is natural that the exam evolves as the profession changes. Based on feedback from stakeholders, and to remain current with contemporary optometry, the Part III exam will shift away from the focus on motor skills to a more comprehensive measurement of optometric practice.

What are the biggest changes to the Part III exam?

The purpose of the exam is the same—to discern if candidates are competent to enter the safe and effective, independent practice of optometry—but the emphasis of the exam is changing substantially. The exam will focus on the analysis and synthesis of clinical data, and the incorporation of that data into patient management decisions. The majority of the exam (ten of the twelve stations) will focus on clinical scenarios. In the remaining two stations, the candidates will physically perform five essential skills on standardized patients: gonioscopy, tonometry, biomicroscopy, dilated biomicroscopy and binocular indirect ophthalmoscopy (BIO).

How do we know this new exam will be valid?

Evidence from other testing organizations and best practices within the psychometric community have guided the process of exam development. At every step, the best available evidence was used to make decisions, and extensive attention was given to including diverse perspectives in every decision. The process of pilot testing is central to ensuring the exam is both reliable and valid, and an extensive period of pilot testing is planned.

How was it determined which skills should be physically performed on the exam?

The process of determining which skills should be performed included many different perspectives from various optometric communities. The stakeholder survey was distributed to members of ARBO and ASCO and identified which skills were valued most highly by stakeholders. The focused job task analysis also provided information about how frequently a select number of skills were performed. The task force, comprised of 12 members who provided broad representation from optometry, discussed the results of the stakeholder survey and the focused job task analysis, and produced a final list of skills to be performed on the exam, which was approved by the Board of Directors.

When will the new exam be implemented?

The new exam will be initiated at the beginning of an administration cycle (August). The **earliest** the new exam would be implemented is August 2022, but the number and duration of pilot tests required will impact determination of the precise date when the exam will begin. The NBEO will communicate the implementation date as soon as it is finalized.

Will the current exam be offered concurrently with new exam?

Once the new exam begins administration, the current Part III exam will no longer be offered.

BRIEFING NOTE

Council meeting – September 2020

Subject

The National Competency Profile

Background

On June 24, 2019, Council approved the development of a national competency profile to be jointly developed between the College and Touchstone Institute, with input from optometrists from every province, as part of the continued research and investigation into an alternate Canadian entry-to-practice exam at a projected cost of approximately \$45,000.

The development process, led by Touchstone Institute, involved the following phases:

- Environmental scan and literature review;
- Consultations with subject matter experts by convening two workshops (November 2019 and February 2020);
- Subject matter consultations regarding specialty areas;
- Validation survey;
- Consultation to confirm final details and production of the final document.

The national competency profile was completed in August 2020 at a total cost of \$45,000.

Decision for Council

To receive the national Competency Profile

Supporting Materials

Touchstone Institute (August 2020). Technical Report. Developing Competencies for Optometry.

Next Steps

The College is to develop a licensing agreement governing the use of the national competency profile.

Contact

Hanan Jibry, Assistant Registrar

Developing
Competencies for Optometry
Technical Report

Prepared for the Ontario College of Optometrists
Prepared by Touchstone Institute

August 12, 2020

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Executive Summary

The College of Optometrists of Ontario (The College) contracted with Touchstone Institute to develop a pan-Canadian competency framework for optometrists. The *Competencies for Optometry* project used extensive subject matter expert (SME) consultation to develop a comprehensive framework of domains, key competency statements and enabling competencies. The project began with widespread research of optometry competency documents to prepare for workshops and consultations. Domains appropriate to optometry practice were identified and competency statements that support these domains were defined through rigorous working groups and consultations. The development team organized the framework in a manner that was representative of the optometry profession and sent the statements to review by a larger group of SMEs in a final validation survey. The work was confirmed and edits were made where deemed necessary. A final validation survey ensured that the document fully represented the optometry profession across Canada.

The final document, which accompanies this report, contains a Forward & Introduction, Domains & Definitions, Key Competency Statements, Enabling Competencies, and a list of Key Terms and Definitions. A French translation has also been provided. The College is now well-positioned to implement the competency framework in a manner that supports current College initiatives and collaboration with the Federation of Optometric Regulatory Authorities of Canada (FORAC) and other Colleges across Canada.

Project Introduction

Touchstone Institute was contracted by The College to develop *Competencies for Optometry*. The intent of this initiative was to create a comprehensive description of professional competencies that support The College's regulatory mandate and can guide education, remediation, and assessment. This project engaged representatives from across Canada in designing a set of common pan-Canadian Competencies for Optometry.

A competency framework communicates the values of a profession and affirms the standards of professional practice. Competency profiles can stimulate uniformity in practice within or across jurisdictions and can form the basis for educational and assessment standards.

In preparation for the development of the framework, the development team at Touchstone Institute performed a thorough environment scan of existing optometric competency frameworks from English-speaking countries and a fulsome literature review of proven approaches to competency design and validation. This research aided the team in gaining an understanding of how optometric practice is described across jurisdictions and rational approaches to competency design.

Competency Framework Design Approach

Touchstone Institute has expertise in methodologies that employ profession-specific SMEs for both evaluative and formative competency design and application. These SMEs are selected for their knowledge of the roles, demands, expectations, knowledge and skills required for safe practice. Working with groups of SMEs that have a range of experience and backgrounds produces outcomes that represent both a consensus and a representation of various perspectives. For this project, optometry SMEs were recruited from various jurisdictions and practice settings with a broad range of experience. These SMEs provided their expertise through a series of workshops and consultations that would form the basis of the *Competencies for Optometry*. Leveraging experience in competency based education and assessment, the Touchstone Institute development team was able to complete background research, consultations and competency design in a very short period.

Project Phases

The project consisted of the following phases:

Phase 1: Environment Scan & Literature Review

- Scan of Relevant Optometry Standards and Competency Documents
- Review of the Academic Literature

Phase 2: Consultations

- Subject Matter Expert (SME) Engagement
- Working Groups
 - Workshop I: Scoping
 - Workshop II: Competencies

- SME Consultations
 - SME Consultation I
 - SME Consultation II

Phase 3: Validation

- Online pan-Canadian Survey
- Psychometric Analysis of Responses

Phase 4: Production of Deliverables

- SME Consultation to Confirm Final Details
- Translation
- Final Document

Environment Scan and Literature Review

In preparation for this project, the development team at Touchstone Institute undertook an extensive review of optometric literature, optometry competency profiles, and standards of practice documents.

Collection of Relevant Optometry Standards and Competency Documents

In preparation for the in person workshops with SMEs , we conducted an extensive review of the OEBC competency profile, as well as the Acts, Regulations and Standards of Practice documents from across Canadian provincial and territorial jurisdictions. Competency frameworks for optometry in other English-speaking jurisdictions were also reviewed. These included The United States of America, New Zealand, Australia, the United Kingdom, as well as the World Council of Optometry. This review allowed us to obtain a better understanding of what is expected of an optometrist, and to explore how the field of optometry defined domains and competencies. The pan-Canadian scan provided a sense of how standards differ across the country.

Through this extensive scan of optometric competency and standards of practice documents, 289 statements were selected, inventoried, and categorized. This preliminary list of statements (not all were fully formed competency statements) provided a starting point for the exploration and selection of domains in Workshop I: Scoping. Once domains were selected, defined and reviewed by SMEs, a draft of the framework was prepared for a more in-depth workshop on competencies.

Several documents from this environment scan were selected as pre-reading materials for participating SMEs. These included optometry documents such as the Standards of Practice for Ontario, British Columbia and Alberta as well as the World Council of Optometry Global Competency Model. In addition, SMEs received competency documents from other professions, both exemplary and emerging, such as the CanMEDs Physician Competency Framework and The College of Naturopaths of Ontario Competency document. These documents were purposefully selected to illustrate how professions present themselves publicly through their competency and standards of practice documents.

In preparation for Workshop II: Competencies, the project team collated the statements found in optometric documentation collected during the scan. This list of statements underwent two separate internal review processes. First, we identified repetition, relevance to Canadian context, and whether the statement contained the components of a competency statement. Once this internal process had been completed by the development team, the statements were placed within the proposed domains in preparation for the work with SMEs. In a second review process, SMEs were asked to make decisions regarding statements that best reflected their professional practice experience. In this way, the materials which provided the foundation for the first draft were aligned to the Canadian context and the professional experience of the SMEs. This second draft was developed into a survey.

Review of the Academic Literature

A rigorous literature review produced a collection of pre-reading materials to be distributed to SMEs prior to the work. The academic literature provided a number of important evidentiary and theoretical references that were incorporated into the work. Fifty-three academic articles were collected and reviewed, of which 16 were selected as relevant to the project. These can be seen in the list of references.

Development Led by Subject Matter Experts

Touchstone Institute applied a collaborative design process to ensure the perspectives of optometry professionals were incorporated into the work. The project engaged with currently practicing Canadian optometrists or educators in good standing with their governing bodies as SMEs. The SMEs selected had a minimum of two years in a range of practice settings, and brought knowledge and understanding of the field of optometry in rural and urban settings. All were interested in providing a meaningful contribution to furthering the optometry profession.

Recruitment of Experts

The following parameters were applied in the identification and recruitment of SMEs:

- Registered with a Canadian provincial optometric regulatory authority in good standing without any restrictions
- Minimum of two years as a practicing Optometrist in Canada or as an optometry educator
- Clear of any perceived conflict of interest
- Representing all context of practice, including group practice, ophthalmological setting, solo private practice, research and academics, and retail practice
- Demonstrated experience working with competencies
- Exam development, teaching, role in regulatory context, or as a mentor

There are both benefits and challenges to working with SMEs. SMEs are eager to give back to their profession and are passionate about their practice. Because of this emotional connection to the work, SMEs sometimes carry their own agendas or may be influenced by subconscious biases. Having years of experience working with SMEs from different health professions, the team at Touchstone Institute applied a number of different consultation techniques to ensure a balanced final perspective on the work.

Representation from across Canada

As this work aimed at articulating a pan-Canadian model of *Competencies for Optometry*, optometrists from across Canada were recruited through a request for expression of interest distributed by the College of Optometrists of Ontario to other Canadian regulatory bodies. The respective Colleges distributed the call to their members, and twenty-one expressions of interest were received. Each interested optometrist submitted a CV along with their expression of interest. These were reviewed by the College to ensure it met the parameters described above. All twenty-one SMEs were eventually invited to participate via in-person workshops, email consultations, and online surveys to shape the competency framework. The jurisdictions that were represented can be viewed in the chart below:

Provincial Regulator	Number of Optometrists
Alberta College of Optometrists	1
College of Optometrists of British Columbia	1
Saskatchewan Association of Optometrists	1
Manitoba Association of Optometrists	2
Ontario College of Optometrists	10
Ordre des optométristes du Québec	5
Newfoundland & Labrador Association of Optometrists	1
Nova Scotia Association of Optometrists	1

A Collaborative Process: Working Groups

A working group model for competency design has been applied in a number of contexts (see for example, Calvin-Naylor et al., 2017). In such a process, preliminary research to gather existing models and relevant content is completed before the consultation process begins. The material collected is reviewed, sorted and organized in preparation for the working groups. In working groups, participating SMEs integrate the background research presented with their own knowledge and practice experience into the development process.

Two working groups were organized for this project: the first focused on defining the scope of the competency framework, and defined general domains under which professional competencies would be categorized; the second focused on sorting through and confirming the competency statements, and defining critical enabling competencies. SME vetting of the materials through consultations was conducted before and after the workshops to ensure accuracy of the technical content.

Workshop I: Scoping

On November 12, 2019, nine Doctors of Optometry joined the Touchstone Institute development team for a scoping workshop aimed at identifying the competency domains that would shape the *Competencies for Optometry* framework. The shared expertise from the optometrists who attended resulted in consensus on a theoretically sound foundational

competency framework that is both relevant and practical for the profession. Please see Appendix A for a list of the Touchstone Institute Development Team and Facilitators, and Appendix B for a list of scoping workshop participants.

The group began their work by reviewing the findings from the environmental scan and literature review to ensure that the relevant documents were consulted, and recommendations for additional resources were collected. Differences in regulation across Canada's provinces and territories were discussed and standards of practice documents from Ontario, Alberta and British Columbia reviewed.

As a first step in the development process, underlying principles to guide the design of the competencies were confirmed. The group agreed that the *Competencies for Optometry* framework should be:

1. Comprehensive: containing the elements that are required for its purposes;
2. Coherent: all elements included are connected and consistent;
3. Practical: it is applicable to the various contexts it is intended to influence;
4. Accessible: content is comprehensible and easily available to users.

Secondly, the group agreed on a general taxonomy for the work ahead, as defined in Table 1.

Table 1: Framework Principles

Components	Definition	Example
Domain	A specified area of optometry that is essential and common across Canada.	Professionalism
Domain Definition	A statement that delineates the meaning and scope of the domain.	Professionalism describes social, legal, and regulatory expectations of professionals including integrity, honesty, respect for diversity, and ethical practice.
Competencies	An observable ability of a health professional, integrating multiple components such as knowledge, skills, values, and attitudes. There will be multiple competencies per domain.	The Optometrist acts with <i>professional integrity</i> at all levels of practice.
Enabling Competencies	The essential skills that are pervasive to an Optometrist's work and demonstrate components of the competency. There will be multiple sub competencies.	Maintain <i>professional boundaries</i> . Practice self-care.

Once these foundational decisions had been made, the group moved on to the definition of the domains within which the competencies would be organized. Participants first defined the essential characteristics of an optometrist. SMEs then worked through a selection process where key words and concepts were categorized and evaluated in reference to their practice and professional values. A consensus was reached on six predominant categories that were then "tested" to verify that they would adequately contain the various competencies for optometry.

To verify whether the defined categories would adequately represent areas of competence, forty descriptive statements selected from the National Competency Profile for Entry-Level Optometry, the Alberta College of Optometrists Standards of Practice, the College of Optometrists of British Columbia, and the College of Optometrists of Ontario Standards of Practice were selected as competencies for the purposes of this validation exercise. SMEs were asked to place each of the forty statements within one of the defined categories. All but four of the statements fit into groupings, which validated the pre-selected categories as domains of practice.

Lastly, to reflect on the direction established during the scoping workshop, each SME referenced the essential characteristics of an optometrist that they had defined at the beginning of the day. SMEs found that they were able to capture the characteristics they wrote down in the categories we had defined together, confirming the face validity of the domains identified.

As a result of the first working group, the following domains were selected and validated:

1. Clinical skills
2. Expertise and Scholarship
3. Communication
4. Professionalism
5. Patient-centred Care
6. Interprofessional Collaboration

These domains were confirmed as the structure for the *Competencies for Optometry*.

An important consideration discussed during the first working group was the set of competencies associated with managing one's own independent practice. While these characteristics are essential for independent optometrists, they are not required at entry to practice. An example of such a competency is the set of skills associated with marketing and the management of a practice. These questions were re-visited in the competency working group.

Working Group II: Key and Enabling Competencies

Fifteen optometrists from across the country participated in the second working group, one of whom joined via web conference due to inclement weather and travel restrictions.

The goal of the second working group was to review the domains and definitions that were developed from the first workshop and to populate each domain with relevant competencies. Participating SMEs were asked to apply their individual training, experiences, and practice to select and validate the key and enabling competency statements placed under each domain by the development team.

Participants were divided into four small groups in order to rotate through four different working "stations". Each group was asked to review 12-18 competency statements within the context of their domain(s). The groups were carefully selected to ensure that the SMEs were

equally distributed based on jurisdictional representation, type of practice, and if they were educators, in order to reduce bias and create a productive dialogue. Each group had a Touchstone Institute staff member assigned to facilitate conversation, record important ideas that were brought up in conversation, and to ensure that a grouping of global questions were considered.

At each “station” SMEs reviewed the domains and definitions for clarity and were encouraged to adjust the definitions to properly reflect their profession. This first step helped participants focus on how definitions connected to the competency statements that they were about to review. The statements were then reviewed one at a time and the SMEs were invited to provide input, and to identify shortcomings and omissions, as well as to reorganize and restructure to make the statements flow in a logical order. To ensure that each group remained focused on the task each facilitator had pre-decided questions to refer to for the discussion:

1. How well do these key competency statements illustrate the domain?
2. Are there any key competency statements that would be better suited to another domain?
3. Do the key competencies included reflect all aspects of that which should be included under the domain? (i.e., What are the gaps?)
4. Do each of the key competency statements reflect an aspect of your practice?
5. Is there anything about this statement that might differ across Canada? (i.e., In accordance to provincial/territorial standards of practice)

The rotating work stations ensured that each domain grouping was reviewed four times, by fifteen different professionals. In this manner, competency statements were confirmed and edited with careful attention being paid to the accuracy of the terminology applied. A list of key terms for a glossary was generated. When time allowed, the groups suggested enabling competencies to be added.

Following the working group, the Touchstone Institute development team collated the information gathered through the working group and created a draft *Competencies for Optometry*. The review process included clarification of optometric terms for wording and accuracy, combining and/or eliminating irrelevant statements, adding key competency and enabling competency statements, and defining key terms.

An important outcome of this working group was the identification of the need for a glossary of key terms, and the recommendation that the language used be accessible, so that the document can be understood by the general public. In other words, participants recommended that this not be a technical document restricted to optometrists or those with knowledge of medical terminology. After review and editing, this glossary was included in the *Competencies for Optometry* document.

Subject Matter Expert Consultations

Consultation on Domains

Following Workshop I: Scoping, the development team at Touchstone Institute applied definitions to the domains that had been agreed upon. To capture the spirit of an optometrist in the domain definitions, the development team reflected on the information supplied by the SMEs, and revisited the literature review documents. At this point we enlisted the consultation of two SMEs that were in attendance of Workshop I: Scoping to review the first draft of the domain definitions in order to validate the definitions. Two SMEs, representing a practice and an academic setting, were asked to review the definitions to ensure that they correctly reflected the optometry profession, that they contained what was in scope for an optometrist in Canada, and to flag anything that was missing. Following this review we were able to refine our definitions and implement changes to be presented at Workshop II: Competencies.

Consultations on Key and Enabling Competencies

Once the development team had completed their internal review process and executed the revisions that had been identified in Workshop II: Competencies, three SMEs were consulted to ensure that the key and enabling competencies selected accurately reflected the profession. The SMEs selected for this process were given a draft copy of the *Competencies for Optometry* along with questions to facilitate their review. This consultation validated the draft framework revisions that were implemented based on the information from the second workshop and shaped the draft that made up the validation survey.

Post-Workshop Consultations Regarding Specialty Areas

A theme that was noticed by the development team was the notion of specialty areas in optometry. In the workshops it was noted that some optometrists have more experience in one area of optometry and that it is common to send patients to colleagues who may have a special interest in certain conditions. The development team felt that this interest should be followed up on, so a consultation with an SME was scheduled during which the SME clarified that in the context of specialties in Optometry, at least from a regulatory perspective, specialties are in the early stages. The important competency to capture is the ability to identify issues for which optometrists should triage the patient and refer accordingly. In the future of optometry there may be specialist areas, however, this is not something that is currently in place. The *Competencies for Optometry* document reflects this consultation.

Validation Survey

Survey Objective

Following two rigorous in-person workshops and two SME consultations, a validation survey was designed for distribution to a larger group to ensure that the domains and their definitions,

key competency statements, and enabling competencies were captured correctly. The project recognizes the role of optometrists as autonomous professionals who are leaders in their profession and are dedicated to collaborative practice and patient-centred care. For this reason, we consulted with optometry professionals in validating that the framework reflects their practice. The aim of this survey was to confirm the extent to which six domains and their respective key and enabling competencies adequately represented the Optometry profession within Canada.

Participants

Twenty-one (21) SMEs completed the Pan-Canadian Optometry Competency Framework Validation Survey. These SMEs represented eight Canadian provinces, with the majority registered as optometrists in Ontario (47.6% or n=12) and Quebec (23.8% or n=5). The remaining participants indicated registration within Alberta, British Columbia, Nova Scotia, Newfoundland and Labrador, Manitoba and Saskatchewan. SMEs years in practice ranged from three to 42 years with an average of 13.05 (SD=9.92). Most SMEs (33.3% or n=7) indicated “Group Practice” and “Ophthalmological Setting” (14.3% or n=3) as their current optometric setting type, the remainder indicated “Solo Private Practice”, “Research and Academics” and “Retail Practice” as their current setting.

The SME group consisted of 12 females (57%) and nine males (43%), with an age range of 28 to 68 years old (average age: 39, SD=9.82). A total of 76.2% (n=16) indicated English as their Language of Practice, 14.3% (n=3) French and 9.5% (n=2) Other.

Competency Domains

For each domain and related definition, SMEs were asked to indicate “**yes**” or “**no**” to the following question:

“Does this domain and definition capture a fundamental aspect of the optometry profession?”

Domain and definition results are summarized in Table 2. Results indicated a minimum of 95% or 20 SMEs responded “yes” to the above question for each of the domains and their related definition. These results provide evidence of the validity of these domains and their definitions in adequately representing the profession of Optometry in Canada. Qualitative comments provided by survey participants were used to supplement these results.

Key and Enabling Competencies

Each domain was represented by a series of key and enabling competencies. Table 2 through 8 summarize the survey results surrounding the key and enabling competencies.

Key Competencies

To validate each key competency, SMEs were asked to respond to the question below by allocating a rating along a four point-scale:

“How important is this key competency for the safe and competent practice of optometry?”

Table 2.

SME responses to Six Optometry Domains and their related Definitions (N=21)

Domain	Definition	Yes	No
1. Clinical Expertise	Optometrists integrate various clinical diagnostic skills and apply knowledge of the eye and vision system to provide a complete assessment and treatment options to patients in accordance with professional and regulatory guidelines.	95% (20)	5% (1)
2. Communication	Optometrists use a variety of communication strategies and relevant resources to establish and maintain professional and patient-centred relationships.	95% (20)	5% (1)
3. Collaboration	Optometrists work as collaborators with allied health and other professionals in the community in a circle of care to provide safe, high-quality, patient-centred care.	100% (21)	0
4. Patient-centred Care	Optometrists are committed to the health and well-being of individual patients, and identify and respect patient differences, values, preferences, and needs.	95% (20)	5% (1)
5. Professionalism	Optometrists are committed to ethical practice, high personal standards of behaviour, professional integrity, accountability to the profession and society, adherence to regulation, and maintenance of personal health.	95% (20)	5% (1)
6. Scholarship	Optometrists are committed to excellence and continuous improvement through the use of evidence-based practices and lifelong learning.	100% (21)	0

Enabling Competencies

For each key competency, a series of related enabling competencies were presented to SMEs on the survey. SMEs were requested to indicate “**yes**” or “**no**” to the question below:

“Do these enabling competencies accurately reflect the skills, abilities, and knowledge required to perform the key competency?”

A minimum of 76.2% or 16 SMEs indicated “yes” to the question related to the enabling competencies. Results of the related key competency and qualitative comments provided by SMEs should be used in conjunction with these results in order to guide decisions surrounding the enabling competencies.

Analysis

The scale included the following rating options, **Not Important**, **Somewhat Important**, **Quite Important** and **Highly Important** and achieved moderate to high internal consistency levels (Cronbach’s alpha or α range of 0.55 to 0.84). These results indicate similar understanding of the importance question and rating scale among SMEs. The Rasch generated logit estimates

achieved for each key competency (arranged from most to least important) is reflected in Appendix C.

To determine the extent to which each key competency adequately reflects the domain it is tasked to represent, both quantitative and qualitative evidence was considered. From a quantitative perspective, we calculated the *Content Validity Ratio* or CVR for each key competency and applied the relevant critical CVR value. The formula for this process is described in more detail in the next section. The mean rating score for each key competency was also calculated and used to help guide decisions.

For the key competencies that satisfy the CVR criteria, it is recommended that the associated qualitative comments be used to determine whether any “surface-level” edits are necessary, such as word order, before considering these as final and valid for inclusion. For those that do not satisfy the CVR criteria, we recommend applying a mean rating “cut-off” of > 3.00 to highlight those that would benefit from a more in-depth investigation in terms of the qualitative comments before considering these as final and valid for inclusion. Lastly, where key competencies do not satisfy the CVR criteria nor the mean rating score “cut-off” of > 3.00, it is recommended that they be discarded or presented to a panel for further discussion.

Content Validity Ratio

The *Content Validity Ratio* or CVR was calculated for each key competency. The formula for this ratio is:

$$CVR = (N_h - N/2)/(N/2)$$

N_h represents the number of SMEs who rated the key competency as “*Highly Important*”. The CVR ranges from -1 to 1, with values above 0 indicating that more than half of the SMEs rated the key competency as “*Highly Important*”. When interpreting the CVR for any given key competency, it may be important to consider whether the importance rating is above that which may have occurred by chance. According to Lawshe’s (1975) table of critical CVR values for a sample size of 21, the lowest CVR value to accept in order to exceed that by chance is, $CVR > 0.42$.

In the following tables, key competencies denoted * achieved a CVR value below the critical value of < 0.42.

Table 3.

Domain 1: Clinical Expertise

$\alpha=0.71$	Key Competencies					CVR	Mean rating	Enabling	
	Not Important	Somewhat Important	Quite Important	Highly Important	YES			NO	
KC1.1	0	4.8% (1)	9.5% (2)	85.7% (18)	0.71	3.81	100% (21)	0	
KC1.2	0	0	14.3% (3)	85.7% (18)	0.71	3.86	95.2% (20)	4.8% (1)	
KC1.3	0	0	9.5% (2)	80.5% (19)	0.81	3.90	100% (21)	0	

KC1.4	0	0	14.3% (3)	85.7% (18)	0.71	3.86	95.2% (20)	4.8% (1)
KC1.5	0	0	14.3% (3)	85.7% (18)	0.71	3.86	100% (21)	0
KC1.6	0	0	14.3% (3)	85.7% (18)	0.71	3.86	100% (21)	0
KC1.7	0	0	23.8% (5)	76.2% (16)	0.52	3.76	76.2% (16)	23.8% (5)
KC1.8	0	0	19.0% (4)	81% (17)	0.62	3.81	90.5% (19)	9.5% (2)

Table 4.

Domain 2: Communication

$\alpha=0.66$	Key Competencies				CVR	Mean rating	Enabling	
	Not Important	Somewhat Important	Quite Important	Highly Important			YES	NO
KC2.1*	0	14.3% (3)	33.3% (7)	52.4% (11)	0.05	3.38	95.2% (20)	4.8% (1)
KC2.2*	0	9.5% (2)	28.6% (6)	61.9% (13)	0.24	3.52	95.2% (20)	4.8% (1)
KC2.3	4.8% (1)	0	19.0% (4)	76.2% (16)	0.52	3.67	100% (21)	0
KC2.4*	0	0	52.4% (11)	47.6% (10)	-0.05	3.48	100% (21)	0
KC2.5*	0	19.0% (4)	47.6% (10)	33.3% (7)	-0.33	3.14	95.2% (20)	4.8% (1)

Table 5.

Domain 3: Collaboration

$\alpha=0.69$	Key Competencies				CVR	Mean rating	Enabling	
	Not Important	Somewhat Important	Quite Important	Highly Important			YES	NO
KC3.1*	0	4.8% (1)	38.1% (8)	57.1% (12)	0.14	3.52	90.5% (19)	9.5% (2)
KC3.2*	0	4.8% (1)	28.6% (6)	66.7% (14)	0.33	3.62	95.2% (20)	4.8% (1)
KC3.3*	0	0	33.3% (7)	66.7% (14)	0.33	3.67	100% (21)	0
KC3.4*	0	14.3% (3)	28.6% (6)	57.1% (12)	0.14	3.43	100% (21)	0

Table 6.

Domain 4: Patient-centred Care

$\alpha=0.84$	Key Competencies				CVR	Mean rating	Enabling	
	Not Important	Somewhat Important	Quite Important	Highly Important			YES	NO
KC4.1	0	4.8% (1)	23.8% (5)	71.4% (15)	0.43	3.67	100% (21)	0

KC4.2*	0	4.8% (1)	38.1% (8)	57.1% (12)	0.14	3.52	85.7% (18)	14.3% (3)
KC4.3*	0	4.8% (1)	38.1% (8)	57.1% (12)	0.14	3.52	95.2% (20)	4.8% (1)
KC4.4*	0	9.5% (2)	42.9% (9)	47.6% (10)	-0.05	3.38	100% (21)	0
KC4.5*	0	38.1% (8)	28.6% (6)	33.3% (7)	-0.33	2.95	76.2% (16)	23.8% (5)
KC4.6*	0	0	52.4% (11)	47.6% (10)	-0.05	3.48	95.2% (20)	4.8% (1)

Table 7.

Domain 5: Professionalism

$\alpha=0.59$	Key Competencies				CVR	Mean rating	Enabling	
	Not Important	Somewhat Important	Quite Important	Highly Important			YES	NO
KC5.1	0	0	0	100.0% (21)	1.00	4.00	95.2% (20)	4.8% (1)
KC5.2	0	0	14.3% (3)	58.7% (18)	0.71	3.86	90.5% (19)	9.5% (2)
KC5.3	0	0	28.6% (6)	71.4% (15)	0.43	3.71	95.2% (20)	4.8% (1)
KC5.4*	0	4.8% (1)	38.1% (8)	57.1% (12)	0.14	3.52	95.2% (20)	4.8% (1)
KC5.5*	14.3% (3)	9.5% (2)	14.3% (3)	61.9% (13)	0.24	3.24	85.7% (18)	14.3% (3)
KC5.6*	0	19.0% (4)	33.3% (7)	47.6% (10)	-0.05	3.29	90.5% (19)	9.5% (2)

Table 8.

Domain 6: Scholarship

$\alpha=0.55$	Key Competencies				CVR	Mean rating	Enabling	
	Not Important	Somewhat Important	Quite Important	Highly Important			YES	NO
KC6.1*	0	4.8% (1)	47.6% (10)	47.6% (10)	-0.05	3.43	95.2% (20)	4.8% (1)
KC6.2*	0	0	33.3% (7)	66.7% (14)	0.33	3.67	100% (21)	0
KC6.3*	0	14.3% (3)	66.7% (14)	19.0% (4)	0.33	3.05	90.5% (19)	9.5% (2)
KC6.4	0	0	28.6% (6)	71.4% (15)	0.43	3.71	95.2% (20)	4.8% (1)
KC6.5*	0	33.3% (7)	42.9% (9)	23.8% (5)	-0.52	2.90	85.7% (18)	14.3% (3)

Validation Survey Conclusion

Results of the competency domains confirm their validity to adequately represent the Optometry profession in Canada. In terms of the key competencies, 14 satisfy the CVR value criteria allowing them to be considered final and valid based on minor surface-level edits if necessary. Eighteen key competencies achieved a mean rating score of above 3.00, for these key competencies, further investigation into the qualitative comments is recommended before they are considered “final and valid to be included”. Lastly, two key competencies did not meet either of these quantitative criteria, discarding these or presenting them for further panel discussion is recommended.

Final Project Deliverables

The project produced a *Competencies for Optometry* document that describes the practice of optometry within a six-domain framework. Domains represent areas of practice, and key competencies within each domain describe how optometrists integrate and apply knowledge and skill in their practice. Key competencies are further supported by enabling competencies, which exemplify in greater detail, the expected behaviors, skills, attitudes and processes which comprise a key competency. The *Competencies for Optometry* document serves as an organizing principle that can be used to guide educational curriculum, exam development, remediation, and quality assurance. It is also a statement about the values of the profession, and its obligations to the public.

Throughout the course of this project, reports were submitted to The College to update the Registration Committee on status and progress. A report was submitted after each working group, and at the culmination of the project. These reports were supplemented with brief updates from members of the Touchstone Institute development team at Registration Committee Meetings. This technical report summarizes the development of the *Competencies for Optometry* document submitted to the College.

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Appendices

Appendix A

Touchstone Institute Development Team

Sten Ardal – *CEO* & Project Sponsor

Andrea Strachan – Director, Design and Innovation

Sandra Monteiro – Director, Research and Analysis

Alex Tran – Director, Exam Administration

Karen Coetzee – Psychometrician

Rae-Ann Iacucci – Senior Project Coordinator

Appendix B

Subject Matter Experts

First Name	Last Name	Involvement	Regulator	Experience
Vick	Chan	Workshop I & II, Validation Survey	College of Optometrists of Ontario	Exam development Touchstone Institute
Dawn	Dunford	Workshop I & II, Validation Survey	Manitoba Association of Optometrists Saskatchewan Association of Optometrists	Examiner - NBEO Hosts students for externships Lecturer
Anne	Eng	Workshop II, Validation Survey	Alberta College of Optometrists	OEBC Exam Development & Examiner
Margaret	Feinberg Ronis	Workshop II, Validation Survey	Ordre des optométristes du Québec	Recommended by Dr. Quaid
Peter	Karwatsky	Validation Survey	Ordre des optométristes du Québec	Recommended by Registration Committee
Jessica	Kwok	Workshop I & II, Validation Survey	College of Optometrists of Ontario	Exam development Touchstone Institute
Angela	Kyveris	Workshop I & II, Validation Survey	College of Optometrists of Ontario	Lecturer at Waterloo
Norris	Lam	Workshop I & II, SME Consultant, Validation Survey	College of Optometrists of Ontario	Exam development Touchstone Institute
Michaud	Langis	Validation Survey	Ordre des optométristes du Québec	Recommended by Registration Committee, Educator and Dean of École d'optométrie de l'Université de Montréal
Sarah	MacIver	Workshop I & II, SME Consultant, Validation Survey	College of Optometrists of Ontario	Educator/Clinician IGOEE Chief Examiner

First Name	Last Name	Involvement	Regulator	Experience
Don	MacQueen	Workshop I & II, SME Consultant, Validation Survey	College of Optometrists of Ontario	Exam development Touchstone Institute
Vanessa	Parasram	Workshop I & II, Validation Survey	College of Optometrists of Ontario	Exam development Touchstone Institute
Olivier	Parenteau	Validation Survey	Ordre des optométristes du Québec	Recommended by Registration Committee
Lorielle	Pevie	Workshop II & SME Consultant, Validation Survey	Newfoundland and Labrador College of Optometrists	Recommended by Dr. Quaid
Patrick	Quaid	Post-Workshop Consultations Regarding Specialty Areas	College of Optometrists of Ontario	President of the College of Optometrists of Ontario
Leanne	Roach	Validation Survey	Nova Scotia Association of Optometrists	Recommended by Registration Committee
Kaiser	Shen	Workshop II, Validation Survey	College of Optometrists of British Columbia	Works with new optometrists as a mentor, peer reviewer - bylaws in BC
Anthony	Soluri	Workshop II, Validation Survey	College of Optometrists of Ontario	Exam development Touchstone Institute
Leanne	Soronow	Workshop I & II, Validation Survey	Manitoba Association of Optometrists	Exam development CEO - OEBC CACO Examiner
Nicholas	Tea	Validation Survey	Ordre des optométristes du Québec	Recommended by Registration Committee
Janessa	Vos	Workshop II, Validation Survey	College of Optometrists of Ontario	Program Manager IOBP
Abraham	Yuen	Validation Survey	College of Optometrists of Ontario	Registration Committee, IGOEE & TPAO Development

Appendix C

Table 9.

Rating Scale Average and Rasch-based Estimates for Optometry Key Competencies (N=21)

Domain 1: Client Expertise			Domain 2: Communication		
	Mean	Me (Logit)		Mean	Me (Logit)
KC1.3	3.90	0.77	KC2.3	3.67	0.97
KC1.2	3.86	0.15	KC2.2	3.52	0.29
KC1.4	3.86	0.15	KC2.4	3.48	0.09
KC1.5	3.86	0.15	KC2.1	3.38	-0.28
KC1.6	3.86	0.15	KC2.5	3.14	-1.09
KC1.1	3.81	-0.33		3.44	0.00
KC1.8	3.81	-0.33	Domain 4: Patient-Centred Care		
KC1.7	3.76	-0.73		Mean	Me (Logit)
	3.84	0.00	KC4.1	3.67	1.47
Domain 3: Collaboration			KC4.2	3.52	0.56
	Mean	Me (Logit)	KC4.3	3.52	0.56
KC3.3	3.67	0.63	KC4.6	3.48	0.27
KC3.2	3.62	0.32	KC4.4	3.38	-0.28
KC3.1	3.52	-0.23	KC4.5	2.95	-2.58
KC3.4	3.43	-0.72		3.42	0.00
	3.56	0.00	Domain 6: Scholarship		
Domain 5: Professionalism				Mean	Me (Logit)
	Mean	Me (Logit)	KC6.4	3.71	1.71
KC5.1	4.00	4.14	KC6.2	3.67	1.43
KC5.2	3.86	1.58	KC6.1	3.43	0.27
KC5.3	3.71	0.62	KC6.3	3.05	-1.39
KC5.4	3.52	-0.20	KC6.5	2.90	-2.01
KC5.6	3.29	-0.93		3.35	0.00
KC5.5	3.24	-1.06			
	3.60	0.00			

Note. Key competencies arranged from those rated the most to least important.

BRIEFING NOTE

Governance/HR Committee– September 2020

Subject

Proposed By-Law Amendments – FOR COUNCIL APPROVAL

Background

In October 2017, the College engaged a consultant to undertake a review of its governance practices to 1) assess the current state of College governance and 2) provide opportunities and alternatives that would encourage growth in nine areas:

- common purpose and mandate achievement;
- Registrar;
- financial governance;
- statutory committees;
- capacity building among Council and committee members;
- Council and committee evaluation;
- Council – executive line, corporate and regulatory governance;
- governance culture, Council composition and interests of Council members; and
- public members.

The review and recommendations were presented in early 2018. Since that time, the College has begun to implement select changes including:

- narrowing the Executive Committee terms of reference;
- forming two new standing committees: (Audit/Finance/Risk (AFR) and Governance/HR);
- transitioning the role of Treasurer from a Council member to a qualified staff member with AFR maintaining financial oversight;
- developing committee selection principles, such as appointing only one Council member to each statutory committee;
- developing a new strategic plan (to be completed in June 2020); and
- developing tools for evaluating meetings and performing assessment of Council members, committee, chairs, etc.

The focus on governance reform is generally consistent with the ongoing governance reform work occurring across the health regulatory jurisdiction, including at these Colleges:

- [College of Nurses of Ontario](#);
- [College of Physicians and Surgeons of Ontario](#); and
- [Ontario College of Pharmacists](#).

Issue

The proposed by-laws are now brought to Council for final approval.

At the June 2020 Council meeting, the proposed by-law revisions were approved for circulation for feedback from optometrists, public and stakeholders. In partnership with staff, the full circulation materials were sent out on June 29, 2020. These can be found on [the College website](#).

Proposed By-Law Amendments- Summary

The Committee, staff, and legal counsel have thoroughly reviewed the complete by-law document and recommended changes after multiple lengthy discussions and considerations. This project has been an extensive undertaking. In developing its recommendations, the Committee reviewed best practices and other models, had extensive internal discussions, and considered both Council and consultation feedback and historical information.

An administrative document restructure was also undertaken. The proposed new framework for the College by-laws reduces the page count from 73 pages to 35 pages.

Aligned with the principles of transparency, the key elements of change are:

Administrative

- Consolidate overall framework from 22 Parts to 8 Parts.
 - Part 1 – Definitions
 - Part 2 – Business Practices
 - Part 3 – Council
 - Part 4 – Committees
 - Part 5 – Conduct
 - Part 6 – Registration Matters
 - Part 7 – By-Laws
 - Part 8 – Fees and Penalties
- Remove duplicative or unnecessary sections/subsections.
 - Consolidate sections relating to Financials and Corporations to align with best practices for non-profit financial by-laws, as outlined by the Canadian Revenue Agency and [Corporations Canada](#). *The Audit/Finance/Risk Committee was consulted in relation to proposed changes.*
 - Remove specific reference and requirements regarding ballot voting – elections now occur electronically.
 - Remove recitation of legislative requirement – not needed to repeat in by-laws if already in legislation (applicable provisions include: confidentiality, publication bans, specified reporting requirements, funding for therapy).
- Change the timing of members' terms to align with the new Council year (January 1-December 31).
- Shift timing of the Executive election and committee appointments to occur at final Council meeting of the year.
- Incorporate gender inclusive language (no longer use 'he' or 'she').

Governance

- Term Limits
 - 18 total years of Council and 21 total years of Committee involvement:
 - Work outside Council and committees (i.e. QA Assessor, Coach, Expert) is excluded with no limits being proposed for these roles.
 - Council –
 - Three-year term length (same as currently set out).
 - No more than nine consecutive years (same as currently set out).
 - No more than 18 years total (i.e. maximum of two, nine-year terms).
 - Three-year waiting period if first nine-year consecutive term limit is reached.

- Member is ineligible to run for election if they would reach 18 total years on Council or 21 total years on committees before completing their three-year term.
 - Committees –
 - Time spent on Council and committees counts as one period of time.
 - No more than nine years for any one committee.
 - Maximum of 21 years on any combination of committees.
 - Establish a clause that would allow Council to appoint a committee member beyond 21 years in an exceptional circumstance.
- Executive Committee/Officers
 - Reduce Executive Committee duties in by-laws to only the legislative requirement: act as Council between meetings in matter of administrative urgency.
 - President/Vice-President to remain elected positions but remaining Executive committee members to be appointed by Council.
 - Since Audit/Finance/Risk and Governance/HR Committees were created to carry out the work of Executive, this change allows Council the flexibility to appoint the chairs of these committees to Executive without being prescriptive in the by-laws.
 - Set a four-year maximum term limit for each of the President and Vice-President positions.
 - Establish a clause that would allow Council to elect an officer beyond such term limits in an exceptional circumstance.
- Processes
 - Remove/reduce explicit and prescriptive processes - staff/committee will adapt the current by-law wording into policies following the review, to then be accepted by Council.
 - Obtaining volunteers and selecting committees
 - Process for disqualification/sanctioning
 - Conflict of Interest
 - Code of Ethics

Considerations

As the majority of discussions and feedback received on this proposal centered around the term limit proposals, this section will focus on this question. However, Council should consider all aspects of the by-law changes that have been presented above; each will be voted on at this meeting.

Term limits

Term limits on Council, committee, and officer involvement have been proposed for Council's consideration. The committee had extensive discussions on this topic and weighed the pros and cons of such a change for the organization.

A note on Conflicts of Interest

We received the following legal advice regarding conflicts of interest with the term limits in the proposed by-laws.

Regarding the proposed term limits for Council members, no member of Council is in a conflict of interest regarding the vote concerning this proposed term limit because the limit would apply to everyone on Council.

Regarding the proposed term limits for the offices of President and Vice-President, where a person has already met or exceeded the proposed limit in one of these positions but wishes to still serve in those positions, they would be in a conflict of interest and should recuse themselves from the discussions and vote. The conflict exists because this limit would not apply to everyone equally as not everyone will serve as President or Vice-President, and the fact that the person has passed the proposed limit raises an actual, if not a perceived, conflict of interest.

Considerations in opposition of term limits:

- long-serving Council members with corporate history/institutional memory are no longer able to participate after 18 years on Council and 21 years on committees
- theoretical risk of many Council members, at some point in the future, being early in their tenure and lacking more experienced member guidance
- the election model* for professional Council members already creates a mechanism for removing ineffective Council members
 - under the current election construct, term limits may be perceived as taking away from members the freedom of choice to vote whomever they want onto Council
 - *a note about the current election model: professional Council members are elected by the members of the profession, and not by the public that they represent
- the current Council composition has good balance and represents the composition of Ontarians fairly well, with 70% of professional members of Council only having been on Council for five years or less - one consideration is whether these term limit proposals attempt to solve a problem (lack of turnover) that may not currently exist, but may arise in the future

Considerations in favour of term limits:

- encourages Council and committee turnover at more regular intervals
- creates new perspectives on Council and committees at more regular intervals
- the literature on governance best practices acknowledges that there are pros and cons to term limits, but the topic continues to be discussed and there seems to be a trend of organizations instating term limits
- public Council members already have a nine-year maximum imposed by the Ministry of Health - a maximum limit for professional members:
 - is a step toward harmonizing the maximum tenures of public and professional members on Council, and is a step toward aligning the College's procedures in this regard with that of the Ministry of Health
- having term limits for professional members may be considered more in the public interest given the above points - encourage turnover and new perspectives at more regular intervals, governance trends seem to be to instate term limits, and public Council members already have a maximum limit
- the 18- and 21-year proposed limits have been called "generous" in Council meetings and will arguably already allow for ample corporate history/institutional memory to be maintained and passed on among the Council and its committees
- prospective Council members may feel somewhat intimidated to challenge the perceived tenure of longer serving, well-known members who stand for election year after year in what some may perceive as a popular vote
- If, as we suspect, that this is recognized as a progressive reform that will be adopted by Colleges and other organizations in the future, then our College will be rightfully recognized as one of the leaders

Jurisdictional Scan of other Colleges re: Term Limits

In a scan of all 26 Ontario Health Regulatory Colleges' by-laws. Only one, the CPSO, has lifetime limits referred to in their by-laws.

Eleven Colleges provided us with additional information summarized in the attached table. We know of five Colleges that have indicated that they are considering implementing term limits and these are in various stages of discussion.

Some members of the Governance/HR Committee feel that this proposal is one opportunity for our College to fulfill our strategic objective of striving for organizational excellence/leadership. However, the current landscape among Ontario Health Regulatory Colleges is that term limits are not currently the norm.

[Feedback from Stakeholders on all by-law proposals \(not just term limits\)](#)

The College posted the consultation materials on its website and circulated them to members and stakeholders on June 29, 2020 with a deadline for submissions of August 28, 2020.

There were 80 individual feedback submissions:

- three from stakeholder organizations,
- 16 original submissions from individual members, and
- 61 templates provided by the OAO for their members to sign/submit
 - The OAO template is overall supportive of the status quo
 - nine of the templates had original additional feedback added, which is also summarized
- Within the 16 original submissions from individual members (some of these tabulations include the same submission multiple times):
 - nine provide general support for the entire by-law proposal
 - three specifically comment in favour of the proposed term limits
 - one specifically comments in favour of reducing the duties of the Executive Committee to its legislative requirement
 - seven provide specific opposition for various proposals:
 - five specifically in opposition of the proposed Council and committee term limits
 - four specifically in opposition of appointments to Executive instead of elections
 - three specifically in opposition of increasing the waiting period between nine-year Council terms
 - one specifically suggests a 10-year limit on each of the offices of President and Vice-President

All submissions are provided to Council for their review and should be considered, as they were at the committee level, as one more piece of information in coming to a decision on these proposals.

[Decision\(s\) for Council](#)

- To approve the following aspects of the by-law proposal (separate motions for each):
 - Administrative changes (new format with eight parts);
 - Establish Council term limits (nine-year consecutive term, three-year waiting period following consecutive term limit, 18-year total);
 - Establish committee term limits (nine-year maximum for any one committee, 21-year total, exceptional appointment clause);

- Establish officer term limits (four-year maximum for each President and Vice-President position, exceptional circumstance clause);
- Reduce Executive Committee duties in by-laws to only the legislative requirement;
- Institute appointment model for non-officer positions on the Executive Committee;
- Remove/reduce explicit and prescriptive processes (incl. obtaining volunteers and selecting committees, process for disqualification/sanctioning, conflict of interest and code of ethics).

Supporting Materials

- Draft College By-Law Amendments – Clause by Clause Comparison
- Draft College By-Law Amendments – Proposed New Framework
- Draft College By-Law Amendments – Clean (Prior Framework)
- Draft College By-Law Amendments – Redline Version (Prior Framework)
- College Consultation – Collated Feedback – Proposed Governance By-Law Amendments – 2020
- Ontario Colleges – Governance Jurisdictional Scan – Term Limits

Contact

- Dr. Annie Micucci, Governance/HR Committee Chair

College of Optometrists of Ontario By-Laws – Draft Amendments - June 2020
Clause by Clause Comparison of Revised Parts

The following table does not include titles or clauses amended solely for changes due to numbering, grammar, defined terms or housekeeping matters.

Existing Clause	Proposed Clause	Rationale
Part 3 Banking and Finance	Part 3 Business Practices	
3.01 Banking (1) The College shall open an account at a Schedule 1 Canadian chartered bank. (2) The College shall: (a) open all accounts required for the operation of the College, and (b) unless otherwise earmarked, deposit all monies belonging to the College, with the bank. (3) Except for payments out of the petty cash fund, all College payments shall be made by electronic transfer, credit card, cheque, draft or money order drawn on the College's bank account.	3.01 Banking (1) The College shall appoint a bank chartered under the <i>Bank Act</i> (Canada) for the use of the College. (2) All money belonging to the College shall be deposited in the name of the College with the bank.	Simplified to align with best practices in non-profit financial by-laws.
3.02 - Bank Signing Authority	Deleted	Consolidated into one general clause on Signing Authority (5.01)
3.03 Authorization by Electronic Signature	Deleted	Clause is no longer relevant.
3.04 Investments (1) College funds not immediately required for use by the College may be invested. (2) The Executive Committee shall recommend, for approval by Council, an investment policy for investing the College's funds in a reasonably safe and secure manner. (3) Council may authorize, by Resolution, any employee of the College to give directions to an investment advisor. (4) All securities and other negotiable instruments in which the College's monies have been invested shall be registered in the name of the College.	3.02 Investments (1) College funds not immediately required for use by the College may be invested in accordance with the investment criteria established by Council. (2) Council may authorize, by Resolution, any employee of the College to give directions to an investment advisor. (3) All securities and other negotiable instruments in which the College's monies have been invested shall be registered in the name of the College.	Amended to remove reference to Executive Committee. The investment policy will be approved by Council. Council delegates the Audit/Finance/Risk Committee to both develop and present revisions to such policy. To note, based on by-law best practices, only statutory committees will be explicitly named in the by-

<p>(5) Council shall oversee and ensure that a process is in place to fairly evaluate the College's investments and investment advisor annually.</p>	<p>(4) Council shall oversee and ensure that a process is in place to fairly evaluate the College's investments and investment advisor annually.</p>	<p>laws. Standing committees will be referred to as "Council delegated committees".</p>
<p>3.05 Custody of Securities</p>	<p>Deleted</p>	<p>Removed to align with best practices in non-profit financial by-laws.</p>
<p>3.06 Borrowing</p> <p>(1) Council may, by Special Resolution:</p> <p>(a) borrow money on the credit of the College;</p> <p>(b) limit or increase the amount of money the College may borrow; or</p> <p>(c) pledge assets of the College.</p> <p>The Executive Committee shall review, from time to time, the terms and conditions of any monies borrowed by the College.</p>	<p>3.03 Borrowing</p> <p>(1) Council may, by Special Resolution:</p> <p>(a) borrow money on the credit of the College;</p> <p>(b) limit or increase the amount of money the College may borrow; or</p> <p>(c) pledge assets of the College.</p>	<p>Amended to remove reference to Executive Committee.</p>
<p>3.07 Petty Cash</p>	<p>Deleted</p>	<p>Removed to align with best practices in non-profit financial by-laws.</p>
<p>3.10 Auditors</p> <p>(1) At the first meeting following the election of the Executive Committee, the Executive Committee must appoint an auditor to audit the accounts of the College and hold office for the ensuing year.</p> <p>(2) Council shall oversee and ensure that a process is in place to fairly evaluate the auditor annually.</p> <p>(3) The auditor shall present the results of its annual audit to Council when requested to do so by Council. The results of each annual audit shall be published in the annual report of the College.</p>	<p>3.06 Auditors</p> <p>(1) Council shall appoint an auditor to audit the accounts of the College.</p>	<p>Simplified to align with best practices in non-profit financial by-laws and removed reference to Executive Committee.</p>
<p>None</p>	<p>3.07 Annual Financial Statements</p> <p>(1) The College shall publish the annual financial statements, including the audit report in the annual report</p>	<p>Added clause to clarify College's responsibility to publish annual financial statements.</p>
<p>Part 4 - Insurance and Indemnification</p>		
<p>4.01 Insurance and Indemnification</p>	<p>Deleted</p>	<p>Removed to align with best practices in non-profit financial by-laws.</p>

Part 5 – Execution of Documents		
<p>5.01 Signing Authority</p> <p>(1) Unless otherwise indicated in these By-laws, either the President or Vice-President, in addition to the Registrar, or any individual appointed by Resolution or Special Resolution of Council, may sign documents or instruments requiring the signature of the College.</p> <p>(2) The Registrar may sign summonses, notices and orders on behalf of the College.</p>	<p>5.01 Signing Authority</p> <p>(1) Documents or instruments requiring execution by the College may be signed by the President, Vice-President, the Registrar, or any individual appointed by Resolution of Council.</p> <p>(2) The Registrar may sign summonses, notices and orders on behalf of the College.</p>	<p>Consolidated signing authority into one clause.</p>
Part 6 - Election of Council Members		
<p>6.03 Timing of Council Member Elections/Selection</p> <p>(1) Elections or selection for Council shall take place as follows:</p> <p>(a) For district 1:</p> <p>(i) one Council Member in 2012 and every third year thereafter; and</p> <p>(ii) one Council Member in 2013 and every third year thereafter;</p> <p>(b) For districts 2 and 3 one Council Member each in 2013, and every third year thereafter;</p> <p>(c) For district 4 one Council Member in 2012, and every third year thereafter;</p> <p>(d) For district 5:</p> <p>(i) one Council Member in 2012 and every third year thereafter;</p> <p>(ii) one Council Member in 2013 and every third year thereafter; and</p> <p>(iii) two Council Members in 2014 and every third year thereafter;</p> <p>(e) For district 6, one Council Member in 2012 and every third year thereafter.</p> <p>(2) Council elections and selection shall take place before November 1st in any given year.</p>	<p>6.03 Election Date</p> <p>(1) Elections or selection for Council shall take place as follows:</p> <p>(a) For District 1:</p> <p>(i) one (1) Council Member in 2021, and every third year thereafter; and</p> <p>(ii) one (1) Council Member in 2022, and every third year thereafter;</p> <p>(b) For Districts 2 and 3: one (1) Council Member each in 2022, and every third year thereafter;</p> <p>(c) For District 4: one (1) Council Member in 2021, and every third year thereafter;</p> <p>(d) For District 5:</p> <p>(i) two (2) Council Member in 2020, and every third year thereafter;</p> <p>(ii) one (1) Council Member in 2021, and every third year thereafter; and</p> <p>(iii) one (1) Council Members in 2022, and every third year thereafter;</p> <p>(e) For District 6, one (1) Council Member in 2021, and every third year thereafter.</p> <p>(2) Council elections and selection shall take place before the end of November in any given year.</p>	<p>Updated election timing (years) for each district and provide the College with the flexibility to hold the election up until the end of November each year.</p>

6.04 Eligibility for Election of Council Members for Districts 1 Through 5

- (1) A Member shall be eligible for election to Council if:
 - (a) by the deadline for the receipt of the nomination:
 - (i) the Member principally resides in or practises optometry in the district for which the Member is seeking election;
 - (ii) the Member is the holder of:
 - (A) a general certificate of registration; or
 - (B) an academic certificate of registration, and the certificate is not subject to a term, condition or limitation that does not already apply to every Member who possesses that class of certificate;
 - (iii) the Member is not a member of the Faculty of the University of Waterloo School of Optometry and Vision Science;
 - (iv) the Member files with the Registrar a written agreement to resign from all of the applicable following positions if elected as a Council Member:
 - (A) an elected representative, director or officer or employee of, or a party to a contractual relationship (if it is reasonable to expect that a real or apparent conflict of interest may arise) to provide services to, the Ontario Association of Optometrists, the Canadian Association of Optometrists or any other organization determined by Council, or
 - (B) an appointed Committee chairperson or member of a committee of the Ontario Association of Optometrists, the Canadian Association of Optometrists or any other organization determined by Council;
 - (b) after having been provided with an opportunity to rectify any failure in his or her obligations to the College, the Member:
 - (i) has paid any fee, charge or order for costs owing to the College,

6.04 Eligibility for Election

- (1) A Member is eligible for election to Council if they meet the following requirements by the nomination deadline:
 - (a) the Member resides or practises optometry in the district for which the Member is seeking election;
 - (b) the Member is the holder of a general or academic certificate of registration that is not subject to any exceptional term, condition or limitation;
 - (c) the Member is not a director, officer, committee member or chair, appointee, employee, independent contractor or service provider of the Ontario Association of Optometrists, the Canadian Association of Optometrists or any other organization that is considered by Council to create a real or apparent conflict of interest.
 - (d) after having been provided with an opportunity to rectify any failure in their obligations to the College, the Member:
 - (i) has paid any fee, charge or order for costs owing to the College,
 - (ii) has submitted to the College all required forms and documents, and
 - (iii) is otherwise in good standing with the College;
 - (e) the Member is not the subject of any disciplinary or incapacity proceedings; and
 - (f) the Member has not been disqualified by Council as a Council Member or Committee Member in the preceding six (6) years.
- (2) A Member who is a member of the Faculty of the University of Waterloo School of Optometry and Vision Science shall only be eligible for District 6.
- (3) No Member shall be a candidate for Council Member in more than one district during an election.

Consolidated eligibility for election into one clause, rather than separate for different districts.

<ul style="list-style-type: none"> (ii) has submitted to the College all required forms and documents, and (iii) is otherwise in good standing with the College; (c) the Member is not the subject of any disciplinary or incapacity proceedings; and (d) the Member has not been disqualified by Council as a Council Member or Committee Member in the preceding six years; and (2) No Member shall be a candidate for Council Member in more than one district during an election. 	<ul style="list-style-type: none"> (4) A member is not eligible for election to Council if they would be unable to complete the term as a result of any of the following: <ul style="list-style-type: none"> (a) they would exceed the nine (9) consecutive years term limit set out at subsection 5(2) of the Code; (b) they would exceed eighteen (18) years in their lifetime on Council; or (c) they would exceed a total of twenty-one (21) years in their lifetime of serving on Council and/or any Committees where time served simultaneously on Council and/or any Committees is counted concurrently. 	<p>Apart from the nine-year consecutive term limit as per the Code, additional term limits would also be added to encourage turnover, ensure fresh perspectives while also respecting the need for continuity and transition planning. A member would not be eligible for election if they met any of the term limits outlined.</p>
<p>6.05 Eligibility for Selection of District 6 Council Member</p>	<p>Deleted</p>	<p>Incorporated into general eligibility clause (see 6.04 above)</p>
<p>6.06 Term of Office for Council Members</p> <ul style="list-style-type: none"> (1) The term of office of a Council Member is three years, beginning from the first regular Council meeting after the Member was elected, appointed or selected, as the case may be, until his or her successor takes office in accordance with these By-laws. (2) A Council Member may serve more than one term. However, no person may be an Elected Council Member for more than nine consecutive years. 	<p>6.05 Term of Office</p> <ul style="list-style-type: none"> (1) The term of office of a Council Member is three (3) years, beginning January 1st in the year following their election and expiring on December 31st three (3) years later. (2) Notwithstanding the application of paragraphs 6.04(4)(a) and (b), Council Members who took office in 2018, 2019, and 2020, shall be permitted to complete their current terms of office. 	<p>Council terms would now align with the new Council year breakdown and annual calendar (January 1- Decemebr 31), rather than from the first Council meeting.</p> <p>Clarified that any College imposed term limits (i.e. 18 years on Council, 21 Council/committee involvement) would not apply against the current terms being served by Council members. Those members would be able to complete their current term, regardless if they have met those thresholds.</p>
<p>6.08 Election Procedure</p> <ul style="list-style-type: none"> (1) Each eligible Member may vote once for a candidate: <ul style="list-style-type: none"> (a) in one of the following: <ul style="list-style-type: none"> (i) in the district in which the Member's primary place of practise is located; or, if a Member does not practise optometry in Ontario, in the district where he or she primarily resides; or 	<p>6.07 Election Procedure</p> <ul style="list-style-type: none"> (1) Each eligible Member may vote once for a candidate: <ul style="list-style-type: none"> (a) in one of the following: <ul style="list-style-type: none"> (i) in the district in which the Member's primary practise is located; or, if a Member does not practise optometry in Ontario, in the district where they primarily reside; or 	<p>Amended section to align with the College's current practice of electronic voting and remove specific requirements for mail-in voting.</p>

<ul style="list-style-type: none"> (ii) if the Member also belongs to the Faculty of the University of Waterloo School of Optometry and Vision Science, in district 6; and <ul style="list-style-type: none"> (b) in district 5. (2) If a Member practises optometry in multiple electoral districts and has not declared a primary place of practise, the College shall select the electoral district in which the Member is eligible to vote on the Member's behalf. (3) When there is more than one candidate for a position, the Registrar shall, at least 15 days before an election, send each Member entitled to vote in an election: <ul style="list-style-type: none"> (a) a clearly marked ballot; (b) a blank envelope, if necessary; (c) a return mail envelope, if necessary; (d) the campaign material provided by each candidate; and (e) voting instructions. (4) Upon receipt of a Member's ballot, the Registrar shall: <ul style="list-style-type: none"> (a) open the return mail envelope; and (b) place the blank envelope containing the ballot in the ballot box. (5) At the completion of the election, the Registrar shall tally the votes on each ballot received. (6) The candidate (or his or her designate) is entitled to be present while the Registrar tallies the votes. (7) The candidate who receives the most votes cast on a ballot for each contested electoral district shall be declared elected. (8) If the votes on a ballot result in a tie, the Registrar shall resolve the deadlock by lot. (9) If a position in an electoral district is not contested, the Registrar shall declare the candidate elected by acclamation. (10) Where an issue arises with respect to a ballot that is not governed by these By-laws, the Registrar shall resolve the dispute in a fair and democratic manner. (11) The Registrar shall report the results of the election to Council and the Members. 	<ul style="list-style-type: none"> (ii) if the Member belongs to the Faculty of the University of Waterloo School of Optometry and Vision Science, in District 6; and <ul style="list-style-type: none"> (b) in District 5. (2) When there is more than one candidate for a position, the Registrar shall, at least fifteen (15) days before an election, send each Member entitled to vote in an election a ballot along with the voting instructions and any campaign materials provided by candidates. (3) The Registrar shall cause the votes to be tallied. (4) The candidate (or their designate) is entitled to be present while the Registrar tallies the votes. (5) The candidate who receives the most votes cast on a ballot for each contested electoral district shall be declared elected. (6) If the votes on a ballot result in a tie, the Registrar shall resolve the deadlock by lot. (7) If a position in an electoral district is not contested, the Registrar shall declare the candidate elected by acclamation. (8) Where an issue arises with respect to a ballot that is not governed by these By-laws, the Registrar shall resolve the dispute in a fair manner. (9) The Registrar shall report the results of the election to Council and the Members. (10) If Council determines, by Special Resolution, that an alternative method of voting would be preferable, Council shall create a democratic and fair procedure. 	
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<p>(12) If Council determines, by Special Resolution, that an alternative method of voting (such as electronic voting) would be preferable, Council shall create a procedure for voting in accordance with generally accepted principles of democracy and fairness.</p>		
<p>6.09 Vote Recount</p> <p>(1) If a candidate has lost the election, the candidate (or his or her designate) may request a recount in the electoral district in which he or she was a candidate, provided that:</p> <p>(a) he or she has lost the election by no more than 20 votes; and</p> <p>(b) the request is made in writing to the Registrar within 7 days of the results of the election being reported.</p> <p>(2) The recount shall occur within 14 days of a valid recount request.</p> <p>(3) The candidate requesting the recount and the candidate previously declared the winner (or a designate of each) shall be entitled to be present at the recount.</p> <p>(4) If the outcome of the recount changes the election results:</p> <p>(a) the candidate requesting the recount shall be refunded any fees paid; and</p> <p>(b) the candidate who has now received the most votes on the ballot shall be declared elected.</p> <p>(5) If the recount of the votes on the ballot results in a tie, the Registrar shall resolve the deadlock by lot.</p> <p>(6) Where an issue arises with respect to the recount that is not governed by these By-laws, the Registrar shall resolve the dispute in a fair and democratic manner.</p> <p>(7) The Registrar shall report the results of the recount to Council and the Members.</p> <p>(8) The Registrar may destroy the ballots 8 days after the election or, if a recount has been requested, 8 days after the recount.</p>	<p>6.08 Vote Recount</p> <p>(1) If a candidate has lost the election, the candidate (or their designate) may request a recount provided that:</p> <p>(a) they lost the election by no more than twenty (20) votes; and</p> <p>(b) the request is made in writing to the Registrar within seven (7) days of the results of the election being reported.</p> <p>(2) The recount shall occur within fourteen (14) days of a valid recount request.</p> <p>(3) The candidate requesting the recount and the candidate previously declared the winner (or a designate of each) shall be entitled to be present at the recount.</p> <p>(4) If the outcome of the recount changes the election results, the candidate who has now received the most votes on the ballot shall be declared elected</p> <p>(5) If the recount of the votes on the ballot results in a tie, the Registrar shall resolve the deadlock by lot.</p> <p>(6) Where an issue arises with respect to the recount that is not governed by these By-laws, the Registrar shall resolve the dispute in a fair manner.</p> <p>(7) The Registrar shall report the results of the recount to Council and the Members.</p>	<p>Amended to remove requirement for Registrar to destroy ballots after the election or recount, as process is now held electronically.</p>
<p>6.10 Election Challenge</p>	<p>Deleted</p>	
<p>None</p>	<p>6.10 Election Irregularity</p> <p>(1) If the Council is of the opinion that there is a reasonable ground for doubt or dispute as to the validity of the election or selection of any Council Member, the Council shall hold an inquiry and decide</p>	<p>Removed detailed process for election challenges and added general clause on election irregularity. Based on by-law best practices, if Council has reasonable</p>

	<p>whether it is valid and, if found to be invalid, the Council shall direct another election or selection to be held. Council shall not declare an election or selection result to be invalid solely on the basis of a minor irregularity regarding the requirements of these By-laws or a procedure established by the Registrar.</p>	<p>grounds, they can hold an inquiry to decide on the election's validity and next steps. This would allow Council more flexibility in dealing with these situations.</p>
<p>6.11 Council Vacancies</p> <p>(1) If an Elected Council Member's seat becomes vacant during the first 2 years of a Council Member's term:</p> <p>(a) Council shall appoint the candidate who received the most votes during the previous election to fill the vacant position in that district provided that:</p> <p>(i) the Member agrees to fill the vacant position; and</p> <p>(ii) the Member is eligible to be a Council Member; or</p> <p>(b) if the above requirements cannot be satisfied, the Registrar shall hold a by-election to fill the vacancy.</p> <p>(2) If the seat of an Elected Council Member becomes vacant in the third year of a Council Member's term, Council is not required to fill the vacancy.</p> <p>(3) If a vacancy on Council is filled by holding a by-election and the votes cast result in a tie, the Registrar shall resolve the deadlock by lot.</p> <p>(4) Where an issue arises that is not governed by these By-laws during an election, the Registrar shall resolve the dispute in a fair and democratic manner.</p> <p>(5) The term of the replacement Council Member shall continue until the term of the previous Elected Council Member's term would have expired</p>	<p>6.10 Council Vacancies</p> <p>(1) If an Elected Council Member's seat becomes vacant during the first two (2) years of a Council Member's term:</p> <p>(a) Council shall appoint the candidate who received the most votes during the previous election to fill the vacant position in that district provided that:</p> <p>(i) the Member agrees to fill the vacant position; and</p> <p>(ii) the Member is eligible to be a Council Member; or</p> <p>(b) if the above requirements cannot be satisfied, the Registrar shall hold a by-election to fill the vacancy.</p> <p>(2) If the seat of an Elected Council Member becomes vacant in the third year of a Council Member's term, Council is not required to fill the vacancy.</p> <p>(3) If a vacancy on Council is filled by holding a by-election and the votes cast result in a tie, the Registrar shall resolve the deadlock by lot.</p> <p>(4) In the case of a by-election, the Registrar may amend the timing of the nomination and election procedure laid out in Part 6 to facilitate the filling of the vacancy.</p> <p>(5) Where an issue arises that is not governed by these By-laws during an election, the Registrar shall resolve the dispute in a fair manner.</p> <p>(6) The term of the replacement Council Member shall continue until the time when the previous Elected Council Member's term would have expired.</p>	<p>Amended to allow the Registrar to amend the timing of the nomination/procedure to facilitate the filling of a vacancy in a more expeditious manner.</p>
<p>6.12 Unexpected Circumstances</p>	<p>6.11 Unexpected Circumstances</p>	

<p>If, for whatever reason, the election cannot be held in the time or manner intended, the Registrar with consent of the Executive Committee, may delay or extend the election so as to hold the election in a fair and democratic manner.</p>	<p>If, for whatever reason, the election cannot be held in the time or manner intended, the Registrar, with consent of Council may delay or extend the election so as to hold the election in a fair manner.</p>	
<p>Part 7 - Election of Officers</p>		
<p>7.02 Nomination Procedure</p> <p>(1) Before the first regular Council Meeting each year, the Registrar shall invite in writing all Council Members wishing to stand for election to the office of the President, Vice-President and any other officer position as Council may determine.</p> <p>(2) A Council Member's written intent must be returned to the Registrar before the Council Meeting when the election of officers is to take place.</p>	<p>7.02 Nomination Procedure</p> <p>(1) Before the final Council Meeting each year, the Registrar shall invite nominations from Council Members for election to the office of the President, Vice-President and any other officer position as Council may determine for the following year.</p> <p>(2) Council Members must submit their nomination to the Registrar before the Council Meeting when the election of officers is to take place.</p>	<p>Amended to change the nomination period to before the final Council meeting each year, when Executive for the following year will be elected.</p>
<p>7.03 Process for Election of Officers</p> <p>(1) The election of officers shall take place on an annual basis at the first Council Meeting of each year.</p> <p>(2) At a Council Meeting during which an election of officers occurs:</p> <p>(a) a special quorum of at least 2/3rds of all Council Members must be present;</p> <p>(b) the Registrar shall present the names of candidates who have indicated their interest for each officer's position;</p> <p>(c) when an officer's position is not contested, the Registrar shall declare the candidate elected by acclamation; and</p> <p>(d) when there is more than one candidate for an officer's position:</p> <p>(i) voting shall be conducted by secret ballot;</p> <p>(ii) the Registrar shall count the ballots, and report the results to Council;</p> <p>(iii) the candidate who receives the most votes cast on a ballot shall be declared elected; and</p> <p>(iv) if there is a tie in votes cast, the Registrar shall resolve the deadlock by lot.</p> <p>(3) Where an issue arises that is not governed by these By-laws during an election, the Registrar shall resolve the dispute in a fair and democratic manner.</p>	<p>7.03 Process for Election of Officers</p> <p>(1) The election of officers shall take place on an annual basis at the last Council Meeting of each year.</p> <p>(2) At a Council Meeting during which an election of officers occurs:</p> <p>(a) a special quorum of at least 2/3 of all Council Members must be present;</p> <p>(b) the Registrar shall present the names of candidates who have indicated their interest for each officer's position;</p> <p>(c) when an officer's position is not contested, the Registrar shall declare the candidate elected by acclamation; and</p> <p>(d) when there is more than one candidate for an officer's position:</p> <p>(i) voting shall be conducted by secret ballot;</p> <p>(ii) the Registrar shall count the ballots, and report the results to Council;</p> <p>(iii) the candidate who receives the most votes cast on a ballot shall be declared elected; and</p>	<p>As above. Executive election will now occur at the final Council meeting each year.</p>

	<p>(iv) if there is a tie in votes cast, the Registrar shall resolve the deadlock by lot.</p> <p>(3) Where an issue arises that is not governed by these By-laws during an election, the Registrar shall resolve the dispute in a fair manner.</p>	
<p>7.04 Officer Term Limits</p> <p>The term of an officer is one year, beginning from the first regular Council meeting after the officer was elected by Council until the officer's successor takes office.</p>	<p>7.04 Officer Term Limits</p> <p>(1) The term of an officer is one year, from January 1st to December 31st.</p> <p>(2) No officer shall serve more than four years in their lifetime in the office of President or the office of Vice-President.</p> <p>(a) Council may exempt this requirement if it is necessary to ensure that the Executive Committee functions properly including that it has the proper composition or quorum.</p>	<p>All Council/committee annual terms to now align: January 1 – December 31.</p> <p>Amended to set a four-year lifetime maximum for each of the officer positions. Council may exempt the officer term limit requirement if necessary.</p>
<p>Part 8 - Appointment to Committees</p>		
<p>8.01 Eligibility of Members for Appointment to Committees</p> <p>A Member shall be eligible to be appointed for a term of one year as a Committee Member if, on the date of appointment:</p> <p>(1) the Member's certificate of registration is not subject to a term, condition or limitation that does not already apply to every Member who possesses that class of certificate;</p> <p>(2) the Member is not the subject of any disciplinary or incapacity proceeding;</p> <p>(3) the Member is not:</p> <p>(a) an elected representative, director or officer or employee of, or a party to a contractual relationship (if it is reasonable to expect that a real or apparent conflict of interest may arise) to provide services to, the Ontario Association of Optometrists, the Canadian Association of Optometrists or any other organization determined by Council, or</p> <p>(b) an appointed Committee chairperson or member of a committee of the Ontario Association of Optometrists, the Canadian Association of Optometrists or any other organization determined by Council if it is reasonable to expect that a real or apparent conflict of interest may arise;</p>	<p>8.01 Eligibility for Appointment to Committees</p> <p>A Member is eligible to be appointed to a Committee for a one-year term if they meet the following requirements on the date of appointment:</p> <p>(1) the Member's certificate of registration is not subject to any exceptional term, condition or limitation;</p> <p>(2) the Member is not the subject of any disciplinary or incapacity proceeding;</p> <p>(3) the Member is not a director, officer, committee member or chair, appointee, employee, independent contractor or service provider of the Ontario Association of Optometrists, the Canadian Association of Optometrists or any other organization that is considered by Council to create a real or apparent conflict of interest;</p> <p>(4) the Member has not been a member of that Committee for a total of nine (9) years or more in their lifetime;</p>	<p>Amended to incorporate committee term limits, similar to Council. A member cannot be on a committee for more than nine years in their lifetime, and no more than twenty-one years on a combination of Council/committees.</p> <p>The clause clarifies that time served simultaneously on Council and committees will be counted concurrently. The Council may also exempt the twenty-one year maximum in exceptional circumstances if needed.</p> <p>In addition, if a member is disqualified, they are not eligible for appointment for six years. This timeframe is aligned for both</p>

<p>(4) the Member has not been disqualified as Council Member or Committee Member in the preceding three years; and</p> <p>(5) after having been provided with an opportunity to rectify any failure in his or her obligations to the College, the Member:</p> <p>(a) has paid any fee, charge or order for costs owing to the College,</p> <p>(b) has submitted to the College all required forms and documents, and</p> <p>(c) is otherwise in good standing with the College.</p>	<p>(5) the Member has not already served a total of twenty-one (21) years in their lifetime on Council and/or any Committee subject to the following:</p> <p>(a) For the purposes of calculating the twenty-one (21) years' time served simultaneously on Council and/or any Committees is counted concurrently; and</p> <p>(b) Council may exempt this requirement if it is necessary to ensure that the Committee functions properly including that it has the proper composition or quorum;</p> <p>(6) the Member has not been disqualified as a Council Member or Committee Member in the preceding six (6) years; and</p> <p>(7) after having been provided with an opportunity to rectify any failure in their obligations to the College, the Member:</p> <p>(b) has paid any fee, charge or order for costs owing to the College,</p> <p>(c) has submitted to the College all required forms and documents, and</p> <p>(d) is otherwise in good standing with the College</p>	<p>disqualification on Council and committees.</p>
<p>8.02 Obtaining Volunteers for Committees</p>	<p>Deleted</p>	<p>Process dealt with by Governance/HR Committee.</p>
<p>8.03 Process for Appointing Committee Members and Committee Chairs</p> <p>(1) As soon as possible after the Executive Committee's election, the Council, shall appoint Council Members and non-Council Members volunteering to sit on a Committee and shall:</p> <p>(a) review the Committee preferences provided to the Registrar by each Council Member and non-Council Member;</p> <p>(b) consider other relevant factors including past experience, conflicts of interest, workload and the fair representation of each district on Committees;</p> <p>(c) rank Council Members and non-Council Members in order of preference, and include documentation of each person's qualifications relating to the work of the Committee; and</p>	<p>8.02 Appointing Committee Members and Committee Chairs</p> <p>(1) At the final meeting of the year, Council shall appoint Council Members and non-Council Members to the Committees, including the Chairs for each Committee.</p> <p>(2) If the Council is unable to meet the composition requirements set out in these By-laws for any Committee, Council may temporarily adjust the composition until those requirements can be met.</p>	<p>Committee appointments would now occur at the final Council meeting, outlining the appointments for the following year.</p> <p>The clause is further amended to remove the specifics of the process, as the recommendations will be provided to Council by the Governance/HR Committee.</p>

<p>(d) shall appoint a chair for each Committee.</p> <p>(2) If the Council is unable to meet the composition requirements set out in these By-laws of any Committee, Council may temporarily adjust the composition until those requirements can be met.</p>		
<p>8.04 Committee Vacancies</p> <p>(1) If a vacancy of a Committee Member occurs, the Executive Committee may appoint a replacement Committee Member.</p> <p>(2) If a vacancy of a Committee Chair occurs, the Executive Committee must appoint a replacement Committee Chair.</p> <p>(3) At the next Council meeting, the Executive Committee shall present the replacement Committee Member(s) or replacement Committee Chair(s) to Council to be ratified by Resolution.</p>	<p>8.03 Committee Vacancies</p> <p>(1) If a vacancy of a Committee Member occurs, a Council-delegated Committee may recommend a replacement Committee Member, to be appointed by Council.</p> <p>(2) If a vacancy of a Committee Chair occurs, a Council-delegated Committee shall recommend a replacement Committee Chair, to be appointed by Council</p>	<p>Amended to reflect that the Governance/HR Committee now makes the recommendation to Council regarding both annual and vacancy appointments.</p>
<p>Part 9 – Disqualifying and Sanctioning Council Members and Committee Members</p>		
<p>9.01 Grounds for Disqualifying or Sanctioning an Elected Council Member or Committee Member</p> <p>(1) Council shall disqualify an Elected Council Member or Committee Member from sitting on Council or a Committee, as the case may be, if he or she:</p> <p>(a) is found by a panel of the Discipline Committee to be incompetent or to have committed an act of professional misconduct;</p> <p>(b) is found by a panel of the Fitness to Practise Committee to be an incapacitated member;</p> <p>(c) was elected in electoral districts 1 through 4, and ceases to principally reside in or practise optometry in the electoral district for which the Member was elected;</p> <p>(d) was elected in district 6 and ceases to be a member of the Faculty of the University of Waterloo School of Optometry and Vision Science;</p> <p>(e) ceases to be the holder of:</p> <p>(i) a general certificate of registration; or</p> <p>(ii) academic certificate of registration;</p> <p>(f) after having been provided with an opportunity to rectify any failure in his or her obligations to the College:</p>	<p>9.01 Grounds for Disqualifying or Sanctioning an Elected Council Member or Committee Member</p> <p>(1) Council shall disqualify an Elected Council Member or Committee Member from sitting on Council or a Committee, as the case may be, if they:</p> <p>(a) are found by a panel of the Discipline Committee to be incompetent or to have committed an act of professional misconduct;</p> <p>(b) are found by a panel of the Fitness to Practise Committee to be an incapacitated member;</p> <p>(c) cease to reside or practise optometry in the electoral district for which the Member was elected;</p> <p>(d) cease to be a member of the Faculty of the University of Waterloo School of Optometry and Vision Science if elected in District 6;</p> <p>(e) cease to be the holder of:</p> <p>(i) a general certificate of registration; or</p> <p>(ii) an academic certificate of registration;</p> <p>(f) after having been provided with an opportunity to rectify any failure in their obligations to the College:</p> <p>(i) remain in default of any fee, charge or order for costs owing to the College,</p>	<p>Simplified clause as it relates to possible conflicts with associations roles.</p>

- (i) remains in default of any fee, charge or order for costs owing to the College,
- (ii) fails to submit to the College all required forms and documents, or
- (iii) ceases to otherwise be in good standing with the College;
- (g) has a term, condition or limitation on his or her certificate of registration that does not already apply to every Member who possesses that class of certificate;
- (h) fails to sign, on an annual basis, a confidentiality agreement with the College, in the form approved by Council;
- (i) breaches Section 36 of the RHPA or the By-laws of the College that require Council Members or Committee Members to preserve the confidentiality of information disclosed during the course of his or her duties as a Council Member or Committee Member;
- (j) depending on the eligibility requirements for a Council Member or Committee Member set out in Parts 6 and 8, becomes an elected representative, board member, director, officer or employee of, or enters into a contractual relationship to provide services (if it is reasonable to expect that a real or apparent conflict of interest may arise) to:
 - (i) the Ontario Association of Optometrists,
 - (ii) the Canadian Association of Optometrists, or
 - (iii) any other organization determined by Council;
- (k) depending on the eligibility requirements for a Council Member or Committee Member set out Parts 6 and 8, becomes an appointed committee chairperson or member of a committee of:
 - (i) the Ontario Association of Optometrists,
 - (ii) the Canadian Association of Optometrists, or
 - (iii) any other organization determined by Council;
- (l) subject to the discretion of Council to excuse the absence:
 - (i) fails to attend any two of three consecutive regular meetings of the Council;

- (ii) fail to submit to the College all required forms and documents, or
- (iii) cease to otherwise be in good standing with the College;
- (g) have any exceptional term, condition or limitation on their certificate of registration;
- (h) fail to annually sign and/or comply with the confidentiality agreement with the College, in the form approved by Council;
- (i) becomes a director, officer, committee member or chair, appointee, employee, independent contractor or service provider of the Ontario Association of Optometrists, the Canadian Association of Optometrists or any other organization that is considered by Council to create a real or apparent conflict of interest.
- (j) subject to the discretion of Council to excuse the absence:
 - (i) fail to attend any two (2) of three (3) consecutive regular meetings of the Council;
 - (ii) fail to attend any two (2) of three (3) consecutive regular meetings of a Committee of which they are a member; and
 - (iii) fail to attend a hearing or proceeding, or part thereof, of a panel on which they sit.
- (2) An Elected Council Member or a Committee Member may also be disqualified or sanctioned if they fail to comply with these By-laws, including the College's Code of Conduct and the conflict of interest provisions.

<ul style="list-style-type: none"> (ii) fails to attend any two of three consecutive regular meetings of a Committee of which he or she is a member; and (iii) fails to attend a hearing or proceeding, or part thereof, of a panel on which he or she sits. <p>(2) An Elected Council Member or a Committee Member may also be removed from their position or sanctioned if they contravene their duties (including abiding by the College's Code of Conduct and conflict of interest provisions).</p>		
<p>9.02 Grounds for Requesting the Disqualification or Sanctioning of an Appointed Council Member</p> <p>(1) The College shall request the Public Appointments Secretariat to disqualify and remove an Appointed Council Member from Council if the Appointed Council Member:</p> <ul style="list-style-type: none"> (a) becomes a Member; (b) fails to sign, on an annual basis, a confidentiality agreement with the College, in the form approved by Council; (c) breaches Section 36 of the RHPA or the By-laws of the College that require Committee Members to preserve the confidentiality of information obtained in the course of his or her duties as a Committee Member; (d) depending on whether the person is a Council Member or Committee Member, becomes an elected representative, Board member, director, officer or employee of, or enters into a contractual relationship (if it is reasonable to expect that a real or apparent conflict of interest may arise) to provide services to the Ontario Association of Optometrists, the Canadian Association of Optometrists or any other organization determined by Council; (e) depending on whether the person is a Council Member or Committee Member, becomes an appointed Committee chairperson or member of a Committee of the Ontario Association of Optometrists, the Canadian Association of Optometrists or any other organization determined by Council; or (f) subject to the discretion of Council to excuse the absence: <ul style="list-style-type: none"> (i) fails to attend any two of three consecutive regular meetings of the Council; 	<p>9.02 Grounds for Requesting the Disqualification or Sanctioning of an Appointed Council Member</p> <p>(1) The College shall request that the Public Appointments Secretariat to disqualify and remove an Appointed Council Member from Council if the Appointed Council Member:</p> <ul style="list-style-type: none"> (a) becomes a Member; or (b) fails to comply with paragraphs (h) through (j) of section 1 of Part 9.01; and <p>(2) An Appointed Council Member may also be sanctioned and a request made that they be disqualified if they fail to comply with these By-laws including the College's Code of Conduct and the conflict of interest provisions.</p>	<p>Consolidated clause by referencing applicable sections above.</p>

<ul style="list-style-type: none"> (ii) fails to attend any two of three consecutive regular meetings of a Committee of which he or she is a Member; or (iii) fails to attend a hearing or proceeding, or part thereof, of a panel on which he or she sits. <p>(2) The College may also request the removal of an Appointed Council Member or sanction an Appointed Council Member if they contravene their duties (including abiding by the College's Code of Conduct and conflict of interest provisions).</p>		
<p>9.03 Process for Disqualifying or Sanctioning a Council Member and Committee Member</p> <p>(1) The following process shall be used to disqualify or sanction an Elected Council Member, Committee Member or Appointed Council Member (the "Subject Member"):</p> <ul style="list-style-type: none"> (a) Where a Council Member or the Registrar believes that the College should consider the disqualification or sanction of the Subject Member, the Council Member or Registrar shall advise the Executive Committee in writing; (b) The Executive Committee shall: <ul style="list-style-type: none"> (i) provide the Subject Member with: <ul style="list-style-type: none"> (A) notice of the concerns in writing, and (B) reasonable time to make submission in the time and manner determined by the Executive Committee; (c) The Executive Committee shall, based on at least a 2/3rds majority vote, make a preliminary finding of the facts and, in writing, report those findings and its reasoning to the Subject Member and Council, and, depending on the circumstances, the individual who brought the matter to the Executive Committee's attention; (d) The Executive Committee may then, based on at least a 2/3rds majority vote, either: <ul style="list-style-type: none"> (i) sanction the Subject Member, provided the sanction does not include the disqualification, request to disqualify or dismissal of the Subject Member. Sanctions by the Executive Committee may include: 	<p>9.03 Process for Disqualifying or Sanctioning a Council Member and Committee Member</p> <p>(1) The following process shall be used to disqualify or sanction an Elected Council Member, Committee Member or Appointed Council Member (the "Subject Member"):</p> <ul style="list-style-type: none"> (a) Where a Council Member or the Registrar receives information in writing that suggests that a Subject Member should be disqualified or sanctioned the Council Member or Registrar shall notify the Council-delegated Committee in writing; (b) The Council-delegated Committee shall provide the Subject Member with notice of the matter and thirty (30) days to provide a written response; (c) The Council-delegated Committee shall consider the matter and dismiss the matter, sanction the Subject Member, or if it finds that the Subject Member ought to be disqualified, refer the matter to the President within thirty days of its decision; (d) Upon receipt of the information, the President shall do the following: <ul style="list-style-type: none"> (i) place the matter on the Agenda at the next Council meeting or call a Special Meeting for that purpose; and (ii) notify the Subject Member of the referral to Council and their right to make written or oral submissions at the meeting. 	<p>As per the change to the Executive Committee's duties, the disqualification process would now be spearheaded by the Governance/HR Committee. The process is less prescriptive within the by-laws, allowing Council more flexibility.</p>

<p>(ii) dismiss the allegations against the Subject Member; or (ii) refer the matter to Council.</p> <p>(e) If either the individual who brought the matter to the Executive Committee's attention or the Subject Member is of the view that Council's involvement is required, they shall provide, in writing, their concern to the attention of the President within 15 days after being notified and the issue will be placed on the agenda for the next Council meeting.</p> <p>(f) Council shall:</p> <p>(i) advise the Subject Member and the individual who brought the matter to the Executive Committee's attention:</p> <p>(A) that the matter has been referred to Council; and (B) of their opportunity to make submissions in the manner determined by Council;</p> <p>(ii) conduct an investigation, if necessary; and (ii) by Special Resolution make a finding of fact and, in writing, report those findings and its reasoning to the Subject Member, and, depending on the circumstances, the individual who brought the matter to the Executive Committee's attention;</p> <p>(g) Council may then, based on a Special Resolution, either:</p> <p>(i) sanction the Subject Member (which may include the disqualification, or the request to disqualify the Subject Member); or (ii) dismiss the allegations against the Subject Member.</p> <p>(2) In determining the appropriate sanction, the Executive Committee and Council should be guided by the principle that the primary purpose of sanctions is to protect the College and to modify behaviour that could be potentially harmful to College.</p> <p>(3) The Subject Member, throughout the process, shall be temporarily suspended as a Council Member or Committee Member until a final decision by the College has been rendered or the Public Appointments Secretariat has removed the Appointed Council Member, as the case may be.</p>	<p>(e) When considering the matter, Council may do one or more of the following:</p> <p>(i) conduct an investigation into the matter before considering the matter; (ii) dismiss the matter; (iii) sanction or disqualify the Subject Member by Special Resolution; and (iv) in the case of an Appointed Council Member, pass a Special Resolution to request that the Public Appointments Secretariat disqualify them.</p> <p>(2) Until the matter has been finally disposed of, the Subject Member shall be suspended from their role(s) at the College and shall not participate in any discussion or vote regarding their sanction or disqualification.</p> <p>(3) A Subject Member who has been disqualified ceases to be a Council Member and a member of all Committees.</p> <p>(4) The disqualification of a Council Member or Committee Member, shall be deemed to constitute a vacancy for the purposes of these By-laws and the relevant provisions shall apply.</p>	
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<p>(4) Before any debate is had or vote is taken by Council, throughout the process, Council shall consider whether the public should be excluded from all or part of the meeting in accordance with the Code.</p> <p>(5) Where Council votes to request the Public Appointments Secretariat to disqualify and remove an Appointed Council Member, the College shall make such a request to the Public Appointments Secretariat.</p> <p>(6) If the Subject Member is disqualified or removed as a Council Member or Committee Member, the College shall act as if a vacancy had been created as a result of a resignation.</p> <p>(7) A Subject Member who has been disqualified ceases to be a Council Member and a member of all Committees.</p>		
<p>9.04 Temporary Suspension of a Council Member or Committee Member</p> <p>(1) A Council Member or Committee Member who becomes the subject of a disciplinary or incapacity proceeding (including, in the case of an Elected Council Member, one which originates at any time after the deadline for receipt of nominations), shall not serve on Council or on any Committee until a final decision (including any appeal) has been rendered.</p> <p>(2) An Elected Council Member and/or a Committee Member who, after having been provided with an opportunity to rectify a failure in their obligations to the College:</p> <p>(a) remains in default of any fee, charge or order for costs owing to the College,</p> <p>(b) fails to submit to the College all required forms and documents, or</p> <p>(c) ceases to otherwise be in good standing with the College; (including, in the case of an Elected Council Member, a default which originates at any time after the deadline for receipt of nominations), shall not serve on Council or any Committee until the failure is remedied or the Elected Council Member and/or a Committee Member is disqualified.</p>	<p>9.04 Temporary Suspension</p> <p>(1) A Council Member or Committee Member who becomes the subject of a disciplinary or incapacity proceeding, shall not serve on Council or on any Committee until a final decision (including any appeal) has been rendered.</p> <p>(2) An Elected Council Member or Committee Member, who fails to comply with paragraph 9.01(f), shall not serve on Council or any Committee until the failure is remedied unless the failure resulted in their disqualification.</p>	<p>Clarified that a member either a subject of a proceeding or not in compliance/good standing would not serve until a decision is rendered or issue is remedied.</p>
<p>Part 10 - Description of Duties</p>		
<p>10.01 Officers on Executive Committee</p>	<p>Deleted</p>	<p>Removed as composition and role of Executive is outlined under 14.02</p>

<p>10.05 Council Members</p>	<p>Deleted</p>	<p>Removed as not required within the by-laws, and will be outlined in a policy document.</p>
<p>Part 11 - Obligations of Council and Committee Members</p>		
<p>11.01 Conflict of Interest</p> <p>(1) Council Members and Committee Members must not engage in any activities or decision-making where a conflict of interest may arise.</p> <p>(2) A conflict of interest means a Council Member or Committee Member’s personal or financial interest or participation in an arrangement or agreement which influences, is likely to influence, or could be perceived as influencing that person’s judgment or decision-making with respect to College matters.</p> <p>(3) The personal or financial interests of any family member or a close relation (such as a friend or business associate) of a Council Member or Committee Member shall be interpreted to be the interests of a Council Member or Committee Member.</p> <p>(4) Council Members and Committee Members must recognize that even the appearance of a conflict of interest can bring discredit to the College, and should be dealt with in the same manner as an actual conflict of interest.</p> <p>(5) A conflict of interest may amount to a breach of Council Members’ fiduciary obligations and can create liability for everyone involved.</p> <p>(6) A Council Member or Committee Member shall not use College property or information of any kind to advance his or her own interests.</p>	<p>11.01 Conflict of Interest</p> <p>(1) Council Members and Committee Members must not engage in any activities or decision-making where a conflict of interest may arise.</p> <p>(2) A conflict of interest occurs when a Council Member’s or Committee Member’s personal or financial interest or participation in an arrangement or agreement influences, is likely to influence, or could be perceived as influencing that person’s judgment or decision-making with respect to College matters.</p> <p>(3) The personal or financial interests of a family member or close relation (such as a friend or business associate) of a Council Member or Committee Member shall be interpreted to be the interests of a Council Member or Committee Member.</p> <p>(4) A Council Member or Committee Member shall not use College property or information of any kind to advance their own interests.</p>	<p>Removed reference to repercussions as clause is intended to be general and provide an outline.</p>
<p>11.02 Process for Declaring a Conflict of Interest for Council Members</p> <p>(1) If a Council Member believes or suspects that he, she or any other Council Member may have a conflict of interest, including an appearance of a conflict of interest, in any matter which is the subject of deliberation or action by Council, he or she shall, prior to any consideration of the matter at the meeting, declare it to Council.</p> <p>(2) If there is any doubt about whether a conflict of interest exists, any Council Member may introduce a motion to have the</p>	<p>11.02 Process for Declaring a Conflict of Interest for Council Members</p> <p>(1) If a Council Member believes that they or another Council Member has or may have a conflict of interest in a matter which is the subject of deliberation or action by Council, they shall consult with the Registrar and inform the Council as soon as possible before the consideration of the matter at the meeting.</p>	<p>Amended to remove specific process for conflict of interest issues, specifically the debate and voting on members’ potential conflict.</p>

<p>conflict of interest issue determined by Council. On such a motion:</p> <p>(a) the chair presiding over Council shall provide the Council Member introducing the motion a brief opportunity to explain why he or she believes the Council Member may have a conflict of interest;</p> <p>(b) the chair presiding over Council shall provide the Council Member who is the subject of the potential conflict of interest a brief opportunity to explain why he or she believes that he or she does not have a conflict of interest;</p> <p>(c) Council shall determine by Special Resolution using a secret ballot whether the Council Member has a conflict of interest; and</p> <p>(d) The Council Member who is the subject of the potential conflict of interest and the Council member who initiates the conflict of interest motion shall not participate in the vote.</p> <p>(3) If a Council Member has or is determined to have a conflict of interest with respect to a matter that is the subject of deliberation or action by Council:</p> <p>(a) the conflict of interest shall be recorded in the minutes of the Council meeting; and</p> <p>(b) the Council Member shall:</p> <ul style="list-style-type: none"> (i) not participate in the debate in respect of the matter; (ii) refrain from voting on the matter; (iii) absent himself or herself from the room; and (iv) not attempt in any way to influence the voting or do anything that might be perceived as attempting to influence the decision of Council on the matter. 	<p>(2) If there is any doubt about whether a conflict of interest exists, the Council Member shall declare it to Council and Council shall decide in their absence whether a conflict exists and the Council Member shall accept the decision.</p> <p>(3) The Council Member who has the conflict shall do the following:</p> <ul style="list-style-type: none"> (a) absent themselves from the room when the matter is being considered; (b) refrain from voting on the matter; and (c) not do anything to influence the decision. <p>(4) The conflict of interest shall be recorded in the minutes of the meeting.</p>	
<p>11.03 Process for Declaring a Conflict of Interest for Committee Members</p> <p>(1) If a Committee Member believes or suspects that he, she or any other Committee Member may have a conflict of interest, including an appearance of a conflict of interest, in any matter which is the subject of deliberation or action by a Committee, he or she shall:</p>	<p>11.03 Declaring a Conflict of Interest for Committee Members</p> <p>(1) If a Committee Member believes that they have or another Committee Member may have a conflict of interest in a matter which is the subject of deliberation or action, they shall consult the Committee’s staff support and disclose it to the</p>	<p>As above.</p>

<p>(a) prior to any consideration of the matter at the meeting, disclose to the Committee chair, Committee staff support, Committee, Registrar and/or the College’s legal counsel the fact that he, she or any other Committee Member may have a conflict of interest;</p> <p>(b) if the Committee Member has a conflict of interest or if there is any doubt about whether a conflict of interest exists, the Committee Member shall, unless the Committee chair has agreed otherwise:</p> <p>(i) not participate in the debate in respect of the matter;</p> <p>(ii) refrain from voting on the matter;</p> <p>(iii) absent himself or herself from the room; and</p> <p>(iv) not attempt in any way to influence the voting or do anything that might be perceived as attempting to influence the decision of the Committee on the matter; and</p> <p>(c) the conflict of interest shall be recorded in the minutes of the Committee meeting.</p>	<p>Committee chair as soon as possible before the consideration of the matter at the meeting;</p> <p>(2) If there is any doubt about whether a conflict of interest exists, the Committee chair shall decide whether a conflict exists and how to resolve it and the Committee Member shall abide by the decision.</p> <p>(3) The Committee Member who has a conflict shall:</p> <p>(a) absent themselves from the room when the matter is considered;</p> <p>(b) refrain from voting on the matter; and</p> <p>(c) not do anything to influence the decision.</p> <p>(4) The conflict of interest shall be recorded in the minutes of the Committee meeting.</p>	
<p>11.04 One-Year Waiting Period</p> <p>(1) Subject to subsection 11.04(2), there shall be a one-year waiting period with respect to:</p> <p>(a) a Council Member or Committee Member who wants to work as an employee or on a contract with the College (if it is reasonable to expect that a real or apparent conflict of interest may arise) or hold any appointment by the College;</p> <p>(b) an employee, contractor or any other appointee of the College who wants to be a Council Member or Committee Member; and</p> <p>(c) an employee, contractor, appointee, director or officer of the Ontario Association of Optometrists, the Canadian Association of Optometrists or any other organization determined by Council who wants to:</p> <p>(i) be an employee or work on a contract with the College (if it is reasonable to expect that a real or apparent conflict of interest may arise); or</p> <p>(ii) hold any appointment by the College.</p>	<p>11.04 Waiting Periods</p> <p>(1) There shall be a one (1) year waiting period for the following positions:</p> <p>(a) a Council Member, Committee Member or person referred to in paragraph 8.01(3)(a) who wants to work as an employee of the College, on contract with the College, or hold any appointment with the College; and</p> <p>(b) an employee, contractor or any other appointee of the College who wants to be a Council Member or Committee Member.;</p> <p>(2) Council may, under exceptional circumstances, adjust the one-year waiting period in subsection (1) by Special Resolution.</p> <p>(3) After completing nine (9) consecutive years on Council, a Council Members shall complete a three (3) year waiting period prior to commencing another term on Council.</p>	<p>Amended to clarify both the one year waiting period between conflicting roles and to introduce a three-year waiting period once a Council member has reached the nine-year consecutive maximum.</p>

<p>The one-year waiting period shall commence on the first day following the last day that the conflicting position was held by the individual.</p> <p>(2) Council may, under exceptional circumstances, adjust the one-year waiting period by Special Resolution.</p>	<p>(4) For the purposes of this section, waiting periods shall commence on the day following the last day that the conflicting position was held by the person.</p>	
<p>11.05 Confidentiality</p> <p>(1) Section 36(1) of the RHPA states, in part: Every person employed, retained or appointed for the purposes of the administration of this Act, a health profession Act or the <i>Drug and Pharmacies Regulation Act</i> and every Member of a Council or committee of a College shall keep confidential all information that comes to his or her knowledge in the course of his or her duties and shall not communicate any information to any other person</p> <p>(2) Council Members and Committee Members, College staff and persons retained or appointed by the College shall:</p> <p>(a) maintain confidentiality of information disclosed to them in the course of discharging their duties, unless otherwise authorized by Council or permitted under Section 36(1) of the RHPA;</p> <p>(b) refrain from communicating to Members, including Council Members or Committee Members, information regarding registration, complaints, reports, investigations, disciplinary or fitness to practise proceedings which could be perceived as an attempt to influence a statutory decision or a breach of confidentiality, unless:</p> <p>(i) he or she is a Member of the same panel considering the matter, or</p> <p>(ii) when there is no panel, of the same Committee considering the matter.</p> <p>However, Council Members and Committee Members may discuss any other matter not prohibited by Section 36(1) of the RHPA and not arising from an <i>in camera</i> meeting;</p> <p>(c) be aware of and understand those exceptions to confidentiality obligations in Section 36(1) of the RHPA; and</p> <p>(d) seek advice if any doubt whether an exception applies.</p>	<p>11.05 Confidentiality</p> <p>(1) Council Members and Committee Members, College staff and persons retained or appointed by the College shall:</p> <p>(a) maintain confidentiality of information disclosed to them in the course of discharging their duties, unless otherwise authorized by Council or permitted under section 36(1) of the RHPA;</p> <p>(b) refrain from discussing matters arising in an <i>in camera</i> meeting;</p> <p>(c) refrain from communicating to Members, including Council Members or Committee Members, information regarding registration, complaints, reports, investigations, disciplinary or fitness to practise proceedings, unless:</p> <p>(i) they are a Member of the same panel considering the matter, or</p> <p>(ii) when there is no panel, of the same Committee considering the matter.</p> <p>(d) seek advice if any doubt whether an exception under section 36(1) of the RHPA applies.</p>	<p>Removed the specific legislative excerpt as not needed to repeat within the by-laws.</p>

<p>11.06 Code of Conduct</p> <p>(1) Council Members and Committee Members must, at all times, when discharging their College duties, act in the College's best interest, maintain high standards of integrity, honesty, and loyalty.</p> <p>(2) The College's Code of Conduct for Council Members and Committee Members includes:</p> <p>(a) being familiar and comply with the provisions of the RHPA, the Act, and the By-laws and policies of the College;</p> <p>(b) actively participating in Council and Committees;</p> <p>(c) regularly attending and being prepared for meetings on time, and participating constructively in debates;</p> <p>(d) participating in all deliberations in a respectful and courteous manner, recognizing the diverse background, skills and experience of Council Members and Committee Members;</p> <p>(e) abiding by and endorsing Council and Committee decisions, regardless of the level of prior personal disagreement; and</p> <p>(f) avoiding and, where that is not possible, declaring any appearance of or actual conflicts of interest.</p> <p>(g) preserving confidentiality of all information before Council and/or its Committees unless disclosure has been authorized by Council or otherwise exempted under s. 36(1) of the RHPA;</p> <p>(h) refraining from communicating to Members, including Council Members or Committee Members, information regarding registration, complaints, reports, investigations, disciplinary or fitness to practise proceedings which could be perceived as an attempt to influence a statutory decision or a breach of confidentiality, unless:</p> <p>(i) he or she is a Member of the same panel considering the matter, or</p> <p>(ii) when there is no panel, of the same Committee considering the matter;</p> <p>However, Council Members and Committee Members may discuss any other matter not prohibited by Section 36(1) of the RHPA and not arising from an <i>in camera</i> meeting;</p>	<p>11.06 Code of Conduct</p> <p>(1) Council Members and Committee Members must, at all times, when discharging their College duties, act in the public's best interest, maintain high standards of integrity, honesty, and loyalty.</p> <p>(2) The College's Code of Conduct for Council Members and Committee Members includes:</p> <p>(a) being familiar and complying with the provisions of the RHPA, the Act, and the By-laws and policies of the College;</p> <p>(b) actively and constructively participating in Council and Committee deliberations in a respectful and courteous manner, recognizing the diverse background, skills and experience of Council Members and Committee Members;</p> <p>(c) regularly attending and being prepared for meetings;</p> <p>(d) abiding by and endorsing Council and Committee decisions, regardless of personal opinions about them; and</p> <p>(e) respecting the boundaries of College staff who do not report to or work for individual Council Members or Committee Members;</p> <p>(f) being respectful of others and not engaging in behaviour that might reasonably be perceived as verbal, physical or sexual abuse or harassment; and</p> <p>(g) refraining from any other form of misconduct Council may determine.</p>	<p>Amended to remove restatement of confidentiality requirements. Already stated above (11.05)</p>
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<ul style="list-style-type: none"> (i) respecting the boundaries of College staff whose role is not to report to or work for individual Council Members or Committee Members; (j) being respectful of others and not engaging in behaviour that might reasonably be perceived as verbal, physical or sexual abuse or harassment; and (k) any other form of misconduct Council may determine. 		
11.07 Media and Official Communications	Deleted	As advised, not required in College by-laws. The information will be developed into a governance policy.
11.08 Speaking and Writing Engagements	Deleted	As above.
Part 12 - Remuneration of Elected Council Members		
12.01 Remuneration Policy of the College (1) Elected Council Members shall be paid a stipend and be reimbursed by the College for travelling and other expenses reasonably incurred in relation to the performance of their duties as Council Members or Committee Members in accordance with the College's remuneration policy.	12.01 Remuneration Policy of the College (1) Elected Council Members may be paid honoraria as determined by Council.	Consolidated wording regarding honoraria to match updated finance policy.
Part 13 – Council		
13.02 Meeting Agenda	Deleted	As advised, not required to be explicit in by-laws.
13.03 Chair (1) The President shall chair Council Meetings. However, Council may by Resolution appoint anyone else to preside as chair of a Council Meeting in lieu of the President, provided that, at all times, it does so in good faith and is not in an effort to usurp the function of the President as the presumptive chair of Council Meetings. (2) In the case of an appointed chair who is not a Council Member, the chair: (a) shall not participate in deliberations; (b) may not vote; and (c) shall undertake to maintain confidentiality.	13.02 Chair (1) The President or their appointee shall chair Council Meetings. (2) If the appointee is not a Council Member, then they shall not vote.	Amended to simplify the role of an appointee chair.
13.05 Voting (1) Every motion shall, depending on the circumstances, be decided by Resolution or Special Resolution.	13.04 Voting (1) Every motion shall be decided by Resolution unless these By-laws, the RHPA, the Regulations made	Amended to clarify that the chair does have one vote, and shall vote last.

<p>(2) If the votes cast result in a tie, the chair shall not have a second vote and the motion will be defeated.</p> <p>(3) Every vote at a Council meeting shall be by a show of hands, roll call, secret ballot or as the chair of the meeting shall otherwise determine. A vote held during a meeting conducted through telecommunications shall be by way of roll call.</p> <p>(4) In the event of a roll call vote, the Registrar shall record the votes of each Council Member in the minutes of the meeting.</p>	<p>under the Act, or the <i>Corporations Act</i>, require that the motion be decided by Special Resolution.</p> <p>(2) The chair shall have one vote and shall vote last.</p> <p>(3) Every vote at a Council meeting shall be by a show of hands, roll call, secret ballot or as the chair of the meeting shall otherwise determine. A vote held during a meeting conducted through telecommunications shall be by way of roll call.</p> <p>(4) In the event of a roll call vote, the Registrar shall record the votes of each Council Member in the minutes of the meeting.</p>	
<p>13.07 Rules of Order of Council Meetings</p> <p>(1) Conduct</p> <p>(a) Council Meetings shall be conducted in English.</p> <p>(b) All attendees shall turn off communications devices during Council Meetings.</p> <p>(c) Laptops shall only be used during Council Meetings to review materials related to the meeting and to take notes.</p> <p>(d) No one shall speak out of turn.</p> <p>(2) General Procedure</p> <p>(a) Council may informally discuss a matter without the requirement of a motion.</p> <p>(b) Council may decide matters by consensus or any other informal method. However, a motion should be made if it is Council's intention to vote on a matter.</p> <p>(c) College staff and consultants with expertise in a matter before Council may be permitted by the chair to answer specific questions.</p> <p>(d) Non-Council Members are not permitted to speak at a Council Meeting without the prior permission from the President or chair.</p> <p>(e) However, the President or chair may at any time request a non-Council Member to speak.</p> <p>(3) Motions</p> <p>(a) Before a matter may be voted on:</p> <p>(i) it must be introduced by a Council Member;</p>	<p>13.06 Rules of Order of Council Meetings</p> <p>(1) Council may discuss and decide matters by consensus or other informal methods without the requirement of a motion.</p> <p>(2) Non-Council Members may only speak with the permission of the chair.</p> <p>(3) Motions</p> <p>(a) Before a matter may be voted on:</p> <p>(i) it must be introduced by a Council Member;</p> <p>(ii) Council Members must have an opportunity to debate it; and</p> <p>(iii) a motion regarding the matter must be made and seconded.</p> <p>(b) When a motion is being debated, no other motion can be made except to:</p> <p>(i) amend it;</p> <p>(ii) postpone it;</p> <p>(iii) vote on it;</p> <p>(iv) adjourn the debate or the Council meeting; or</p> <p>(v) refer the motion to a Committee.</p> <p>(c) The chair shall put the motion to a vote when:</p> <p>(i) the debate on a matter has concluded;</p> <p>(ii) Council has passed a motion to vote on the motion; or</p>	<p>Amended to remove specific rules regarding communication and devices. The Committee noted that these would be better addressed by the group as expectations and monitored by the Chair.</p> <p>In addition, the specific process on amending a motion is removed as process was noted as confusing.</p>

- (ii) Council Members must have an opportunity to debate it; and
 - (iii) a motion regarding the matter must be tabled and seconded.
- (b) When a motion is being debated, no other motion can be tabled except to:
- (i) amend it;
 - (ii) postpone it;
 - (iii) vote on it;
 - (iv) adjourn the debate or the Council meeting; or
 - (v) refer the motion to a Committee.
- (c) The chair shall put the motion to a vote when:
- (i) the debate on a matter has concluded;
 - (ii) Council has passed a motion to vote on the motion; or
 - (iii) when the time allocated to the debate of the matter has concluded.
- (d) During a Council vote:
- (i) no Council Member shall enter or leave the room; and
 - (ii) no further debate is permitted.
- (e) When a motion contains multiple matters that are distinct, any Council Member may revise the motion so that each matter is tabled separately.
- (f) After a motion has been decided upon, no Council Member may introduce the same or similar motion during the same session of Council unless the majority of Council agrees.
- (g) Whenever the chair is of the opinion that a motion tabled by a Council Member is contrary to these By-laws:
- (i) the chair shall rule the motion out of order;
 - (ii) the chair shall give reasons for doing so; and
 - (iii) the secretary shall record such reasons in the meeting minutes.
- (4) **Amendment of Motions**
- (a) A Council Member may only table a motion to amend a motion that has already been tabled (but not yet voted upon) if it:

- (iii) when the time allocated to the debate of the matter has concluded.
- (d) During a Council vote no further debate is permitted and no Council Member shall enter or leave the room;
- (e) After a motion has been decided upon, no Council Member may introduce the same or similar motion during the same session of Council unless the majority of Council agrees.
- (f) Whenever the chair is of the opinion that a motion made by a Council Member is contrary to these By-laws:
- (i) the chair shall rule the motion out of order;
 - (ii) the chair shall give reasons for doing so; and
 - (iii) the secretary shall record such reasons in the meeting minutes.
- (g) A motion to amend a motion may be made before the initial motion has been voted upon.
- (4) **Maintaining Order**
- (a) The chair shall maintain order and decide questions of order. If a Council Member disagrees with the chair's ruling, the ruling may be appealed to Council.
- (b) The chair may do the following:
- (i) limit the number of times a Council Member may speak;
 - (ii) limit the length of time a Council Member may speak; and
 - (iii) impose any other reasonable restrictions to maintain order and efficiency.
- (5) **Other**
- (a) The Rules of Order of Council Meetings may be relaxed by the chair if greater informality is required.
- (b) In situations not provided for in these By-laws, the most recent edition of *Robert's Rules of Order* shall be followed.

<ul style="list-style-type: none"> (i) is relevant to the motion that has already been tabled; and (ii) does not negate the purpose of the initial motion. <p>(b) A motion to amend the initial motion shall be debated and voted upon before the initial motion is voted upon.</p> <p>(c) When there is more than one motion to amend the initial motion, the motions shall be debated and voted upon in the reverse order in which they were tabled.</p> <p>(5) Maintaining Order</p> <p>(a) The chair shall maintain order and decide questions of order. If a Council Member disagrees with the chair's ruling, the ruling may be appealed to Council.</p> <p>(b) The chair may limit:</p> <ul style="list-style-type: none"> (i) the number of times a Council Member may speak; (ii) the length of time a Council Member may speak; and (iii) impose any other reasonable restrictions to maintain order and efficiency. <p>(6) Other</p> <p>(a) The Rules of Order of Meeting may be relaxed by the chair if greater informality is required.</p> <p>(b) In situations not provided for in these By-laws, the most recent edition of <i>Robert's Rules of Order</i> shall be followed.</p>		
<p>Part 14 - Committees</p>		
<p>14.01 Committee Meetings</p> <ul style="list-style-type: none"> (1) Committee meetings shall be conducted in English. (2) Each Committee shall meet at the direction of the Committee chair or the majority of Committee Members. (3) The conduct of Committee Meetings shall be held in accordance with the most recent edition of <i>Robert's Rules of Order</i>. (4) A Committee Meeting may be held in any manner that allows all persons to participate simultaneously and instantaneously. (5) No formal notice is required for a Committee meeting. However, College staff designated to assist a Committee shall make 	<p>14.01 Committee Meetings</p> <ul style="list-style-type: none"> (1) Each Committee shall meet at the direction of the Committee Chair or the majority of Committee Members. (2) The conduct of Committee Meetings shall be held in accordance with the most recent edition of <i>Robert's Rules of Order</i>. (3) A Committee Meeting may be held in any manner that allows all persons to participate simultaneously and instantaneously. 	<p>As advised, by-laws are not required to stipulate that the meetings will be conducted in English.</p>

<p>reasonable efforts to provide notice of each meeting to Committee Members.</p> <p>(6) Every motion considered by a Committee shall be decided by a majority of the votes cast at the meeting. If the votes cast result in a tie, the chair shall not have a second vote and the motion will be defeated.</p> <p>(7) Minutes shall be kept for every Committee Meeting and shall:</p> <p>(a) include details of all motions, recommendations and decisions;</p> <p>(b) be circulated to Committee Members following the Committee Meeting;</p> <p>(c) be approved or amended at the next Committee Meeting; and</p> <p>(d) once approved:</p> <p>(i) signed by the chair; and</p> <p>(ii) provided to the Registrar by the chair to be kept with the College's records.</p> <p>(8) Committees shall provide Council with reports:</p> <p>(a) annually; and</p> <p>(b) when requested to do so by either the Executive Committee or Council.</p>	<p>(4) No formal notice is required for a Committee meeting. However, College staff designated to assist a Committee shall make reasonable efforts to provide notice of each meeting to Committee Members.</p> <p>(5) Every motion considered by a Committee shall be decided by a majority of the votes cast at the meeting. The chair shall have one vote and shall vote last.</p> <p>(6) Minutes shall be kept for every Committee Meeting and shall:</p> <p>(a) include details of all motions, recommendations and decisions;</p> <p>(b) be circulated to Committee Members following the Committee Meeting;</p> <p>(c) be approved or amended at the next Committee Meeting; and</p> <p>(d) be archived in the College's records.</p> <p>(7) Committees shall provide Council with reports annually and when requested to do so by the Executive Committee or Council.</p>	
<p>14.02 Executive Committee</p> <p>(1) The Executive Committee shall be composed of:</p> <p>(a) an odd number of persons;</p> <p>(b) one more Elected Council Member than Appointed Council Members;</p> <p>(c) no more than five Council members, including:</p> <p>(i) the President; and</p> <p>(ii) the Vice-President.</p> <p>(2) The Executive Committee is directly accountable to Council and indirectly accountable to the government, the public and the profession for the effective governance of the College.</p> <p>(3) The Executive Committee's duties include:</p>	<p>14.02 Executive Committee</p> <p>(1) The Executive Committee shall be composed of either three (3) or five (5) Council Members and shall include:</p> <p>(a) the President and Vice President; and</p> <p>(b) one (1) more Elected Council Member than Appointed Council Members.</p> <p>(2) The President is the Chair of the Executive Committee.</p> <p>(3) The Registrar is the secretary of the Executive Committee.</p> <p>(4) The Executive Committee is directly accountable to Council and indirectly accountable to the government, the public and the profession for the effective governance of the College.</p>	<p>Amended to remove additional duties from the Executive Committee. The role of the Executive Committee would now focus on the sole legislative requirement: act as Council between meetings in matters of administrative urgency. Prior duties would now be reacquired by Council or assigned to other Council delegated committees.</p>

- (a) exercise the full powers of Council in all matters of administrative urgency (including cases of unauthorized practice), reporting every action at the next meeting of Council;
 - (b) review and approve the agenda for Council meetings, as prepared by the Registrar in consultation with the President, for clarity and priority, identify items for which Council meetings may be closed to observers in accordance with s. 7(2) of the *Health Professions Procedural Code* and recommend closure, with rationale, to Council;
 - (c) review selected briefing materials for Council for clarity, comprehensiveness, and planning the appropriate approach for presentations;
 - (d) call special meetings of Council;
 - (e) provide feedback and support to committees and Council as requested;
 - (f) assist Council members, committees and the Registrar in resolving internal conflicts;
 - (g) monitor legislation of the federal and provincial government through facilitating College input to relevant legislation proposals and the assessment of relevant new legislation;
 - (h) coordinate an effective liaison with external government, private and non-profit sector bodies/agencies, including international, national and provincial optometric and health care organisations;
 - (i) coordinate an appropriate public relations program through the development of targeted public communication efforts;
 - (j) facilitate the development of protocol agreements with other agencies to maximize inter-agency cooperation to pursue College goals and strategic direction;
 - (k) provide guidance and support to the Registrar; and
 - (l) serve as an informal resource to the Registrar, at their request.
- (4) Between Council Meetings, the Executive Committee has all the powers of Council with respect to any matter that, in the opinion of the Executive Committee, requires immediate attention. However, the Executive Committee does not have the power to make, amend or revoke a regulation or by-law.
- (5) The President is the chair of the Executive Committee.

- (5) The Executive Committee's duties include:
- (a) exercising the full powers of Council in all matters of administrative urgency and reporting every action at the next meeting of Council
 - (i) the Committee does not have the power to make, amend or revoke a regulation or By-law.
 - (6) Executive Committee meetings are closed to the public. However, the Executive Committee may permit anyone to attend or participate in meetings.

<p>(6) The Registrar is the secretary of the Executive Committee.</p> <p>(7) Executive Committee meetings are closed to the public. However, the Executive Committee may permit anyone to attend or participate in meetings.</p>		
<p>14.10 Committee Chairs and Panel Chairs</p> <p>(1) The term of a Committee chair is 1 year.</p> <p>(2) With the exception of the President as chair of the Executive Committee, no person may serve as a Committee chair for more than 3 consecutive years.</p> <p>(3) When a panel chair is not able to attend a meeting, hearing or proceeding of a panel, the remaining panel members shall designate a chair for the duration of the absence.</p>	<p>14.10 Committee Chairs and Panel Chairs</p> <p>(1) The term of a Committee Chair is one (1) year.</p> <p>(2) The chairs of the Registration Committee, the ICRC and the Discipline Committee shall appoint their Committee Members to panels and a panel chair for each panel. For all other College Committees, the appointment to panels and of the panel chair shall be done by a Council-delegated Committee.</p> <p>(3) When a panel chair is not able to attend a meeting, hearing or proceeding of a panel, the remaining panel members shall designate a chair for the duration of the absence.</p>	<p>Amended to specify that certain committee chairs appoint panels/panel chairs, as per legislative requirement.</p>
<p>Part 15 - Rules, and Policies and Code of Ethics</p>		
<p>15.02 Code of Ethics</p>	<p>Deleted</p>	<p>Removed as the Code of Ethics applied to all College members, not just specifically Council and committee members. The Code would be developed into a separate standalone document.</p>
<p>Part 16 - Information Provided by Members</p>		
<p>16.02 Member Reports</p> <p>(1) A Member's certificate of registration must be renewed annually.</p> <p>(2) The College shall send a member report to each Member by mail or e-mail requesting any information required by the Registrar and provide the Members with at least 30 days to respond.</p> <p>(3) The College may request:</p> <p>(a) the Member's birth date;</p> <p>(b) the Member's certificate of registration number;</p> <p>(c) the Member's e-mail address;</p>	<p>16.02 Member Reports</p> <p>(1) A Member's certificate of registration must be renewed annually.</p> <p>(2) The College shall send a member report to each Member by mail or e-mail requesting any information required by the Registrar and provide the Members with at least thirty (30) days to respond.</p> <p>(3) The College may request:</p> <p>(a) information that the College is required to maintain in the register;</p>	<p>Amended to remove specific requirements of what members must report annually. The College, as it already currently states, may request any information it requires for the report. Therefore specific reporting requirements are not necessary to list within the clause.</p>

<ul style="list-style-type: none"> (d) the address and telephone number of each Member's principal residence; (e) the name of each business where the Member practises optometry, including the address, telephone number, fax number and e-mail address; (f) the preferred address for receiving College communications; (g) information respecting the Member's participation in continuing professional development and other professional training; (h) whether the member is licenced or registered to practice another profession either inside or outside Ontario; (i) information about actions taken by other regulatory bodies against the Member; (j) information relating to a finding of professional negligence or malpractice made against the Member; (k) information related to findings of guilt for a federal, provincial or other offence; (l) information related to any current charges in respect of a federal, provincial or other offence; (m) information related to any current existing conditions, terms, orders, directions or agreements relating to the custody or release of the Member with respect to federal, provincial or other offences; (n) the nature of the Member's practise and services a Member may offer in their practise such as: <ul style="list-style-type: none"> (i) ADP Authorizer; (ii) Automated Visual Fields; (iii) Binocular Vision Training; (iv) Contact Lens Therapy; (v) Corneal Topography; (vi) Digital Retinal Imaging; (vii) Home Visits; (viii) Infant Examinations (0 to 24 months); (ix) Institution Visits; (x) Low Vision Therapy; (xi) Occupational Safety Eyewear; 	<ul style="list-style-type: none"> (b) a copy of the declarations page from the Member's professional liability insurance policy; (c) information which allows the College to maintain statistics related to the College and the Member; and (d) any other information the College requires. (4) If a Member fails to return a completed member report to the College within the time provided, the Registrar shall: <ul style="list-style-type: none"> (a) notify the Member in writing of such failure; and (b) provide the Member with a reasonable period to return a completed member report to the College. (5) If the Member fails to rectify the failure within the time provided, the College may, without notice, suspend the Member's certificate of registration until a completed member report is returned. (6) When the College receives notice of a change in information required for the issuance of a certificate of registration, it may: <ul style="list-style-type: none"> (a) issue a revised certificate of registration; (b) decline to revise the existing certificate of registration; or (c) revoke a certificate of registration. 	
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- (xii) Optical Coherence Tomography/Retinal Tomography;
 - (xiii) Orthokeratology;
 - (xiv) Pre-School Children (2 to 5 years);
 - (xv) Punctal Occlusion;
 - (xvi) Refractive Surgery Co-management;
 - (xvii) Spectacle Therapy;
 - (xviii) Sports Vision; and
 - (xix) Visual Perception Testing and Therapy;
- (o) whether the Member prefers to communicate with the College in English or French;
 - (p) the Member's electoral district;
 - (q) the number of hours of direct patient care;
 - (r) information that the College is required to maintain in the register;
 - (s) a copy of the declarations page from the Member's professional liability insurance policy setting out:
 - (i) the coverage amount;
 - (ii) the name of the insurer;
 - (iii) the policy term; and
 - (iv) the policy number;
 - (t) information which allows the College to maintain statistics related to the College and the Member; and
 - (u) any other information the College requires.
- (4) If a Member fails to return a completed member report to the College within the time provided (which shall be not less than 30 days), the Registrar shall:
- (a) notify the Member in writing of such failure; and
 - (b) provide the Member with a reasonable period to return a completed member's report to the College.
- (5) If the Member fails to rectify the failure within the time provided, the College may, without notice, suspend the Member's certificate of registration until a completed member report is returned.
- (6) A Member must advise the Registrar in writing of a change to any information required for issuance of a certificate of registration

<p>within 14 days of such change. The College may, depending on the change of information:</p> <ul style="list-style-type: none"> (a) issue a revised certificate of registration; (b) decline to revise the existing certificate of registration; or (c) revoke a certificate of registration. 		
<p>Part 17 - Information Provided by Health Profession Corporations</p>	<p>Part 17 - Health Professional Corporations</p>	
<p>None</p>	<p>17.01 Obligation to Provide Information (1) Upon written request for information from the College, a health professional corporation shall respond in writing within the time provided.</p>	<p>Incorporated new clause to align with best practices in corporation by-laws.</p>
<p>17.01 Application of a Health Profession Corporation (1) A health profession corporation is eligible to hold a certificate of authorization if: <ul style="list-style-type: none"> (a) the articles of the corporation provide that the corporation cannot carry on a business other than the practise of optometry and activities related to or ancillary to the practise of optometry; (b) all of the issued and outstanding shares of the corporation are legally and beneficially owned, directly or indirectly, by one or more Members; and (c) all the requirements set out in the <i>Ontario Business Corporations Act</i>, the RHPA, the Act and in and any other applicable statute or regulation, and these By-laws have been satisfied. (2) In order to obtain a certificate of authorization, a health profession corporation shall apply to the College. The application must include: <ul style="list-style-type: none"> (a) the name of the health profession corporation; (b) all business names of the corporation, if any; (c) all phone numbers, fax numbers and addresses of all business locations along with the address of its head office; (d) the capital structure of the corporation and shareholdings of each shareholder; (e) the name, phone number, address, e-mail address and, when applicable, the College registration number of each shareholder; </p>	<p>17.02 Application (1) A health professional corporation is eligible to hold a certificate of authorization if: <ul style="list-style-type: none"> (a) the articles of the corporation provide that the corporation cannot carry on a business other than the practise of optometry and activities related to or ancillary to the practise of optometry; (b) all of the issued and outstanding shares of the corporation are legally and beneficially owned, directly or indirectly, by one or more Members; and (c) all the requirements set out in these By-laws, the <i>Ontario Business Corporations Act</i>, the RHPA, the Act and in any other applicable statute or regulation have been satisfied. (2) In order to obtain a certificate of authorization, a health professional corporation shall submit a completed application package to the College which shall include the following: <ul style="list-style-type: none"> (a) a copy of the corporation's articles of incorporation, continuance and/or amalgamation, as applicable; (b) a corporation profile report that has been issued no more than thirty (30) days before submitting the application indicating that the corporation has not been dissolved; </p>	<p>Simplified to align with best practices in corporation by-laws.</p>

<ul style="list-style-type: none"> (f) the name, phone number, address, e-mail address and, when applicable, the College registration number of each director and officer; (g) a certified copy of the corporation's: <ul style="list-style-type: none"> (i) articles of incorporation, continuance and/or amalgamation, as applicable; and (ii) by-laws; (h) a corporation profile report that has been issued no more than 30 days before submitting the application indicating that the corporation has not been dissolved; (i) a statutory declaration of a director of the corporation, executed not more than 15 days before submitting the application, certifying that: <ul style="list-style-type: none"> (i) the corporation complies with Section 3.2 of the <i>Ontario Business Corporations Act</i>, and its regulations; (ii) the corporation does not carry on, and does not plan to carry on, any business that is not the practise of optometry or practises related to or ancillary to the practise of optometry; (iii) there has been no change in the status of the corporation since the date of the certificate of status; and (iv) the information contained in the application is complete and accurate as of the date the statutory declaration is executed; (j) any other information the College deems necessary; and (k) the signature of all shareholders of the health profession corporation. 	<ul style="list-style-type: none"> (c) a statutory declaration of a director of the corporation, executed not more than fifteen (15) days before submitting the application, certifying that: <ul style="list-style-type: none"> (i) the corporation complies with the relevant legislation; (ii) the corporation does not carry on, and does not plan to carry on, any business that is not the practise of optometry or practises related to or ancillary to the practise of optometry; (iii) there has been no change in the status of the corporation since the date of the corporation profile report; and (iv) the information contained in the application is complete and accurate as of the date the statutory declaration is executed; (d) the signature of all shareholders of the optometry professional corporation; and (e) any other information the College deems necessary. 	
<p>17.02 Corporate Reports</p> <ul style="list-style-type: none"> (1) A certificate of authorization must be renewed annually. (2) The date of renewing a certificate of authorization shall be no more than 30 days before the anniversary or renewal date. (3) The College shall send a corporate report to each health profession corporation by mail or e-mail requesting any information required by the Registrar and provide the health profession corporation with at least 30 days to respond. 	<p>17.03 Renewal</p> <ul style="list-style-type: none"> (1) A certificate of authorization must be renewed annually on or before the anniversary of the certificate's date of issue. (2) The College will request any information required by the Registrar from a health professional corporation by mail or e-mail and provide the health professional corporation with at least thirty (30) days to respond. 	<p>Simplified to align with best practices in corporation by-laws.</p>

<p>(4) If a health profession corporation fails to return a completed corporate report to the College within the time provided, the Registrar may:</p> <p>(a) notify the health profession corporation in writing of such failure;</p> <p>(b) provide the health profession corporation with at least 60 days to return a completed corporate report to the College; and</p> <p>(c) advise the health profession corporation that failure to return a completed corporate report to the College will result in revocation of the health professional corporation’s certificate of authorization.</p> <p>(5) A health profession corporation must advise the Registrar in writing of a change to any information required for issuance of a certificate of authorization within 14 days of such change. The College may, depending on the change of information:</p> <p>(a) issue a revised certificate of authorization;</p> <p>(b) decline to revise the existing certificate of authorization; or</p> <p>(c) revoke a certificate of authorization.</p>	<p>(3) If a health professional corporation fails to renew within the time provided, the Registrar may:</p> <p>(a) notify the health professional corporation in writing of such failure;</p> <p>(b) provide the health professional corporation with at least sixty (60) days to provide the renewal documents and fee(s) to the College; and</p> <p>(c) advise the health professional corporation that failure to renew will result in revocation of the health professional corporation’s certificate of authorization.</p> <p>(4) A health professional corporation must advise the Registrar in writing of a change to any information required for issuance of a certificate of authorization within fourteen (14) days of such change. When the College receives such a notice, it may:</p> <p>(a) issue a revised certificate of authorization;</p> <p>(b) decline to revise the existing certificate of authorization; or</p> <p>(c) revoke a certificate of authorization.</p>	
Part 18 - Register		
18.02 Information that the Code Requires be Kept in the Register	Deleted	Removed as clause repeated information that is already required to be reported under the Code.
18.06 Publication Ban and Disclosure	Deleted	Removed as clause repeated information from the Code.
Part 20 – Funding for Therapy and Counselling	Removed	Removed as program specifics dealt with under legislation and College policy.



COLLEGE OF
Optometrists
OF ONTARIO

COLLEGE BY-LAWS

Original Effective Date: August 3, 2012
Revised September 4, 2012
Revised January 16, 2015
Revised April 8, 2015
Revised September 30, 2015
Revised January 20, 2016
Revised Fee Schedule Effective April 20, 2016
Revised Fee Schedule Effective January 16, 2017
Revised June 22, 2017
Revised September 19, 2017
Revised June 21, 2018
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Revised Fee Schedule Effective January 1, 2020

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BY-LAWS OF THE COLLEGE OF OPTOMETRISTS OF ONTARIO

Part 1 - Definitions

1.01 Definitions

- (1) In these By-laws, unless otherwise defined or required by the context, "**Act**" means the *Optometry Act, 1991* including its associated regulations;

"**Appointed Council Member**" means a person appointed to Council by the Lieutenant Governor in Council;

"**Code**" means the *Health Professions Procedural Code*, which is Schedule 2 of the *Regulated Health Professions Act, 1991*;

"**College**" means the College of Optometrists of Ontario;

"**Committee**" means a committee established under s. 10 of the Code or a committee established under these By-laws;

"**Committee Member**" means a member of a Committee;

"**Committee Meeting**" means a meeting of any Committee but does not include a hearing or a meeting of a panel of a Committee;

"**Council**" means the Council established under Section 6 of the Act;

"**Council Committee Member**" means a Member of the College who is elected to Council and appointed by Council to a Committee, and includes a Member appointed to a Committee to fill a vacancy;

"**Council Meeting**" means a meeting of Council;

"**Council Member**" means an Elected Council Member, an Appointed Council Member and/or a member of Council selected from the Faculty of the University of Waterloo School of Optometry and Vision Science;

"**Elected Council Member**" means a Member of the College elected to Council in accordance with these By-laws (including District 6);

"**Faculty**" means a person who belongs to the faculty of the University of Waterloo School of Optometry and Vision Science. However, Faculty does not include a person who has only been granted an appointment for research or a special appointment, a visiting or adjunct instructor, or a person who holds a similarly restricted position;

"**ICRC**" means the Inquiries, Reports and Complaints Committee;

"Life Member" means a Member or former Member of the College who has been designated as a Life Member by the College because, among other things, they have practised optometry in Ontario for at least twenty five (25) years and has retired from practising optometry;

"Member" means a person or health professional corporation registered with the College, as the case may be;

"Resolution" means a vote of at least a majority of those Council Members in attendance at the meeting and voting on the resolution;

"RHPA" means the *Regulated Health Professions Act, 1991*, including its associated regulations and the Code;

"Special Resolution" means a vote of at least a 2/3 majority of Council Members in attendance at the meeting and voting on the resolution; and

"Written Resolution" means a Resolution or Special Resolution passed by Council Members in the absence of a meeting in person, and the position or vote of any Council Member may be communicated in writing, including fax, e-mail and any other manner as Council may determine.

- (2) Any term not defined in these By-laws shall have the meaning provided to it in the RHPA or the Act.

1.02 Seal

- (1) The seal of the College, if any, shall be in the form determined by Council.

Part 2 – Business Practises

2.01 Banking

- (1) The College shall appoint a bank chartered under the *Bank Act (Canada)* for the use of the College.
- (2) All money belonging to the College shall be deposited in the name of the College with the bank.

2.02 Investments

- (1) College funds not immediately required for use by the College may be invested in accordance with the investment criteria established by Council.
- (2) Council may authorize, by Resolution, any employee of the College to give directions to an investment advisor.

- (3) All securities and other negotiable instruments in which the College's monies have been invested shall be registered in the name of the College.
- (4) Council shall oversee and ensure that a process is in place to fairly evaluate the College's investments and investment advisor annually.

2.03 Borrowing

- (1) Council may, by Special Resolution:
 - a. borrow money on the credit of the College;
 - b. limit or increase the amount of money the College may borrow; or
 - c. pledge assets of the College

2.04 Expenses

- (1) If a College expenditure has previously been approved as an item in the College's budget, or if it is not an item in the College budget but is below \$25,000, the expense requires only the Registrar's approval.
- (2) College expenditures that are not an item in the College budget and are above \$25,000, shall be reviewed by the Council-delegated Committee for recommendations to Council as to whether or not to approve the expenditure.

2.05 Financial Year

- (1) The financial year of the College is January 1st to December 31st.

2.06 Auditors

- (1) Council shall appoint an auditor to audit the accounts of the College.

2.07 Annual Financial Statements

- (1) The College shall publish the annual financial statements, including the audit report in the annual report.

2.08 Indemnification

The College shall indemnify and save harmless every Council Member, Committee Member, employee, appointee or other duly designated representative of the College and their heirs, executors and administrators, and estates, out of the funds of the College from and against,

- (1) all costs, charges and expenses whatsoever that they sustain or incur in or about any action, suit or proceeding that is brought, commenced or prosecuted against them, for or in respect of any act, deed, matter or thing whatsoever, made, done or permitted by them, in or about the execution of the duties of their position or employment, and
- (2) all other costs, charges and expenses that they sustain or incur in relation to the College's affairs,

except such costs, charges or expenses incurred as a result of their own willful misconduct or gross negligence.

2.09 Execution of Documents

- (1) Documents or instruments requiring execution by the College may be signed by the President, Vice-President, the Registrar, or any individual appointed by Resolution of Council.
- (2) The Registrar may sign summonses, notices and orders on behalf of the College.

Part 3 – Council

ELECTION

3.01 Electoral Districts

- (1) Council shall consist of:
 - (a) Nine Elected Council Members elected from the following electoral districts:
 - (i) "**District 1**" which comprises the municipality of Toronto and the regional municipalities of Halton, City of Hamilton, Niagara, Peel and York;
 - (ii) "**District 2**" which comprises the Northern Electoral District, composed of the territorial districts of Algoma, Cochrane, Kenora, Manitoulin, Nipissing, Parry Sound, Rainy River, City of Greater Sudbury, Thunder Bay and Timiskaming, the counties of Bruce, Dufferin, Grey, Haliburton, Huron; Renfrew and Simcoe and the district municipality of Muskoka;
 - (iii) "**District 3**" which comprises the Eastern Electoral District, composed of the counties of Frontenac, Hastings, Lanark, Northumberland, Peterborough, Prince Edward, Kawartha Lakes, Leeds & Grenville, Lennox and Addington, Prescott and Russell United Counties, Stormont, Dundas and Glengarry and the Durham Region and the City of Ottawa;
 - (iv) "**District 4**" which comprises the Western Electoral District, composed of Brant, Elgin, Essex, Chatham-Kent, Lambton, Middlesex, Oxford, Perth and Wellington and the regional municipalities of Haldimand County, Norfolk County and Waterloo; and
 - (v) "**District 5**" which comprises the Provincial Electoral District, composed of the whole of the Province of Ontario;
 - (b) One (1) Member, who has been selected from the Faculty of the University of Waterloo School of Optometry and Vision Science, provided that that person has first been elected, in the manner set out in these By-laws, by those Members who belong to the Faculty of the University of Waterloo School of Optometry and Vision Science. The electoral district for this Council position will be referred to as "**District 6**"; and

- (c) Eight (8) Appointed Council Members.
- (2) Except for electoral Districts 1 and 5, one member is to be elected for each electoral district.
 - (a) Two (2) members are to be elected for electoral District 1 and four (4) members are to be elected for electoral District 5.
- (3) If an electoral district has no candidate at the time of an election, that Council seat shall be transferred to District 5 to allow for any eligible Member to stand for election for that Council seat.

3.02 Voting Eligibility

A Member is eligible to vote in an election for Council if, on the 45th day before the election, the Member:

- (a) is the holder of a general or academic certificate of registration;
- (b) has paid any fee, penalty or order for costs owing to the College;
- (c) has submitted to the College all required forms and documents; and
- (d) is otherwise in good standing with the College.

3.03 Election Date

- (1) Elections or selection for Council shall take place as follows:
 - (a) For District 1:
 - (i) one (1) Council Member in 2021, and every third year thereafter; and
 - (ii) one (1) Council Member in 2022, and every third year thereafter;
 - (b) For Districts 2 and 3: one (1) Council Member each in 2022, and every third year thereafter;
 - (c) For District 4: one (1) Council Member in 2021, and every third year thereafter;
 - (d) For District 5:
 - (i) two (2) Council Member in 2020, and every third year thereafter;
 - (ii) one (1) Council Member in 2021, and every third year thereafter; and
 - (iii) one (1) Council Members in 2022, and every third year thereafter;
 - (e) For District 6, one (1) Council Member in 2021, and every third year thereafter.
- (2) Council elections and selection shall take place before the end of November in any given year.

3.04 Eligibility for Election

- (1) A Member is eligible for election to Council if they meet the following requirements by the nomination deadline:
 - (a) the Member resides or practises optometry in the district for which the Member is seeking election;
 - (b) the Member is the holder of a general or academic certificate of registration that is not subject to any exceptional term, condition or limitation.
 - (c) the Member is not a director, officer, committee member or chair, appointee, employee, independent contractor or service provider of the Ontario Association of Optometrists, the Canadian Association of Optometrists or any other organization that is considered by Council to create a real or apparent conflict of interest.
 - (d) after having been provided with an opportunity to rectify any failure in their obligations to the College, the Member:
 - (i) has paid any fee, charge or order for costs owing to the College,
 - (ii) has submitted to the College all required forms and documents, and
 - (iii) is otherwise in good standing with the College;
 - (iv) is not the subject of any disciplinary or incapacity proceedings; and
 - (v) has not been disqualified by Council as a Council Member or Committee Member in the preceding six (6) years.
- (2) A Member who is a member of the Faculty of the University of Waterloo School of Optometry and Vision Science shall only be eligible for District 6.
- (3) No Member shall be a candidate for Council Member in more than one district during an election.
- (4) A member is not eligible for election to Council if they would be unable to complete the term as a result of any of the following:
 - (a) they would exceed the nine (9) consecutive years term limit set out at subsection 5(2) of the Code;
 - (b) they would exceed eighteen (18) years in their lifetime on Council; or
 - (c) they would exceed a total of twenty-one (21) years in their lifetime of serving on Council and/or any Committees where time served simultaneously on Council and/or any Committees is counted concurrently.

3.05 Term of Office

- (1) The term of office of a Council Member is three (3) years, beginning January 1st in the year following their election and expiring on December 31st three (3) years later.

- (2) Notwithstanding the application of paragraphs 3.04(4)(a) and (b), Council Members who took office in 2018, 2019, and 2020, shall be permitted to complete their current terms of office.

3.06 Nominating Procedure

- (1) At least sixty (60) days before the date of election, the Registrar shall invite nominations for Council from the membership in the relevant electoral district.
- (2) Members must submit their nominations to the Registrar no later than thirty (30) days before the election.

3.07 Election Procedure

- (1) Each eligible Member may vote once for a candidate:
 - (a) in one of the following:
 - (i) in the district in which the Member's primary practise is located; or, if a Member does not practise optometry in Ontario, in the district where they primarily reside; or
 - (ii) if the Member belongs to the Faculty of the University of Waterloo School of Optometry and Vision Science, in District 6; and
 - (b) in District 5.
- (2) When there is more than one candidate for a position, the Registrar shall, at least fifteen (15) days before an election, send each Member entitled to vote in an election a ballot along with the voting instructions and any campaign materials provided by candidates.
- (3) The Registrar shall cause the votes to be tallied.
- (4) The candidate (or their designate) is entitled to be present while the Registrar tallies the votes.
- (5) The candidate who receives the most votes cast on a ballot for each contested electoral district shall be declared elected.
- (6) If the votes on a ballot result in a tie, the Registrar shall resolve the deadlock by lot.
- (7) If a position in an electoral district is not contested, the Registrar shall declare the candidate elected by acclamation.
- (8) Where an issue arises with respect to a ballot that is not governed by these By-laws, the Registrar shall resolve the dispute in a fair manner.
- (9) The Registrar shall report the results of the election to Council and the Members.
- (10) If Council determines, by Special Resolution, that an alternative method of voting would be preferable, Council shall create a democratic and fair procedure.

3.08 Vote Recount

- (1) If a candidate has lost the election, the candidate (or their designate) may request a recount provided that:
 - (a) they lost the election by no more than twenty (20) votes; and
 - (b) the request is made in writing to the Registrar within seven (7) days of the results of the election being reported.
- (2) The recount shall occur within fourteen (14) days of a valid recount request.
- (3) The candidate requesting the recount and the candidate previously declared the winner (or a designate of each) shall be entitled to be present at the recount.
- (4) If the outcome of the recount changes the election results, the candidate who has now received the most votes on the ballot shall be declared elected
- (5) If the recount of the votes on the ballot results in a tie, the Registrar shall resolve the deadlock by lot.
- (6) Where an issue arises with respect to the recount that is not governed by these By-laws, the Registrar shall resolve the dispute in a fair manner.
- (7) The Registrar shall report the results of the recount to Council and the Members.

3.09 Election Irregularity

- (1) If the Council is of the opinion that there is a reasonable ground for doubt or dispute as to the validity of the election or selection of any Council Member, the Council shall hold an inquiry and decide whether it is valid and, if found to be invalid, the Council shall direct another election or selection to be held. Council shall not declare an election or selection result to be invalid solely on the basis of a minor irregularity regarding the requirements of these By-laws or a procedure established by the Registrar.

3.10 Council Vacancies

- (1) If an Elected Council Member's seat becomes vacant during the first two (2) years of a Council Member's term:
 - (a) Council shall appoint the candidate who received the most votes during the previous election to fill the vacant position in that district provided that:
 - (i) the Member agrees to fill the vacant position; and
 - (ii) the Member is eligible to be a Council Member; or
 - (b) if the above requirements cannot be satisfied, the Registrar shall hold a by-election to fill the vacancy.
- (2) If the seat of an Elected Council Member becomes vacant in the third year of a Council Member's term, Council is not required to fill the vacancy.

- (3) If a vacancy on Council is filled by holding a by-election and the votes cast result in a tie, the Registrar shall resolve the deadlock by lot.
- (4) In the case of a by-election, the Registrar may amend the timing of the nomination and election procedure laid out in Part 3 to facilitate the filling of the vacancy.
- (5) Where an issue arises that is not governed by these By-laws during an election, the Registrar shall resolve the dispute in a fair manner.
- (6) The term of the replacement Council Member shall continue until the time when the previous Elected Council Member's term would have expired.

3.11 Unexpected Circumstances

If, for whatever reason, the election cannot be held in the time or manner intended, the Registrar, with consent of Council may delay or extend the election so as to hold the election in a fair manner.

OFFICERS

3.12 Officers

The officers of the College consist of a President and Vice-President as well as such other officer position as Council may determine by Special Resolution.

3.13 Nomination Procedure

- (1) Before the final Council Meeting each year, the Registrar shall invite nominations from Council Members for election to the office of the President, Vice-President and any other officer position as Council may determine for the following year.
- (2) Council Members must submit their nomination to the Registrar before the Council Meeting when the election of officers is to take place.

3.14 Process for Election of Officers

- (1) The election of officers shall take place on an annual basis at the last Council Meeting of each year.
- (2) At a Council Meeting during which an election of officers occurs:
 - (a) a special quorum of at least 2/3 of all Council Members must be present;
 - (b) the Registrar shall present the names of candidates who have indicated their interest for each officer's position;
 - (c) when an officer's position is not contested, the Registrar shall declare the candidate elected by acclamation; and
 - (d) when there is more than one candidate for an officer's position:
 - (i) voting shall be conducted by secret ballot;

- (ii) the Registrar shall count the ballots, and report the results to Council;
 - (iii) the candidate who receives the most votes cast on a ballot shall be declared elected; and
 - (iv) if there is a tie in votes cast, the Registrar shall resolve the deadlock by lot.
- (3) Where an issue arises that is not governed by these By-laws during an election, the Registrar shall resolve the dispute in a fair manner.

3.15 Officer Term Limits

- (1) The term of an officer is one year, from January 1st to December 31st.
- (2) No officer shall serve more than four years in their lifetime in the office of President or the office of Vice-President.
- (a) Council may exempt this requirement if it is necessary to ensure that the Executive Committee functions properly including that it has the proper composition or quorum.

3.16 Officer Vacancies

- (1) If the position of the President becomes vacant, the Vice-President shall become President.
- (2) If the position of the Vice-President becomes vacant, Council shall elect by Resolution a Council Member to fill the position for the remainder of the term.
- (3) If the position of any other officer becomes vacant, that position:
- (a) may remain vacant until the term of the previous holder of that position would have expired; or
 - (b) Council may, by Resolution, elect a Council Member to fill the position for the remainder of the term.
- (4) If there is a tie in votes cast for an election for a vacant officer's position, the Registrar shall resolve the deadlock by lot.
- (5) Where an issue arises that is not governed by these By-laws during an election, the Registrar shall resolve the dispute in a fair manner.

MEETINGS

3.17 Council Meetings

- (1) Council Meetings shall be held at the College or any other location determined by the Registrar.
- (2) The Registrar shall serve as Council's secretary.
- (3) At least four Council meetings shall be held in a calendar year. Additional Council meetings may be called by:
- (a) Resolution;

- (b) the President; or
 - (c) the written request of a majority of Council Members.
- (4) A Council meeting may be held in any manner that allows all Members, along with any members of the public, to participate simultaneously and instantaneously.
- (5) Council meetings are open to the public. However, the public may be excluded from any meeting or part of a meeting in accordance with section 7 of the Code.
- (6) Notice of a Council Meeting shall:
- (a) be communicated to Council Members as soon as practicable;
 - (b) be posted at least fourteen (14) days before the Council Meeting on the College's website;
 - (c) be published in English and French and contain the following:
 - (i) the meeting agenda;
 - (ii) the date, time and location of the meeting;
 - (iii) an address and telephone number at which further information about the meeting may be obtained; and
 - (iv) if the Registrar anticipates that the Council will exclude the public from any meeting or part of a meeting under subsection 7(2) of the Code, the grounds for doing so.
- (7) Briefing materials will be provided to members of Council and shall be posted on the College's website at least three days before any Council meeting. The failure to provide notice or briefing materials, or the non-receipt of any notice or briefing materials, shall not invalidate any actions taken by Council at a Council Meeting.
- (8) If Council decides to exclude the public from a meeting or a part of a meeting under subsection 7(2) of the Code, it may make orders it considers necessary to prevent the public disclosure of matters disclosed in the meeting, including banning publication or broadcasting of those matters.
- (9) Minutes shall be kept for every Council Meeting and shall:
- (a) include details of all motions, recommendations, decisions and the grounds for excluding the public from any meeting or part of a meeting;
 - (b) be circulated to Council Members following the Council Meeting;
 - (c) be approved or amended at the next Council Meeting; and
 - (d) be kept with the College's records.

3.18 Chair

- (1) The President or their appointee shall chair Council Meetings.
- (2) If the appointee is not a Council Member, then they shall not vote.

3.19 Quorum

- (1) A majority of Council Members constitutes a quorum to hold a Council meeting.
- (2) In determining whether or not a quorum has been met, the number of Council Members shall be deemed not to be reduced as a result of any vacancy on Council.

3.20 Voting

- (1) Every motion shall be decided by Resolution unless these By-laws, the RHPA, the Regulations made under the Act, or the *Corporations Act*, require that the motion be decided by Special Resolution.
- (2) The chair shall have one vote and shall vote last.
- (3) Every vote at a Council meeting shall be by a show of hands, roll call, secret ballot or as the chair of the meeting shall otherwise determine. A vote held during a meeting conducted through telecommunications shall be by way of roll call.
- (4) In the event of a roll call vote, the Registrar shall record the votes of each Council Member in the minutes of the meeting.

3.21 Written Resolutions

- (1) A Written Resolution shall have the same effect as if passed at a Council Meeting.

3.22 Rules of Order of Council Meetings

- (1) Council may discuss and decide matters by consensus or other informal methods without the requirement of a motion.
- (2) Non-Council Members may only speak with the permission of the chair.

(3) *Motions*

- (a) Before a matter may be voted on:
 - (i) it must be introduced by a Council Member;
 - (ii) Council Members must have an opportunity to debate it; and
 - (iii) a motion regarding the matter must be made and seconded.
- (b) When a motion is being debated, no other motion can be made except to:
 - (i) amend it;
 - (ii) postpone it;
 - (iii) vote on it;

- (iv) adjourn the debate or the Council meeting; or
- (v) refer the motion to a Committee.
- (c) The chair shall put the motion to a vote when:
 - (i) the debate on a matter has concluded;
 - (ii) Council has passed a motion to vote on the motion; or
 - (iii) when the time allocated to the debate of the matter has concluded.
- (d) During a Council vote no further debate is permitted and no Council Member shall enter or leave the room;
- (e) After a motion has been decided upon, no Council Member may introduce the same or similar motion during the same session of Council unless the majority of Council agrees.
- (f) Whenever the chair is of the opinion that a motion made by a Council Member is contrary to these By-laws:
 - (i) the chair shall rule the motion out of order;
 - (ii) the chair shall give reasons for doing so; and
 - (iii) the secretary shall record such reasons in the meeting minutes.
- (g) A motion to amend a motion may be made before the initial motion has been voted upon.

(4) *Maintaining Order*

- (a) The chair shall maintain order and decide questions of order. If a Council Member disagrees with the chair's ruling, the ruling may be appealed to Council.
- (b) The chair may do the following:
 - (i) limit the number of times a Council Member may speak;
 - (ii) limit the length of time a Council Member may speak; and
 - (iii) impose any other reasonable restrictions to maintain order and efficiency.

(5) *Other*

- (a) The Rules of Order of Council Meetings may be relaxed by the chair if greater informality is required.
- (b) In situations not provided for in these By-laws, the most recent edition of *Robert's Rules of Order* shall be followed.

3.23 Remuneration

- (1) Elected Council Members may be paid honoraria as determined by Council.

DUTIES

3.24 President

- (1) The President, with Council, is responsible for fulfilling the mandate, objectives and strategic plans of the College. The President is directly accountable to Council and indirectly accountable to the government, the public and the profession for the effective governance of the College.
- (2) The President's duties include:
 - (a) providing effective leadership for Council;
 - (b) presiding as chair of all Council Meetings and Executive Committee meetings, unless another chair has been appointed;
 - (c) overseeing the operations of Council, including approving the agenda for Council Meetings;
 - (d) working with the Registrar to ensure the efficient conduct of all Council Meetings and Executive Committee meetings and that decisions of Council and the Executive Committee are implemented;
 - (e) participating in the orientation of new Council Members, officers, Committee Members, chairs and volunteers and encouraging Members to participate in Council;
 - (f) overseeing and ensuring that a process is in place to fairly evaluate the Registrar;
 - (g) along with the Registrar, representing the College as an authorized spokesperson on College policies and positions;
 - (h) signing contracts, documents or instruments on behalf of the College;
 - (i) liaising with the Registrar on any issue relating to the interaction between Council Members and College staff; and
 - (j) any other duty determined by Council.

3.25 Vice-President

- (1) In the absence, inability or refusal of the President to act, the Vice-President shall have all the powers and perform all the duties of the President.
- (2) The Vice-President is directly accountable to Council and indirectly accountable to the government, the public and the profession for the effective governance of the College.
- (3) The Vice-President's duties include:
 - (a) serving on the Executive Committee;
 - (b) any duty delegated by the President;
 - (c) signing contracts, documents or instruments on behalf of the College; and

(d) any other duty determined by Council.

3.26 Registrar and CEO

- (1) The Registrar holds the most senior position on the College's staff and is the chief executive officer of the College.
- (2) The Registrar is directly accountable to Council and, between Council meetings, to the Executive Committee.
- (3) The Registrar's duties include:
 - (a) overseeing the day to day affairs of the College;
 - (b) ensuring compliance with statutory obligations;
 - (c) implementing and monitoring College policies;
 - (d) facilitating the orderly transfer of presidential responsibility, when required;
 - (e) preparing and maintaining minutes of all Council and Executive Committee meetings and maintaining the College's records, documents and register;
 - (f) preparing agendas for meetings of Council and the Executive Committee, and submitting those agendas to the President for approval;
 - (g) providing notice of all Council and Executive Committee meetings;
 - (h) establishing and maintaining administrative, human resource, and financial operations of the College's office, in collaboration with Council and the Executive Committee, to ensure effective management of the College;
 - (i) signing contracts, documents and other instruments as may be assigned by Council or as are incidental to the office of the Registrar;
 - (j) recruiting, hiring, promoting, terminating and establishing the terms, duration and severances of employment of College staff;
 - (k) ensuring an annual performance assessment and, when applicable, encouraging continuing professional development of College staff;
 - (l) acting as an official spokesperson for the College; and
 - (m) any other duty determined by Council.

3.27 Committee Chairs

- (1) The Committee chair reports to Council.
- (2) Committee chair duties include:
 - (a) providing effective leadership for the Committee and facilitating Committee Meetings;
 - (b) approving meeting agendas prepared by College staff;

- (c) assessing whether Committee Members have the resources and training to effectively perform the Committee's work;
- (d) ensuring that the activities of the Committee are conducted within budget;
- (e) working with the Committee and College staff to establish, monitor and execute Committee goals;
- (f) submitting a regular report to Council containing information on the affairs of the Committee and reporting to a Council- delegated Committee the affairs of the Committee;
- (g) being a spokesperson for the Committee and ensuring all Committee Members publicly support Committee decisions; and
- (h) any other duty determined by Council.

PART 4 – Committees

4.01 Eligibility for Appointment to Committees

A Member is eligible to be appointed to a Committee for a one-year term if they meet the following requirements on the date of appointment:

- (1) the Member's certificate of registration is not subject to any exceptional term, condition or limitation;
- (2) the Member is not the subject of any disciplinary or incapacity proceeding;
- (3) the Member is not a director, officer, committee member or chair, appointee, employee, independent contractor or service provider of the Ontario Association of Optometrists, the Canadian Association of Optometrists or any other organization that is considered by Council to create a real or apparent conflict of interest;
- (4) the Member has not been a member of that Committee for a total of nine (9) years or more in their lifetime;
- (5) the Member has not already served a total of twenty-one (21) years in their lifetime on Council and/or any Committee subject to the following:
 - (a) For the purposes of calculating the twenty-one (21) years' time served simultaneously on Council and/or any Committees is counted concurrently; and
 - (b) Council may exempt this requirement if it is necessary to ensure that the Committee functions properly including that it has the proper composition or quorum;
- (6) the Member has not been disqualified as a Council Member or Committee Member in the preceding six (6) years; and

- (7) after having been provided with an opportunity to rectify any failure in their obligations to the College, the Member:
 - (a) has paid any fee, charge or order for costs owing to the College,
 - (b) has submitted to the College all required forms and documents, and
 - (c) is otherwise in good standing with the College.

4.02 Appointing Committee Members and Committee Chairs

- (1) At the final meeting of the year, Council shall appoint Council Members and non-Council Members to the Committees, including the Chairs for each Committee.
- (2) If the Council is unable to meet the composition requirements set out in these By-laws for any Committee, Council may temporarily adjust the composition until those requirements can be met.

4.03 Committee Vacancies

- (1) If a vacancy of a Committee Member occurs, a Council-delegated Committee may recommend a replacement Committee Member, to be appointed by Council.
- (2) If a vacancy of a Committee Chair occurs, a Council-delegated Committee shall recommend a replacement Committee Chair, to be appointed by Council

4.04 Committee Meetings

- (1) Each Committee shall meet at the direction of the Committee Chair or the majority of Committee Members.
- (2) The conduct of Committee Meetings shall be held in accordance with the most recent edition of *Robert's Rules of Order*.
- (3) A Committee Meeting may be held in any manner that allows all persons to participate simultaneously and instantaneously.
- (4) No formal notice is required for a Committee meeting. However, College staff designated to assist a Committee shall make reasonable efforts to provide notice of each meeting to Committee Members.
- (5) Every motion considered by a Committee shall be decided by a majority of the votes cast at the meeting. The chair shall have one vote and shall vote last.
- (6) Minutes shall be kept for every Committee Meeting and shall:
 - (a) include details of all motions, recommendations and decisions;
 - (b) be circulated to Committee Members following the Committee Meeting;
 - (c) be approved or amended at the next Committee Meeting; and
 - (d) be archived in the College's records.

- (7) Committees shall provide Council with reports annually and when requested to do so by the Executive Committee or Council.

4.05 Executive Committee

- (1) The Executive Committee shall be composed of either three (3) or five (5) Council Members and shall include:
 - (a) the President and Vice President; and
 - (b) one (1) more Elected Council Member than Appointed Council Members.
- (2) The President is the Chair of the Executive Committee.
- (3) The Registrar is the secretary of the Executive Committee.
- (4) The Executive Committee is directly accountable to Council and indirectly accountable to the government, the public and the profession for the effective governance of the College.
- (5) The Executive Committee's duties include:
 - (a) exercising the full powers of Council in all matters of administrative urgency and reporting every action at the next meeting of Council
 - i. the Committee does not have the power to make, amend or revoke a regulation or By-law.
- (6) Executive Committee meetings are closed to the public. However, the Executive Committee may permit anyone to attend or participate in meetings.

4.06 Registration Committee

- (1) The Registration Committee shall be composed of a minimum of five (5) persons, including at least:
 - (a) one (1) Elected Council Member;
 - (b) two (2) Appointed Council Members; and
 - (c) two (2) Members who may or may not be Council Members.
- (2) A panel of the Registration Committee shall be composed of at least three (3) Committee Members, at least one of whom is an Appointed Council Member.

4.07 Inquiries, Complaints and Reports Committee

- (1) The ICRC shall be composed of at least ten (10) persons, including at least:
 - (a) four (4) Appointed Council Members;
 - (b) one (1) Elected Council Member; and
 - (c) five (5) Members who may or may not be Council Members.
- (2) A panel of the ICRC shall be composed of at least three (3) Committee Members, at least one (1) of whom is an Appointed Council Member.

4.08 Discipline Committee

- (1) The Discipline Committee shall be composed of:
 - (a) all elected Council Members who are not members of the ICRC;
 - (b) all appointed Council Members; and
 - (c) at least five (5) Members who are not Council Members.
- (2) A panel of the Discipline Committee shall be composed of at least three (3) and no more than five (5) Committee Members, at least two (2) of whom are Appointed Council Members.

4.09 Fitness to Practise Committee

- (1) The Fitness to Practise Committee shall be composed of at least three (3) persons, including:
 - (a) one (1) Elected Council Member;
 - (b) one (1) Appointed Council Member; and
 - (c) one (1) Member who may or may not be a Council Member.
- (2) A panel of the Fitness to Practise Committee shall be composed of at least three (3) Committee Members, at least one (1) of whom is an Appointed Council Member.

4.10 Quality Assurance Committee

- (1) The Quality Assurance Committee shall be composed of at least thirteen (13) persons, including:
 - (a) two (2) Elected Council Members;
 - (b) three (3) Appointed Council Members; and
 - (c) eight (8) Members who may or may not be Council Members.
- (2) A panel of the Quality Assurance Committee shall be composed of at least three (3) Committee Members, at least one (1) of whom is an Appointed Council Member.

4.11 Patient Relations Committee

- (1) The Patient Relations Committee shall be composed of at least seven (7) persons, including:
 - (a) one (1) Elected Council Member;
 - (b) three (3) Appointed Council Members; and
 - (c) three (3) Members who may or may not be Council Members.

4.12 Ad Hoc and Standing Committees

- (1) Council may, by Resolution, appoint and fill such Ad Hoc and/or Standing Committees as it deems necessary.

4.13 Committee Chairs and Panel Chairs

- (1) The term of a Committee chair is one (1) year.
- (2) The chairs of the Registration Committee, the ICRC and the Discipline Committee shall appoint their Committee Members to panels and a panel chair for each panel. For all other College Committees, the appointment to panels and of the panel chair shall be done by a Council-delegated Committee.
- (3) When a panel chair is not able to attend a meeting, hearing or proceeding of a panel, the remaining panel members shall designate a chair for the duration of the absence.

4.14 Quorum for Committees and Panels

- (1) The quorum for any Committee Meeting is a majority of that Committee's Members.
- (2) The quorum for any panel of a Committee is three panel members, at least one of whom shall be an Appointed Council Member.
- (3) In determining whether or not a quorum has been met, the number of Committee Members or panel members shall be deemed not to be reduced as a result of any vacancy.

Part 5 - Conduct

5.01 Conflict of Interest

- (1) Council Members and Committee Members must not engage in any activities or decision-making where a conflict of interest may arise.
- (2) A conflict of interest occurs when a Council Member's or Committee Member's personal or financial interest or participation in an arrangement or agreement influences, is likely to influence, or could be perceived as influencing that person's judgment or decision-making with respect to College matters.
- (3) The personal or financial interests of a family member or close relation (such as a friend or business associate) of a Council Member or Committee Member shall be interpreted to be the interests of a Council Member or Committee Member.
- (4) A Council Member or Committee Member shall not use College property or information of any kind to advance their own interests.

5.02 Process for Declaring a Conflict of Interest for Council Members

- (1) If a Council Member believes that they or another Council Member has or may have a conflict of interest in a matter which is the subject of deliberation or action by Council, they shall consult with the Registrar and inform the Council as soon as possible before the consideration of the matter at the meeting.

- (2) If there is any doubt about whether a conflict of interest exists, the Council Member shall declare it to Council and Council shall decide, in their absence, whether a conflict exists and the Council Member shall accept the decision.
- (3) The Council Member who has the conflict shall do the following:
 - (a) absent themselves from the room when the matter is being considered;
 - (b) refrain from voting on the matter; and
 - (c) not do anything to influence the decision.
- (4) The conflict of interest shall be recorded in the minutes of the meeting.

5.03 Process for Declaring a Conflict of Interest for Committee Members

- (1) If a Committee Member believes that they have or another Committee Member may have a conflict of interest in a matter which is the subject of deliberation or action, they shall consult the Committee's staff support and disclose it to the Committee chair as soon as possible before the consideration of the matter at the meeting.
- (2) If there is any doubt about whether a conflict of interest exists, the Committee chair shall decide whether a conflict exists and how to resolve it and the Committee Member shall abide by the decision.
- (3) The Committee Member who has a conflict shall:
 - (a) absent themselves from the room when the matter is considered;
 - (b) refrain from voting on the matter; and
 - (c) not do anything to influence the decision.
- (4) The conflict of interest shall be recorded in the minutes of the Committee meeting.

5.04 Confidentiality

- (1) Council Members and Committee Members, College staff and persons retained or appointed by the College shall:
 - (a) maintain confidentiality of information disclosed to them in the course of discharging their duties, unless otherwise authorized by Council or permitted under section 36(1) of the RHPA;
 - (b) refrain from discussing matters arising in an *in camera* meeting;
 - (c) refrain from communicating to Members, including Council Members or Committee Members, information regarding registration, complaints, reports, investigations, disciplinary or fitness to practise proceedings, unless:
 - (i) they are a Member of the same panel considering the matter, or
 - (ii) when there is no panel, of the same Committee considering the matter.

(d) seek advice if any doubt whether an exception under Section 36(1) of the RHPA applies.

5.05 Code of Conduct

- (1) Council Members and Committee Members must, at all times, when discharging their College duties, act in the public's best interest, maintain high standards of integrity, honesty, and loyalty.
- (2) The College's Code of Conduct for Council Members and Committee Members includes:
 - (a) being familiar and complying with the provisions of the RHPA, the Act, and the By-laws and policies of the College;
 - (b) actively and constructively participating in Council and Committee deliberations in a respectful and courteous manner, recognizing the diverse background, skills and experience of Council Members and Committee Members;
 - (c) regularly attending and being prepared for meetings;
 - (d) abiding by and endorsing Council and Committee decisions, regardless of personal opinions about them; and
 - (e) respecting the boundaries of College staff who do not report to or work for individual Council Members or Committee Members;
 - (f) being respectful of others and not engaging in behaviour that might reasonably be perceived as verbal, physical or sexual abuse or harassment; and
 - (g) refraining from any other form of misconduct Council may determine.

5.06 Grounds for Disqualifying or Sanctioning an Elected Council Member or Committee Member

- (1) Council shall disqualify an Elected Council Member or Committee Member from sitting on Council or a Committee, as the case may be, if they:
 - (a) are found by a panel of the Discipline Committee to be incompetent or to have committed an act of professional misconduct;
 - (b) are found by a panel of the Fitness to Practise Committee to be an incapacitated member;
 - (c) cease to reside or practise optometry in the electoral district for which the Member was elected;
 - (d) cease to be a member of the Faculty of the University of Waterloo School of Optometry and Vision Science if elected in District 6;
 - (e) cease to be the holder of:
 - (i) a general certificate of registration; or
 - (ii) an academic certificate of registration;

- (f) after having been provided with an opportunity to rectify any failure in their obligations to the College:
 - (i) remain in default of any fee, charge or order for costs owing to the College,
 - (ii) fail to submit to the College all required forms and documents, or
 - (iii) cease to otherwise be in good standing with the College;
 - (g) have any exceptional term, condition or limitation on their certificate of registration;
 - (h) fail to annually sign and/or comply with the confidentiality agreement with the College, in the form approved by Council;
 - (i) become a director, officer, committee member or chair, appointee, employee, independent contractor or service provider of the Ontario Association of Optometrists, the Canadian Association of Optometrists or any other organization that is considered by Council to create a real or apparent conflict of interest.
 - (j) subject to the discretion of Council to excuse the absence:
 - (i) fail to attend any two (2) of three (3) consecutive regular meetings of the Council;
 - (ii) fail to attend any two (2) of three (3) consecutive regular meetings of a Committee of which they are a member; and
 - (iii) fail to attend a hearing or proceeding, or part thereof, of a panel on which they sit.
- (2) An Elected Council Member or a Committee Member may also be disqualified or sanctioned if they fail to comply with these By-laws, including the College's Code of Conduct and the conflict of interest provisions.

5.07 Grounds for Requesting the Disqualification or Sanctioning of an Appointed Council Member

- (1) The College shall request that the Public Appointments Secretariat disqualify and remove an Appointed Council Member from Council if the Appointed Council Member:
 - (a) becomes a Member; or
 - (b) fails to comply with paragraphs (h) through (j) of section 1 of Part 5.06; and
- (2) An Appointed Council Member may also be sanctioned and a request made that they be disqualified if they fail to comply with these By-laws including the College's Code of Conduct and the conflict of interest provisions.

5.08 Process for Disqualifying or Sanctioning a Council Member and Committee Member

- (1) The following process shall be used to disqualify or sanction an Elected Council Member, Committee Member or Appointed Council Member (the "Subject Member"):
 - (a) Where a Council Member or the Registrar receives information in writing that suggests that a Subject Member should be disqualified or sanctioned the Council Member or Registrar shall notify the Council-delegated Committee in writing;
 - (b) The Council-delegated Committee shall provide the Subject Member with notice of the matter and thirty (30) days to provide a written response;
 - (c) The Council-delegated Committee shall consider the matter and dismiss the matter, sanction the Subject Member, or if it finds that the Subject Member ought to be disqualified, refer the matter to the President within thirty days of its decision;
 - (d) Upon receipt of the information, the President shall do the following:
 - (i) place the matter on the Agenda at the next Council meeting or call a Special Meeting for that purpose; and
 - (ii) notify the Subject Member of the referral to Council and their right to make written or oral submissions at the meeting.
 - (e) When considering the matter, Council may do one or more of the following:
 - (i) conduct an investigation into the matter before considering the matter;
 - (ii) dismiss the matter;
 - (iii) sanction or disqualify the Subject Member by Special Resolution; and
 - (iv) in the case of an Appointed Council Member, pass a Special Resolution to request that the Public Appointments Secretariat disqualify them.
- (2) Until the matter has been finally disposed of, the Subject Member shall be suspended from their role(s) at the College and shall not participate in any discussion or vote regarding their sanction or disqualification.
- (3) A Subject Member who has been disqualified ceases to be a Council Member and a member of all Committees.
- (4) The disqualification of a Council Member or Committee Member shall be deemed to constitute a vacancy for the purposes of these By-laws and the relevant provisions shall apply.

5.09 Temporary Suspension

- (1) A Council Member or Committee Member who becomes the subject of a disciplinary or incapacity proceeding shall not serve on Council or on any Committee until a final decision (including any appeal) has been rendered.

- (2) An Elected Council Member or Committee Member, who fails to comply with paragraph 5.06(f), shall not serve on Council or any Committee until the failure is remedied unless the failure resulted in their disqualification.

5.10 Waiting Periods

- (1) There shall be a one (1) year waiting period for the following positions:
 - (a) a Council Member, Committee Member or person referred to in paragraph 4.01(3) who wants to work as an employee of the College, on contract with the College, or hold any appointment with the College; and
 - (b) an employee, contractor or any other appointee of the College who wants to be a Council Member or Committee Member;
- (2) Council may, under exceptional circumstances, adjust the one-year waiting period in subsection (1) by Special Resolution.
- (3) After completing nine (9) consecutive years on Council, a Council Members shall complete a three (3) year waiting period prior to commencing another term on Council.
- (4) For the purposes of this section, waiting periods shall commence on the day following the last day that the conflicting position was held by the person.

5.11 Creating Rules and Policies

- (1) The College may create rules, policies and similar guiding documents to govern the College and the conduct of its Members, Council Members, Committees and panels.

Part 6 – Registration Matters

Register

6.01 Maintaining the Register

The Registrar shall maintain a register on behalf of the College in an up-to-date manner.

6.02 Content of Register Entries

In addition to the information required under subsection 23(2) of the Code, the register shall contain the following information, which is designated by the College as public pursuant to subsection 23(5) of the Code:

- (1) the Member's gender;
- (2) the date that the Member first became a Member or, if the Member was licensed under the *Health Disciplines Act*, the date when the Member was first issued a license by the College;
- (3) each Member's certificate of registration number and the date it was issued;

- (4) a description of the Member's degree in optometry (or equivalent academic achievement) and the year the Member obtained it;
- (5) any language in which the Member is able to communicate and provide services to patients;
- (6) the name and address of any optometric practise for which the Member is an employee, contractor or otherwise;
- (7) if applicable, a notation concerning the authorization by the College to prescribe drugs, and the date on which the Member received such authorization;
- (8) A Member's certificate of authorization, if any, including:
 - (a) the name of the corporation; and
 - (b) the date it was issued;
- (9) upon revision of a certificate of registration or certificate of authorization:
 - (a) details of the revision; and
 - (b) the effective date of the revision;
- (10) the effective date of resignation of the Member;
- (11) a summary of any current charges against a Member, other than those required by the Code, of which the College is aware in respect of a federal, provincial or other offence that the Registrar believes is relevant to the Member's suitability to practise;
- (12) a summary of any currently existing conditions, terms, orders, directions or agreements relating to the custody or release of the Member in provincial, federal or other offence processes, other than those required by the Code, of which the College is aware and that the Registrar believes is relevant to the Member's suitability to practise;
- (13) a summary of any findings of guilt, other than those required by the Code, of which the College is aware if made by a court after January 17, 2015, against a Member in respect of a federal, provincial or other offence that the Registrar believes is relevant to the Member's suitability to practise;
- (14) where the Member's certificate of registration is subject to any terms, conditions and limitations, the reason for them, the Committee that imposed them and the date they took effect;
- (15) where terms, conditions or limitations on the Member's certificate of registration have been varied or removed, the effective date of the variance or removal;
- (16) where the Member's certificate of registration is subject to a suspension for failure to pay a fee, the reason for the suspension and the date of the suspension in addition to the fact of the suspension;
- (17) where a suspension of the Member's certificate of registration is lifted or otherwise removed, the effective date of the lifting or removal of that suspension;

- (18) where the Member's certificate of registration is reinstated, the effective date of the reinstatement;
- (19) where a finding of professional negligence or malpractice is contained in the College's register, the following information;
- (a) the date of the finding;
 - (b) the court and the court file number;
 - (c) a summary of the finding; and
 - (d) the status of any appeal respecting the finding made against the Member;
- (20) where applicable, a summary of any restriction on the Member's right to practise:
- (a) resulting from an undertaking given by the Member to the College or an agreement entered into between the Member and the College; or
 - (b) of which the College is aware and which has been imposed by a court or other lawful authority, in which event the summary of the restriction shall also include the source of the restriction;
- (21) the following information regarding every caution that a member has received from a panel of the ICRC under paragraph 3 of subsection 26 (1) of the Code:
- (a) a notation of that fact;
 - (b) a summary of the panel's decision, including a summary of the caution;
 - (c) the date of the panel's decision; and
 - (d) if applicable, a notation that the panel's decision is subject to review and therefore is not yet final, which notation shall be removed once the review is finally disposed of;
- (22) the following information regarding any specified continuing education or remediation program that has been required by the ICRC on or after October 1, 2015, under paragraph (4) of subsection 26(1) of the Code:
- (a) a notation of that fact;
 - (b) a summary of the panel's decision, including a summary of the specified continuing education or remediation program;
 - (c) the date of the panel's decision; and
 - (d) if applicable, a notation that the panel's decision is subject to review and therefore is not yet final, which notation shall be removed once the review is finally disposed of;
- (23) the following information regarding any undertaking that the member has been directed to comply with by the ICRC on or after October 1, 2015, under paragraph (4) of subsection 26(1) of the Code:

- (a) a notation of that fact;
 - (b) a summary of the panel's decision, including a summary of the undertaking; and
 - (c) the date of the undertaking and of the panel's decision;
- (24) where the Member's certificate of registration is subject to an interim order of the ICRC, a notation of that fact, the nature of that order and its effective date;
- (25) where an allegation of a Member's professional misconduct or incompetence has been referred to the Discipline Committee or where the Registrar has referred an application for reinstatement to the Discipline Committee under section 73 of the Code and the matter is outstanding:
- (a) the date of the referral;
 - (b) a brief summary of each specified allegation, if applicable;
 - (c) the notice of hearing;
 - (d) the anticipated date of the hearing if the hearing date has been set or, if the hearing has commenced, the next scheduled date for the continuation of the hearing;
 - (e) if the hearing is awaiting scheduling, a statement of that fact; and
 - (f) if the hearing of evidence and arguments is completed and the parties are awaiting a decision of the Discipline Committee, a statement of that fact;
- (26) where a decision of the Discipline Committee has been published by the College with the Member's name:
- (a) a notation of that fact; and
 - (b) identification of the specific publication of the College which contains the information;
- (27) the reasons for decision of every disciplinary proceeding:
- (a) in which a panel of the Discipline Committee makes a finding of professional misconduct or incompetence; and
 - (b) in which a panel of the Discipline Committee makes no finding with regard to the proceeding but the Member requests that the reasons be posted in the register;
- (28) where the question of a Member's capacity has been referred to the Fitness to Practise Committee or where the Registrar has referred an application for reinstatement to the Fitness to Practise Committee under section 73 of the Code and the matter is outstanding:
- (a) the date of the referral; and
 - (b) a notation of the referral.
- (29) where the College is aware that a pending allegation of professional misconduct or incompetence or a similar allegation has been referred to a discipline type of hearing against a

Member registered or licensed to practise a profession inside or outside of Ontario and the Registrar believes that it is relevant to the Member's suitability to practise,

- (a) a notation of that fact;
- (b) the name of the governing body that made the referral;
- (c) the date of the referral if available;
- (d) a brief summary of each allegation if available; and
- (e) the notice of hearing if available;

(30) in respect of a former Member, any information that was in the register at the time the former Member's registration terminated, for a period of at least two (2) years after the termination of registration, except for any information related to discipline proceedings in Ontario, which shall be entered in the register for a period of fifty (50) years after the termination of registration; and

(31) any other information not otherwise referred to in this section, which the College and the Member have agreed shall be available to the public.

6.03 Designated Information for Safety Exception

(1) All of the information required to be kept in the register under subsection 23(2) of the Code and under 6.02 of these By-laws is designated as information that may be withheld from the public pursuant to subsection 23(6) of the Code if the Registrar has reasonable grounds to believe that disclosure of that information may jeopardize the safety of an individual.

6.04 Deletion of Information

- (1) Notwithstanding section 6.02, where after a review the ICRC has been required to remove or vary the requirement to appear for a caution or to complete a specified continuing education or remediation program:
- (a) the Registrar may delete from the register any information which would otherwise have been required to be maintained under section 6.02(23) or section 6.02(24); and
 - (b) the Registrar may enter a summary of the process leading up to and the results of any variation of a caution or a specified continuing education or remediation program.

INFORMATION PROVIDED BY MEMBERS

6.05 Member Obligations to Provide Information

- (1) Upon written request for information by the College, a Member shall respond in writing within the time provided.
- (2) A Member shall provide written notice of any change to information previously provided to the College within fourteen (14) days of the change.

6.06 Member Reports

- (1) A Member's certificate of registration must be renewed annually.
- (2) The College shall send a member report to each Member by mail or e-mail requesting any information required by the Registrar and provide the Members with at least thirty (30) days to respond.
- (3) The College may request:
 - (a) information that the College is required to maintain in the register;
 - (b) a copy of the declarations page from the Member's professional liability insurance policy;
 - (c) information which allows the College to maintain statistics related to the College and the Member; and
 - (d) any other information the College requires.
- (4) If a Member fails to return a completed member report to the College within the time provided, the Registrar shall:
 - (a) notify the Member in writing of such failure; and
 - (b) provide the Member with a reasonable period to return a completed member report to the College.
- (5) If the Member fails to rectify the failure within the time provided, the College may, without notice, suspend the Member's certificate of registration until a completed member report is returned.
- (6) When the College receives notice of a change in information required for the issuance of a certificate of registration, it may:
 - (a) issue a revised certificate of registration;
 - (b) decline to revise the existing certificate of registration; or
 - (c) revoke a certificate of registration.

LIFE MEMBERS

6.07 Life Members

- (1) A Member or a former Member may apply to the College to be designated as a Life Member by the College's Registrar;
- (2) A Member or a former Member is eligible to be a Life Member if they:
 - (a) hold or have ever held a general certificate of registration or academic certificate of registration with the College for at least twenty-five (25) years;

- (b) have retired from practising optometry;
 - (c) were in good standing with the College when they resigned their membership with the College;
 - (d) are not a Council Member;
 - (e) after having been provided with an opportunity to rectify any failure of their obligations to the College:
 - (i) have paid any fee, penalty or order for costs owing to the College;
 - (ii) have submitted to the College all required forms and documents; and
 - (iii) are otherwise in good standing with the College;
 - (f) have not had their certificate of registration suspended or revoked in the previous six (6) years;
 - (g) have not had any exceptional term, condition or limitation on their certificate of registration in the previous six (6) years;
 - (h) are not the subject of any disciplinary or incapacity proceedings; and
 - (i) have not otherwise acted in a manner that is inconsistent with an ongoing association with the College.
- (3) A Life Member shall not:
- (a) practise optometry;
 - (b) hold themselves out as qualified to practise optometry in Ontario; or
 - (c) be eligible for election to Council or vote in Council elections.
- (4) A Life Member's designation may be revoked by the Registrar if the Life Member
- (a) is found by a panel of the Discipline Committee to be incompetent or to have committed an act of professional misconduct;
 - (b) acts in a manner that is inconsistent with an ongoing association with the College provided that, before making a determination, the Registrar first provides the Life Member with a reasonable opportunity to make written submissions; or
 - (c) after having been provided with an opportunity to rectify any failure in their obligations to the College:
 - (i) remains in default of any fee, charge or order for costs owing to the College;
 - (ii) fails to submit to the College all required forms and documents; or
 - (iii) ceases to otherwise be in good standing with the College.

- (5) A Life Member who wishes to re-obtain a general or academic certificate of registration must apply for one and meet the registration requirements in effect at the time of application.

HEALTH PROFESSIONAL CORPORATIONS

6.08 Obligation to Provide Information

- (1) Upon written request for information from the College, a health professional corporation shall respond in writing within the time provided.

6.09 Application

- (1) A health professional corporation is eligible to hold a certificate of authorization if:
- (a) the articles of the corporation provide that the corporation cannot carry on a business other than the practise of optometry and activities related to or ancillary to the practise of optometry;
 - (b) all of the issued and outstanding shares of the corporation are legally and beneficially owned, directly or indirectly, by one or more Members; and
 - (c) all the requirements set out in these By-laws, the *Ontario Business Corporations Act*, the RHPA, the Act and in any other applicable statute or regulation have been satisfied.
- (2) In order to obtain a certificate of authorization, a health professional corporation shall submit a completed application package to the College which shall include the following:
- (a) a copy of the corporation's articles of incorporation, continuance and/or amalgamation, as applicable;
 - (b) a corporation profile report that has been issued no more than thirty (30) days before submitting the application indicating that the corporation has not been dissolved;
 - (c) a statutory declaration of a director of the corporation, executed not more than fifteen (15) days before submitting the application, certifying that:
 - (i) the corporation complies with the relevant legislation;
 - (ii) the corporation does not carry on, and does not plan to carry on, any business that is not the practise of optometry or practises related to or ancillary to the practise of optometry;
 - (iii) there has been no change in the status of the corporation since the date of the corporation profile report; and
 - (iv) the information contained in the application is complete and accurate as of the date the statutory declaration is executed;
 - (d) the signature of all shareholders of the health professional corporation; and
 - (e) any other information the College deems necessary.

6.10 Renewal

- (1) A certificate of authorization must be renewed annually on or before the anniversary of the certificate's date of issue.
- (2) The College will request any information required by the Registrar from a health professional corporation by mail or e-mail and provide the health professional corporation with at least thirty (30) days to respond.
- (3) If a health professional corporation fails to renew within the time provided, the Registrar may:
 - (a) notify the health professional corporation in writing of such failure;
 - (b) provide the health professional corporation with at least sixty (60) days to provide the renewal documents and fee(s) to the College; and
 - (c) advise the health professional corporation that failure to renew will result in revocation of the health professional corporation's certificate of authorization.
- (4) A health professional corporation must advise the Registrar in writing of a change to any information required for issuance of a certificate of authorization within fourteen (14) days of such change. When the College receives such a notice, it may:
 - (a) issue a revised certificate of authorization;
 - (b) decline to revise the existing certificate of authorization; or
 - (c) revoke a certificate of authorization.

Professional Liability Insurance

6.11 Mandatory Insurance for Members

- (1) No Member shall engage in the practise of optometry unless they are personally insured against professional liability under a professional liability insurance policy that provides coverage based on when an "occurrence" allegedly took place.
- (2) The professional liability insurance policy must include the following:
 - (a) minimum coverage in the amount of \$2,000,000 per occurrence and \$5,000,000 aggregate per year; and
 - (b) a deductible of not more than \$5,000.
- (3) A Member must, at all times, keep a copy of their professional liability insurance policy at all of their places of business.

Part 7 – By-Laws

7.01 Special Resolution is Required

- (1) A Special Resolution is required to amend or revoke these By-laws, or make new By-laws.
- (2) Written notice of all motions applying to the making, amending or revoking of a By-law shall be circulated as follows:
 - (a) to Council Members at least fourteen (14) days prior to the consideration of such motion; and
 - (b) when required under section 94(2) of the Code, to all Members at least sixty (60) days prior to the tabling of such motion.
- (3) Every By-law, including every amendment and revocation of a By-law, shall be dated and numbered according to the date on which it was passed.

Part 8 – Fees and Penalties

8.01 Setting and Imposing Fees and Penalties

- (1) The College shall maintain, as a schedule to these By-laws, a list of all fees and penalties which may be charged or imposed by the College. Council may, without amending these By-laws, adjust the amount of any fees or penalties set out in the schedule to reflect annual changes to the Consumer Price Index (Canada) plus up to 2%.
- (2) Where no fee or penalty has been set out in the schedule, a Member or person shall pay to the College the fee or penalty set by the College.

8.02 Obligation to Pay Fees and Penalties

- (1) A Member's obligation to pay a fee or penalty continues regardless of whether the College has failed to send notice of it to the Member or the Member has not received the notice.
- (2) The College may waive all or a portion of any fee or penalty.

8.03 Consequences for Failure to Pay Fees and Penalties

- (1) Any fee or penalty charged or imposed by the College not paid by a Member shall be included as part of a Member's next annual membership fee.
- (2) If a Member fails to pay a fee or penalty or part thereof, the Registrar may suspend the Member's certificate of registration within thirty (30) days of having given the Member notice that they intend to do so.

Schedule of Fees and Penalties – effective January 1, 2020

All of the following fees are in Canadian funds and subject to 13% HST.

	Fee
Application Fee including Jurisprudence Seminar and Exam Fee	\$420.00
Jurisprudence Reassessment Fee	\$184.00
Certificate Fee upon completion of all College registration requirements	\$26.00
Duplicate Certificate fee:	
• when ordered at the same time as the initial certificate	\$11.00
• when ordered some time after ordering the initial certificate	\$26.00
Annual Membership Fee (non-refundable)	\$945.00
Annual Non-Practising Membership Fee (non-refundable)	\$472.50
Late Penalty Fee (application, membership renewal, Certificate of Authorization renewal)	\$105.00
Reinstatement Fee (membership)	\$210.00
Certificate of Authorization (Incorporation) Application Fee	\$440.00
Certificate of Authorization (Incorporation) Certificate Fee	\$26.00
Certificate of Authorization (Incorporation) Revision	\$220.00
Certificate of Authorization (Incorporation) Annual Renewal Fee	\$220.00
Quality Assurance Practise Assessment Fee (CRA)	\$2,400.00
Quality Assurance Short Record Assessment Fee (for CE deficient hours):	
• Deficient by 5 hours or less (5 records)	\$1,000.00
• Deficient by more than 5 hours (25 records)	\$5,000.00
Incorrectly Underreported CE Hours Audit Fee	\$350.00
Quality Assurance Evaluation Fee	\$3,176.00
Certificate of Standing	\$105.00
Address Labels:	
For members and other professionals on profession-related business (e.g., referrals)	\$32.00
For continuing education providers (e.g., UWSO, Vision Institute, University of Toronto)	\$95.00
For any commercial organization	\$315.00
NSF Cheques	\$42.00
Fee for Copying and Providing any Requested Documentation	Actual costs to the College of providing the copies



College By-laws

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Revised September 4, 2012

Revised January 16, 2015

Revised April 8, 2015

Revised September 30, 2015

Revised January 20, 2016

Revised Fee Schedule Effective April 20, 2016

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Revised June 22, 2017

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Revised June 21, 2018

Revised September 27, 2019

Revised Fee Schedule Effective January 1, 2020

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BY-LAWS OF THE COLLEGE OF OPTOMETRISTS OF ONTARIO

PART 1 - DEFINITIONS

1.01 Definitions

(1) In these By-laws, unless otherwise defined or required by the context,

"**Act**" means the *Optometry Act, 1991* including its associated regulations;

"**Appointed Council Member**" means a person appointed to Council by the Lieutenant Governor in Council;

"**Code**" means the *Health Professions Procedural Code*, which is Schedule 2 of the *Regulated Health Professions Act, 1991*;

"**College**" means the College of Optometrists of Ontario;

"**Committee**" means a committee established under s. 10 of the Code or a committee established under these By-laws;

"**Committee Member**" means a member of a Committee;

"**Committee Meeting**" means a meeting of any Committee but does not include a hearing or a meeting of a panel of a Committee;

"**Council**" means the Council established under section 6 of the Act;

"**Council Committee Member**" means a Member of the College who is elected to Council and appointed by Council to a Committee, and includes a Member appointed to a Committee to fill a vacancy;

"**Council Meeting**" means a meeting of Council;

"**Council Member**" means an Elected Council Member, an Appointed Council Member and/or a member of Council selected from the Faculty of the University of Waterloo School of Optometry and Vision Science;

"**Elected Council Member**" means a Member of the College elected to Council in accordance with these By-laws (including District 6);

"**Faculty**" means a person who belongs to the faculty of the University of Waterloo School of Optometry and Vision Science. However, Faculty does not include a person who has only been granted an appointment for research or a special appointment, a visiting or adjunct instructor, or a person who holds a similarly restricted position;

“**ICRC**” means the Inquiries, Reports and Complaints Committee;

“**Life Member**” means a Member or former Member of the College who has been designated as a Life Member by the College because, among other things, they have practised optometry in Ontario for at least twenty five (25) years and has retired from practising optometry;

“**Member**” means a person or health professional corporation registered with the College, as the case may be;

“**Resolution**” means a vote of at least a majority of those Council Members in attendance at the meeting and voting on the resolution;

“**RHPA**” means the *Regulated Health Professions Act, 1991*, including its associated regulations and the Code;

“**Special Resolution**” means a vote of at least a 2/3 majority of Council Members in attendance at the meeting and voting on the resolution; and

“**Written Resolution**” means a Resolution or Special Resolution passed by Council Members in the absence of a meeting in person, and the position or vote of any Council Member may be communicated in writing, including fax, e-mail and any other manner as Council may determine.

- (2) Any term not defined in these By-laws shall have the meaning provided to it in the RHPA or the Act.

1.02 Seal

The seal of the College, if any, shall be in the form determined by Council.

PART 2 - BY-LAWS

2.01 Special Resolution is Required

- (1) A Special Resolution is required to amend or revoke these By-laws, or make new By-laws.
- (2) Written notice of all motions applying to the making, amending or revoking of a By-law shall be circulated as follows:
 - (a) to Council Members at least fourteen (14) days prior to the consideration of such motion; and
 - (b) when required under section 94(2) of the Code, to all Members at least sixty (60) days prior to the tabling of such motion.
- (3) Every By-law, including every amendment and revocation of a By-law, shall be dated and numbered according to the date on which it was passed.

PART 3 - BUSINESS PRACTICES

3.01 Banking

- (1) The College shall appoint a bank chartered under the *Bank Act* (Canada) for the use of the College.
- (2) All money belonging to the College shall be deposited in the name of the College with the bank.

3.02 Investments

- (1) College funds not immediately required for use by the College may be invested in accordance with the investment criteria established by Council.
- (2) Council may authorize, by Resolution, any employee of the College to give directions to an investment advisor.
- (3) All securities and other negotiable instruments in which the College's monies have been invested shall be registered in the name of the College.
- (4) Council shall oversee and ensure that a process is in place to fairly evaluate the College's investments and investment advisor annually.

3.03 Borrowing

- (1) Council may, by Special Resolution:
 - (a) borrow money on the credit of the College;
 - (b) limit or increase the amount of money the College may borrow; or
 - (c) pledge assets of the College.

3.04 Expenses

- (1) If a College expenditure has previously been approved as an item in the College's budget, or if it is not an item in the College budget but is below \$25,000, the expense requires only the Registrar's approval.
- (2) College expenditures that are not an item in the College budget and are above \$25,000, shall be reviewed by the Council-delegated Committee for recommendations to Council as to whether or not to approve the expenditure.

3.05 Financial Year

- (1) The financial year of the College is January 1st to December 31st.

3.06 Auditors

- (1) Council shall appoint an auditor to audit the accounts of the College.

3.07 Annual Financial Statements

- (2) The College shall publish the annual financial statements, including the audit report in the annual report

PART 4 - INSURANCE AND INDEMNIFICATION

4.01 Indemnification

The College shall indemnify and save harmless every Council Member, Committee Member, employee, appointee or other duly designated representative of the College and their heirs, executors and administrators, and estates, out of the funds of the College from and against,

- (1) all costs, charges and expenses whatsoever that they sustain or incur in or about any action, suit or proceeding that is brought, commenced or prosecuted against them, for or in respect of any act, deed, matter or thing whatsoever, made, done or permitted by them, in or about the execution of the duties of their position or employment, and
- (2) all other costs, charges and expenses that they sustain or incur in relation to the College's affairs,

except such costs, charges or expenses incurred as a result of their own wilful misconduct or gross negligence.

PART 5 - EXECUTION OF DOCUMENTS

5.01 Signing Authority

- (1) Documents or instruments requiring execution by the College may be signed by the President, Vice-President, the Registrar, or any individual appointed by Resolution of Council.
- (2) The Registrar may sign summonses, notices and orders on behalf of the College.

PART 6 - ELECTION OF COUNCIL MEMBERS

6.01 Electoral Districts

- (1) Council shall consist of:
 - (a) Nine Elected Council Members elected from the following electoral districts:

- (i) **"District 1"** which comprises the municipality of Toronto and the regional municipalities of Halton, City of Hamilton, Niagara, Peel and York;
 - (ii) **"District 2"** which comprises the Northern Electoral District, composed of the territorial districts of Algoma, Cochrane, Kenora, Manitoulin, Nipissing, Parry Sound, Rainy River, City of Greater Sudbury, Thunder Bay and Timiskaming, the counties of Bruce, Dufferin, Grey, Haliburton, Huron; Renfrew and Simcoe and the district municipality of Muskoka;
 - (iii) **"District 3"** which comprises the Eastern Electoral District, composed of the counties of Frontenac, Hastings, Lanark, Northumberland, Peterborough, Prince Edward, Kawartha Lakes, Leeds & Grenville, Lennox and Addington, Prescott and Russell United Counties, Stormont, Dundas and Glengarry and the Durham Region and the City of Ottawa;
 - (iv) **"District 4"** which comprises the Western Electoral District, composed of Brant, Elgin, Essex, Chatham-Kent, Lambton, Middlesex, Oxford, Perth and Wellington and the regional municipalities of Haldimand County, Norfolk County and Waterloo; and
 - (v) **"District 5"** which comprises the Provincial Electoral District, composed of the whole of the Province of Ontario;
 - (b) Eight (8) Appointed Council Members; and
 - (c) One (1) Member, who has been selected from the Faculty of the University of Waterloo School of Optometry and Vision Science, provided that that person has first been elected, in the manner set out in these By-laws, by those Members who belong to the Faculty of the University of Waterloo School of Optometry and Vision Science. The electoral district for this Council position will be referred to as **"District 6"**.
- (2) Except for electoral Districts 1 and 5, one member is to be elected for each electoral district.
 - (a) Two (2) members are to be elected for electoral District 1 and four (4) members are to be elected for electoral District 5.
 - (3) If an electoral district has no candidate at the time of an election, that Council seat shall be transferred to District 5 to allow for any eligible Member to stand for election for that Council seat.

6.02 Voting Eligibility

A Member is eligible to vote in an election for Council if, on the 45th day before the election, the Member:

- (a) is the holder of a general or academic certificate of registration;
- (b) has paid any fee, penalty or order for costs owing to the College;
- (c) has submitted to the College all required forms and documents; and
- (d) is otherwise in good standing with the College.

6.03 Election Date

(1) Elections or selection for Council shall take place as follows:

- (a) For District 1:
 - (i) one (1) Council Member in 2021, and every third year thereafter; and
 - (ii) one (1) Council Member in 2022, and every third year thereafter;
- (b) For Districts 2 and 3: one (1) Council Member each in 2022, and every third year thereafter;
- (c) For District 4: one (1) Council Member in 2021, and every third year thereafter;
- (d) For District 5:
 - (i) two (2) Council Member in 2020, and every third year thereafter;
 - (ii) one (1) Council Member in 2021, and every third year thereafter; and
 - (iii) one (1) Council Members in 2022, and every third year thereafter;
- (e) For District 6, one (1) Council Member in 2021, and every third year thereafter.

- (2) Council elections and selection shall take place before the end of November in any given year.

6.04 Eligibility for Election

- (1) A Member is eligible for election to Council if they meet the following requirements by the nomination deadline:
 - (a) the Member resides or practises optometry in the district for which the Member is seeking election;
 - (b) the Member is the holder of a general or academic certificate of registration that is not subject to any exceptional term, condition or limitation.
 - (c) the Member is not a director, officer, committee member or chair, appointee, employee, independent contractor or service provider of the Ontario Association of Optometrists, the Canadian Association of Optometrists or any other organization that is considered by Council to create a real or apparent conflict of interest.
 - (d) after having been provided with an opportunity to rectify any failure in their obligations to the College, the Member:
 - (i) has paid any fee, charge or order for costs owing to the College,
 - (ii) has submitted to the College all required forms and documents, and
 - (iii) is otherwise in good standing with the College;
 - (e) the Member is not the subject of any disciplinary or incapacity proceedings; and
 - (f) the Member has not been disqualified by Council as a Council Member or Committee Member in the preceding six (6) years.
- (2) A Member who is a member of the Faculty of the University of Waterloo School of Optometry and Vision Science shall only be eligible for District 6.
- (3) No Member shall be a candidate for Council Member in more than one district during an election.
- (4) A member is not eligible for election to Council if they would be unable to complete the term as a result of any of the following:
 - (a) they would exceed the nine (9) consecutive years term limit set out at subsection 5(2) of the Code;

- (b) they would exceed eighteen (18) years in their lifetime on Council; or
- (c) they would exceed a total of twenty-one (21) years in their lifetime of serving on Council and/or any Committees where time served simultaneously on Council and/or any Committees is counted concurrently.

6.05 Term of Office

- (1) The term of office of a Council Member is three (3) years, beginning January 1st in the year following their election and expiring on December 31st three (3) years later.
- (2) Notwithstanding the application of paragraphs 6.04(4)(a) and (b), Council Members who took office in 2018, 2019, and 2020, shall be permitted to complete their current terms of office.

6.06 Nominating Procedure

- (1) At least sixty (60) days before the date of election the Registrar shall invite nominations for Council from the membership in the relevant electoral district.
- (2) Members must submit their nominations to the Registrar no later than thirty (30) days before the election.

6.07 Election Procedure

- (1) Each eligible Member may vote once for a candidate:
 - (a) in one of the following:
 - (i) in the district in which the Member's primary practise is located; or, if a Member does not practise optometry in Ontario, in the district where they primarily reside; or
 - (ii) if the Member belongs to the Faculty of the University of Waterloo School of Optometry and Vision Science, in District 6; and
 - (b) in District 5.
- (2) When there is more than one candidate for a position, the Registrar shall, at least fifteen (15) days before an election, send each Member entitled to vote in an election a ballot along with the voting instructions and any campaign materials provided by candidates.
- (3) The Registrar shall cause the votes to be tallied.

- (4) The candidate (or their designate) is entitled to be present while the Registrar tallies the votes.
- (5) The candidate who receives the most votes cast on a ballot for each contested electoral district shall be declared elected.
- (6) If the votes on a ballot result in a tie, the Registrar shall resolve the deadlock by lot.
- (7) If a position in an electoral district is not contested, the Registrar shall declare the candidate elected by acclamation.
- (8) Where an issue arises with respect to a ballot that is not governed by these By-laws, the Registrar shall resolve the dispute in a fair manner.
- (9) The Registrar shall report the results of the election to Council and the Members.
- (10) If Council determines, by Special Resolution, that an alternative method of voting would be preferable, Council shall create a democratic and fair procedure.

6.08 Vote Recount

- (1) If a candidate has lost the election, the candidate (or their designate) may request a recount provided that:
 - (a) they lost the election by no more than twenty (20) votes; and
 - (b) the request is made in writing to the Registrar within seven (7) days of the results of the election being reported.
- (2) The recount shall occur within fourteen (14) days of a valid recount request.
- (3) The candidate requesting the recount and the candidate previously declared the winner (or a designate of each) shall be entitled to be present at the recount.
- (4) If the outcome of the recount changes the election results, the candidate who has now received the most votes on the ballot shall be declared elected
- (5) If the recount of the votes on the ballot results in a tie, the Registrar shall resolve the deadlock by lot.
- (6) Where an issue arises with respect to the recount that is not governed by these By-laws, the Registrar shall resolve the dispute in a fair manner.
- (7) The Registrar shall report the results of the recount to Council and the Members.

6.09 Election Irregularity

- (1) If the Council is of the opinion that there is a reasonable ground for doubt or dispute as to the validity of the election or selection of any Council Member, the Council shall hold an inquiry and decide whether it is valid and, if found to be invalid, the Council shall direct another election or selection to be held. Council shall not declare an election or selection result to be invalid solely on the basis of a minor irregularity regarding the requirements of these By-laws or a procedure established by the Registrar.

6.10 Council Vacancies

- (1) If an Elected Council Member's seat becomes vacant during the first two (2) years of a Council Member's term:
 - (a) Council shall appoint the candidate who received the most votes during the previous election to fill the vacant position in that district provided that:
 - (i) the Member agrees to fill the vacant position; and
 - (ii) the Member is eligible to be a Council Member; or
 - (b) if the above requirements cannot be satisfied, the Registrar shall hold a by-election to fill the vacancy.
- (2) If the seat of an Elected Council Member becomes vacant in the third year of a Council Member's term, Council is not required to fill the vacancy.
- (3) If a vacancy on Council is filled by holding a by-election and the votes cast result in a tie, the Registrar shall resolve the deadlock by lot.
- (4) In the case of a by-election, the Registrar may amend the timing of the nomination and election procedure laid out in Part 6 to facilitate the filling of the vacancy.
- (5) Where an issue arises that is not governed by these By-laws during an election, the Registrar shall resolve the dispute in a fair manner.
- (6) The term of the replacement Council Member shall continue until the time when the previous Elected Council Member's term would have expired.

6.11 Unexpected Circumstances

If, for whatever reason, the election cannot be held in the time or manner intended, the Registrar, with consent of Council may delay or extend the election so as to hold the election in a fair manner.

PART 7 - ELECTION OF OFFICERS

7.01 Officers

The officers of the College consist of a President and Vice-President as well as such other officer position as Council may determine by Special Resolution.

7.02 Nomination Procedure

- (1) Before the final Council Meeting each year, the Registrar shall invite nominations from Council Members for election to the office of the President, Vice-President and any other officer position as Council may determine for the following year.
- (2) Council Members must submit their nomination to the Registrar before the Council Meeting when the election of officers is to take place.

7.03 Process for Election of Officers

- (1) The election of officers shall take place on an annual basis at the last Council Meeting of each year.
- (2) At a Council Meeting during which an election of officers occurs:
 - (a) a special quorum of at least 2/3 of all Council Members must be present;
 - (b) the Registrar shall present the names of candidates who have indicated their interest for each officer's position;
 - (c) when an officer's position is not contested, the Registrar shall declare the candidate elected by acclamation; and
 - (d) when there is more than one candidate for an officer's position:
 - (i) voting shall be conducted by secret ballot;
 - (ii) the Registrar shall count the ballots, and report the results to Council;
 - (iii) the candidate who receives the most votes cast on a ballot shall be declared elected; and
 - (iv) if there is a tie in votes cast, the Registrar shall resolve the deadlock by lot.
- (3) Where an issue arises that is not governed by these By-laws during an election, the Registrar shall resolve the dispute in a fair manner.

7.04 Officer Term Limits

- (1) The term of an officer is one year, from January 1st to December 31st.
- (2) No officer shall serve more than four years in their lifetime in the office of President or the office of Vice-President.
 - (a) Council may exempt this requirement if it is necessary to ensure that the Executive Committee functions properly including that it has the proper composition or quorum.

7.05 Officer Vacancies

- (1) If the position of the President becomes vacant, the Vice-President shall become President.
- (2) If the position of the Vice-President becomes vacant, Council shall elect by Resolution a Council Member to fill the position for the remainder of the term.
- (3) If the position of any other officer becomes vacant, that position:
 - (a) may remain vacant until the term of the previous holder of that position would have expired; or
 - (b) Council may, by Resolution, elect a Council Member to fill the position for the remainder of the term.
- (4) If there is a tie in votes cast for an election for a vacant officer's position, the Registrar shall resolve the deadlock by lot.
- (5) Where an issue arises that is not governed by these By-laws during an election, the Registrar shall resolve the dispute in a fair manner.

PART 8 - APPOINTMENT TO COMMITTEES

8.01 Eligibility for Appointment to Committees

A Member is eligible to be appointed to a Committee for a one-year term if they meet the following requirements on the date of appointment:

- (1) the Member's certificate of registration is not subject to any exceptional term, condition or limitation;
- (2) the Member is not the subject of any disciplinary or incapacity proceeding;
- (3) the Member is not a director, officer, committee member or chair, appointee, employee, independent contractor or service provider of the Ontario Association of Optometrists, the Canadian Association of Optometrists or any

other organization that is considered by Council to create a real or apparent conflict of interest;

- (4) the Member has not been a member of that Committee for a total of nine (9) years or more in their lifetime;
- (5) the Member has not already served a total of twenty-one (21) years in their lifetime on Council and/or any Committee subject to the following:
 - (a) For the purposes of calculating the twenty-one (21) years' time served simultaneously on Council and/or any Committees is counted concurrently; and
 - (b) Council may exempt this requirement if it is necessary to ensure that the Committee functions properly including that it has the proper composition or quorum;
- (6) the Member has not been disqualified as a Council Member or Committee Member in the preceding six (6) years; and
- (7) after having been provided with an opportunity to rectify any failure in their obligations to the College, the Member:
 - (b) has paid any fee, charge or order for costs owing to the College,
 - (c) has submitted to the College all required forms and documents, and
 - (d) is otherwise in good standing with the College.

8.02 Appointing Committee Members and Committee Chairs

- (1) At the final meeting of the year, Council shall appoint Council Members and non-Council Members to the Committees, including the Chairs for each Committee.
- (2) If the Council is unable to meet the composition requirements set out in these By-laws for any Committee, Council may temporarily adjust the composition until those requirements can be met.

8.03 Committee Vacancies

- (1) If a vacancy of a Committee Member occurs, a Council-delegated Committee may recommend a replacement Committee Member, to be appointed by Council.

- (2) If a vacancy of a Committee Chair occurs, a Council-delegated Committee shall recommend a replacement Committee Chair, to be appointed by Council

PART 9 - DISQUALIFYING AND SANCTIONING COUNCIL MEMBERS AND COMMITTEE MEMBERS

9.01 Grounds for Disqualifying or Sanctioning an Elected Council Member or Committee Member

- (1) Council shall disqualify an Elected Council Member or Committee Member from sitting on Council or a Committee, as the case may be, if they:
 - (a) are found by a panel of the Discipline Committee to be incompetent or to have committed an act of professional misconduct;
 - (b) are found by a panel of the Fitness to Practise Committee to be an incapacitated member;
 - (c) cease to reside or practise optometry in the electoral district for which the Member was elected;
 - (d) cease to be a member of the Faculty of the University of Waterloo School of Optometry and Vision Science if elected in District 6;
 - (e) cease to be the holder of:
 - (i) a general certificate of registration; or
 - (ii) an academic certificate of registration;
 - (f) after having been provided with an opportunity to rectify any failure in their obligations to the College:
 - (i) remain in default of any fee, charge or order for costs owing to the College,
 - (ii) fail to submit to the College all required forms and documents, or
 - (iii) cease to otherwise be in good standing with the College;
 - (g) have any exceptional term, condition or limitation on their certificate of registration;
 - (h) fail to annually sign and/or comply with the confidentiality agreement with the College, in the form approved by Council;

- (i) becomes a director, officer, committee member or chair, appointee, employee, independent contractor or service provider of the Ontario Association of Optometrists, the Canadian Association of Optometrists or any other organization that is considered by Council to create a real or apparent conflict of interest.
- (j) subject to the discretion of Council to excuse the absence:
 - (i) fail to attend any two (2) of three (3) consecutive regular meetings of the Council;
 - (ii) fail to attend any two (2) of three (3) consecutive regular meetings of a Committee of which they are a member; and
 - (iii) fail to attend a hearing or proceeding, or part thereof, of a panel on which they sit.
- (2) An Elected Council Member or a Committee Member may also be disqualified or sanctioned if they fail to comply with these By-laws, including the College's Code of Conduct and the conflict of interest provisions.

9.02 Grounds for Requesting the Disqualification or Sanctioning of an Appointed Council Member

- (1) The College shall request that the Public Appointments Secretariat to disqualify and remove an Appointed Council Member from Council if the Appointed Council Member:
 - (a) becomes a Member; or
 - (b) fails to comply with paragraphs (h) through (j) of section 1 of Part 9.01; and
- (2) An Appointed Council Member may also be sanctioned and a request made that they be disqualified if they fail to comply with these By-laws including the College's Code of Conduct and the conflict of interest provisions.

9.03 Process for Disqualifying or Sanctioning a Council Member and Committee Member

- (1) The following process shall be used to disqualify or sanction an Elected Council Member, Committee Member or Appointed Council Member (the "Subject Member"):
 - (a) Where a Council Member or the Registrar receives information in writing that suggests that a Subject Member should be disqualified or sanctioned the Council Member or

Registrar shall notify the Council-delegated Committee in writing;

- (b) The Council-delegated Committee shall provide the Subject Member with notice of the matter and thirty (30) days to provide a written response;
 - (c) The Council-delegated Committee shall consider the matter and dismiss the matter, sanction the Subject Member, or if it finds that the Subject Member ought to be disqualified, refer the matter to the President within thirty days of its decision;
 - (d) Upon receipt of the information, the President shall do the following:
 - (i) place the matter on the Agenda at the next Council meeting or call a Special Meeting for that purpose; and
 - (ii) notify the Subject Member of the referral to Council and their right to make written or oral submissions at the meeting.
 - (e) When considering the matter, Council may do one or more of the following:
 - (i) conduct an investigation into the matter before considering the matter;
 - (ii) dismiss the matter;
 - (iii) sanction or disqualify the Subject Member by Special Resolution; and
 - (iv) in the case of an Appointed Council Member, pass a Special Resolution to request that the Public Appointments Secretariat disqualify them.
- (2) Until the matter has been finally disposed of, the Subject Member shall be suspended from their role(s) at the College and shall not participate in any discussion or vote regarding their sanction or disqualification.
 - (3) A Subject Member who has been disqualified ceases to be a Council Member and a member of all Committees.
 - (4) The disqualification of a Council Member or Committee Member, shall be deemed to constitute a vacancy for the purposes of these By-laws and the relevant provisions shall apply.

9.04 Temporary Suspension

- (1) A Council Member or Committee Member who becomes the subject of a disciplinary or incapacity proceeding, shall not serve on Council or on any Committee until a final decision (including any appeal) has been rendered.
- (2) An Elected Council Member or Committee Member, who fails to comply with paragraph 9.01(f), shall not serve on Council or any Committee until the failure is remedied unless the failure resulted in their disqualification.

PART 10 - DESCRIPTION OF DUTIES

10.01 President

- (1) The President, with Council, is responsible for fulfilling the mandate, objectives and strategic plans of the College. The President is directly accountable to Council and indirectly accountable to the government, the public and the profession for the effective governance of the College.
- (2) The President's duties include:
 - (a) providing effective leadership for Council;
 - (b) presiding as chair of all Council Meetings and Executive Committee meetings, unless another chair has been appointed;
 - (c) overseeing the operations of Council, including approving the agenda for Council Meetings;
 - (d) working with the Registrar to ensure the efficient conduct of all Council Meetings and Executive Committee meetings and that decisions of Council and the Executive Committee are implemented;
 - (e) participating in the orientation of new Council Members, officers, Committee Members, chairs and volunteers and encouraging Members to participate in Council;
 - (f) overseeing and ensuring that a process is in place to fairly evaluate the Registrar;
 - (g) along with the Registrar, representing the College as an authorized spokesperson on College policies and positions;
 - (h) signing contracts, documents or instruments on behalf of the College;

- (i) liaising with the Registrar on any issue relating to the interaction between Council Members and College staff; and
- (j) any other duty determined by Council.

10.02 Vice-President

- (1) In the absence, inability or refusal of the President to act, the Vice-President shall have all the powers and perform all the duties of the President.
- (2) The Vice-President is directly accountable to Council and indirectly accountable to the government, the public and the profession for the effective governance of the College.
- (3) The Vice-President's duties include:
 - (a) serving on the Executive Committee;
 - (b) any duty delegated by the President;
 - (c) signing contracts, documents or instruments on behalf of the College; and
 - (d) any other duty determined by Council.

10.03 Registrar and CEO

- (1) The Registrar holds the most senior position on the College's staff and is the chief executive officer of the College.
- (2) The Registrar is directly accountable to Council and, between Council meetings, to the Executive Committee.
- (3) The Registrar's duties include:
 - (a) overseeing the day to day affairs of the College;
 - (b) ensuring compliance with statutory obligations;
 - (c) implementing and monitoring College policies;
 - (d) facilitating the orderly transfer of presidential responsibility, when required;
 - (e) preparing and maintaining minutes of all Council and Executive Committee meetings and maintaining the College's records, documents and register;

- (f) preparing agendas for meetings of Council and the Executive Committee, and submitting those agendas to the President for approval;
- (g) providing notice of all Council and Executive Committee meetings;
- (h) establishing and maintaining administrative, human resource, and financial operations of the College's office, in collaboration with Council and the Executive Committee, to ensure effective management of the College;
- (i) signing contracts, documents and other instruments as may be assigned by Council or as are incidental to the office of the Registrar;
- (j) recruiting, hiring, promoting, terminating and establishing the terms, duration and severances of employment of College staff;
- (k) ensuring an annual performance assessment and, when applicable, encouraging continuing professional development of College staff;
- (l) acting as an official spokesperson for the College; and
- (m) any other duty determined by Council.

10.04 Committee Chairs

- (1) The Committee Chair reports to Council.
- (2) Committee Chair duties include:
 - (a) providing effective leadership for the Committee and facilitating Committee Meetings;
 - (b) approving meeting agendas prepared by College staff;
 - (c) assessing whether Committee Members have the resources and training to effectively perform the Committee's work;
 - (d) ensuring that the activities of the Committee are conducted within budget;
 - (e) working with the Committee and College staff to establish, monitor and execute Committee goals;

- (f) submitting a regular report to Council containing information on the affairs of the Committee and reporting to a Council-delegated Committee the affairs of the Committee;
- (g) being a spokesperson for the Committee and ensuring all Committee Members publicly support Committee decisions; and
- (h) any other duty determined by Council.

PART 11 - OBLIGATIONS OF COUNCIL AND COMMITTEE MEMBERS

11.01 Conflict of Interest

- (1) Council Members and Committee Members must not engage in any activities or decision-making where a conflict of interest may arise.
- (2) A conflict of interest occurs when a Council Member's or Committee Member's personal or financial interest or participation in an arrangement or agreement influences, is likely to influence, or could be perceived as influencing that person's judgment or decision-making with respect to College matters.
- (3) The personal or financial interests of a family member or close relation (such as a friend or business associate) of a Council Member or Committee Member shall be interpreted to be the interests of a Council Member or Committee Member.
- (4) A Council Member or Committee Member shall not use College property or information of any kind to advance their own interests.

11.02 Process for Declaring a Conflict of Interest for Council Members

- (1) If a Council Member believes that they or another Council Member has or may have a conflict of interest in a matter which is the subject of deliberation or action by Council, they shall consult with the Registrar and inform the Council as soon as possible before the consideration of the matter at the meeting.
- (2) If there is any doubt about whether a conflict of interest exists, the Council Member shall declare it to Council and Council shall decide in their absence whether a conflict exists and the Council Member shall accept the decision.
- (3) The Council Member who has the conflict shall do the following:
 - (a) absent themselves from the room when the matter is being considered;
 - (b) refrain from voting on the matter; and

(c) not do anything to influence the decision.

(4) The conflict of interest shall be recorded in the minutes of the meeting.

11.03 Declaring a Conflict of Interest for Committee Members

(1) If a Committee Member believes that they have or another Committee Member may have a conflict of interest in a matter which is the subject of deliberation or action, they shall consult the Committee's staff support and disclose it to the Committee chair as soon as possible before the consideration of the matter at the meeting;

(2) If there is any doubt about whether a conflict of interest exists, the Committee chair shall decide whether a conflict exists and how to resolve it and the Committee Member shall abide by the decision.

(3) The Committee Member who has a conflict shall:

(a) absent themselves from the room when the matter is considered;

(b) refrain from voting on the matter; and

(c) not do anything to influence the decision.

(4) The conflict of interest shall be recorded in the minutes of the Committee meeting.

11.04 Waiting Periods

(1) There shall be a one (1) year waiting period for the following positions:

(a) a Council Member, Committee Member or person referred to in paragraph 8.01(3)(a) who wants to work as an employee of the College, on contract with the College, or hold any appointment with the College; and

(b) an employee, contractor or any other appointee of the College who wants to be a Council Member or Committee Member.;

(2) Council may, under exceptional circumstances, adjust the one-year waiting period in subsection (1) by Special Resolution.

(3) After completing nine (9) consecutive years on Council, a Council Member shall complete a three (3) year waiting period prior to commencing another term on Council.

(4) For the purposes of this section, waiting periods shall commence on the day following the last day that the conflicting position was held by the person.

11.05 Confidentiality

- (1) Council Members and Committee Members, College staff and persons retained or appointed by the College shall:
 - (a) maintain confidentiality of information disclosed to them in the course of discharging their duties, unless otherwise authorized by Council or permitted under section 36(1) of the RHPA;
 - (b) refrain from discussing matters arising in an *in camera* meeting;
 - (c) refrain from communicating to Members, including Council Members or Committee Members, information regarding registration, complaints, reports, investigations, disciplinary or fitness to practise proceedings, unless:
 - (i) they are a Member of the same panel considering the matter, or
 - (ii) when there is no panel, of the same Committee considering the matter.
 - (d) seek advice if any doubt whether an exception under section 36(1) of the RHPA applies.

11.06 Code of Conduct

- (1) Council Members and Committee Members must, at all times, when discharging their College duties, act in the public's best interest, maintain high standards of integrity, honesty, and loyalty.
- (2) The College's Code of Conduct for Council Members and Committee Members includes:
 - (a) being familiar and complying with the provisions of the RHPA, the Act, and the By-laws and policies of the College;
 - (b) actively and constructively participating in Council and Committee deliberations in a respectful and courteous manner, recognizing the diverse background, skills and experience of Council Members and Committee Members;
 - (c) regularly attending and being prepared for meetings;
 - (d) abiding by and endorsing Council and Committee decisions, regardless of personal opinions about them; and

- (e) respecting the boundaries of College staff who do not report to or work for individual Council Members or Committee Members;
- (f) being respectful of others and not engaging in behaviour that might reasonably be perceived as verbal, physical or sexual abuse or harassment; and
- (g) refraining from any other form of misconduct Council may determine.

PART 12 - REMUNERATION OF ELECTED COUNCIL MEMBERS

12.01 Remuneration Policy of the College

- (1) Elected Council Members may be paid honoraria as determined by Council.

PART 13 - COUNCIL

13.01 Council Meetings

- (1) Council Meetings shall be held at the College or any other location determined by the Registrar.
- (2) The Registrar shall serve as Council's secretary.
- (3) At least four Council meetings shall be held in a calendar year. Additional Council meetings may be called by:
 - (a) Resolution;
 - (b) the President; or
 - (c) the written request of a majority of Council Members.
- (4) A Council meeting may be held in any manner that allows all Members, along with any members of the public, to participate simultaneously and instantaneously.
- (5) Council meetings are open to the public. However, the public may be excluded from any meeting or part of a meeting in accordance with section 7 of the Code.
- (6) Notice of a Council Meeting shall:
 - (a) be communicated to Council Members as soon as practicable;
 - (b) be posted at least fourteen (14) days before the Council Meeting on the College's website;

- (c) be published in English and French and contain the following:
 - (i) the meeting agenda;
 - (ii) the date, time and location of the meeting;
 - (iii) an address and telephone number at which further information about the meeting may be obtained; and
 - (iv) if the Registrar anticipates that the Council will exclude the public from any meeting or part of a meeting under subsection 7(2) of the Code, the grounds for doing so.
- (7) Briefing materials will be provided to members of Council and shall be posted on the College's website at least three days before any Council meeting. The failure to provide notice or briefing materials, or the non-receipt of any notice or briefing materials, shall not invalidate any actions taken by Council at a Council Meeting.
- (8) If Council decides to exclude the public from a meeting or a part of a meeting under subsection 7(2) of the Code, it may make orders it considers necessary to prevent the public disclosure of matters disclosed in the meeting, including banning publication or broadcasting of those matters.
- (9) Minutes shall be kept for every Council Meeting and shall:
 - (a) include details of all motions, recommendations, decisions and the grounds for excluding the public from any meeting or part of a meeting;
 - (b) be circulated to Council Members following the Council Meeting;
 - (c) be approved or amended at the next Council Meeting; and
 - (d) be kept with the College's records.

13.02 Chair

- (1) The President or their appointee shall chair Council Meetings.
- (2) If the appointee is not a Council Member, then they shall not vote.

13.03 Quorum

- (1) A majority of Council Members constitutes a quorum to hold a Council meeting.

- (2) In determining whether or not a quorum has been met, the number of Council Members shall be deemed not to be reduced as a result of any vacancy on Council.

13.04 Voting

- (1) Every motion shall be decided by Resolution unless these By-laws, the RHPA, the Regulations made under the Act, or the *Corporations Act*, require that the motion be decided by Special Resolution.
- (2) The chair shall have one vote and shall vote last.
- (3) Every vote at a Council meeting shall be by a show of hands, roll call, secret ballot or as the chair of the meeting shall otherwise determine. A vote held during a meeting conducted through telecommunications shall be by way of roll call.
- (4) In the event of a roll call vote, the Registrar shall record the votes of each Council Member in the minutes of the meeting.

13.05 Written Resolutions

- (1) A Written Resolution shall have the same effect as if passed at a Council Meeting.

13.06 Rules of Order of Council Meetings

- (1) Council may discuss and decide matters by consensus or other informal methods without the requirement of a motion.
- (2) Non-Council Members may only speak with the permission of the chair.

- (3) ***Motions***

- (a) Before a matter may be voted on:

- (i) it must be introduced by a Council Member;

- (ii) Council Members must have an opportunity to debate it; and

- (iii) a motion regarding the matter must be made and seconded.

- (b) When a motion is being debated, no other motion can be made except to:

- (i) amend it;

- (ii) postpone it;

- (iii) vote on it;
 - (iv) adjourn the debate or the Council meeting; or
 - (v) refer the motion to a Committee.
- (c) The chair shall put the motion to a vote when:
- (i) the debate on a matter has concluded;
 - (ii) Council has passed a motion to vote on the motion; or
 - (iii) when the time allocated to the debate of the matter has concluded.
- (d) During a Council vote no further debate is permitted and no Council Member shall enter or leave the room;
- (e) After a motion has been decided upon, no Council Member may introduce the same or similar motion during the same session of Council unless the majority of Council agrees.
- (f) Whenever the chair is of the opinion that a motion made by a Council Member is contrary to these By-laws:
- (i) the chair shall rule the motion out of order;
 - (ii) the chair shall give reasons for doing so; and
 - (iii) the secretary shall record such reasons in the meeting minutes.
- (g) A motion to amend a motion may be made before the initial motion has been voted upon.

(4) ***Maintaining Order***

- (a) The chair shall maintain order and decide questions of order. If a Council Member disagrees with the chair's ruling, the ruling may be appealed to Council.
- (b) The chair may do the following:
 - (i) limit the number of times a Council Member may speak;
 - (ii) limit the length of time a Council Member may speak; and
 - (iii) impose any other reasonable restrictions to maintain order and efficiency.

(5) *Other*

- (a) The Rules of Order of Council Meetings may be relaxed by the chair if greater informality is required.
- (b) In situations not provided for in these By-laws, the most recent edition of *Robert's Rules of Order* shall be followed.

PART 14 - COMMITTEES

14.01 Committee Meetings

- (1) Each Committee shall meet at the direction of the Committee Chair or the majority of Committee Members.
- (2) The conduct of Committee Meetings shall be held in accordance with the most recent edition of *Robert's Rules of Order*.
- (3) A Committee Meeting may be held in any manner that allows all persons to participate simultaneously and instantaneously.
- (4) No formal notice is required for a Committee meeting. However, College staff designated to assist a Committee shall make reasonable efforts to provide notice of each meeting to Committee Members.
- (5) Every motion considered by a Committee shall be decided by a majority of the votes cast at the meeting. The chair shall have one vote and shall vote last.
- (6) Minutes shall be kept for every Committee Meeting and shall:
 - (a) include details of all motions, recommendations and decisions;
 - (b) be circulated to Committee Members following the Committee Meeting;
 - (c) be approved or amended at the next Committee Meeting; and
 - (d) be archived in the College's records.
- (7) Committees shall provide Council with reports annually and when requested to do so by the Executive Committee or Council.

14.02 Executive Committee

- (1) The Executive Committee shall be composed of either three (3) or five (5) Council Members and shall include:
 - (a) the President and Vice President; and

- (b) one (1) more Elected Council Member than Appointed Council Members.
- (2) The President is the Chair of the Executive Committee.
- (3) The Registrar is the secretary of the Executive Committee. two of th
- (4) The Executive Committee is directly accountable to Council and indirectly accountable to the government, the public and the profession for the effective governance of the College.
- (5) The Executive Committee's duties include:
 - (a) exercising the full powers of Council in all matters of administrative urgency and reporting every action at the next meeting of Council
 - (i) the Committee does not have the power to make, amend or revoke a regulation or By-law.
- (6) Executive Committee meetings are closed to the public. However, the Executive Committee may permit anyone to attend or participate in meetings.

14.03 Registration Committee

- (1) The Registration Committee shall be composed of a minimum of five (5) persons, including at least:
 - (a) one (1) Elected Council Member;
 - (b) two (2) Appointed Council Members; and
 - (c) two (2) Members who may or may not be Council Members.
- (2) A panel of the Registration Committee shall be composed of at least three (3) Committee Members, at least one of whom is an Appointed Council Member.

14.04 Inquiries, Complaints and Reports Committee

- (1) The ICRC shall be composed of at least ten (10) persons, including at least:
 - (a) four (4) Appointed Council Members;
 - (b) one (1) Elected Council Member; and
 - (c) five (5) Members who may or may not be Council Members.
- (2) A panel of the ICRC shall be composed of at least three (3) Committee Members, at least one (1) of whom is an Appointed Council Member.

14.05 Discipline Committee

- (1) The Discipline Committee shall be composed of:
 - (a) all elected Council Members who are not members of the ICRC;
 - (b) all appointed Council Members; and
 - (c) at least five (5) Members who are not Council Members.
- (2) A panel of the Discipline Committee shall be composed of at least three (3) and no more than five (5) Committee Members, at least two (2) of whom are Appointed Council Members.

14.06 Fitness to Practise Committee

- (1) The Fitness to Practise Committee shall be composed of at least three (3) persons, including:
 - (a) one (1) Elected Council Member;
 - (b) one (1) Appointed Council Member; and
 - (c) one (1) Member who may or may not be a Council Member.
- (2) A panel of the Fitness to Practise Committee shall be composed of at least three (3) Committee Members, at least one (1) of whom is an Appointed Council Member.

14.07 Quality Assurance Committee

- (1) The Quality Assurance Committee shall be composed of at least thirteen (13) persons, including:
 - (a) two (2) Elected Council Members;
 - (b) three (3) Appointed Council Members; and
 - (c) eight (8) Members who may or may not be Council Members.
- (2) A panel of the Quality Assurance Committee shall be composed of at least three (3) Committee Members, at least one (1) of whom is an Appointed Council Member.

14.08 Patient Relations Committee

The Patient Relations Committee shall be composed of at least seven (7) persons, including:

- (a) one (1) Elected Council Member;
- (b) three (3) Appointed Council Members; and
- (c) three (3) Members who may or may not be Council Members.

14.09 Ad Hoc and Standing Committees

- (1) Council may, by Resolution, appoint and fill such Ad Hoc and/or Standing Committees as it deems necessary.

14.10 Committee Chairs and Panel Chairs

- (1) The term of a Committee Chair is one (1) year.
- (2) The chairs of the Registration Committee, the ICRC and the Discipline Committee shall appoint their Committee Members to panels and a panel chair for each panel. For all other College Committees, the appointment to panels and of the panel chair shall be done by a Council-delegated Committee.
- (3) When a panel chair is not able to attend a meeting, hearing or proceeding of a panel, the remaining panel members shall designate a chair for the duration of the absence.

14.11 Quorum for Committees and Panels

- (1) The quorum for any Committee Meeting is a majority of that Committee's Members.
- (2) The quorum for any panel of a Committee is three panel members, at least one of whom shall be an Appointed Council Member.
- (3) In determining whether or not a quorum has been met, the number of Committee Members or panel members shall be deemed not to be reduced as a result of any vacancy.

PART 15 - RULES AND POLICIES

15.01 Creating Rules and Policies

- (1) The College may create rules, policies and similar guiding documents to govern the College and the conduct of its Members, Council Members, Committees and panels.

PART 16 - INFORMATION PROVIDED BY MEMBERS

16.01 Member Obligations to Provide Information

- (1) Upon written request for information by the College, a Member shall respond in writing within the time provided.
- (2) A Member shall provide written notice of any change to information previously provided to the College within fourteen (14) days of the change.

16.02 Member Reports

- (1) A Member's certificate of registration must be renewed annually.
- (2) The College shall send a member report to each Member by mail or e-mail requesting any information required by the Registrar and provide the Members with at least thirty (30) days to respond.
- (3) The College may request:
 - (a) information that the College is required to maintain in the register;
 - (b) a copy of the declarations page from the Member's professional liability insurance policy;
 - (c) information which allows the College to maintain statistics related to the College and the Member; and
 - (d) any other information the College requires.
- (4) If a Member fails to return a completed member report to the College within the time provided, the Registrar shall:
 - (a) notify the Member in writing of such failure; and
 - (b) provide the Member with a reasonable period to return a completed member report to the College.
- (5) If the Member fails to rectify the failure within the time provided, the College may, without notice, suspend the Member's certificate of registration until a completed member report is returned.
- (6) When the College receives notice of a change in information required for the issuance of a certificate of registration, it may:
 - (a) issue a revised certificate of registration;
 - (b) decline to revise the existing certificate of registration; or

- (c) revoke a certificate of registration.

PART 17 - HEALTH PROFESSIONAL CORPORATIONS

17.01 Obligation to Provide Information

- (1) Upon written request for information from the College, a health professional corporation shall respond in writing within the time provided.

17.02 Application

- (1) A health professional corporation is eligible to hold a certificate of authorization if:
 - (a) the articles of the corporation provide that the corporation cannot carry on a business other than the practise of optometry and activities related to or ancillary to the practise of optometry;
 - (b) all of the issued and outstanding shares of the corporation are legally and beneficially owned, directly or indirectly, by one or more Members; and
 - (c) all the requirements set out in these By-laws, the *Ontario Business Corporations Act*, the RHPA, the Act and in any other applicable statute or regulation have been satisfied.
- (2) In order to obtain a certificate of authorization, a health professional corporation shall submit a completed application package to the College which shall include the following:
 - (a) a copy of the corporation's articles of incorporation, continuance and/or amalgamation, as applicable;
 - (b) a corporation profile report that has been issued no more than thirty (30) days before submitting the application indicating that the corporation has not been dissolved;
 - (c) a statutory declaration of a director of the corporation, executed not more than fifteen (15) days before submitting the application, certifying that:
 - (i) the corporation complies with the relevant legislation;
 - (ii) the corporation does not carry on, and does not plan to carry on, any business that is not the practise of optometry or practises related to or ancillary to the practise of optometry;

- (iii) there has been no change in the status of the corporation since the date of the corporation profile report; and
- (iv) the information contained in the application is complete and accurate as of the date the statutory declaration is executed;
- (d) the signature of all shareholders of the optometry professional corporation; and
- (e) any other information the College deems necessary.

17.03 Renewal

- (1) A certificate of authorization must be renewed annually on or before the anniversary of the certificate's date of issue.
- (2) The College will request any information required by the Registrar from a health professional corporation by mail or e-mail and provide the health professional corporation with at least thirty (30) days to respond.
- (3) If a health professional corporation fails to renew within the time provided, the Registrar may:
 - (a) notify the health professional corporation in writing of such failure;
 - (b) provide the health professional corporation with at least sixty (60) days to provide the renewal documents and fee(s) to the College; and
 - (c) advise the health professional corporation that failure to renew will result in revocation of the health professional corporation's certificate of authorization.
- (4) A health professional corporation must advise the Registrar in writing of a change to any information required for issuance of a certificate of authorization within fourteen (14) days of such change. When the College receives such a notice, it may:
 - (a) issue a revised certificate of authorization;
 - (b) decline to revise the existing certificate of authorization; or
 - (c) revoke a certificate of authorization.

PART 18 - REGISTER

18.01 Maintaining the Register

The Registrar shall maintain a register on behalf of the College in an up-to-date manner.

18.02 Content of Register Entries

In addition to the information required under subsection 23(2) of the Code, the register shall contain the following information, which is designated by the College as public pursuant to subsection 23(5) of the Code:

- (1) the Member's gender;
- (2) the date that the Member first became a Member or, if the Member was licensed under the *Health Disciplines Act*, the date when the Member was first issued a licence by the College;
- (3) each Member's certificate of registration number and the date it was issued;
- (4) a description of the Member's degree in optometry (or equivalent academic achievement) and the year the Member obtained it;
- (5) any language in which the Member is able to communicate and provide services to patients;
- (6) the name and address of any optometric practise for which the Member is an employee, contractor or otherwise;
- (7) if applicable, a notation concerning the authorization by the College to prescribe drugs, and the date on which the Member received such authorization;
- (8) A Member's certificate of authorization, if any, including:
 - (a) the name of the corporation; and
 - (b) the date it was issued;
- (9) upon revision of a certificate of registration or certificate of authorization:
 - (a) details of the revision; and
 - (b) the effective date of the revision;
- (10) the effective date of resignation of the Member;
- (11) a summary of any current charges against a Member, other than those required by the Code, of which the College is aware in respect of a federal, provincial or

other offence that the Registrar believes is relevant to the Member's suitability to practise;

- (12) a summary of any currently existing conditions, terms, orders, directions or agreements relating to the custody or release of the Member in provincial, federal or other offence processes, other than those required by the Code, of which the College is aware and that the Registrar believes is relevant to the Member's suitability to practise;
- (13) a summary of any findings of guilt, other than those required by the Code, of which the College is aware if made by a court after January 17, 2015, against a Member in respect of a federal, provincial or other offence that the Registrar believes is relevant to the Member's suitability to practise;
- (14) where the Member's certificate of registration is subject to any terms, conditions and limitations, the reason for them, the Committee that imposed them and the date they took effect;
- (15) where terms, conditions or limitations on the Member's certificate of registration have been varied or removed, the effective date of the variance or removal;
- (16) where the Member's certificate of registration is subject to a suspension for failure to pay a fee, the reason for the suspension and the date of the suspension in addition to the fact of the suspension;
- (17) where a suspension of the Member's certificate of registration is lifted or otherwise removed, the effective date of the lifting or removal of that suspension;
- (18) where the Member's certificate of registration is reinstated, the effective date of the reinstatement;
- (19) where a finding of professional negligence or malpractice is contained in the College's register, the following information;
 - (a) the date of the finding;
 - (b) the court and the court file number;
 - (c) a summary of the finding; and
 - (d) the status of any appeal respecting the finding made against the Member;
- (20) where applicable, a summary of any restriction on the Member's right to practise;

- (a) resulting from an undertaking given by the Member to the College or an agreement entered into between the Member and the College; or
 - (b) of which the College is aware and which has been imposed by a court or other lawful authority, in which event the summary of the restriction shall also include the source of the restriction;
- (21) the following information regarding every caution that a member has received from a panel of the ICRC, from a panel of the ICRC under paragraph 3 of subsection 26 (1) of the Code;
 - (a) a notation of that fact,
 - (b) a summary of the panel's decision, including a summary of the caution,
 - (c) the date of the panel's decision, and
 - (d) if applicable, a notation that the panel's decision is subject to review and therefore is not yet final, which notation shall be removed once the review is finally disposed of;
- (22) the following information regarding any specified continuing education or remediation program that has been required by the Inquiries, Complaints and Reports Committee on or after October 1, 2015 under paragraph (4) of subsection 26(1) of the Code,
 - (a) a notation of that fact,
 - (b) a summary of the panel's decision, including a summary of the specified continuing education or remediation program,
 - (c) the date of the panel's decision, and
 - (d) if applicable, a notation that the panel's decision is subject to review and therefore is not yet final, which notation shall be removed once the review is finally disposed of.
- (23) the following information regarding any undertaking that the member has been directed to comply with by the Inquiries, Complaints and Reports Committee on or after October 1, 2015 under paragraph (4) of subsection 26(1) of the Code:
 - (a) a notation of that fact;
 - (b) a summary of the panel's decision, including a summary of the undertaking; and

- (c) the date of the undertaking and of the panel's decision;
- (24) where the Member's certificate of registration is subject to an interim order of the ICRC, a notation of that fact, the nature of that order and its effective date;
- (25) where an allegation of a Member's professional misconduct or incompetence has been referred to the Discipline Committee or where the Registrar has referred an application for reinstatement to the Discipline Committee under section 73 of the Code and the matter is outstanding,
 - (a) the date of the referral;
 - (b) a brief summary of each specified allegation, if applicable;
 - (c) the notice of hearing;
 - (d) the anticipated date of the hearing if the hearing date has been set or, if the hearing has commenced, the next scheduled date for the continuation of the hearing;
 - (e) if the hearing is awaiting scheduling, a statement of that fact; and
 - (f) if the hearing of evidence and arguments is completed and the parties are awaiting a decision of the Discipline Committee, a statement of that fact;
- (26) where a decision of the Discipline Committee has been published by the College with the Member's name:
 - (a) a notation of that fact; and
 - (b) identification of the specific publication of the College which contains the information;
- (27) the reasons for decision of every disciplinary proceeding:
 - (a) in which a panel of the Discipline Committee makes a finding of professional misconduct or incompetence; and
 - (b) in which a panel of the Discipline Committee makes no finding with regard to the proceeding but the Member requests that the reasons be posted in the register;
- (28) where the question of a Member's capacity has been referred to the Fitness to Practise Committee or where the Registrar has referred an application for reinstatement to the Fitness to Practise Committee under section 73 of the Code and the matter is outstanding;

- (a) the date of the referral; and
 - (b) a notation of the referral.
- (29) where the College is aware that a pending allegation of professional misconduct or incompetence or a similar allegation has been referred to a discipline type of hearing against a Member registered or licensed to practise a profession inside or outside of Ontario and the Registrar believes that it is relevant to the Member's suitability to practise,
- (a) a notation of that fact;
 - (b) the name of the governing body that made the referral;
 - (c) the date of the referral if available;
 - (d) a brief summary of each allegation if available; and
 - (e) the notice of hearing if available.
- (30) in respect of a former Member, any information that was in the register at the time the former Member's registration terminated, for a period of at least two (2) years after the termination of registration, except for any information related to discipline proceedings in Ontario, which shall be entered in the register for a period of fifty (50) years after the termination of registration; and
- (31) any other information not otherwise referred to in this section, which the College and the Member have agreed shall be available to the public.

18.03 Designated Information for Safety Exception

- (1) All of the information required to be kept in the register under subsection 23(2) of the Code and under 18.02 of these By-laws is designated as information that may be withheld from the public pursuant to subsection 23(6) of the Code if the Registrar has reasonable grounds to believe that disclosure of that information may jeopardize the safety of an individual.

18.04 Deletion of Information

- (1) Notwithstanding section 18.02, where after a review the ICRC has been required to remove or vary the requirement to appear for a caution or to complete a specified continuing education or remediation program:
- (a) the Registrar may delete from the register any information which would otherwise have been required to be maintained under section 18.02(23) or section 18.02(24); and

- (b) the Registrar may enter a summary of the process leading up to and the results of any variation of a caution or a specified continuing education or remediation program.

PART 19 - LIFE MEMBERS

- (1) A Member or a former Member may apply to the College to be designated as a Life Member by the College's Registrar;
- (2) A Member or a former Member is eligible to be a Life Member if they:
 - (a) hold or have ever held a general certificate of registration or academic certificate of registration with the College for at least twenty five (25) years;
 - (b) have retired from practising optometry;
 - (c) were in good standing with the College when they resigned their membership with the College;
 - (d) are not a Council Member;
 - (e) after having been provided with an opportunity to rectify any failure of their obligations to the College:
 - (i) have paid any fee, penalty or order for costs owing to the College;
 - (ii) have submitted to the College all required forms and documents; and
 - (iii) are otherwise in good standing with the College;
 - (f) have not had their certificate of registration suspended or revoked in the previous six (6) years;
 - (g) have not had any exceptional term, condition or limitation on their certificate of registration in the previous six (6) years;
 - (h) are not the subject of any disciplinary or incapacity proceedings; and
 - (i) have not otherwise acted in a manner that is inconsistent with an ongoing association with the College.
- (3) A Life Member shall not:
 - (a) practise optometry;

- (b) hold themselves out as qualified to practise optometry in Ontario;
or
 - (c) be eligible for election to Council or vote in Council elections.
- (4) A Life Member's designation may be revoked by the Registrar if the Life Member:
 - (a) is found by a panel of the Discipline Committee to be incompetent or to have committed an act of professional misconduct;
 - (b) acts in a manner that is inconsistent with an ongoing association with the College provided that, before making a determination, the Registrar first provides the Life Member with a reasonable opportunity to make written submissions; or
 - (c) after having been provided with an opportunity to rectify any failure in their obligations to the College:
 - (i) remains in default of any fee, charge or order for costs owing to the College,
 - (ii) fails to submit to the College all required forms and documents, or
 - (iii) ceases to otherwise be in good standing with the College.
- (5) A Life Member who wishes to re-obtain a general or academic certificate of registration must apply for one and meet the registration requirements in effect at the time of application.

PART 20 - PROFESSIONAL LIABILITY INSURANCE

20.01 Mandatory Insurance for Members

- (1) No Member shall engage in the practise of optometry unless they are personally insured against professional liability under a professional liability insurance policy that provides coverage based on when an "occurrence" allegedly took place.
- (2) The professional liability insurance policy must include the following:
 - (a) minimum coverage in the amount of \$2,000,000 per occurrence and \$5,000,000 aggregate per year; and
 - (b) a deductible of not more than \$5,000.

- (3) A Member must, at all times, keep a copy of their professional liability insurance policy at all of their places of business.

PART 21 - FEES AND PENALTIES

21.01 Setting and Imposing Fees and Penalties

- (1) The College shall maintain, as a schedule to these By-laws, a list of all fees and penalties which may be charged or imposed by the College. Council may, without amending these By-laws, adjust the amount of any fees or penalties set out in the schedule to reflect annual changes to the Consumer Price Index (Canada) plus up to 2%.
- (2) Where no fee or penalty has been set out in the schedule, a Member or person shall pay to the College the fee or penalty set by the College.

21.02 Obligation to Pay Fees and Penalties

- (1) A Member's obligation to pay a fee or penalty continues regardless of whether the College has failed to send notice of it to the Member or the Member has not received the notice.
- (2) The College may waive all or a portion of any fee or penalty.

21.03 Consequences for Failure to Pay Fees and Penalties

- (1) Any fee or penalty charged or imposed by the College not paid by a Member shall be included as part of a Member's next annual membership fee.
- (2) If a Member fails to pay a fee or penalty or part thereof, the Registrar may suspend the Member's certificate of registration within thirty (30) days of having given the Member notice that they intend to do so.

Schedule of Fees and Penalties – effective January 1, 2020

All of the following fees are in Canadian funds and subject to 13% HST.

	Fee
Application Fee including Jurisprudence Seminar and Exam Fee	\$420.00
Jurisprudence Reassessment Fee	\$184.00
Certificate Fee upon completion of all College registration requirements	\$26.00
Duplicate Certificate fee:	
• when ordered at the same time as the initial certificate	\$11.00
• when ordered some time after ordering the initial certificate	\$26.00
Annual Membership Fee (non-refundable)	\$945.00
Annual Non-Practising Membership Fee (non-refundable)	\$472.50
Late Penalty Fee (application, membership renewal, Certificate of Authorization renewal)	\$105.00
Reinstatement Fee (membership)	\$210.00
Certificate of Authorization (Incorporation) Application Fee	\$440.00
Certificate of Authorization (Incorporation) Certificate Fee	\$26.00
Certificate of Authorization (Incorporation) Revision	\$220.00
Certificate of Authorization (Incorporation) Annual Renewal Fee	\$220.00
Quality Assurance Practice Assessment Fee (CRA)	\$2,400.00
Quality Assurance Short Record Assessment Fee (for CE deficient hours):	
• Deficient by 5 hours or less (5 records)	\$1,000.00
• Deficient by more than 5 hours (25 records)	\$5,000.00
Incorrectly Underreported CE Hours Audit Fee	\$350.00
Quality Assurance Evaluation Fee	\$3,176.00
Certificate of Standing	\$105.00
Address Labels:	
For members and other professionals on profession-related business (e.g., referrals)	\$32.00
For continuing education providers (e.g., UWSO, Vision Institute, University of Toronto)	\$95.00
For any commercial organization	\$315.00
NSF Cheques	\$42.00
Fee for Copying and Providing any Requested Documentation	Actual costs to the College of providing the copies



College By-laws

Original Effective Date: August 3, 2012
Revised September 4, 2012
Revised January 16, 2015
Revised April 8, 2015
Revised September 30, 2015
Revised January 20, 2016
Revised Fee Schedule Effective April 20, 2016
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Revised June 22, 2017
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BY-LAWS OF THE COLLEGE OF OPTOMETRISTS OF ONTARIO

PART 1 - DEFINITIONS

1.01 Definitions

(1) In these By-laws, unless otherwise defined or required by the context,

"**Act**" means the *Optometry Act, 1991* including its associated regulations;

"**Appointed Council Member**" means a person appointed to Council by the Lieutenant Governor in Council;

"**Code**" means the *Health Professions Procedural Code*, which is Schedule 2 of the *Regulated Health Professions Act, 1991*;

"**College**" means the College of Optometrists of Ontario;

"**Committee**" means a committee established under s. 10 of the Code or a committee established under these By-laws;

"**Committee Member**" means a member of a Committee;

"**Committee Meeting**" means a meeting of any Committee but does not include a hearing or a meeting of a panel of a Committee;

"**Council**" means the Council established under [s](#)Section 6 of the Act;

"**Council Committee Member**" means a Member of the College who is elected to Council and appointed by Council to a Committee, and includes a Member appointed to a Committee to fill a vacancy;

"**Council Meeting**" means a meeting of Council;

"**Council Member**" means an Elected Council Member, an Appointed Council Member and/or a member of Council selected from the Faculty of the University of Waterloo School of Optometry and Vision Science;

"**Elected Council Member**" means a Member of the College elected to Council in accordance with these By-laws (including [e](#)District 6);

"**Faculty**" means a person who belongs to the faculty of the University of Waterloo School of Optometry and Vision Science. However, Faculty does not include a person who has only been granted an appointment for research or a special appointment, a visiting or adjunct instructor, or a person who holds a similarly restricted position;

“ICRC” means the Inquiries, Reports and Complaints Committee;

“Life Member” means a Member or former Member of the College who has been designated as a Life Member by the College because, among other things, ~~he or she has~~they have practised optometry in Ontario for at least twenty five (25) years and has retired from practising optometry;

"Member" means a person or health ~~profession~~professional corporation registered with the College, as the case may be;

"Resolution" means a vote of at least a majority of those Council Members in attendance at the meeting and voting on the resolution;

"RHPA" means the *Regulated Health Professions Act, 1991*, including its associated regulations and the Code;

"Special Resolution" means a vote of at least a ~~2/3~~^{2/3~~ths~~}3 majority of Council Members in attendance at the meeting and voting on the resolution; and

"Written Resolution" means a Resolution or Special Resolution passed by Council Members in the absence of a meeting in person, and the position or vote of any Council Member may be communicated in writing, including fax, e-mail and any other manner as Council may determine.

- (2) Any term not defined in these By-laws shall have the meaning provided to it in the RHPA or the Act.

1.02 Seal

The seal ~~depicted below is the seal~~ of the College, if any, shall be in the form determined by Council.



PART 2 - ~~AMENDMENT OR REVOCATION OF BY-LAWS~~

2.01 Special Resolution is Required

- (1) A Special Resolution is required to amend or revoke these By-laws, or make new By-laws.

- (2) Written notice of all motions applying to the making, amending or revoking of a By-law shall be circulated as follows:
 - (a) to Council Members at least fourteen (14) days prior to the tabling consideration of such motion; and
 - (b) when required under Section 94(2) of the Code, to all Members at least sixty (60) days prior to the tabling of such motion.
- (3) Every By-law, including every amendment and revocation of a By-law, shall be dated and numbered according to the date on which it was passed, ~~certified by the President or Vice-President, in addition to the Registrar, sealed and maintained in a book in its chronological order.~~

~~Part 3 – BANKING AND FINANCE~~

PART 3 - BUSINESS PRACTICES

3.01 Banking

- ~~(1) — The College shall open an account at appoint a Schedule 1 Canadian bank chartered bank.~~
- ~~(2) — The College shall:~~
- ~~(3)(1) open all accounts required under the Bank Act (Canada) for the operation use of the College, and.~~
- ~~(4)(2) unless otherwise earmarked, deposit all monies All money belonging to the College, shall be deposited in the name of the College with the bank.~~
- ~~(5) — Except for payments out of the petty cash fund, all College payments shall be made by electronic transfer, credit card, cheque, draft or money order drawn on the College's bank account.~~

~~3.02 — Bank Signing Authority~~

~~Subject to these By laws, Council may authorize by Resolution any individual to sign contracts, documents, cheques or other instruments pertaining to the College's bank account. In the absence of such Resolution, any of the President or the Vice-President, in addition to the Registrar, is authorized to sign banking documents on behalf of the College.~~

~~3.03 — Authorization by Electronic Signature~~

~~Electronic signatures may not be used on any securities or negotiable instruments, unless authorized by Council by Resolution.~~

3.043.02 Investments

- ~~(1)~~ College funds not immediately required for use by the College may be invested.
- ~~(2)~~(1) ~~The Executive Committee shall recommend, for approval in accordance with the investment criteria established by Council, an investment policy for investing the College's funds in a reasonably safe and secure manner.~~
- ~~(3)~~(2) Council may authorize, by Resolution, any employee of the College to give directions to an investment advisor.
- ~~(4)~~(3) All securities and other negotiable instruments in which the College's monies have been invested shall be registered in the name of the College.
- ~~(5)~~(4) Council shall oversee and ensure that a process is in place to fairly evaluate the College's investments and investment advisor annually.

3.05 Custody of Securities

- ~~(1)~~ ~~The Registrar or other individual appointed by Council shall maintain a record of all securities and other negotiable instruments owned by the College.~~
- ~~(2)~~ ~~Any deposit, cashing or transferring of securities shall require the signature of either the President or Vice President, in addition to the Registrar.~~

3.063.03 Borrowing

- (1) Council may, by Special Resolution:
 - (a) borrow money on the credit of the College;
 - (b) limit or increase the amount of money the College may borrow; or
 - (c) pledge assets of the College.

~~The Executive Committee shall review, from time to time, the terms and conditions of any monies borrowed by the College.~~

3.07 Petty Cash

- ~~(1)~~ ~~The College shall maintain a petty cash fund of up to \$1,000. The Registrar must authorize expenditures from the petty cash fund.~~

3.083.04 ~~Authorization of~~ Expenses

- (1) If a College expenditure has previously been approved as an item in the College's budget, or if it is not an item in the College budget but is below \$25,000, the expense requires only the Registrar's approval.
- (2) ~~If a~~ College ~~expenditure is~~ expenditures that are not an item in the College budget and ~~is~~ are above \$25,000, ~~shall be reviewed by the appropriate~~ Council ~~delegated~~ Committee ~~shall review the expenditure and make for~~ recommendations to Council as to whether or not to approve the expenditure.

3.093.05 ~~Fiscal~~ Financial Year

- (1) The ~~fiscal~~ financial year of the College is January 1st to December 31st.

3.103.06 ~~Auditors~~

- (1) ~~At the first meeting following the election of the Executive Committee, the Executive Committee must~~ Council shall appoint an auditor to audit the accounts of the College ~~and hold office for the ensuing year.~~
- (2) ~~Council shall oversee and ensure that a process is in place to fairly evaluate the auditor annually.~~

3.07 Annual Financial Statements

- ~~(3)~~(2) The ~~auditor~~ College shall ~~present~~ publish the ~~results of its annual financial statements, including the audit to Council when requested to do so by Council. The results of each report in the annual audit shall be published in the annual report of the College report~~

PART 4 - INSURANCE AND INDEMNIFICATION

~~4.01 Insurance Coverage for College~~

~~The College shall, after consulting with an insurance broker regarding the College's requirements, obtain comprehensive insurance coverage for, among other things, directors and officers liability, fidelity, property damage and personal injury.~~

4.024.01 ~~Indemnification of College Representatives~~

The College shall indemnify and save harmless every Council Member, Committee Member, employee, appointee or other duly designated representative of the College and their heirs, executors and administrators, and estates, out of the funds of the College from and against,

- (1) all costs, charges and expenses whatsoever that ~~he~~ they sustain or ~~she~~ sustains ~~or incurs~~ incur in or about any action, suit or proceeding that is brought,

commenced or prosecuted against ~~him or her~~them, for or in respect of any act, deed, matter or thing whatsoever, made, done or permitted by ~~him or her~~them, in or about the execution of the duties of ~~his or her~~their position or employment, and

- (2) all other costs, charges and expenses that ~~he~~they sustain or ~~she~~sustains or ~~incurs~~incurs in relation to the College's affairs,

except such costs, charges or expenses incurred as a result of ~~his or her~~their own wilful misconduct or gross negligence.

PART 5 - EXECUTION OF DOCUMENTS

5.01 Signing Authority

- (1) ~~Unless otherwise indicated in these By-laws, either Documents or instruments requiring execution by the College may be signed by~~ the President ~~or~~, Vice-President, ~~in addition to~~ the Registrar, or any individual appointed by Resolution ~~or Special Resolution~~ of Council, ~~may sign documents or instruments requiring the signature of the College.~~
- (2) The Registrar may sign summonses, notices and orders on behalf of the College.

PART 6 - ELECTION OF COUNCIL MEMBERS

6.01 Electoral Districts

- (1) Council shall consist of:
 - (a) Nine Elected Council Members elected from the following electoral districts:
 - (i) **"District 1"** which comprises the municipality of Toronto and the regional municipalities of Halton, City of Hamilton, Niagara, Peel and York;
 - (ii) **"District 2"** which comprises the Northern Electoral District, composed of the territorial districts of Algoma, Cochrane, Kenora, Manitoulin, Nipissing, Parry Sound, Rainy River, City of Greater Sudbury, Thunder Bay and Timiskaming, the counties of Bruce, Dufferin, Grey, Haliburton, Huron; Renfrew and Simcoe and the district municipality of Muskoka;
 - (iii) **"District 3"** which comprises the Eastern Electoral District, composed of the counties of Frontenac, Hastings, Lanark, Northumberland, Peterborough, Prince Edward, Kawartha Lakes, Leeds & Grenville, Lennox and Addington, Prescott

and Russell United Counties, Stormont, Dundas and Glengarry and the Durham Region and the City of Ottawa;

- (iv) **"District 4"** which comprises the Western Electoral District, composed of Brant, Elgin, Essex, Chatham-Kent, Lambton, Middlesex, Oxford, Perth and Wellington and the regional municipalities of Haldimand County, Norfolk County and Waterloo; and
- (v) **"District 5"** which comprises the Provincial Electoral District, composed of the whole of the Province of Ontario;
- (b) Eight (8) Appointed Council Members; and
- (c) One (1) Member, who has been selected from the Faculty of the University of Waterloo School of Optometry and Vision Science, provided that that person has first been elected, in the manner set out in these By-laws, by those Members who belong to the Faculty of the University of Waterloo School of Optometry and Vision Science. The electoral district for this Council position will be referred to as **"District 6"**.

~~(2) — The following Except for electoral districts shall elect the following number of Elected Council Members:~~

District	Elected Council Members
District 1	2
District 2	1
District 3	1
District 4	1
District 5	4
District 6	1

~~(3) — Except for electoral Districts~~

~~(4) — With the exception of district 6:~~

~~(5) — Council may, by Special Resolution, redefine:~~

~~(6)(2) the geographic area of 1 and 5, one member is to be elected for each electoral district; and~~

~~(i) the number of Elected Council Members for each Two (2) members are to be elected for electoral ~~d~~ District;~~

~~(b)(a)~~ —to create balanced representation amongst the electoral districts based on general population; 1 and four (4) members are to be elected for electoral ~~d~~District 5.

~~(7)(3)~~ if an electoral district has no candidate at the time of an election, that Council seat shall be transferred to District 5 to allow for any eligible Member to stand for election for that Council seat.

6.02 Voting Eligibility

A Member is eligible to vote in an election for Council if, on the 45th day before the election, the Member:

(a) is the holder of: a general or academic certificate of registration;

~~(i)~~ —a general certificate of registration; or

~~(ii)~~ —an academic certificate of registration; and

~~(b)~~ —after having been provided with an opportunity to rectify any failure of his or her obligations to the College;

~~(e)(b)~~ has paid any fee, penalty or order for costs owing to the College;

~~(d)(c)~~ has submitted to the College all required forms and documents; and

~~(e)(d)~~ is otherwise in good standing with the College; ~~;~~

6.03 ~~Timing of Council Member Elections/Selection~~ Election Date

(1) Elections or selection for Council shall take place as follows:

(a) For ~~district~~District 1:

(i) ~~o~~One (1) Council Member in 20122021, and every third year thereafter; and

(ii) ~~o~~One (1) Council Member in 20132022, and every third year thereafter;

(b) For ~~districts~~Districts 2 and 3: one (1) Council Member each in 20132022, and every third year thereafter;

(c) For ~~district~~District 4: one (1) Council Member in 20122021, and every third year thereafter;

(d) For ~~district~~District 5:

- (i) ~~one~~two (2) Council Member in ~~2012~~2020, and every third year thereafter;
 - (ii) one (1) Council Member in ~~2013~~2021, and every third year thereafter; and
 - (iii) ~~two~~one (1) Council Members in ~~2014~~2022, and every third year thereafter;
 - (e) For ~~district~~District 6, one (1) Council Member in ~~2012~~2021, and every third year thereafter.
- (2) Council elections and selection shall take place before the end of November ~~1st~~ in any given year.

6.04 Eligibility for Election ~~of Council Members for Districts 1 Through 5~~

~~(1)~~—A Member ~~shall be~~is eligible for election to Council if:

~~(2)~~(1) they meet the following requirements by the ~~deadline for the receipt of the~~ nomination deadline:

(a) the Member ~~principally~~resides in or practises optometry in the district for which the Member is seeking election;

~~(i)~~—(b) the Member is the holder of:

(A)—a general ~~certificate of registration~~; or

(B)—~~an~~ academic certificate of registration;

~~and the certificate that~~ is not subject to ~~any exceptional~~ term, condition or limitation ~~that does not already apply to every Member who possesses that class of certificate~~;

~~(ii)~~—(c) the Member is not a ~~member of the Faculty of the University of Waterloo School of Optometry and Vision Science~~;

~~(iii)~~—~~the Member files with the Registrar a written agreement to resign from all of the applicable following positions if elected as a Council Member:~~

~~an elected representative, director, officer, committee member or officer or chair, appointee, employee of, or a party to a contractual relationship (if it is reasonable to expect that a real or apparent conflict of interest may arise) to provide services to, independent contractor or service provider of the Ontario Association of Optometrists, the Canadian Association of Optometrists or any~~

other organization ~~determined~~ that is considered by Council, to create a real or apparent conflict of interest.

~~(A) — an appointed Committee chairperson or member of a committee of the Ontario Association of Optometrists, the Canadian Association of Optometrists or any other organization determined by Council;~~

(d) after having been provided with an opportunity to rectify any failure in ~~his or her~~ their obligations to the College, the Member:

(i) has paid any fee, charge or order for costs owing to the College,

(ii) has submitted to the College all required forms and documents, and

(iii) is otherwise in good standing with the College;

(e) the Member is not the subject of any disciplinary or incapacity proceedings; and

(f) the Member has not been disqualified by Council as a Council Member or Committee Member in the preceding six (6) years; ~~and.~~

~~(3)(1) No Member shall be a candidate for Council Member in more than one district during an election.~~

~~6.05 Eligibility for Selection of District 6 Council Member~~

~~(1)(2)~~ (2) A Member who is a member of the Faculty of the University of Waterloo School of Optometry and Vision Science shall only be eligible for ~~selection to Council if, on the date of selection:~~ District 6.

~~(a) — the Member files with the Registrar a written agreement to resign from all of the applicable following positions if selected as a Council Member:~~

~~(i) — an elected representative, director or officer or employee of, or a party to a contractual relationship (if it is reasonable to expect that a real or apparent conflict of interest may arise) to provide services to, the Ontario Association of Optometrists, the Canadian Association of Optometrists or any other organization determined by Council, or~~

~~(ii) — an appointed Committee chairperson or member of a committee of the Ontario Association of Optometrists, the Canadian Association of Optometrists or any other organization determined by Council;~~

~~(b) — the Member is the holder of:~~

~~(i) — a general certificate of registration; or~~

~~(3) No Member shall be a candidate for Council Member in more than one district during an election.~~

~~(4) A member is not eligible for election to Council if they would be unable to complete the term as a result of any of the following:~~

~~(a) they would exceed the nine (9) consecutive years term limit set out at subsection 5(2) of the Code;~~

~~(b) they would exceed eighteen (18) years in their lifetime on Council; or~~

~~— they would exceed a total of twenty-one (21) years in their lifetime of serving on Council and/or any Committees where time served simultaneously on Council and/or any Committees is counted concurrently.~~

~~(c)(a) an academic certificate of registration;~~

~~(d) and the certificate is not subject to a term, condition or limitation that does not already apply to every Member who possesses that class of certificate;~~

~~(e) after having been provided with an opportunity to rectify any failure in his or her obligations to the College, the Member:~~

~~(f)(a) has paid any fee, charge or order for costs owing to the College;~~

~~(g)(a) has submitted to the College all required forms and documents, and~~

~~(h) is otherwise in good standing with the College;~~

~~(i) the Member is not the subject of any disciplinary or incapacity proceedings;~~

~~(j) the Member has not been disqualified by Council from being a Council Member or Committee Member in the preceding six years.~~

~~(k)(c) No Member shall be a candidate for Council Member in more than one district during an election.~~

6.066.05 Term of Office for Council Members

- (1) The term of office of a Council Member is three (3) years, beginning ~~from the first regular Council meeting after the Member was elected, appointed or selected, as the case may be, until his or her successor takes office in accordance with these By-laws.~~ January 1st in the year following their election and expiring on December 31st three (3) years later.
- ~~(2) A Council Member may serve more than one term. However, no person may be an Elected Council Member for more than nine consecutive years.~~
- (2) Notwithstanding the application of paragraphs 6.04(4)(a) and (b), Council Members who took office in 2018, 2019, and 2020, shall be permitted to complete their current terms of office.

6.076.06 Nominating Procedure

- (1) At least sixty (60) days before the date of election ~~each year,~~ the Registrar ~~shall, in the districts where elections are to be held in that year, invite in writing any Member wishing to stand~~ shall invite nominations for election to Council from the membership in the relevant electoral district.
- (2) ~~A Member's written intent~~ Members must be returned submit their nominations to the Registrar no later than thirty (30) days before the election.

6.086.07 Election Procedure

- (1) Each eligible Member may vote once for a candidate:
 - (a) in one of the following:
 - (i) in the district in which the Member's primary ~~place of~~ practise is located; or, if a Member does not practise optometry in Ontario, in the district where ~~he or she~~ they primarily ~~resides~~ reside; or
 - (ii) if the Member ~~also~~ belongs to the Faculty of the University of Waterloo School of Optometry and Vision Science, in ~~district~~ District 6; and
 - (b) in ~~district~~ District 5.
- ~~(2) If a Member practises optometry in multiple electoral districts and has not declared a primary place of practise, the College shall select the electoral district in which the Member is eligible to vote on the Member's behalf.~~
- ~~(3)~~ (2) When there is more than one candidate for a position, the Registrar shall, at least fifteen (15) days before an election, send each Member entitled to vote in

an election: a ballot along with the voting instructions and any campaign materials provided by candidates.

- ~~(a)~~ — a clearly marked ballot;
- ~~(b)~~ — a blank envelope, if necessary;
- ~~(c)~~ — a return mail envelope, if necessary;
- ~~(d)~~ — the campaign material provided by each candidate; and
- ~~(e)~~ — voting instructions.

~~(4)~~ — Upon receipt of a Member's ballot, ~~the~~ The Registrar shall:

- ~~(a)~~ — open the return mail envelope; and
- ~~(b)~~ — place the blank envelope containing the ballot in the ballot box.

~~(5)~~(3) ~~At the completion of the election, the Registrar shall tally~~ cause the votes on each ballot received. ~~to be tallied.~~

~~(6)~~(4) The candidate (or ~~his or her~~their designate) is entitled to be present while the Registrar tallies the votes.

~~(7)~~(5) The candidate who receives the most votes cast on a ballot for each contested electoral district shall be declared elected.

~~(8)~~(6) If the votes on a ballot result in a tie, the Registrar shall resolve the deadlock by lot.

~~(9)~~(7) If a position in an electoral district is not contested, the Registrar shall declare the candidate elected by acclamation.

~~(10)~~(8) Where an issue arises with respect to a ballot that is not governed by these By-laws, the Registrar shall resolve the dispute in a fair ~~and democratic~~ manner.

~~(11)~~(9) The Registrar shall report the results of the election to Council and the Members.

~~(12)~~(10) If Council determines, by Special Resolution, that an alternative method of voting ~~(such as electronic voting)~~ would be preferable, Council shall create a democratic and fair procedure ~~for voting in accordance with generally accepted principles of democracy and fairness.~~

6.096.08 Vote Recount

- (1) If a candidate has lost the election, the candidate (or ~~his or her~~their designate) may request a recount ~~in the electoral district in which he or she was a candidate,~~ provided that:
 - (a) ~~he or she has~~they lost the election by no more than twenty (20) votes; and
 - (b) the request is made in writing to the Registrar within seven (7) days of the results of the election being reported.
- (2) The recount shall occur within fourteen (14) days of a valid recount request.
- (3) The candidate requesting the recount and the candidate previously declared the winner (or a designate of each) shall be entitled to be present at the recount.
- (4) If the outcome of the recount changes the election results: the candidate who has now received the most votes on the ballot shall be declared elected
 - ~~(a) — the candidate requesting the recount shall be refunded any fees paid; and~~
 - ~~(b) — the candidate who has now received the most votes on the ballot shall be declared elected.~~
- (5) If the recount of the votes on the ballot results in a tie, the Registrar shall resolve the deadlock by lot.
- (6) Where an issue arises with respect to the recount that is not governed by these By-laws, the Registrar shall resolve the dispute in a fair ~~and democratic~~ manner.
- (7) The Registrar shall report the results of the recount to Council and the Members.
- ~~(8) — The Registrar may destroy the ballots 8 days after the election or, if a recount has been requested, 8 days after the recount.~~

6.10 ~~Election Challenge~~

- ~~(1) — A candidate or his or her designate may only challenge an election if:~~
 - ~~(a) — he or she submits the challenge in writing to the Registrar within:~~
 - ~~(i) — 7 days after the election results are reported; or~~
 - ~~(ii) — if a vote recount has occurred, 7 days after the vote recount results are reported; and~~

- ~~(b) — provide a detailed description of the reason for challenging the vote.~~
- ~~(2) — Within 7 days of the Registrar receiving a valid election challenge, Council shall appoint:
 - ~~(a) — a panel consisting of 3 Council Members, at least one of whom is an Appointed Council Member, to hold an inquiry into the election (the "Election Challenge Committee"); and~~
 - ~~(b) — provide a deadline (which may, depending on the circumstances, be extended) by which the Election Challenge Committee must report its findings to Council in writing.~~~~
- ~~(3) — No member of the Election Challenge Committee shall be a Council Member who was elected during the election being disputed.~~
- ~~(4) — The Election Challenge Committee shall:
 - ~~(a) — provide all candidates with:
 - ~~(i) — notice of the challenge in writing; and~~
 - ~~(ii) — a reasonable opportunity to make submissions regarding the challenge in the time and manner determined by the Election Challenge Committee.~~~~
 - ~~(b) — conduct an investigation, if necessary; and~~
 - ~~(c) — based on a majority vote, make findings of the facts; and~~
 - ~~(d) — report its findings and reasoning to the candidates and to Council in writing.~~~~
- ~~(5) — Depending on the findings of the Election Challenge Committee, Council may, by Resolution, direct the Registrar to:
 - ~~(a) — hold a new election for some or all of the districts;~~
 - ~~(b) — recount the votes;~~
 - ~~(c) — hold a by election or run-off between two candidates;~~
 - ~~(d) — carry out any other means that Council determines would resolve the challenge in a fair and democratic manner.~~~~

~~6.09~~ If any allegation of the challenge is determined by the Election Challenge Committee to be valid, the candidate challenging the election shall be refunded any fees paid to the College for making the challenge.Election Irregularity

~~(6)~~(1) If the Council is of the opinion that there is a reasonable ground for doubt or dispute as to the validity of the election or selection of any Council Member, the Council shall hold an inquiry and decide whether it is valid and, if found to be invalid, the Council shall direct another election or selection to be held. Council shall not declare an election or selection result to be invalid solely on the basis of a minor irregularity regarding the requirements of these By-laws or a procedure established by the Registrar.

6.116.10 Council Vacancies

- (1) If an Elected Council Member's seat becomes vacant during the first ~~two~~ (2) years of a Council Member's term:
 - (a) Council shall appoint the candidate who received the most votes during the previous election to fill the vacant position in that district provided that:
 - (i) the Member agrees to fill the vacant position; and
 - (ii) the Member is eligible to be a Council Member; or
 - (b) if the above requirements cannot be satisfied, the Registrar shall hold a by-election to fill the vacancy.
- (2) If the seat of an Elected Council Member becomes vacant in the third year of a Council Member's term, Council is not required to fill the vacancy.
- (3) If a vacancy on Council is filled by holding a by-election and the votes cast result in a tie, the Registrar shall resolve the deadlock by lot.
- ~~(4)~~ In the case of a by-election, the Registrar may amend the timing of the nomination and election procedure laid out in Part 6 to facilitate the filling of the vacancy.
- ~~(4)~~(5) Where an issue arises that is not governed by these By-laws during an election, the Registrar shall resolve the dispute in a fair ~~and democratic~~ manner.
- ~~(5)~~(6) The term of the replacement Council Member shall continue until the ~~term~~ endtime when the previous Elected Council Member's term would have expired.

6.126.11 Unexpected Circumstances

If, for whatever reason, the election cannot be held in the time or manner intended, the Registrar, with consent of ~~the Executive Committee, Council~~ may delay or extend the election so as to hold the election in a fair ~~and democratic~~ manner.

PART 7 - ELECTION OF OFFICERS

7.01 Officers

The officers of the College consist of a President and Vice-President as well as such other officer position as Council may determine by Special Resolution.

7.02 Nomination Procedure

- (1) Before the ~~first regular~~final Council Meeting each year, the Registrar shall invite ~~in writing all~~nominations from Council Members ~~wishing to stand~~ for election to the office of the President, Vice-President and any other officer position as Council may determine for the following year.
- (2) ~~A Council Member's written intent~~Members must ~~be returned~~submit their nomination to the Registrar before the Council Meeting when the election of officers is to take place.

7.03 Process for Election of Officers

- (1) The election of officers shall take place on an annual basis at the ~~first~~last Council Meeting of each year.
- (2) At a Council Meeting during which an election of officers occurs:
 - (a) a special quorum of at least ~~2/3rds~~3 of all Council Members must be present;
 - (b) the Registrar shall present the names of candidates who have indicated their interest for each officer's position;
 - (c) when an officer's position is not contested, the Registrar shall declare the candidate elected by acclamation; and
 - (d) when there is more than one candidate for an officer's position:
 - (i) voting shall be conducted by secret ballot;
 - (ii) the Registrar shall count the ballots, and report the results to Council;
 - (iii) the candidate who receives the most votes cast on a ballot shall be declared elected; and

(iv) if there is a tie in votes cast, the Registrar shall resolve the deadlock by lot.

(3) Where an issue arises that is not governed by these By-laws during an election, the Registrar shall resolve the dispute in a fair ~~and democratic~~ manner.

7.04 Officer Term Limits

(1) The term of an officer is one year, beginning from the first regular Council meeting after the January 1st to December 31st.

(2) No officer was elected by Council until the officer's successor takes shall serve more than four years in their lifetime in the office of President or the office of Vice-President.

(a) Council may exempt this requirement if it is necessary to ensure that the Executive Committee functions properly including that it has the proper composition or quorum.

7.05 Officer Vacancies

(1) If the position of the President becomes vacant, the Vice-President shall become President.

(2) If the position of the Vice-President becomes vacant, Council shall elect by Resolution a Council Member to fill the position~~(s)~~ for the remainder of the term.

(3) If the position of any other officer becomes vacant, that position:

(a) may remain vacant until the term of the previous holder of that position would have expired; or

(b) Council may, by Resolution, elect a Council Member to fill the position for the remainder of the term.

(4) If there is a tie in votes cast for an election for a vacant officer's position, the Registrar shall resolve the deadlock by lot.

(5) Where an issue arises that is not governed by these By-laws during an election, the Registrar shall resolve the dispute in a fair ~~and democratic~~ manner.

PART 8 - APPOINTMENT TO COMMITTEES

8.01 Eligibility ~~of Members~~ for Appointment to Committees

A Member ~~shall be~~ eligible to be appointed to a Committee for a ~~term of one-year as a Committee Member term~~ if, they meet the following requirements on the date of appointment:

- (1) the Member's certificate of registration is not subject to any exceptional term, condition or limitation ~~that does not already apply to every Member who possesses that class of certificate~~;
- (2) the Member is not the subject of any disciplinary or incapacity proceeding;
- ~~(3) — the Member is not:~~
 - ~~(4)(3) an elected representative, a director or, officer or, committee member or chair, appointee, employee, independent contractor or service provider of, or a party to a contractual relationship (if it is reasonable to expect that a real or apparent conflict of interest may arise) to provide services to, the Ontario Association of Optometrists, the Canadian Association of Optometrists or any other organization determined that is considered by Council, to create a real or apparent conflict of interest;~~
 - ~~(a) — an appointed Committee chairperson or member of a committee of the Ontario Association of Optometrists, the Canadian Association of Optometrists or any other organization determined by Council if it is reasonable to expect that a real or apparent conflict of interest may arise;~~
 - (4) the Member has not been a member of that Committee for a total of nine (9) years or more in their lifetime;
 - (5) the Member has not already served a total of twenty-one (21) years in their lifetime on Council and/or any Committee subject to the following:
 - (a) For the purposes of calculating the twenty-one (21) years' time served simultaneously on Council and/or any Committees is counted concurrently; and
 - (b) Council may exempt this requirement if it is necessary to ensure that the Committee functions properly including that it has the proper composition or quorum;
 - (6) the Member has not been disqualified as a Council Member or Committee Member in the preceding ~~threesix~~ (6) years; and
 - (7) after having been provided with an opportunity to rectify any failure in ~~his or her~~their obligations to the College, the Member:
 - (b) has paid any fee, charge or order for costs owing to the College,
 - (c) has submitted to the College all required forms and documents, and

- ~~(b) — is otherwise in good standing with the College has paid any fee, charge or order for costs owing to the College;~~
- ~~(c) — has submitted to the College all required forms and documents, and~~
- ~~(d) — is otherwise in good standing with the College.~~

~~8.02 — Obtaining Volunteers for Committees~~

- ~~(1) — In the case of Council Members:
 - ~~(a) — before the first regular meeting of Council in each year the Registrar shall invite in writing all Council Members to indicate in writing their preferences for committee appointment(s); and~~
 - ~~(b) — a Council Member's written intent must be returned to the Registrar before the first regular meeting of the Council for the year.~~~~
- ~~(2) — In the case of non-Council Members:
 - ~~(a) — the Registrar, at the same time that nomination ballots for Council are distributed, shall invite in writing all Members to indicate in writing any Committee on which they volunteer to sit; and~~
 - ~~(b) — a Member's written intent must be returned to the Registrar before the first regular meeting of Council for the year.~~~~
- ~~(3) — A Member who volunteers to serve on a Committee and is either:
 - ~~(a) — an elected representative, director or officer or employee of, or a party to a contractual relationship (if it is reasonable to expect that a real or apparent conflict of interest may arise) to provide services to, the Ontario Association of Optometrists, the Canadian Association of Optometrists or any other organization determined by Council, or~~
 - ~~(b) — an appointed Committee chairperson or member of a committee of the Ontario Association of Optometrists, the Canadian Association of Optometrists or any other organization determined by Council if it is reasonable to expect that a real or apparent conflict of interest may arise;~~~~

~~must, at the time of submitting their written intent, file with the Registrar a written agreement to resign from the conflicting position if appointed to serve on a Committee.~~

 - ~~(d) — Process for:~~

8.038.02 Appointing Committee Members and Committee Chairs

- (1) ~~As soon as possible after~~At the ~~Executive Committee's election, final meeting of the year,~~ Council, shall appoint Council Members and non-Council Members ~~volunteering to sit on a Committee and shall:~~
 - (a) ~~review the Committee preferences provided to the Registrar by each Council Member and non-Council Member;~~
 - (2)(1) ~~consider other relevant factors including past experience, conflicts of interest, workload and the fair representation of each district on Committees;~~ including the Chairs for each Committee.
 - (a) ~~rank Council Members and non-Council Members in order of preference, and include documentation of each person's qualifications relating to the work of the Committee; and~~
 - (b) ~~shall appoint a chair for each Committee.~~
- (3)(2) If the Council is unable to meet the composition requirements set out in these By-laws ~~offor~~ any Committee, Council may temporarily adjust the composition until those requirements can be met.

8.048.03 Committee Vacancies

- (1) If a vacancy of a Committee Member occurs, ~~the Executive Council-delegated~~ Committee may ~~appoint~~recommend a replacement Committee Member, to be appointed by Council.
- (2) ~~If a vacancy of a Committee Chair occurs,~~ ~~the Executive Council-delegated~~ Committee ~~must appoint~~shall recommend a replacement Committee Chair.
- (3)(2) ~~At the next Council meeting, the Executive Committee shall present the replacement Committee Member(s) or replacement Committee Chair(s) to Council,~~ to be ~~ratified~~appointed by ~~Resolution. Council~~

DISQUALIFYING OR

PART 9 - DISQUALIFYING AND SANCTIONING COUNCIL MEMBERS AND COMMITTEE MEMBERS

9.01 Grounds for Disqualifying or Sanctioning an Elected Council Member or Committee Member

- (1) Council shall disqualify an Elected Council Member or Committee Member from sitting on Council or a Committee, as the case may be, if ~~he or she~~they:

- (a) ~~is~~are found by a panel of the Discipline Committee to be incompetent or to have committed an act of professional misconduct;
- (b) ~~is~~are found by a panel of the Fitness to Practise Committee to be an incapacitated member;
- (c) ~~was elected in electoral districts 1 through 4, and ceases~~cease to ~~principally~~reside ~~in~~ or practise optometry in the electoral district for which the Member was elected;
- (d) ~~was elected in district 6 and ceases~~cease to be a member of the Faculty of the University of Waterloo School of Optometry and Vision Science if elected in District 6;
- (e) ~~ceases~~cease to be the holder of:
 - (i) a general certificate of registration; or
 - (ii) an academic certificate of registration;
- ~~(ii) — academic certificate of registration;~~
- (f) after having been provided with an opportunity to rectify any failure in ~~his or her~~their obligations to the College:
 - (i) ~~remains~~remain in default of any fee, charge or order for costs owing to the College,
 - (ii) ~~fails~~fail to submit to the College all required forms and documents, or
 - (iii) ~~ceases~~cease to otherwise be in good standing with the College;
- (g) ~~has a~~have any exceptional term, condition or limitation on ~~his or her~~their certificate of registration ~~that does not already apply~~;
- ~~(g) — fail to every Member who possesses that class of certificate;~~
- (h) ~~fails to~~annually sign, ~~on an annual basis, a~~ and/or comply with the confidentiality agreement with the College, in the form approved by Council;
- ~~(i) — breaches Section 36 of the RHPA or the By laws of the College that require Council Members or Committee Members to preserve the~~

~~confidentiality of information disclosed during the course of his or her duties as a Council Member or Committee Member;~~

~~(j) — depending on the eligibility requirements for a Council Member or Committee Member set out in Parts 6 and 8, becomes an elected representative, board member, a director, officer or employee of, or enters into a contractual relationship to provide services (if it is reasonable to expect that a real or apparent conflict of interest may arise) to:~~

~~(i) —, committee member or chair, appointee, employee, independent contractor or service provider of the Ontario Association of Optometrists,~~

~~(ii) — the Canadian Association of Optometrists; or~~

~~(k)(i) any other organization determined that is considered by Council; to create a real or apparent conflict of interest.~~

~~(l) — depending on the eligibility requirements for a Council Member or Committee Member set out Parts 6 and 8, becomes an appointed committee chairperson or member of a committee of:~~

~~(i) — the Ontario Association of Optometrists;~~

~~(ii) — the Canadian Association of Optometrists; or~~

~~(iii) — any other organization determined by Council;~~

~~(m)(j) subject to the discretion of Council to excuse the absence:~~

~~(i) fails fail to attend any two (2) of three (3) consecutive regular meetings of the Council;~~

~~(ii) fails fail to attend any two (2) of three (3) consecutive regular meetings of a Committee of which he or she is they are a member; and~~

~~(iii) fails fail to attend a hearing or proceeding, or part thereof, of a panel on which he or she sits they sit.~~

(2) An Elected Council Member or a Committee Member may also be ~~removed from their position~~disqualified or sanctioned if they ~~contravene their duties (fail to comply with these By-laws, including abiding by the College's College's Code of Conduct and the conflict of interest provisions)~~.

9.02 Grounds for Requesting the Disqualification or Sanctioning of an Appointed Council Member

- (1) The College shall request that the Public Appointments Secretariat to disqualify and remove an Appointed Council Member from Council if the Appointed Council Member:
 - (a) becomes a Member; or
 - ~~(b) — fails to sign, on an annual basis, a confidentiality agreement~~ comply with ~~the College, in the form approved by Council;~~
 - ~~(c)(b) breaches Section 36 paragraphs (h) through (j) of the RHPA or the By-laws of the College that require Committee Members to preserve the confidentiality of information obtained in the course of his section 1, or her duties as a Committee Member; section 2 both of Part 9.01; and~~
 - ~~(d) — depending on whether the person is a Council Member or Committee Member, becomes an elected representative, Board member, director, officer or employee of, or enters into a contractual relationship (if it is reasonable to expect that a real or apparent conflict of interest may arise) to provide services to the Ontario Association of Optometrists, the Canadian Association of Optometrists or any other organization determined by Council;~~
 - ~~(e) — depending on whether the person is a Council Member or Committee Member, becomes an appointed Committee chairperson or member of a Committee of the Ontario Association of Optometrists, the Canadian Association of Optometrists or any other organization determined by Council; or~~
 - ~~(f) — subject to the discretion of Council to excuse the absence:
 - ~~(i) — fails to attend any two of three consecutive regular meetings of the Council;~~
 - ~~(ii) — fails to attend any two of three consecutive regular meetings of a Committee of which he or she is a Member; or~~
 - ~~(iii) — fails to attend a hearing or proceeding, or part thereof, of a panel on which he or she sits.~~~~
- (2) ~~The College may also request the removal of an~~ An Appointed Council Member ~~or sanction an Appointed Council Member if~~ may also be sanctioned and a request made that they contravene their duties (be disqualified if they fail to comply with these By-laws including abiding by the College's Code of Conduct and the conflict of interest provisions).

9.03 Process for Disqualifying or Sanctioning a Council Member and Committee Member

- (1) The following process shall be used to disqualify or sanction an Elected Council Member, Committee Member or Appointed Council Member (the "Subject Member"):
 - (a) Where a Council Member or the Registrar ~~believes~~receives information in writing that ~~the College should consider the disqualification or sanction of the~~suggests that a Subject Member, should be disqualified or sanctioned the Council Member or Registrar shall ~~advise~~notify the ~~Executive Council-delegated~~ Committee in writing;
 - ~~(b) The Executive Council-delegated Committee shall:~~
 - ~~(i) provide the Subject Member with:~~
 - ~~(e)(b) notice of the concerns in writing, matter and thirty (30) days to provide a written response;~~
 - ~~(A) reasonable time to make submission in the time and manner determined by the Executive Committee;~~
 - ~~(d) The Executive Council-delegated Committee shall, based on at least a 2/3rds majority vote, make a preliminary finding of the facts and, in writing, report those findings and its reasoning to the Subject Member and Council, and, depending on the circumstances, the individual who brought the matter to the Executive Committee's attention;~~
 - ~~(e) The Executive Committee may then, based on at least a 2/3rds majority vote, either:~~
 - ~~(c) consider the matter and dismiss the matter, sanction the Subject Member, provided the or if it finds that the Subject Member ought to be disqualified, refer the matter to the President within thirty days of its decision;~~
 - ~~(d) Upon receipt of the information, the President shall do the following:~~
 - ~~(i) place the matter on the Agenda at the next Council meeting or call a Special Meeting for that purpose; and~~
 - ~~(ii) notify the Subject Member of the referral to Council and their right to make written or oral submissions at the meeting.~~

- (e) When considering the matter, Council may do one or more of the following:
- (i) conduct an investigation into the matter before considering the matter;
 - (ii) dismiss the matter;
 - ~~(i) — sanction does not include the disqualification, request to or disqualify or dismissal of the Subject Member. Sanctions by the Executive Committee may include:~~
 - ~~(ii)(iii) dismiss the allegations against the Subject Member; or by Special Resolution; and~~
 - ~~(iii) — refer in the matter to Council.~~
 - ~~(iv) — If either the individual who brought the matter to the Executive Committee's attention or the Subject Member is of the view that Council's involvement is required, they shall provide, in writing, their concern to the attention of the President within 15 days after being notified and the issue will be placed on the agenda for the next Council meeting.~~
 - ~~(v) — Council shall:~~
 - ~~(vi) — advise the Subject Member and the individual who brought the matter to the Executive Committee's attention;~~
 - ~~(vii) — that the matter has been referred to Council; and~~
 - ~~(viii) — case of their opportunity to make submissions in the manner determined by an Appointed Council;~~
 - ~~(ix) — conduct an investigation, if necessary; and~~
 - ~~(x) — by Special Resolution make a finding of fact and, in writing, report those findings and its reasoning to the Subject Member, and, depending on the circumstances, the individual who brought the matter to the Executive Committee's attention;~~
 - ~~(xi) — Council may then, based on pass a Special Resolution, either:~~

~~(xii) sanction the Subject Member (which may include the disqualification, or the request to disqualify the Subject Member); or~~

~~(xiii) dismiss the allegations against the Subject Member.~~

~~(xiv) In determining the appropriate sanction, the Executive Committee and Council should be guided by the principle to request that the primary purpose of sanctions is to protect the College and to modify behaviour that could be potentially harmful to College.~~

~~(xv)(iv) The Subject Member, throughout the process, shall be temporarily suspended as a Council Member or Committee Member until a final decision by the College has been rendered or the Public Appointments Secretariat has removed the Appointed Council Member, as the case may be disqualify them.~~

~~(2) Before any debate is had or vote is taken by Council, throughout the process, Council shall consider whether the public should be excluded from all or part of the meeting in accordance with the Code.~~

~~(3) Where Council votes to request the Public Appointments Secretariat to disqualify and remove an Appointed Council Member, the College shall make such a request to the Public Appointments Secretariat.~~

~~(4) If the Subject Member is disqualified or removed as a Council Member or Committee Member, the College shall act as if a vacancy had been created as a result of a resignation.~~

(2) Until the matter has been finally disposed of, the Subject Member shall be suspended from their role(s) at the College and shall not participate in any discussion or vote regarding their sanction or disqualification.

(3) A Subject Member who has been disqualified ceases to be a Council Member and a member of all Committees.

(5)(4) The disqualification of a Council Member or Committee Member, shall be deemed to constitute a vacancy for the purposes of these By-laws and the relevant provisions shall apply.

9.04 Temporary Suspension ~~of a Council Member or Committee Member~~

(1) A Council Member or Committee Member who becomes the subject of a disciplinary or incapacity proceeding ~~(including, in the case of an Elected Council Member, one which originates at any time after the deadline for~~

~~receipt of nominations)~~,² shall not serve on Council or on any Committee until a final decision (including any appeal) has been rendered.

~~(2) — An Elected Council Member and/or a Committee Member, who, after having been provided with an opportunity to rectify a failure in their obligations to the College:~~

~~(a) — remains in default of any fee, charge or order for costs owing to the College,~~

~~(b) — fails to submit to the College all required forms and documents, or~~

~~(c) — ceases to otherwise be in good standing with the College;~~

~~(3)(2) (including, in the case of an Elected Council Member, a default which originates at any time after the deadline for receipt of nominations comply with paragraph 9.01(f), shall not serve on Council or any Committee until the failure is remedied or the Elected Council Member and/or a Committee Member is disqualified unless the failure resulted in their disqualification.~~

PART 10 - DESCRIPTION OF DUTIES

~~10.01 — Officers on Executive Committee~~

~~(1) — The President and Vice President are members of the Executive Committee.~~

~~(2) — In addition to the President and Vice President, Council may, by Special Resolution, determine the composition of the Executive Committee provided that all members of the Executive Committee are Council Members.~~

~~(3) — Each additional member of the Executive Committee shall be elected in the same manner as the officers.~~

10.0210.01 President

(1) The President, with Council, is responsible for fulfilling the mandate, objectives and strategic plans of the College. The President is directly accountable to Council and indirectly accountable to the government, the public and the profession for the effective governance of the College.

(2) The President's duties include:

(a) providing effective leadership for Council;

- (b) presiding as chair of all Council Meetings and Executive Committee meetings, unless another chair has been appointed;
- (c) overseeing the operations of Council, including approving the agenda for Council Meetings ~~and presenting an Executive Committee report at each Council Meeting;~~
- (d) working with the Registrar to ensure the efficient conduct of all Council Meetings and Executive ~~Council~~Committee meetings and that decisions of Council and the Executive Committee are implemented;
- (e) participating in the orientation of new Council Members, officers, Committee Members, chairs and volunteers and encouraging Members to participate in Council;
- (f) overseeing and ensuring that a process is in place to fairly evaluate the Registrar;
- (g) along with the Registrar, representing the College as ~~the~~an authorized spokesperson on College policies and positions;
- (h) signing contracts, documents or instruments on behalf of the College;
- (i) liaising with the Registrar on any issue relating to the interaction between Council Members and College staff; and
- (j) any other duty determined by Council.

10.0310.02 Vice-President

- (1) In the absence, inability or refusal of the President to act, the Vice-President shall have all the powers and perform all the duties of the President.
- (2) The Vice-President is directly accountable to Council and indirectly accountable to the government, the public and the profession for the effective governance of the College.
- (3) The Vice-President's duties include:
 - (a) serving on the Executive Committee;
 - (b) any duty delegated by the President;
 - (c) signing contracts, documents or instruments on behalf of the College; and
 - (d) any other duty determined by Council.

10.0410.03 Registrar and CEO

- (1) The Registrar holds the most senior position on the College's staff and is the chief executive officer of the College.
- (2) The Registrar is directly accountable to Council and, between Council meetings, to the Executive Committee.
- (3) The Registrar's duties include:
 - (a) overseeing the day to day affairs of the College;
 - (b) ensuring compliance with statutory obligations;
 - (c) implementing and monitoring College policies;
 - (d) facilitating the orderly transfer of presidential responsibility, when required;
 - (e) preparing and maintaining minutes of all Council and Executive Committee meetings and maintaining the College's records, documents and register;
 - (f) preparing agendas for meetings of Council and the Executive Committee, and submitting those agendas to the President for approval;
 - (g) providing notice of all Council and Executive Committee meetings;
 - (h) establishing and maintaining administrative, human resource, and financial operations of the College's office, in collaboration with Council and the Executive Committee, to ensure effective management of the College;
 - ~~(i) hiring, promoting, terminating and establishing the terms, duration and severances of employment of College staff;~~
 - ~~(j) recruiting personnel, hiring, promoting, terminating and establishing the terms, duration and severances of employment of College staff;~~

- (k) ensuring an annual performance assessment and, when applicable, encouraging continuing professional development ~~for~~of College staff;
- (l) acting as an official spokesperson for the College; and
- (m) any other duty determined by Council.

~~10.05~~ Council Members

- ~~(1) — The primary functions of a Council Member:~~
 - ~~(a) — is to debate and establish College policy; and~~
 - ~~(b) — to serve as a liaison between the College and those who elect or appoint them.~~
- ~~(2) — Council Member duties include:~~
 - ~~(a) — working with Council to abide by, develop, enforce and propose amendments to:~~
 - ~~(i) — the RHPA;~~
 - ~~(ii) — the Act; and~~
 - ~~(iii) — these By laws;~~
 - ~~(b) — establishing policy, strategic direction and goals of the College, including approving statements of principles and positions related to College policy;~~
 - ~~(c) — supporting and implementing Council decisions;~~
 - ~~(d) — preparing for each Council meeting;~~
 - ~~(e) — monitoring the performance of the Registrar through feedback reports prepared by the President;~~
 - ~~(f) — ensuring appropriate succession planning for the Registrar; and~~
 - ~~(g) — any other duty determined by Council.~~

~~10.06~~10.04 Committee Chairs

- (1) The Committee Chair reports to Council.
- (2) Committee Chair duties include:

~~(a) providing effective leadership for the Committee and facilitating Committee Meetings;~~

~~(a) chairing Committee meetings;~~

- (b) approving meeting agendas prepared by College staff;
- (c) assessing whether Committee Members have the resources and training to effectively perform the Committee's work;
- (d) ensuring that the activities of the Committee are conducted within budget;
- (e) working with the Committee and College staff to establish, monitor and execute Committee goals;

~~(f)(a) providing effective leadership for the Committee and facilitating Committee Meetings;~~

~~(g)(f) liaising with submitting a regular report to Council containing information on the affairs of the Committee and reporting to the Executive Council- delegated Committee the affairs of the Committee;~~

~~(h)(g) being a spokesperson for the Committee and ensuring all Committee Members publicly support Committee decisions; and~~

~~(i)(h) any other duty determined by Council.~~

PART 11 - OBLIGATIONS OF COUNCIL AND COMMITTEE MEMBERS

11.01 Conflict of Interest

- (1) Council Members and Committee Members must not engage in any activities or decision-making where a conflict of interest may arise.
- (2) A conflict of interest ~~means~~occurs when a Council ~~Member~~Member's or Committee Member's personal or financial interest or participation in an arrangement or agreement ~~which~~ influences, is likely to influence, or could be perceived as influencing that person's judgment or decision-making with respect to College matters.
- (3) The personal or financial interests of ~~any~~anya family member or ~~a~~ close relation (such as a friend or business associate) of a Council Member or Committee Member shall be interpreted to be the interests of a Council Member or Committee Member.

~~(4) — Council Members and Committee Members must recognize that even the appearance of a conflict of interest can bring discredit to the College, and should be dealt with in the same manner as an actual conflict of interest.~~

~~(5) — A conflict of interest may amount to a breach of Council Members' fiduciary obligations and can create liability for everyone involved.~~

~~(6)~~(4) A Council Member or Committee Member shall not use College property or information of any kind to advance ~~his or her~~their own interests.

11.02 Process for Declaring a Conflict of Interest for Council Members

(1) If a Council Member believes ~~or suspects~~ that ~~he, she~~they or ~~any other~~another Council Member has or may have a conflict of interest, ~~including an appearance of a conflict of interest~~, in any matter which is the subject of deliberation or action by Council, ~~he or she~~they shall, ~~prior to any~~ consult with the Registrar and inform the Council as soon as possible before the consideration of the matter at the meeting, ~~declare it to Council.~~

~~(2) — If there is any doubt about whether a conflict of interest exists, any the Council Member may introduce a motion shall declare it to have the conflict of interest issue determined by Council. On such a motion:~~

~~(a) — the chair presiding over and Council shall provide decide in their absence whether a conflict exists; and the Council Member introducing the motion a brief opportunity to explain why he or she believes the Council Member may have a conflict of interest;~~

~~(b) — the chair presiding over Council shall provide the Council Member who is the subject of the potential conflict of interest a brief opportunity to explain why he or she believes that he or she does not have a conflict of interest;~~

~~(3)~~(2) Council shall ~~determine by Special Resolution using a secret ballot whether the Council Member has a conflict of interest; and accept the decision.~~

~~(4)~~(3) The Council Member who ~~is~~has the ~~subject of the potential conflict of interest and the Council member who initiates the conflict of interest motion shall not participate in~~do the ~~vote following:~~

~~(5) — If a Council Member has or is determined to have a conflict of interest with respect to a matter that is the subject of deliberation or action by Council:~~

~~(a) — the absent themselves from the room when the matter is being considered;~~

~~(b) — refrain from voting on the matter; and~~

(c) not do anything to influence the decision.

~~(6)(4)~~ The conflict of interest shall be recorded in the minutes of the Council meeting; and.

~~(a) the Council Member shall:~~

~~(i) not participate in the debate in respect of the matter;~~

~~(ii) refrain from voting on the matter;~~

~~(iii) absent himself or herself from the room; and~~

~~(iv) not attempt in any way to influence the voting or do anything that might be perceived as attempting to influence the decision of Council on the matter.~~

11.03 ~~Process for~~ Declaring a Conflict of Interest for Committee Members

~~(1) If a Committee Member believes or suspects that he, she they have or any other another Committee Member may have a conflict of interest, including an appearance of a conflict of interest, in any in a matter which is the subject of deliberation or action by a, they shall consult the Committee's staff support and disclose it to the Committee, he or she shall:~~

~~(2)(1) prior to any chair as soon as possible before the consideration of the matter at the meeting, disclose to the Committee chair, Committee staff support, Committee, Registrar and/or the College's legal counsel the fact that he, she or any other Committee Member may have a conflict of interest;~~

~~(3)(2) if the Committee Member has a conflict of interest or if (2) If there is any doubt about whether a conflict of interest exists, the Committee Member shall, unless the Committee chair has agreed otherwise: chair shall decide whether a conflict exists and how to resolve it and the Committee Member shall abide by the decision.~~

~~not particip(3) ate in(3) The Committee Member who has a conflict shall:~~

~~(a) absent themselves from the debate in respect of room when the matter is considered;~~

~~(b) refrain from voting on the matter; and~~

~~(i) absent himself or herself from the room; and~~

~~(c) not attempt in any way to influence the voting or do anything that might be perceived as attempting to influence the decision of the Committee on the matter; and.~~

~~the~~(4) The conflict of interest shall be recorded in the minutes of the Committee meeting.

11.04 ~~One-Year Waiting~~ Periods

- (1) ~~Subject to subsection 11.04(2), there~~There shall be a one- (1) year waiting period ~~with respect to~~for the following positions:
 - (a) a Council Member~~or~~, Committee Member or person referred to in paragraph 8.01(3)(a) who wants to work as an employee ~~of the College, on a contract with the College (if it is reasonable to expect that a real or apparent conflict of interest may arise),~~ or hold any appointment bywith the College; and
 - (b) an employee, contractor or any other appointee of the College who wants to be a Council Member or Committee Member; and;
 - ~~(c) an employee, contractor, appointee, director or officer of the Ontario Association of Optometrists, the Canadian Association of Optometrists or any other organization determined by Council who wants to:~~
 - ~~(i) be an employee or work on a contract with the College (if it is reasonable to expect that a real or apparent conflict of interest may arise); or~~
 - ~~(ii) hold any appointment by the College.~~

~~The one-year waiting period shall commence on the first day following the last day that the conflicting position was held by the individual.~~

- (2) Council may, under exceptional circumstances, adjust the one-year waiting period in subsection (1) by Special Resolution.
- (3) After completing nine (9) consecutive years on Council, a Council Members shall complete a three (3) -year waiting period prior to commencing another term on Council.
- (4) For the purposes of this section, waiting periods shall commence on the day following the last day that the conflicting position was held by the person.

11.05 Confidentiality

- (1) ~~Section 36(1) of the RHPA states, in part:~~

~~Every person employed, retained or appointed for the purposes of the administration of this Act, a health profession Act or the *Drug and Pharmacies Regulation Act*~~

~~and every Member of a Council or committee of a College shall keep confidential all information that comes to his or her knowledge in the course of his or her duties and shall not communicate any information to any other person....~~

~~(2)~~(1) Council Members and Committee Members, College staff and persons retained or appointed by the College shall:

(a) maintain confidentiality of information disclosed to them in the course of discharging their duties, unless otherwise authorized by Council or permitted under sSection 36(1) of the RHPA;

~~(b)~~ refrain from discussing matters arising in an *in camera* meeting;

~~(b)~~(c) refrain from communicating to Members, including Council Members or Committee Members, information regarding registration, complaints, reports, investigations, disciplinary or fitness to practise proceedings ~~which could be perceived as an attempt to influence a statutory decision or a breach of confidentiality,~~ unless:

(i) ~~he or she is~~they are a Member of the same panel considering the matter, or

(ii) when there is no panel, of the same Committee considering the matter.

~~However, Council Members and Committee Members may discuss any other matter not prohibited by Section 36(1) of the RHPA and not arising from an *in camera* meeting;~~

~~(c)~~ ~~be aware of and understand those exceptions to confidentiality obligations in Section 36(1) of the RHPA; and~~

(d) seek advice if any doubt whether an exception under sSection 36(1) of the RHPA applies.

11.06 Code of Conduct

(1) Council Members and Committee Members must, at all times, when discharging their College duties, act in the College's public's best interest, maintain high standards of integrity, honesty, and loyalty.

(2) The College's Code of Conduct for Council Members and Committee Members includes:

- (a) being familiar and ~~comply~~complying with the provisions of the RHPA, the Act, and the By-laws and policies of the College;
 - ~~(b) — actively and constructively participating in Council and Committees;~~
 - ~~(c) — regularly attending and being prepared for meetings on time, and participating constructively in debates;~~
 - ~~(d)(b) participating in all Committee~~ deliberations in a respectful and courteous manner, recognizing the diverse background, skills and experience of Council Members and Committee Members;
 - ~~(c) — regularly attending and being prepared for meetings;~~
 - ~~(e) — abiding by and endorsing Council and Committee decisions, regardless of the level of prior personal disagreement; and~~
 - ~~(f)(d) — avoiding opinions about them; and, where that is not possible, declaring any appearance of or actual conflicts of interest.~~
 - ~~(g) — preserving confidentiality of all information before Council and/or its Committees unless disclosure has been authorized by Council or otherwise exempted under s. 36(1) of the RHPA;~~
 - ~~(h) — refraining from communicating to Members, including Council Members or Committee Members, information regarding registration, complaints, reports, investigations, disciplinary or fitness to practise proceedings which could be perceived as an attempt to influence a statutory decision or a breach of confidentiality, unless:~~
 - ~~(i) — he or she is a Member of the same panel considering the matter, or~~
 - ~~(ii) — when there is no panel, of the same Committee considering the matter;~~
- ~~However, Council Members and Committee Members may discuss any other matter not prohibited by Section 36(1) of the RHPA and not arising from an *in camera* meeting;~~
- ~~(i)(e) — respecting the boundaries of College staff whose role is who do not to report to or work for individual Council Members or Committee Members;~~
 - ~~(i)(f) — being respectful of others and not engaging in behaviour that might reasonably be perceived as verbal, physical or sexual abuse or harassment; and~~

~~(k)(g) refraining from~~ any other form of misconduct Council may determine.

~~11.07 Media and Official Communications~~

- ~~(1) Official communications on behalf of the College shall be coordinated through the Registrar.~~
- ~~(2) The President and the Registrar are the authorized spokespersons of the College. On any given issue, they shall consult with one another to determine who will speak on behalf of the College.~~
- ~~(3) The College shall develop an official communications policy.~~
- ~~(4) All communications by the College to the media and to the public shall be consistent with the policies and positions of the College.~~

~~11.08 Speaking and Writing Engagements~~

- ~~(1) All requests inviting a Council Member, Committee Member or an employee, contractor or other appointee of the College to represent the College must be provided in writing to the Registrar giving details of the date, time and place, the topic and anticipated length of the presentation.~~
- ~~(2) The Registrar in consultation with the President will accept or decline a request and determine the appropriate representative to address the topic.~~
- ~~(3) The contents of every engagement must be consistent with the approved policies and positions of the College and shall be reviewed in advance by the Registrar.~~
- ~~(4) No person in his or her capacity as a representative of the College shall receive any payment or benefit related to the engagement. If the payment or gift cannot in the circumstances be gracefully declined, it shall immediately be turned over to the Registrar for the benefit of the College.~~
- ~~(5) Any Council Member, Committee Member or an employee, contractor or other appointee of the College speaking or writing on a topic involving the practise of optometry in a personal capacity must include a disclaimer that they are not speaking/writing as a representative of the College.~~

PART 12 - REMUNERATION OF ELECTED COUNCIL MEMBERS

12.01 Remuneration Policy of the College

- (1) Elected Council Members ~~shall~~may be paid a ~~stipend and be reimbursed~~honoraria as determined by the ~~College for travelling and other expenses reasonably incurred in relation to the performance of their duties as~~

Council ~~Members or Committee Members in accordance with the College's remuneration policy.~~

PART 13 - COUNCIL

13.01 Council Meetings

- (1) Council Meetings shall be held at the College or any other location determined by the Registrar.
- (2) The Registrar shall serve as Council's secretary.
- (3) At least four Council meetings shall be held in a calendar year. ~~Additional Council meetings may be called by:~~
 - (a) Resolution;
 - (b) the President; or
 - (c) the written request of a majority of Council Members.
- (4) A Council meeting may be held in any manner that allows all Members, along with any members of the public, to participate simultaneously and instantaneously.
- (5) Council meetings are open to the public. However, the public may be excluded from any meeting or part of a meeting in accordance with ~~S~~section 7 of the Code.
- (6) Notice of a Council Meeting shall:
 - (a) be communicated to Council Members as soon as practicable;
 - (b) be posted at least fourteen (14) days before the Council Meeting on the College's website;
 - (c) be published in English and French; and contain the following:
 - ~~(d) —contain:~~
 - (i) the meeting agenda;
 - (ii) the date, time and location of the meeting;
 - (iii) an address and telephone number at which further information about the meeting may be obtained; and

- (iv) if the Registrar anticipates that the Council will exclude the public from any meeting or part of a meeting under subsection 7(2) of the Code, the grounds for doing so.
- (7) Briefing ~~books containing the information and documentation that~~materials will be provided to members of Council and shall be posted on the College's website at least three days before any Council meeting. ~~Information and documentation related to meetings or parts of meetings where the Registrar anticipates Council will exclude the public shall not be posted.~~ The failure to ~~give~~provide notice or a briefing ~~book~~materials, ~~or, the~~ non-receipt of any notice or briefing ~~book~~materials, shall not invalidate any actions taken by Council at a Council Meeting.
- (8) If Council decides to exclude the public from a meeting or a part of a meeting under subsection 7(2) of the Code, it may make orders it considers necessary to prevent the public disclosure of matters disclosed in the meeting, including banning publication or broadcasting of those matters.
- (9) Minutes shall be kept for every Council Meeting and shall:
 - (a) include details of all motions, recommendations, decisions and the grounds for excluding the public from any meeting or part of a meeting;
 - (b) be circulated to Council Members following the Council Meeting; ~~be approved or amended at the next Council Meeting;~~
 - (c) be approved or amended at the next Council Meeting; and
 - ~~(d) — and once approved:~~
 - ~~(i) — signed by the chair; and~~
 - ~~(e)(d) provided to the Registrar by the chair to~~ be kept with the ~~College's~~College's records.

~~13.02 Meeting Agenda~~

- ~~(1) — During a Council Meeting, Council may only consider:~~
 - ~~(a) — matters on the agenda; and~~
 - ~~(b) — any other matter that the majority of Council Members in attendance determine to be of an urgent nature.~~
- ~~(2) — A Council Meeting agenda may include:~~

- ~~(a) a discussion of any potential conflict of interest involving a Council Member;~~
- ~~(b) the review for approval or amendment of the minutes of a previous Council Meeting;~~
- ~~(c) review Committee reports and recommendations;~~
- ~~(d) any matter requiring Council's decision or direction;~~
- ~~(e) motions to be tabled at the meeting;~~
- ~~(f) any other matters determined by the President.~~

13.0313.02 Chair

- ~~(1) The President or their appointee shall chair Council Meetings. However, Council may by Resolution appoint anyone else to preside as chair of a Council Meeting in lieu of the President, provided that, at all times, it does so in good faith and~~
- ~~(1) If the appointee is not a Council Member, then they shall not If the appointee is not in an effort to usurp the function of the President as the presumptive chair of Council Meetings.~~
- ~~(2) In the case of an appointed chair who is a not a Council Member, the chair:~~
- ~~(3) then they shall not participate in deliberations;~~
- ~~(4) may discussions and shall not vote; and~~
- ~~(5)(2) shall undertake to maintain confidentiality.~~

13.0413.03 Quorum

- (1) A majority of Council Members constitutes a quorum to hold a Council meeting.
- (2) In determining whether or not a quorum has been met, the number of Council Members shall be deemed not to be reduced as a result of any vacancy on Council.

13.0513.04 Voting

- (1) Every motion shall, ~~depending on the circumstances,~~ be decided by Resolution unless these By-laws, the RHPA, the Regulations made under the Act, or the Corporations Act, require that the motion be decided by Special Resolution.

- (2) ~~If the votes cast result in a tie, the~~ The chair shall ~~not~~ have a ~~second~~ one vote and ~~the motion will be defeated.~~ shall vote last.
- (3) Every vote at a Council meeting shall be by a show of hands, roll call, secret ballot or as the chair of the meeting shall otherwise determine. A vote held during a meeting conducted through telecommunications shall be by way of roll call.
- (4) In the event of a roll call vote, the Registrar shall record the votes of each Council Member in the minutes of the meeting.

13.06 13.05 Written Resolutions

- (1) A Written Resolution ~~is as valid and effective~~ shall have the same effect as if passed at a Council Meeting.

13.07 13.06 Rules of Order of Council Meetings

- (1) ~~Conduct~~
- (2) ~~Council Meetings shall be conducted in English.~~
- (3) ~~All attendees shall turn off communications devices during Council Meetings.~~
- (4) ~~Laptops shall only be used during Council Meetings to review materials related to the meeting and to take notes.~~
- (5) ~~No one shall speak out of turn.~~
- (6) ~~General Procedure~~
- (7) ~~Council may informally discuss a matter without the requirement of a motion.~~
- (8)(1) ~~Council may~~ and decide matters by consensus or ~~any~~ other informal ~~method.~~ However, a motion should be made if it is Council's intention to vote on a matter methods without the requirement of a motion.
- (9) ~~College staff and consultants with expertise in a matter before Council may be permitted by the chair to answer specific questions.~~
- (10) ~~Non-Council Members are not permitted to~~ may only speak ~~at a Council Meeting without~~ with the ~~prior~~ permission ~~from~~ of the ~~President or~~ chair.
- (11)(2) ~~However, the President or chair may at any time request a non-Council Member to speak.~~

(12)(3) Motions

- (a) Before a matter may be voted on:

- (i) it must be introduced by a Council Member;
 - (ii) Council Members must have an opportunity to debate it; and
 - (iii) a motion regarding the matter must be ~~tabled~~made and seconded.
- (b) When a motion is being debated, no other motion can be ~~tabled~~made except to:
- (i) amend it;
 - (ii) postpone it;
 - (iii) vote on it;
 - (iv) adjourn the debate or the Council meeting; or
 - (v) refer the motion to a Committee.
- (c) The chair shall put the motion to a vote when:
- (i) the debate on a matter has concluded;
 - (ii) Council has passed a motion to vote on the motion; or
 - (iii) when the time allocated to the debate of the matter has concluded.

~~(d)~~ — During a Council vote:

~~(e)~~ — no further debate is permitted and no Council Member shall enter or leave the room; ~~and~~

~~(f)~~ — no further debate is permitted.

~~(g)~~ — When a motion contains multiple matters that are distinct, any Council Member may revise the motion so that each matter is tabled separately.

~~(d)~~ ; ~~and~~

~~(h)~~(e) After a motion has been decided upon, no Council Member may introduce the same or similar motion during the same session of Council unless the majority of Council agrees.

~~(i)~~(f) Whenever the chair is of the opinion that a motion ~~tabled~~made by a Council Member is contrary to these By-laws:

- (i) the chair shall rule the motion out of order;
- (ii) the chair shall give reasons for doing so; and
- (iii) the secretary shall record such reasons in the meeting minutes.

~~(13)~~ Amendment of Motions

~~(a)~~ A Council Member may only table a(g) A motion to amend a motion ~~that has already been tabled (but not yet voted upon) if it:~~

~~(i)~~ is relevant to the motion that has already been tabled; and

~~(ii)~~ does not negate the purpose of the initial motion.

~~(b)~~ A motion to amend the initial motion shall may be ~~debated and voted upon~~made before the initial motion ~~is~~has been voted upon.

~~When there is more than one motion to amend the initial motion, the motions shall be debated and voted upon in the reverse order in which they were tabled.~~

~~(14)~~(4) Maintaining Order

(a) The chair shall maintain order and decide questions of order. If a Council Member disagrees with the chair's ruling, the ruling may be appealed to Council.

~~(b)~~ The chair may do the following:

~~(i)~~ limit:

~~(ii)~~(i) the number of times a Council Member may speak;

~~(iii)~~(ii) limit the length of time a Council Member may speak; and

~~(iv)~~(iii) impose any other reasonable restrictions to maintain order and efficiency.

~~(15)~~(5) Other

(a) The Rules of Order of MeetingCouncil Meetings may be relaxed by the chair if greater informality is required.

(b) In situations not provided for in these By-laws, the most recent edition of *Robert's Rules of Order* shall be followed.

PART 14 - COMMITTEES

14.01 Committee Meetings

- ~~(1)~~ — ~~Committee meetings shall be conducted in English.~~
- ~~(2)~~(1) Each Committee shall meet at the direction of the Committee Chair or the majority of Committee Members.
- ~~(3)~~(2) The conduct of Committee Meetings shall be held in accordance with the most recent edition of *Robert's Rules of Order*.
- ~~(4)~~(3) A Committee Meeting may be held in any manner that allows all persons to participate simultaneously and instantaneously.
- ~~(5)~~(4) No formal notice is required for a Committee meeting. However, College staff designated to assist a Committee shall make reasonable efforts to provide notice of each meeting to Committee Members.
- ~~(6)~~(5) Every motion considered by a Committee shall be decided by a majority of the votes cast at the meeting. ~~If the votes cast result in a tie, the~~ The chair shall ~~not~~ have ~~a second~~one vote and ~~the motion will be defeated~~shall vote last.
- ~~(7)~~(6) Minutes shall be kept for every Committee Meeting and shall:
- (a) include details of all motions, recommendations and decisions;
 - (b) be circulated to Committee Members following the Committee Meeting;
 - (c) be approved or amended at the next Committee Meeting; and
 - ~~(d)~~ — ~~once approved:~~
 - ~~(i)~~ — ~~signed by~~be archived in the ~~chair; and~~
 - ~~(e)~~(d) ~~provided to the Registrar by the chair to be kept with the~~ College's College's records.
- ~~(8)~~ — Committees shall provide Council with reports:
- ~~(a)~~ — annually; and
- ~~(9)~~(7) when requested to do so by ~~either~~ the Executive Committee or Council.

14.02 Executive Committee

- (1) The Executive Committee shall be composed of either three (3) or five (5) Council Members and shall include ~~shall include~~:

~~(a) — an odd number of persons;~~

~~(a) the President and Vice President; and~~

~~(b) one (1) more Elected Council Member than Appointed Council Members;~~

~~(2) The President is the Chair of the Executive Committee.~~

~~(3) The Registrar is the secretary of the Executive Committee. two of th~~

~~(e) — no more than five Council members, including:~~

~~(i) — the President; and~~

~~(ii) — the Vice President.~~

~~(2)(4) The Executive Committee is directly accountable to Council and indirectly accountable to the government, the public and the profession for the effective governance of the College.~~

~~(3)(5) The Executive Committee's duties include:~~

~~(a) exerciseexercising the full powers of Council in all matters of administrative urgency (including cases of unauthorized practice); and reporting every action at the next meeting of Council;~~

~~(b) — review and approve the agenda for Council meetings, as prepared by the Registrar in consultation with the President, for clarity and priority, identify items for which Council meetings may be closed to observers in accordance with s. 7(2) of the Health Professions Procedural Code and recommend closure, with rationale, to Council;~~

~~(c) — review selected briefing materials for Council for clarity, comprehensiveness, and planning the appropriate approach for presentations;~~

~~(d) — call special meetings of Council;~~

~~(e) — provide feedback and support to committees and Council as requested;~~

~~(f) — assist Council members, committees and the Registrar in resolving internal conflicts;~~

- ~~(g) monitor legislation of the federal and provincial government through facilitating College input to relevant legislation proposals and the assessment of relevant new legislation;~~
- ~~(h) coordinate an effective liaison with external government, private and non-profit sector bodies/agencies, including international, national and provincial optometric and health care organisations;~~
- ~~(i) coordinate an appropriate public relations program through the development of targeted public communication efforts;~~
- ~~(j) facilitate the development of protocol agreements with other agencies to maximize inter-agency cooperation to pursue College goals and strategic direction;~~
- ~~(k) provide guidance and support to the Registrar; and~~
- ~~(l) serve as an informal resource to the Registrar, at their request.~~

- ~~(i) Between Council Meetings, the Executive Committee has all the powers of Council with respect to any matter that, in the opinion of the Executive Committee, requires immediate attention. However, the Executive Committee does not have the power to make, amend or revoke a regulation or by-law.~~

~~(4)(1) The President is the chair of the Executive Committee.~~

~~(5)(1) The Registrar is the secretary of the Executive Committee.~~

- (6) Executive Committee meetings are closed to the public. However, the Executive Committee may permit anyone to attend or participate in meetings.

14.03 Registration Committee

- (1) The Registration Committee shall be composed of a minimum of five (5) persons, including at least:
 - (a) ~~one~~ (1) Elected Council Member;
 - (b) two (2) Appointed Council Members; and
 - (c) two (2) Members who may or may not be Council Members.
- (2) A panel of the Registration Committee shall be composed of at least three (3) Committee Members, at least one of whom is an Appointed Council Member. ~~The Committee chair will select the panels and appoint the chair for each panel.~~

14.04 Inquiries, Complaints and Reports Committee

- (1) The ~~Inquiries, Complaints and Reports Committee~~ ("ICRC") shall be composed of at least ~~10~~ten (10) persons, including at least:
 - (a) ~~four~~ (4) Appointed Council Members;
 - (b) one (1) Elected Council Member; and
 - (c) five (5) Members who may or may not be Council Members.
- (2) A panel of the ICRC shall be composed of at least three (3) Committee Members, at least one (1) of whom is an Appointed Council Member. ~~The Committee chair will select the panels and appoint the chair for each panel.~~

14.05 Discipline Committee

- (1) The Discipline Committee shall be composed of:
 - (a) all elected Council Members who are not members of the ICRC;
 - (b) all appointed Council Members; and
 - (c) at least five (5) Members who are not Council Members.
- (2) A panel of the Discipline Committee shall be composed of at least three (3) and no more than five (5) Committee Members, at least two (2) of whom are Appointed Council Members. ~~The Committee chair will select the panels and appoint the chair for each panel.~~

14.06 Fitness to Practise Committee

- (1) The Fitness to Practise Committee shall be composed of at least three (3) persons, including:
 - (a) one (1) Elected Council Member;
 - (b) one (1) Appointed Council Member; and
 - (c) one (1) Member who may or may not be a Council Member.
- ~~(2) — No person may be selected for a panel of the Fitness to Practise Committee who has taken part in an investigation or decision made by the ICRC that is to be the subject matter of the Fitness to Practise panel's hearing.~~
- ~~(3)~~(2) A panel of the Fitness to Practise Committee shall be composed of at least three (3) Committee Members, at least one (1) of whom is an Appointed

Council Member. ~~The Committee chair will select the panels and appoint the chair for each panel.~~

14.07 Quality Assurance Committee

- (1) The Quality Assurance Committee shall be composed of at least thirteen (13) persons, including:
 - (a) ~~t~~Two (2) Elected Council Members;
 - (b) ~~t~~Three (3) Appointed Council Members; and
 - (c) ~~e~~Eight (8) Members who may or may not be Council Members.
- (2) A panel of the Quality Assurance Committee shall be composed of at least three (3) Committee Members, at least one (1) of whom is an Appointed Council Member. ~~The Committee chair will select the panels and appoint the chair for each panel.~~

14.08 Patient Relations Committee

The Patient Relations Committee shall be composed of at least seven (7) persons, including:

- (a) ~~o~~One (1) Elected Council Member;
- (b) three (3) Appointed Council Members; and
- (c) three (3) Members who may or may not be Council Members.

14.09 Ad Hoc and Standing Committees

- (1) Council may, by Resolution, appoint and fill such Ad Hoc and/or Standing Committees as it deems necessary.

14.10 Committee Chairs and Panel Chairs

- (1) The term of a Committee Chair is ~~+~~one (1) year.
 - ~~(2) — With the exception of the President as chair of the Executive Committee, no person may serve as a Committee chair for more than 3 consecutive years.~~
 - (2) The chairs of the Registration Committee, the ICRC and the Discipline Committee shall appoint their Committee Members to panels and a panel chair for each panel. For all other College Committees, the appointment to panels and of the panel chair shall be done by a Council-delegated Committee.

- (3) When a panel chair is not able to attend a meeting, hearing or proceeding of a panel, the remaining panel members shall designate a chair for the duration of the absence.

14.11 Quorum for Committees and Panels

- ~~(1)~~—The quorum for any:
 - ~~(2)~~(1) Committee Meeting is a majority of that Committee's Members; ~~and.~~
 - ~~(3)~~(2) The quorum for any panel of a Committee is ~~at least~~ three panel members, at least one of whom shall be an Appointed Council Member.
 - ~~(4)~~(3) In determining whether or not a quorum has been met, the number of Committee Members or panel members shall be deemed not to be reduced as a result of any vacancy.

PART 15 - RULES, AND POLICIES AND CODE OF ETHICS

15.01 Creating Rules and Policies

- (1) The College may create rules, policies and similar guiding documents to govern the College and the conduct of its Members, Council Members, Committees and panels.

~~15.02 Code of Ethics~~

- ~~(1) All Members shall act in accordance with the College's Code of Ethics.~~
- ~~(2) The College's Code of Ethics for all Members includes:~~
 - ~~(a) General Responsibilities~~
 - ~~(i) The first priority for a Member should be their patient's visual well-being and the provision of appropriate care for all of their patients.~~
 - ~~(ii) Members shall:~~
 - ~~(A) treat all patients with respect;~~
 - ~~(B) practise optometry with competence;~~
 - ~~(C) recognize their limitations;~~
 - ~~(D) when indicated, recommend that additional opinions and services be sought;~~

~~(E) — be prepared to collaborate with colleagues in the care of patients; and~~

~~(F) — engage in lifelong learning to maintain and improve their professional knowledge, skills and judgment.~~

~~(iii) — Members shall not:~~

~~(A) — exploit their patients for personal advantage; or~~

~~(B) — discriminate against any patient.~~

~~(b) — **Communication, Decision Making and Consent**~~

~~(i) — Members shall:~~

~~(A) — make reasonable efforts to inform their patients of the diagnosis, prognosis, choices of care and diagnostic and therapeutic procedures in a manner which allows them to make fully informed decisions concerning their care.~~

~~(B) — respect the informed decisions of their patients.~~

~~(c) — **Confidentiality**~~

~~(i) — Members shall:~~

~~(A) — whenever possible maintain all of their patients' personal information in confidence. In the rare circumstances, when a Member is required to breach this confidence, the Member shall promptly inform the patient.~~

~~(B) — when acting on behalf of a third party, take reasonable steps to ensure that the patient understands the nature of the Members role.~~

~~(d) — **Clinical Research**~~

~~(i) — Members shall:~~

~~(A) — ensure that any research a Member conducts has been evaluated scientifically and ethically, is approved by a responsible committee and is sufficiently planned and supervised such that research subjects are unlikely to suffer disproportionate harm.~~

~~(B) — fully inform the potential research subject about the purpose of the study, its source of funding, the risk and benefits, and the nature of the Member's participation.~~

~~(C) before proceeding with the study, obtain the informed consent of the subject and advise prospective subjects that they have the right to decline or withdraw from the study at any time, without prejudice to their ongoing care.~~

~~(e) Responsibility to Society~~

~~(i) Members shall:~~

~~(A) make efforts to provide persons in need with optometric care.~~

~~(B) share in the profession's responsibility to society in matters relating to public health, health education, environmental protection, and legislation affecting the health or well-being of the community.~~

~~(C) use health care resources prudently.~~

~~(f) Responsibility to the Profession~~

~~(i) Member's shall:~~

~~(A) avoid impugning the reputation of colleagues.~~

~~(B) attempt to resolve disputes with colleagues in a respectful way.~~

~~(g) Responsibility of Oneself~~

~~Members shall seek help for problems that may adversely affect service to patients.~~

PART 16 - INFORMATION PROVIDED BY MEMBERS

16.01 Member Obligations to Provide Information

- (1) Upon written request for information by the College, a Member shall respond in writing within the time provided.
- (2) A Member shall provide written notice of any change to information previously provided to the College within fourteen (14) days of the change.

16.02 Member Reports

- (1) A Member's certificate of registration must be renewed annually.

- (2) The College shall send a member report to each Member by mail or e-mail requesting any information required by the Registrar and provide the Members with at least thirty (30) days to respond.
- (3) The College may request:
- ~~(a) the Member's birth date;~~
 - ~~(b) the Member's certificate of registration number;~~
 - ~~(c) the Member's e-mail address;~~
 - ~~(d) the address and telephone number of each Member's principal residence;~~
 - ~~(e) the name of each business where the Member practises optometry, including the address, telephone number, fax number and e-mail address;~~
 - ~~(f) the preferred address for receiving College communications;~~
 - ~~(g) information respecting the Member's participation in continuing professional development and other professional training;~~
 - ~~(h) whether the member is licenced or registered to practice another profession either inside or outside Ontario;~~
 - ~~(i) information about actions taken by other regulatory bodies against the Member;~~
 - ~~(j) information relating to a finding of professional negligence or malpractice made against the Member;~~
 - ~~(k) information related to findings of guilt for a federal, provincial or other offence;~~
 - ~~(l) information related to any current charges in respect of a federal, provincial or other offence;~~
 - ~~(m) information related to any current existing conditions, terms, orders, directions or agreements relating to the custody or release of the Member with respect to federal, provincial or other offences;~~
 - ~~(n) the nature of the Member's practise and services a Member may offer in their practise such as:
 - ~~(i) ADP Authorizer;~~
 - ~~(ii) Automated Visual Fields;~~
 - ~~(iii) Binocular Vision Training;~~~~

- ~~(iv) — Contact Lens Therapy;~~
- ~~(v) — Corneal Topography;~~
- ~~(vi) — Digital Retinal Imaging;~~
- ~~(vii) — Home Visits;~~
- ~~(viii) — Infant Examinations (0 to 24 months);~~
- ~~(ix) — Institution Visits;~~
- ~~(x) — Low Vision Therapy;~~
- ~~(xi) — Occupational Safety Eyewear;~~
- ~~(xii) — Optical Coherence Tomography/Retinal Tomography;~~
- ~~(xiii) — Orthokeratology;~~
- ~~(xiv) — Pre-School Children (2 to 5 years);~~
- ~~(xv) — Punctal Occlusion;~~
- ~~(xvi) — Refractive Surgery Co-management;~~
- ~~(xvii) — Spectacle Therapy;~~
- ~~(xviii) — Sports Vision; and~~
- ~~(xix) — Visual Perception Testing and Therapy;~~
- ~~(o) — whether the Member prefers to communicate with the College in English or French;~~
- ~~(p) — the Member's electoral district;~~
- ~~(q) — the number of hours of direct patient care;~~
- ~~(r)(a) — information that the College is required to maintain in the register;~~
- ~~(s) — a copy of the declarations page from the Member's professional liability insurance policy ~~setting out:~~~~

 - ~~(i) — the coverage amount;~~
 - ~~(ii) — the name of the insurer;~~

- ~~(iii)~~ the policy term; and
 - ~~(t)~~(b) the policy number;
 - ~~(u)~~(c) information which allows the College to maintain statistics related to the College and the Member; and
 - ~~(v)~~(d) any other information the College requires.
- (4) If a Member fails to return a completed member report to the College within the time provided ~~(which shall be not less than 30 days)~~, the Registrar shall:
 - (a) notify the Member in writing of such failure; and
 - (b) provide the Member with a reasonable period to return a completed ~~member's~~member report to the College.
- (5) If the Member fails to rectify the failure within the time provided, the College may, without notice, suspend the Member's certificate of registration until a completed member report is returned.
- (6) ~~A Member must advise~~When the ~~Registrar in writing~~College receives notice of a change ~~to any~~in information required for ~~the~~issuance of a certificate of registration ~~within 14 days of such change. The College, it may, depending on the change of information:~~
 - (a) issue a revised certificate of registration;
 - (b) decline to revise the existing certificate of registration; or
 - (c) revoke a certificate of registration.

PART 17 - ~~INFORMATION PROVIDED BY HEALTH PROFESSION~~PROFESSIONAL CORPORATIONS

17.01 Obligation to Provide Information

- (1) Upon written request for information from the College, a health professional corporation shall respond in writing within the time provided.

17.0117.02 Application of a Health Profession Corporation

- (1) A health ~~profession~~professional corporation is eligible to hold a certificate of authorization if:
 - (a) the articles of the corporation provide that the corporation cannot carry on a business other than the practise of optometry and activities related to or ancillary to the practise of optometry;

- (b) all of the issued and outstanding shares of the corporation are legally and beneficially owned, directly or indirectly, by one or more Members; and
 - (c) all the requirements set out in these By-laws, the *Ontario Business Corporations Act*, the RHPA, the Act and in ~~and~~ any other applicable statute or regulation, ~~and these By-laws~~ have been satisfied.
- (2) In order to obtain a certificate of authorization, a health ~~profession~~professional corporation shall ~~apply~~submit a completed application package to the College which shall include the following. ~~The application must include:~~
- ~~(a) — the name of the health profession corporation;~~
 - ~~(b) — all business names of the corporation, if any;~~
 - ~~(c) — all phone numbers, fax numbers and addresses of all business locations along with the address of its head office;~~
 - ~~(d) — the capital structure of the corporation and shareholdings of each shareholder;~~
 - ~~(e) — the name, phone number, address, e-mail address and, when applicable, the College registration number of each shareholder;~~
 - ~~(f) — the name, phone number, address, e-mail address and, when applicable, the College registration number of each director and officer;~~
 - ~~(g) — a certified copy of the corporation's:~~
 - ~~(h)(a) —~~ (a) articles of incorporation, continuance and/or amalgamation, as applicable; ~~and~~
 - ~~(i) —~~ (i) by laws;
 - ~~(j)(b) —~~ (b) a corporation profile report that has been issued no more than thirty (30) days before submitting the application indicating that the corporation has not been dissolved;
 - ~~(j)(c) —~~ (c) a statutory declaration of a director of the corporation, executed not more than fifteen (15) days before submitting the application, certifying that:
 - (i) the corporation complies with Section 3.2 of the Ontario Business Corporations Act, and its regulations the relevant legislation;

- (ii) the corporation does not carry on, and does not plan to carry on, any business that is not the practise of optometry or practises related to or ancillary to the practise of optometry;
- (iii) there has been no change in the status of the corporation since the date of the certificate of status corporation profile report; and
- (iv) the information contained in the application is complete and accurate as of the date the statutory declaration is executed;

~~(k) — any other information the College deems necessary; and~~

~~(d) the signature of all shareholders of the health profession optometry professional corporation; and~~

~~17.02 Corporate Reports~~

~~(e) any other information the College deems necessary.~~

17.03 Renewal

~~(1) — A certificate of authorization must be renewed annually.~~

~~(2)(1) The date of renewing a certificate of authorization shall be no more than 30 days on or before the anniversary or renewal of the certificate's date of issue.~~

~~(3)(2) The College shall send a corporate report to each health profession corporation by mail or e-mail requesting will request any information required by the Registrar from a health professional corporation by mail or e-mail and provide the health profession professional corporation with at least thirty (30) days to respond.~~

~~(4)(3) If a health profession professional corporation fails to return a completed corporate report to the College renew within the time provided, the Registrar may:~~

- (a) notify the health profession professional corporation in writing of such failure;
- (b) provide the health profession professional corporation with at least sixty (60) days to ~~return a completed corporate report to provide~~ the College; renewal documents and fee(s) to the College; and

- (c) advise the health ~~profession~~professional corporation that failure to ~~return a completed corporate report to the College~~renew will result in revocation of the health professional corporation's certificate of authorization.

~~(5)~~(4) A health ~~profession~~professional corporation must advise the Registrar in writing of a change to any information required for issuance of a certificate of authorization within fourteen (14) days of such change. ~~The~~When the College ~~receives such a notice, it may, depending on the change of information:~~

- (a) issue a revised certificate of authorization;
- (b) decline to revise the existing certificate of authorization; or
- (c) revoke a certificate of authorization.

~~17.03 Health Profession Corporation Obligations to Provide Information~~

- ~~(1) Upon written request for information from the College, a health profession corporation shall respond in writing within the time provided.~~
- ~~(2) A health profession corporation shall provide written notice of any change to information previously provided to the College within 14 days of the change.~~

PART 18 - REGISTER

18.01 Maintaining the Register

The Registrar shall maintain a register on behalf of the College in an up-to-date manner.

18.02 ~~Information that the Code Requires be Kept in the~~ Content of Register Entries

~~Under~~In addition to the information required under subsection 23(2) of the Code ~~and subject to certain exceptions contained in the Code, certain information must be contained in the register and must be available to the public.~~

- ~~(1) each Member's name, business address and business telephone number, and, if applicable, the name of every health profession corporation of which the member is a shareholder;~~
- ~~(2) where a member is deceased, the name of the deceased member and the date upon which the member died, if known to the Registrar;~~
- ~~(3) the name, business address and business telephone number of every health profession corporation;~~
- ~~(4) the names of the shareholders of each health profession corporation who are Members;~~

- ~~(5) — the Member's class of registration and specialist status (specialist status not applicable to the College at this time);~~
- ~~(6) — the terms, conditions and limitations that are in effect on each Member's certificate of registration;~~
- ~~(7) — a notation of every caution that a member has received from a panel of the Inquiries, Complaints and Reports Committee under paragraph 3 of subsection 26 (1);~~
- ~~(8) — a notation of any specified continuing education or remedial programs required by a panel of the Inquiries, Complaints and Reports Committee using its powers under paragraph 4 of subsection 26 (1);~~
- ~~(9) — a notation of every matter that has been referred by the ICRC to the Discipline Committee under Section 26 of the Code and that has not been finally resolved, including the date of the referral and the status of the hearing before a panel of the Discipline Committee, until the matter has been resolved;~~
- ~~(10) — a copy of the specified allegations against a member for every matter that has been referred by the Inquiries, Complaints and Reports Committee to the Discipline Committee under section 26 and that has not been finally resolved;~~
- ~~(11) — the result of every disciplinary and incapacity proceeding;~~
- ~~(12) — a notation and synopsis of any acknowledgements and undertakings in relation to matters involving allegations of professional misconduct or incompetence before the Inquiries, Complaints and Reports Committee or the Discipline Committee that a member has entered into with the College and that are in effect;~~
- ~~(13) — a notation of every finding of professional negligence or malpractice, which may or may not relate to the Member's suitability to practise, made against the Member, unless the finding is reversed on appeal;~~
- ~~(14) — a notation of every revocation or suspension of a certificate of registration;~~
- ~~(15) — a notation of every revocation of a certificate of authorization;~~
- ~~(16) — information that a panel of the Registration Committee, Discipline Committee or Fitness to Practise Committee specifies shall be included in the register;~~
- ~~(17) — where findings of a panel of the Discipline Committee are appealed, a notation that they are under appeal, until the appeal is finally disposed of;~~

- ~~(18) — where, during or as a result of a proceeding under Section 25 of the Code, the Member has resigned and agreed never to practise again in Ontario, a notation of the resignation and agreement;~~
- ~~(19) — where the College is aware that the Member is currently licenced or registered to practise another profession inside or outside of Ontario, a notation of that fact;~~
- ~~(20) — where the College is aware that a finding of professional misconduct or incompetence or a similar finding has been made against a Member registered or licensed to practise a profession inside or outside of Ontario, and that finding has not been reversed on appeal,
 - ~~(a) — a notation of that fact;~~
 - ~~(b) — the name of the governing body that made the finding;~~
 - ~~(c) — the date the finding was made if available;~~
 - ~~(d) — a brief summary of the facts on which the finding was based if available;~~
 - ~~(e) — the order made if available; and~~
 - ~~(f) — information regarding any appeals of the finding or order if available;~~~~
- ~~(21) — where the College is aware that a finding of incapacity or similar finding has been made against a Member registered or licensed to practise a profession inside or outside of Ontario, and that finding has not been reversed on appeal,
 - ~~(a) — a notation of the finding;~~
 - ~~(b) — the name of the governing body that made the finding;~~
 - ~~(c) — the date the finding was made if available;~~
 - ~~(d) — a summary of any order made if available; and~~
 - ~~(e) — information regarding any appeals of the finding or order if available;~~~~
- ~~(22) — any existing conditions of release, of which the College is aware, following a charge for an offence under the *Criminal Code (Canada)* or *Controlled Drugs and Substances Act (Canada)* or subsequent to a finding of guilt and pending appeal or any variations to those conditions.~~
- ~~(23) — any outstanding charge for an offence, of which the College is aware, under the *Criminal Code (Canada)* or the *Controlled Drug and Substances Act (Canada)* including the following information~~

- ~~(a) — the fact and content of the charge; and~~
- ~~(b) — the date and place of the charge;~~
- ~~(24.1) any findings of guilt, of which the College is aware, under the *Criminal Code (Canada)* or *Controlled Drugs and Substances Act (Canada)*, including the following information unless the conditions in subsection 24.2 apply:~~
 - ~~(a) — a summary of the finding;~~
 - ~~(b) — a summary of the sentence; and~~
 - ~~(c) — if the finding is under appeal, a notation that it is under appeal until the appeal is disposed of;~~
- ~~(24.2) the conditions where a finding of guilt referred to in subsection (24.1) shall not be entered on the register are as follows:~~
 - ~~(a) — The Parole Board has ordered a record suspension in respect of the conviction;~~
 - ~~(b) — A pardon in respect to the conviction has been obtained; or~~
 - ~~(c) — The conviction has been overturned on appeal.~~
- ~~(25) information that is required to be kept in the register in accordance with regulations made pursuant to clause 43 (1) (t) of the *Regulated Health Professions Act, 1991*; and~~
- ~~(26) any other information that is required to be kept in the register in accordance with these By-laws.~~

~~18.03 Additional Information that the College Requires Be Kept in the Register~~

~~For the purposes of paragraph 20 of subsection 23(2) of the Code, and subject to sections 18.05 and 18.06, the register shall contain the following information, which is designated by the College as public pursuant to subsection 23(5) of the Code:~~

- ~~(1) the Member's gender;~~
- ~~(2) the date that the Member first became a Member or, if the Member was licensed under the *Health Disciplines Act*, the date when the Member was first issued a licence by the College;~~
- ~~(3) each Member's certificate of registration number and the date it was issued;~~

- (4) a description of the Member's degree in optometry (or equivalent academic achievement) ~~held by the Member~~ and the year the Member obtained ~~the degree (or equivalent academic achievement); it;~~
- (5) any language in which the Member is able to communicate and provide services to patients;
- (6) the name and address of any optometric practise for which the Member is an employee, contractor or otherwise;
- (7) if applicable, a notation concerning the authorization by the College to prescribe drugs, and the date on which the Member received such authorization;
- (8) ~~each~~^A Member's certificate of authorization, if any, including:
 - (a) the name of the corporation; and
 - (b) the date it was issued;
- (9) upon revision of a certificate of registration or certificate of authorization:
 - (a) details of the revision; and
 - (b) the effective date of the revision;
- (10) the effective date of resignation of the Member;
- (11) a summary of any current charges against a Member, other than those required by ~~Part 18.02~~^{the Code}, of which the College is aware in respect of a federal, provincial or other offence that the Registrar believes is relevant to the Member's suitability to practise;
- (12) a summary of any currently existing conditions, terms, orders, directions or agreements relating to the custody or release of the Member in provincial, federal or other offence processes, other than those required by ~~Part 18.02~~^{the Code}, of which the College is aware and that the Registrar believes is relevant to the Member's suitability to practise;
- (13) a summary of any findings of guilt, other than those required by ~~Part 18.02~~^{the Code}, of which the College is aware if made by a court after January 17, 2015, against a Member in respect of a federal, provincial or other offence that the Registrar believes is relevant to the Member's suitability to practice;
- (14) where the Member's certificate of registration is subject to any terms, conditions and limitations, the reason for them, the Committee that imposed them and the date they took effect;

- (15) where terms, conditions or limitations on the Member's certificate of registration have been varied or removed, the effective date of the variance or removal ~~of those terms, conditions and limitations~~;
- (16) where the Member's certificate of registration is subject to a suspension for failure to pay a fee, the reason for the suspension and the date of the suspension in addition to the fact of the suspension;
- (17) where a suspension of the Member's certificate of registration is lifted or otherwise removed, the effective date of the lifting or removal of that suspension;
- (18) where the Member's certificate of registration is reinstated, the effective date of the reinstatement;
- (19) where a finding of professional negligence or malpractice is contained in the College's register, the following information:
 - (a) the date of the finding;
 - (b) the court and the court file number;
 - (c) a summary of the finding; and
 - (d) the status of any appeal respecting the finding made against the Member;
- (20) where applicable, a summary of any restriction on the Member's right to practise:
 - (a) resulting from an undertaking given by the Member to the College or an agreement entered into between the Member and the College; or
 - (b) of which the College is aware and which has been imposed by a court or other lawful authority, in which event the summary of the restriction shall also include the source of the restriction;
- (21) the following information regarding every caution that a member has received ~~on or after October 1, 2015,~~ from a panel of the ~~Inquiries, Complaints and Reports Committee~~ ICRC, from a panel of the ICRC under paragraph 3 of subsection 26 (1) of the Code;
 - (a) a notation of that fact,
 - (b) a summary of the panel's decision, including a summary of the caution,

- (c) the date of the panel's decision, and
 - (d) if applicable, a notation that the panel's decision is subject to review and therefore is not yet final, which notation shall be removed once the review is finally disposed of;
- (22) the following information regarding any specified continuing education or remediation program that has been required by the Inquiries, Complaints and Reports Committee on or after October 1, 2015 under paragraph (4) of subsection 26(1) of the Code,
 - (a) a notation of that fact,
 - (b) a summary of the panel's decision, including a summary of the specified continuing education or remediation program,
 - (c) the date of the panel's decision, and
 - (d) if applicable, a notation that the panel's decision is subject to review and therefore is not yet final, which notation shall be removed once the review is finally disposed of.
- (23) the following information regarding any undertaking that the member has been directed to comply with by the Inquiries, Complaints and Reports Committee on or after October 1, 2015 under paragraph (4) of subsection 26(1) of the Code:
 - (a) a notation of that fact;
 - (b) a summary of the panel's decision, including a summary of the undertaking; and
 - (c) the date of the undertaking and of the panel's decision;
- (24) where the Member's certificate of registration is subject to an interim order of the ICRC, a notation of that fact, the nature of that order and its effective date;
- (25) where an allegation of a Member's professional misconduct or incompetence has been referred to the Discipline Committee or where the Registrar has referred an application for reinstatement to the Discipline Committee under section 73 of the Code and the matter is outstanding,
 - (a) the date of the referral;
 - (b) a brief summary of each specified allegation, if applicable;
 - (c) the notice of hearing;

- (d) the anticipated date of the hearing; if the hearing date has been set or, if the hearing has commenced, the next scheduled date for the continuation of the hearing ~~if the hearing has commenced;~~
 - (e) if the hearing is awaiting scheduling, a statement of that fact; and
 - (f) if the hearing of evidence and arguments is completed and the parties are awaiting a decision of the Discipline Committee, a statement of that fact;
- (26) where a decision of the Discipline Committee has been published by the College with the Member's name:
- (a) a notation of that fact; and
 - (b) identification of the specific publication of the College which contains the information;
- (27) the reasons for decision of every disciplinary proceeding:
- (a) in which a panel of the Discipline Committee makes a finding of professional misconduct or incompetence; and
 - (b) in which a panel of the Discipline Committee makes no finding with regard to the proceeding but the Member requests that the reasons be posted in the register;
- (28) where the question of a Member's capacity has been referred to the Fitness to Practise Committee or where the Registrar has referred an application for reinstatement to the Fitness to Practise Committee under section 73 of the Code and the matter is outstanding:
- (a) the date of the referral; and
 - (b) a notation of the referral.
- (29) where the College is aware that a pending allegation of professional misconduct or incompetence or a similar allegation has been referred to a discipline type of hearing against a Member registered or licensed to practise a profession inside or outside of Ontario and the Registrar believes that it is relevant to the Member's suitability to practise,
- (a) a notation of that fact;
 - (b) the name of the governing body that made the referral;

- (c) the date of the referral if available;
 - (d) a brief summary of each allegation if available; and
 - (e) the notice of hearing if available.
- (30) in respect of a former Member, any information that was in the register at the time the former Member's registration terminated, for a period of at least two (2) years after the termination of registration, except for any information related to discipline proceedings in Ontario, which shall be entered in the register for a period of fifty (50) years after the termination of registration; and
- (31) any other information not otherwise referred to in this section, which the College and the Member have agreed shall be available to the public.

18.0418.03 Designated Information for Safety Exception

- (1) All of the information required to be kept in the register under subsection 23(2) of the Code and ~~all of the information kept in the register~~ under 18.0302 of these By-laws is designated as information that may be withheld from the public pursuant to subsection 23(6) of the Code if the Registrar has reasonable grounds to believe that disclosure of that information may jeopardize the safety of an individual.

18.0518.04 Deletion of Information

- (1) Notwithstanding section 18.0302, where after a review the ICRC has been required to remove or vary the requirement to appear for a caution or to complete a specified continuing education or remediation program:
- (a) the Registrar may delete from the register any information which would otherwise have been required to be maintained under section 18.0302(23) or section 18.0302(24); and
 - (b) the Registrar may enter a summary of the process leading up to and the results of any variation of a caution or a specified continuing education or remediation program.

18.06 ~~Publication Ban and Disclosure~~

- ~~(1) Pursuant to Section 23(3) of the Code, no action shall be taken by the College with respect to information that would violate a publication ban.~~
- ~~(2) The Registrar may refuse to disclose or post on the College's website information that is otherwise required to be public if:~~
 - ~~(a) the Registrar has reasonable grounds to believe that such disclosure may jeopardize the safety of an individual; or~~

- ~~(b) — the Registrar has reasonable grounds to believe that the information is obsolete and no longer relevant to a Member's suitability to practise.~~
- ~~(3) — The Registrar shall not disclose or post on the College's website information that is otherwise required to be public if it is personal health information, unless it is the personal health information of a Member and it is in the public interest that such information be disclosed. Any disclosure of a Member's personal health information shall be limited to not more than what is reasonably necessary. For the purposes these By-laws, "personal health information" means information that identifies an individual and that is referred to in clauses (a) through (g) of the definition of "personal health information" in subsection 4(1) of the *Personal Health Information Protection Act, 2004*.~~
- ~~(4) — The Registrar shall refuse to disclose information regarding a Member relating to disciplinary or incapacity proceeding if:
 - ~~(a) — a finding of professional misconduct was made against a Member and the order made was only a reprimand or only a fine, or a finding of incapacity was made against a Member;~~
 - ~~(b) — more than 6 years have passed since the information was prepared or last updated;~~
 - ~~(c) — the Member has made an application to the relevant Committee for the removal of the information from public access because the information is no longer relevant to the Member's suitability to practise, and if:
 - ~~(i) — the relevant Committee believes that a refusal to disclose the information outweighs the desirability of public access to the information in the interest of any person affected or the public interest; and~~
 - ~~(ii) — the relevant Committee has directed the Registrar to remove the information from public access; and~~~~
 - ~~(d) — the information does not relate to disciplinary proceedings concerning sexual abuse as defined in clause (a) or (b) of the definition of "sexual abuse" in Subsection 1(3) of the Code.~~~~
- ~~(5) — The Registrar shall refuse to disclose to an individual or to post on the College's website information required by paragraph 11 of section 18.02 if
 - ~~(a) — the result of a discipline proceeding was that no finding of professional misconduct or incompetence was made against the member; and~~
 - ~~(b) — more than 90 days have passed since the information was prepared or last updated, unless before the expiry of the 90 days the member to whom the~~~~

~~information relates specifically requests in writing that the Registrar continue to maintain public access to the information.~~

PART 19 - LIFE MEMBERS

- (1) A Member or a former Member may apply to the College to be designated as a Life Member by the College's Registrar;
- (2) A Member or a former Member is eligible to be a Life Member if ~~he or she~~they:
 - (a) ~~hold~~hold or ~~has~~have ever held a general certificate of registration or academic certificate of registration with the College for at least twenty five (25) years;
 - (b) ~~has~~have retired from practising optometry;
 - (c) ~~was~~were in good standing with the College when ~~he or she~~they resigned ~~his or her~~their membership with the College;
 - (d) ~~is~~are not a Council Member;
 - (e) after having been provided with an opportunity to rectify any failure of ~~his or her~~their obligations to the College:
 - (i) ~~has~~have paid any fee, penalty or order for costs owing to the College;
 - (ii) ~~has~~have submitted to the College all required forms and documents; and
 - (iii) ~~is~~are otherwise in good standing with the College;
 - (f) ~~has~~have not had ~~his or her~~their certificate of registration suspended or revoked in the previous six (6) years;
 - (g) ~~has~~have not had any exceptional term, condition or limitation on their certificate of registration in the previous six (6) years ~~other than one that does not already apply to every Member who possesses that class of certificate;~~
 - (h) ~~is~~are not the subject of any disciplinary or incapacity proceedings; and
 - (i) ~~has~~have not otherwise acted in a manner that is inconsistent with an ongoing association with the College.
- (3) A Life Member shall not:

- (a) practise optometry;
 - (b) hold ~~himself or herself~~themselves out as qualified to practise optometry in Ontario; or
 - (c) be eligible for election to Council or vote in Council elections.
- (4) A Life Member's designation may be revoked by the Registrar if the Life Member:
- (a) is found by a panel of the Discipline Committee to be incompetent or to have committed an act of professional misconduct;
 - (b) acts in a manner that is inconsistent with an ongoing association with the College provided that, before making a determination, the Registrar first provides the Life Member with a reasonable opportunity to make written submissions; or
 - (c) after having been provided with an opportunity to rectify any failure in ~~his or her~~their obligations to the College:
 - (i) remains in default of any fee, charge or order for costs owing to the College,
 - (ii) fails to submit to the College all required forms and documents, or
 - (iii) ceases to otherwise be in good standing with the College.
- (5) A Life Member who wishes to re-obtain a general or academic certificate of registration must apply for one and meet the registration requirements in effect at the time of application.

~~Part 20—FUNDING FOR THERAPY AND COUNSELLING~~

~~20.01—Sexual Abuse Funding Program~~

~~(1) The College shall establish funding for therapy and counselling for persons who, while patients of a Member, were sexually abused by the Member (the "Sexual Abuse Funding Program").~~

~~(2) The definition of "sexual abuse" is set out in Section 1(3) of the Code.~~

~~20.02—Role of Patient Relations Committee~~

~~The Patient Relations Committee shall:~~

~~(1) administer the Sexual Abuse Funding Program;~~

- ~~(2) — determine the eligibility of an individual for funding based on whether:~~
 - ~~(a) — it is alleged, in a complaint or report, that the person was sexually abused by a Member while the person was a patient of the Member;~~
 - ~~(b) — the individual confirms that the therapy will be at least partially related to the sexual abuse committed by the Member. However, the individual is not required to undergo a psychological or other assessment before receiving funding;~~
 - ~~(c) — the funding will only be used by the individual for therapy or counselling. The College may request signed receipts from the therapist or counsellor, and all payments for therapy or counselling shall be made by the College directly to the therapist or counsellor; and~~
 - ~~(d) — the individual's therapist or counsellor;
 - ~~(i) — does not have a family relationship with the individual; and~~
 - ~~(ii) — is not a person who has, at any time or in any jurisdiction, been found guilty of professional misconduct of a sexual nature, or been found civilly or criminally liable for an act of a similar nature; and~~~~
 - ~~(e) — the application for funding is made within the time prescribed under Ontario Regulation 59/94 ("Funding for Therapy or Counselling for Patients Sexually Abused by Members").~~

20.03 Application Process

- ~~(1) — To obtain funding, the individual must apply in writing to the College. As part of the application, the College may require that the individual provide the College with:
 - ~~(i) — details of the therapist or counsellor's training, experience and contact information;~~
 - ~~(ii) — written confirmation that the individual has no family relation to the therapist or counsellor;~~
 - ~~(iii) — if requested by the College to do so, a document acknowledging that the therapist or counsellor is not a member of a regulated professional and therefore not subject to professional discipline; and~~
 - ~~(iv) — any other information the College deems necessary.~~~~

- ~~(2) — The maximum amount the College shall fund an individual's therapy or counselling shall be governed by Ontario Regulation 59/94 and Section 85.7(11) of the Code.~~
- ~~(3) — Any decision, including reasons, of the Patient Relations Committee to approve or deny funding shall be provided in writing to the individual.~~

~~Part 21~~ **PART 20 - PROFESSIONAL LIABILITY INSURANCE**

~~21.01~~ **20.01 Mandatory Insurance for Members**

- (1) No Member shall engage in the practise of optometry unless ~~he or she is~~they are personally insured against professional liability under a professional liability insurance policy that provides coverage based on when an “occurrence” allegedly took place.
- (2) The professional liability insurance policy must ~~provide~~include the following:
 - ~~(a) — at a minimum,~~ coverage in the amount of:
 - ~~(i) —~~ \$2,000,000 per occurrence; and
 - ~~(b)~~(a) \$5,000,000 ~~in the~~ aggregate per year; and
 - ~~(c)~~(b) a deductible of not more than \$5,000.
- (3) A Member must, at all times, keep a copy of ~~the Member's~~their professional liability insurance policy at all of ~~his or her~~their places of business.

~~Part 22~~ **PART 21 - FEES AND PENALTIES**

~~22.01~~ **21.01 Setting and Imposing Fees and Penalties**

- (1) The College shall maintain, as a schedule to these By-laws, a list of all fees and penalties which may be charged or imposed by the College. Council may, without amending these By-laws, adjust the amount of any fees or penalties set out in the schedule to reflect annual changes to the Consumer Price Index (Canada) plus up to 2%.
- (2) Where no fee or penalty has been set out in the schedule, a Member or person shall pay to the College the fee or penalty set by the College.

~~22.02~~ **21.02 Obligation to Pay Fees and Penalties**

- (1) A Member's obligation to pay a fee or penalty continues regardless of whether:
the College has failed to send notice of it to the Member or the Member has not received the notice.
 - ~~(a) — the College fails to send notice; or~~

~~(b) — the Member fails to receive notice;
of a fee or penalty.~~

- (2) The College may waive all or a portion of any fee or penalty.

22.0321.03 Consequences for Failure to Pay Fees and Penalties

- (1) Any fee or penalty charged or imposed by the College not paid by a Member shall be included as part of a Member's next annual membership fee.
- (2) If a Member fails to pay a fee or penalty or part thereof, the Registrar may suspend the Member's certificate of registration within thirty (30) days of having given the Member notice that they intend to do so.
- ~~(a) — the Registrar must give the Member notice if the College intends to suspend the Member; and~~
- ~~(b) — may suspend the Member's certificate of registration for failure to pay the fee or penalty within 30 days after notice is given.~~

~~ENACTED the 3rd day of August 2012~~

~~Revised the 4th day of September 2012~~

~~Revised the 16th day of January 2015~~

~~Revised the 8th day of April 2015~~

~~Revised the 30th day of September 2015~~

~~Revised the 20th day of January 2016~~

~~Fee Schedule Effective the 20th day of April 2016~~

~~Fee Schedule Effective the 16th day of January 2017~~

~~Revised the 22nd day of June 2017~~

~~Revised the 19th of September 2017~~

~~Revised the 21st of June 2018~~

~~Revised the 27th of September 2019~~

~~Fee Schedule Effective the 1st day of January 2020~~

Schedule of Fees and Penalties – effective January 1, 2020

All of the following fees are in Canadian funds and subject to 13% HST.

	Fee
Application Fee including Jurisprudence Seminar and Exam Fee	\$420.00
Jurisprudence Reassessment Fee	\$184.00
Certificate Fee upon completion of all College registration requirements	\$26.00
Duplicate Certificate fee:	
• when ordered at the same time as the initial certificate	\$11.00
• when ordered some time after ordering the initial certificate	\$26.00
Annual Membership Fee (non-refundable)	\$945.00
Annual Non-Practising Membership Fee (non-refundable)	\$472.50
Late Penalty Fee (application, membership renewal, Certificate of Authorization renewal)	\$105.00
Reinstatement Fee (membership)	\$210.00
Certificate of Authorization (Incorporation) Application Fee	\$440.00
Certificate of Authorization (Incorporation) Certificate Fee	\$26.00
Certificate of Authorization (Incorporation) Revision	\$220.00
Certificate of Authorization (Incorporation) Annual Renewal Fee	\$220.00
Quality Assurance Practice Assessment Fee (CRA)	\$2,400.00
Quality Assurance Short Record Assessment Fee (for CE deficient hours):	
• Deficient by 5 hours or less (5 records)	\$1,000.00
• Deficient by more than 5 hours (25 records)	\$5,000.00
Incorrectly Underreported CE Hours Audit Fee	\$350.00
Quality Assurance Evaluation Fee	\$3,176.00
Certificate of Standing	\$105.00
Address Labels:	
For members and other professionals on profession-related business (e.g., referrals)	\$32.00
For continuing education providers (e.g., UWSO, Vision Institute, University of Toronto)	\$95.00
For any commercial organization	\$315.00
NSF Cheques	\$42.00
Fee for Copying and Providing any Requested Documentation	Actual costs to the College of providing the copies

College Consultation – Collated Feedback Proposed Governance By-Law Amendments – 2020

Optometrists

1. Date: 06/29/2020 **Type: Optometrist (Ontario)**

Hi. I have read the changes to both areas and agree with them. Thanks

2. Date: 06/29/2020 **Type: Optometrist (Ontario – Committee Member)**

Thank you for sending this along. Here are my thoughts on the items up for discussion.

By-law Amendments:

-YES to consolidating by laws to 8 parts.

-Term limits are reasonable, but this also depends on how many candidates (specifically Optometrists) are applying for positions on committees etc. (i.e. if candidates are becoming members because of acclamation, how does the College know they are getting the right candidate who is volunteering?)

Hope this helps and I'm glad the College is addressing these issues appropriately during these times. Best.

3. Date: 06/29/2020 **Type: Optometrist (Ontario)**

The new policies look great and I'm in favor of the new changes. Excellent changes.

4. Date: 06/29/2020 **Type: Optometrist (Ontario)**

- Consolidating the by-laws down to eight parts (from 22);
- Introducing term limits for Council, committee members, and officers; and
- Reducing the role of the Executive Committee.

No comment on these, only that there is no automatic re-election unless campaigning unopposed. Thanks.

5. Date: 07/01/2020 **Type: Optometrist (Ontario – Past Council Member)**

Here are my thoughts:

Term limits: I believe although the intention may be well-founded, imposing term limits on Council and committee members would ultimately exclude those that wish to volunteer beyond the 21 years proposed. Long term College experience should still be viewed as an asset, rather than a liability, and although "fresh perspectives" are always important for the overall growth and improvement of a system, not being able to call upon those with longer term experience is simply foolish. I cannot not imagine any private organisation or enterprise that would discount the wealth of knowledge and accumulated experience of its more senior players. Excluding members past a certain amount of volunteer work is also quite discriminatory in my opinion and does not lead itself to a truly fair and democratic process. Term limits for committee work is even more damaging, as it will inevitably lead to situations of discontinuity and certain processes will inevitably suffer from the loss of in-depth experience of these members. Again, I believe that preventing experienced, qualified optometrists from volunteering for their profession, simply because they've contributed

too long (???) is completely exclusive and unfair to those members. Good candidates should not have an expiry date. Thanks for your consideration.

6. Date: 07/02/2020

Type: Optometrist (Ontario – Past Council Member)

Dear Members of Council,

Updating and modernizing the College's by-laws are a necessary step in making sure that they remain current with recent developments and with strategic objectives. Succession-planning and aiming for ongoing renewal of committee and Council composition to ensure diverse and fresh perspectives at the decision table are commendable objectives. Certainly, increasing engagement and outreach between the College and its members can facilitate the recruitment of interested candidates. In recent years, the College has been successful in attracting interested volunteers at the committee level and perhaps more can be done to recruit candidates to run for Council. However, it can easily be argued that the current Council composition is already very reflective of the membership's demographics and of course, the Regulated Health Professions Act (RHPA)'s existing nine-consecutive year term limit already acts as a mechanism to encourage Council turnover. Altogether, it is unclear whether some of the proposed by-law changes are in fact needed to support Council/committee member diversity and turnover, given the existing mechanisms in place and current trends. It is equally questionable how such proposed changes would assist the College and Council in becoming a leading regulator or in acting transparently, as cited in College literature as among the reasons for considering making such revisions.

Altogether, as a prior Council member who supported all initiatives towards improving transparency and information-sharing activities of the College and who was the founding Chair of the Governance Committee in 2017, I have serious concerns about how some of the proposed changes would, rather than enhance transparency and openness, instead add arbitrary, anti-democratic and arguably ageist barriers and restrictions for members interested in being involved in College committees and Council.

Area of Concern – Term limits and Increased Waiting Periods for Council members

Placing lifetime limits on Committee or Council member involvement can be viewed as ageist and discriminatory. Optometrists can practice well into their 70s and 80s and remain competent and capable of managing the most complex clinical cases, and hence it would seem wholly unjustified to disqualify such well-meaning members from contributing at the College Council (or committee) level only because they have served a certain number of years at the College in their lifetime. Many members join Council or committee work early on in their careers (eg. in their 20s or early 30s) and if they enjoy College work and are recognized as being proficient at it, it would seem very harsh (and unnecessary) to disqualify them from future work by the time they reach their 50s.

Another viewpoint is that I am worried that the proposed by-law changes will diminish the self-governance aspect of optometric regulation by interfering with the democratic elections processes whereby professional members of the College elect member representatives to Council. Members of the College are entrusted to use their judgement to elect the professional Council members they believe will best protect the public interest. The RHPA specifically prescribes that it should be up to the members alone to determine who to elect as professional members of Council, yet, the proposed by-laws insert lifetime term limit (and three-year waiting periods instead of the current one-year gap) principles which interfere with this objective and would arbitrarily disqualify experienced, competent and motivated individuals from running for Council. Our country's democratic system at the municipal, provincial and federal levels, and with the highest levels of responsibility, do not impose term limits on our elected representatives so it begs the question why

should arbitrary restrictive term limit measures be applied to regulatory bodies with lower effective powers than the legislative branches of government.

In the end, professional members of Council stand for (re)election every three years; the members of the College have the power and ability to replace such Council members if they wish. Hence, it is my view that election eligibility should be as unencumbered as possible and entrust the members to elect professional Council members as prescribed by the RHPA. Hence, the eligibility criteria under Sections 6.04 of the by-laws should remain as-is.

All that said, if Council truly wants to consider lifetime term limits as a means to encourage Council member renewal (even though I argue this is not necessary to achieve this purpose), a compromise solution can be considered. Currently, there are ten professional member seats on Council. To encourage that Council will always have the perspectives of individuals without more than a specified duration of existing Council experience, one proposition could be that for a certain number of such seats (eg. between three and six), the by-laws could apply eligibility restrictions for such seats (such that professional members having already served a specified number of years on Council would not be eligible to run in an election for such seats), with the remaining seats being available to all members regardless of their prior Council experience (notwithstanding the nine-consecutive-year limit set by the RHPA). This approach is more balanced because it seeks to consider the concerns of both sides of this argument (and does not disqualify very experienced members from running for Council). However, I remain of the view that lifetime term limits are wholly unnecessary, and an alternative proposal is stated near the conclusion of this submission that will promote diversity on Council without interfering with the candidate eligibility process on the basis of experience.

Area of Concern – Term limits for Committee members

The argument for lifetime term limits appears even weaker when it comes to College Committee involvement. Past committee experience is an asset that can be very helpful at many committee levels (statutory and non-statutory), as perspectives from the past in many areas ranging from Registration to Quality Assurance to ICRC, can be very helpful in tackling contemporary issues and considerations. Further, the HR/Governance committee (and prior to that, Executive committee) had regularly implemented policies to encourage regular committee turnover and renewal by limiting consecutive term lengths (eg. a minimum of one or two new members per year per committee, with no person remaining as Chair beyond three consecutive years). Applying consecutive term limit lengths (eg. a person cannot sit on the same committee for more than three consecutive years, with a minimum one-year waiting period before potentially re-joining) would be a less onerous and far more reasonable proposition than the lifetime limits suggested under the proposed by-laws.

However questionable the arguments for lifetime committee appointment limits may be, the exercise of prescribing committee term limits directly within the by-laws is wholly unnecessary altogether given the nature of how such appointments are made. Committee appointments are determined by Council on a yearly basis (after vetting from the HR/Governance committee) and thus, it can be argued that it should be up to Council on a yearly basis to appoint members, without being restricted by prescribed lifetime term limits. In other words, Council already has the sole authority to decide the composition of committees under the existing by-laws, so there is absolutely no need to "hardcode" any lifetime term limits within the by-laws and thereby place limitations on the decision making capabilities of future Council iterations.

Area of Concern – Appointment process for Executive committee members

As it relates to changes in by-laws as they relate to the Executive committee, it is perplexing why

the College would seek to further dilute the role of the Executive committee so quickly after having already divested many of its functions and roles to the Audit, Finance and Risk committees, and the HR/Governance committee. A nimble Executive committee is a very efficacious and effective body at addressing pressing issues and stakeholder considerations when it may not be practicable to convene a Council meeting and, given that Executive committee's decisions have ultimately always been supported by Council over the past decade or more, it is unclear whether a further adjustment in this committee's ability would be in the College's best interests.

A larger concern is with the proposed appointment system to the Executive committee. Elections are a transparent and effective means for a group to use their collective and individual judgements, on an equitable and equally-weighted basis (i.e. with no Council member having a stronger vote or voice than another), to determine which representative is best suited for a given role, such as being a member of the Executive committee. Moving to an appointment system would dilute Council's role and responsibility to a separate unelected group or sub-group, undermine the intrinsic democratic principles of Council, foster inequality among Council (since not all Council members would have an equal say in determining the composition of the Executive committee), foster possible tension and potentially even weaken trust. It is not worth the risk and there is no gain to Council from moving from an elected system to an appointment system for the Executive committee. Self-governance should be maintained not just for the profession, but also for Council and elections of the Executive committee are a key aspect of Council self-governance.

Strategy for adding diversity or competency criteria without resorting to term limits

It is clear that the HR/Governance committee, with good reason, is seeking methods to encourage diverse representation at the Council and Committee level as well as regular renewal of committee and Council composition to encourage new ideas and impede stagnation. However, as I have argued, imposing arbitrary and potentially ageist term limits is not the most effective or balanced way to achieve such objectives. Instead, I encourage Council to consider returning to a concept that underlined the Fall 2018 Council elections. That year, the Governance committee specifically encouraged members who met certain pre-determined criteria to run for election. Effectively, Council (presumably through the HR/Governance committee) can determine on a yearly basis which sets of criteria or competencies to emphasize among potential candidates running for election in a given year, and potentially actively seek candidates meeting such criteria.

This way, the Council of the day will have the flexibility to fine-tune the sets of diversity or competency criteria it wishes to prioritize for upcoming Council member candidates on an ongoing basis (and it can communicate to members of the College after the nomination deadline which candidates would meet such criteria). It can do this without preventing or disallowing anyone who would not meet such criteria from also running for election. In the end, members of the College should be entrusted to decide who is elected to Council as professional members, as that is the essence of the democratic process. Thank you for your consideration of my feedback on this proposed governance by-law amendments. Sincerely.

Addendum – Date: 07/20/2020

Thank you for your email and for reaching out to all of us on this potentially pivotal decision. I hope everyone is doing well and staying safe, and I just would like to add a little context since I was Chair of the Governance committee in 2017 and 2018. The College did a comprehensive governance review during this period which as you stated, led to the formation of the AFR and Governance/HR standing committees, as well as a significant narrowing of the responsibilities of the Executive committee. Both Council and the Governance committee during this period, and on more than one occasion, also examined the issue of Council appointments versus elections and each time, both

groups voted by majority to maintain the current election-based system whenever possible. To my knowledge, there was never any inclination for appointing members to the Executive committee, as is one of the proposals in the current by-law review, and this was even after the College received a comprehensive governance review from David Brown and his team at Governance Solutions. Further, I do not believe there was any discussion on strict lifetime term limits during this period, or even when Council did a brainstorming session on some HR considerations at the September 2019 Council meeting.

Altogether, the most contentious aspect of the proposed by-laws are the recommendation to instill *lifetime* term limits for Committee and Council member participation, which can be perceived as ageist and discriminatory as well as contrary to the principles of transparency and openness that the College had worked hard to establish in recent years. While there have been arguments from several governance experts and consultants in favor of consecutive-year term limits and relatively short (i.e. 12-month) waiting periods following the conclusion of such limits (before potential reappointment or re-election, as applicable), there is no clear consensus within this community as there are equally many cited reasons against the use of strict term limits (namely retaining institutional knowledge and corporate memory). Furthermore, there are far fewer governance organizations or consultants that go as far as to recommend the *lifetime* term limits as is being suggested by the proposed by-laws, and there is no immediate comparable body in the Canadian healthcare regulatory context, to my knowledge, similar in membership/registrant size to the College that has formally implemented lifetime term limits. In fact the Institute for Corporate Directors (see attached), considered by many as a veritable Canadian authority on matters of corporate governance, does not support the use of rigid term limits at all (see attached link), let alone lifetime limits:

"However, mandatory limits could also be counter-productive to the good governance of Canadian organizations. Term limits are a blunt tool and, without flexibility, they eliminate effective as well as non-effective directors. For this reason, we believe that boards must retain discretion to preserve vital institutional memory of high performing and contributing members."

Hence, the term "best practices" cannot be reliably used to justify the implementation of (lifetime) term limits, based on the evidence. It may be worthwhile for the Governance/HR committee and Council to review the perspective offered by ICD on this topic before voting on the proposed by-laws: https://www.icd.ca/getmedia/e57f3478-2b5c-4f14-aad4-5aa8d6a7298d/15-1889-Beyond_Term_Limits_EN_Final.pdf.aspx

Thank you for your consideration and best regards.

7. Date: 07/21/2020 Type: Optometrist (Ontario – Past Council Member)

I strongly support [former Council member's] response and specifically [their] recollection of the decisions and discussions already had around the council table. Given the objective of transparency and as demonstrated by the perceived biases of this committee, I would suggest that, in fact the HR committee should be elected by full council and by no means to select the committees for the next year without the full input and vote of the incoming council members. This would be truly transparent. The proposed by-laws certainly seem to be tainted by the bias at this point and should be revisited by a committee that can be truly clear of bias.

8. Date: 08/07/2020 Type: Optometrist (Ontario)

For the bylaws, I think maximum 10 year terms for president and VP. Thanks.

9. Date: 08/07/2020

Type: Optometrist (Ontario – College Committee Member)

Feedback on amendments:

Diluting the power of the Executive logically has merit. Again I am not in a position to understand the history of abuse of power, if such existed. However having said that , I support the new proposal concerning the Executive.

Administrative consolidation:

I am not in a position to comprehend what it entails to constrict 22 parts into 8 parts. The 3 other points I would support. Not certain how the term limits for Council and Committee members are arrived at, and on what rational. Certainly new ideas, different perspectives reflected from different demographics and ages are to be encouraged. Being one of the seasoned committee members, I think historical perspective and different experiences from other jurisdictions still can contribute valuable perspectives and ideas. How long they should be included is of course subject to debate. Term limits for officer positions do appear logical to encourage different leadership styles. No problem with aligning the Council and Committee terms. Hope this is of some assistance.

10. Date: 08/09/2020

Type: Optometrist (Ontario)

I support the proposed changes in the CE Policy as well as By-Law policy. Thank you

11. Date: 08/17/2020

Type: Optometrist (Ontario – Past Council Member)

Dear members of Council,

As a prior council Member, I have serious concerns about a couple of the proposed By-law changes. These include the time limiting restrictions to participation on Council and committee by members and the appointment model for Executive Committee members. Terms like modernization, best practices and succession planing are not valid excuses or reasoning to fundamentally restrict member participation within the College.

Term Limits:

The profession and College are relatively small and do not suffer from an overabundance of members competing for participation. However the past direction and efforts of the College, without added restrictive participation limits, have succeeded in developing the diverse composition of the current Council. This outcome supports the past focus of Council and does not indicate the need for limiting terms and increasing the one year gap. Additionally, an outdated opinion of the College as an 'old boys club' used for imposing new participation limits and an increased waiting period are not supported by the very real composition of the current Council.

An unintended adverse risk could be the possibility of a majority novice Council/committee that rubber stamped the Registrar or staff policies/ideas over time.

Members often continue to work several decades and limiting participation would be agist at the very least. The loss of experience would be significant on committees and Council. The 'history' of the College is often sighted during Council and committees meeting both as a positive way to continue or repeat decisions/policy and possibly more importantly as negative prior black holes to avoid or mitigate.

The lifetime limit and an increase three year waiting period would disqualify members who wish to participate and limit the membership's role in determining who too elect to Council. That is not what the RHPA describes in the self governance of the profession. In addition, the anti-democratic nature of excluding a member in good standing from participating on Council, on committees &/or as an officers has no basis is any other area of governance where elected representative have even

greater responsibility and power. Examples without such limits include elected members of municipal, provincial and federal government.

Executive Committee:

There can be no more equally fair and democratic process than an election of Executive members. In the ten years that I have watched Council closely, Council has always supported Executive decisions. This alone is a strong indication of Council's trust of their elected Executive. Limiting the selection of any Executive members to a few would be unfair to the remainder of Council and risks breaking the trust Council has had with the Executive's ability to act between Council meetings. The recent divestiture of the HR and Finance roles of Executive have largely diluted major roles of Executive. Appointments risk the creation of an inward looking Executive. Also, filling positions with the so called best candidate per a written policy has the potential to limit change, stifle creativity, limit new thinking or provide candidates who only stick to their written role.

Appointments in place of elections could prevent Council from implementing a decisive change to Executive should the need present itself.

Executive succession planning has always been the focus of past Councils and Executives. Limiting terms here do not promote succession planning more that the current system.

In conclusion, increasing the College's outreach to members to promote more engagement, participation and more voting should be the actual focus of change and not the many negative limitations on participation within the Proposed Governance By-law Amendment - 2020. This focus would continue the current council's diversity and transparency much more effectively than restricting a member in good standing from volunteering on Council, Executive or Committees. The existing College By-laws pertaining to term limits, one year gap and election of Executive should remain unchanged.

Thank you for the opportunity to provide feedback on several proposed revisions to College Governance By-law Amendments.

12. Date: 08/24/2020

Type: Optometrist (Ontario – Past Council Member)

Thank you for asking members for their feedback on the College's proposed By-law changes. I would like to note my disagreement with the proposed <<appointing members to the Executive committee>> and recommend keeping the current election process for the executive. I believe we should maintain a democratic process.

I disagree with the recommendation to instill *lifetime* term limits for Committee and Council member participation. I believe this will be perceived as ageist and discriminatory as well as contrary to the principles of transparency and openness that the College had worked hard to establish in recent years. Having strict term limits will namely diminish institutional knowledge and corporate memory. This will likely cause the College to repeat past mistakes over and over again since no one would remember past history.

As past president of the College of Optometrists of Ontario, we have difficulty recruiting members to sit on discipline panels etc.... and having term limits would hinder the College from completing its mandate of protecting the public.

Presently there is no immediate comparable body in the Canadian healthcare regulatory context, to my knowledge, similar in membership/registrant size to the College that has formally implemented lifetime term limits. In fact, the Institute for Corporate Directors (see attached), considered by many as a veritable Canadian authority on matters of corporate governance, does not support the use of rigid term limits at all (see [link](#)), let alone lifetime limits:

"However, mandatory limits could also be counter-productive to the good governance of Canadian

organizations. Term limits are a blunt tool and, without flexibility, they eliminate effective as well as non-effective directors. For this reason, we believe that boards must retain discretion to preserve vital institutional memory of high performing and contributing members."

I hope the Council will review my comments and reject the current by-law proposals.

30. Date: 08/26/2020 Type: Optometrist (Ontario)

In regards to the by-laws, it is my opinion that consolidating the by laws down to 8 parts instead of 22 will make it easier and faster to understand. In conclusion, I agree with all the changes proposed. I hope my feedback is helpful and I wish you all a great week. Kind Regards.

35. Date: 08/26/2020 Type: Optometrist (Ontario)

I agree with the proposed changes to the college CE policy and by-laws. The College has my full support in these changes.

72. Date: 08/28/2020 Type: Optometrist (Ontario)

I write this email in full support of the proposed by-law revisions.

Also, as an OAO member I must express my disappointment and disagreement with the position taken by OAO re: term limits. As long as the number of optometrists on council and committees remains the same, it would seem that OAO have submitted that the profession's interest is with the few optometrists vs. the many, and this is curious. A lack of term limits prevents many optometrists from getting involved for the first time, thus maintaining a smaller pool of experienced volunteers. Rather, I would suggest that the introduction of term limits will expand the pool of 'eligible and experienced' volunteers and increase institutional memory, precisely by giving a greater number of optometrists the opportunity to volunteer and get involved.

It is my opinion that the public and professional interest should be aligned in support of term limits, and my only suggestion would be that term limits should be shorter than what has been proposed. But this is a good start.

73. Date: 08/28/2020 Type: Optometrist (Ontario)

Thank you for the opportunity to provide feedback and for working endlessly to better the profession. Please find my feedback below:

By-law Amendments

- I appreciate the new term limits. They are reasonable enough that it allows for continuity while still encouraging new members to participate.

OAO Templates start here; see attached for a list of the comments in the <Additional feedback area>

13. Date: 08/25/2020 Type: Optometrist (Ontario)

RE: Feedback for By-Laws I agree with the proposals related to the following areas: administrative consolidation, improved document accessibility (especially as it relates to simplified wording), and revised timing to facilitate a new Council year in 2021.

I recommend that the eligibility criteria for professional members of Council and Committees not be

changed. Putting in place lifetime term limits reduces the institutional memory of the Council as well as the pool of eligible and experienced volunteers. Instead of disqualifying these individuals from serving, the Council should view these members as a valuable resource that can help further enhance the profession.

Finally, I recommend that Executive Committee members continue to be elected by a vote of the Council. We feel that elections are a key aspect of Council self-governance and help ensure that all members have an equal say in who will represent them.

Thank you again for the opportunity to provide feedback. Should you have any questions, or wish to discuss further, please let me know. Sincerely

14. Date: 08/26/2020 Type: Optometrist (Ontario)

By-Laws

I agree with the proposals related to the following areas: administrative consolidation, improved document accessibility (especially as it relates to simplified wording), and revised timing to facilitate a new Council year in 2021.

I recommend that the eligibility criteria for professional members of Council and Committees not be changed. Putting in place lifetime term limits reduces the institutional memory of the Council as well as the pool of eligible and experienced volunteers. Instead of disqualifying these individuals from serving, the Council should view these members as a valuable resource that can help further enhance the profession.

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Thank you again for the opportunity to provide feedback. Should you have any questions, or wish to discuss further, please let me know. Sincerely.

15. Date: 08/26/2020 Type: Optometrist (Ontario)

By-Laws

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<<Potential additional feedback field>>

Thank you again for the opportunity to provide feedback. Should you have any questions, or wish to discuss further, please let me know. Sincerely.

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By-Laws

I agree with the proposals related to the following areas: administrative consolidation, improved document accessibility (especially as it relates to simplified wording), and revised timing to facilitate a new Council year in 2021.

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17. Date: 08/26/2020**Type: Optometrist (Ontario)****By-Laws**

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18. Date: 08/26/2020**Type: Optometrist (Ontario)****By-Laws**

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Finally, I recommend that Executive Committee members continue to be elected by a vote of the Council. We feel that elections are a key aspect of Council self-governance and help ensure that all

members have an equal say in who will represent them. Lifetime terms and a lack of Council vote seems rather archaic for today's world.

Thank you again for the opportunity to provide feedback. Should you have any questions, or wish to discuss further, please let me know. Sincerely.

19. Date: 08/26/2020 Type: Optometrist (Ontario)

By-Laws

I agree with the proposals related to the following areas: administrative consolidation, improved document accessibility (especially as it relates to simplified wording), and revised timing to facilitate a new Council year in 2021.

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none

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21. Date: 08/26/2020 Type: Optometrist (Ontario)

By-Laws

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None

Thank you again for the opportunity to provide feedback. Should you have any questions, or wish to discuss further, please let me know. Sincerely.

22. Date: 08/26/2020 Type: Optometrist (Ontario)

By-Laws

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no further comments

Thank you again for the opportunity to provide feedback. Should you have any questions, or wish to discuss further, please let me know. Sincerely.

25. Date: 08/26/2020

Type: Optometrist (Ontario)

By-Laws

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Perhaps, if you're looking for a way to rotate through members, suggest that they take a year break from the committee and can rejoin at the next election cycle.

Thank you again for the opportunity to provide feedback. Should you have any questions, or wish to discuss further, please let me know. Sincerely.

26. Date: 08/26/2020

Type: Optometrist (Ontario)

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Please consider the above ideas.

Thank you again for the opportunity to provide feedback. Should you have any questions, or wish to discuss further, please let me know. Sincerely.

32. Date: 08/26/2020 Type: Optometrist (Ontario)

By-Laws

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36. Date: 08/26/2020 Type: Optometrist (Ontario)

By-Laws

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Finally, I recommend that Executive Committee members continue to be elected by a vote of the Council. We feel that elections are a key aspect of Council self-governance and help ensure that all members have an equal say in who will represent them.

Fine with recommendations.

Thank you again for the opportunity to provide feedback. Should you have any questions, or wish to discuss further, please let me know. Sincerely.

38. Date: 08/26/2020

Type: Optometrist (Ontario)

By-Laws

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Thank you again for the opportunity to provide feedback. Should you have any questions, or wish to discuss further, please let me know. Sincerely.

39. Date: 08/26/2020

Type: Retired Optometrist (Ontario)

By-Laws

I agree with the proposals related to the following areas: administrative consolidation, improved document accessibility (especially as it relates to simplified wording), and revised timing to facilitate a new Council year in 2021.

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Finally, I recommend that Executive Committee members continue to be elected by a vote of the Council. We feel that elections are a key aspect of Council self-governance and help ensure that all members have an equal say in who will represent them.

I was a member of the College for 62 years.

Thank you again for the opportunity to provide feedback. Should you have any questions, or wish to

discuss further, please let me know. Sincerely.

40. Date: 08/26/2020 Type: Optometrist (Ontario)

By-Laws

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No additional feedback

Thank you again for the opportunity to provide feedback. Should you have any questions, or wish to discuss further, please let me know. Sincerely.

41. Date: 08/26/2020 Type: Optometrist (Ontario)

By-Laws

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Finally, I recommend that Executive Committee members continue to be elected by a vote of the Council. We feel that elections are a key aspect of Council self-governance and help ensure that all members have an equal say in who will represent them.

Regarding life time term of council members, it seems to me that having regular changes keep the council unbiased, keeps new ideas coming in, new experiences and new expertise which can only prove to be a positive influence on the functioning of the council. The council needs to be transparent and fair and the only way to ensure this is to have new people come in.

Thank you again for the opportunity to provide feedback. Should you have any questions, or wish to discuss further, please let me know. Sincerely.

42. Date: 08/26/2020 Type: Optometrist (Ontario)

By-Laws

I agree with the proposals related to the following areas: administrative consolidation, improved document accessibility (especially as it relates to simplified wording), and revised timing to facilitate a new Council year in 2021.

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43. Date: 08/26/2020 Type: Optometrist (Ontario)

By-Laws

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Please reconsider your position.

Thank you again for the opportunity to provide feedback. Should you have any questions, or wish to discuss further, please let me know. Sincerely.

44. Date: 08/26/2020 Type: Optometrist (Ontario)

By-Laws

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blank

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45. Date: 08/26/2020 Type: Optometrist (Ontario)

By-Laws

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List of Comments provided in <Additional feedback area> of OAO Templates

61 OAO templates were sent in; 9 had comments in the “additional feedback area”:

Feedback 18 Lifetime terms and a lack of Council vote seems rather archaic for today's world.

Feedback 20 Lifetime terms and a lack of Council vote seems rather archaic for today's world.

Feedback 25 Perhaps, if you're looking for a way to rotate through members, suggest that they take a year break from the committee and can rejoin at the next election cycle.

Feedback 31 Please consider the above ideas.

Feedback 37 Fine with recommendations.

Feedback 39 I was a member of the College for 62 years.

Feedback 41 Regarding life time term of council members, it seems to me that having regular changes keep the council unbiased, keeps new ideas coming in, new experiences and new expertise which can only prove to be a positive influence on the functioning of the council. The council needs to be transparent and fair and the only way to ensure this is to have new people come in.

Feedback 43 Please reconsider your position.

Feedback 49 Elections are absolutely critical to self governance. Removing this stipulation really finds me questioning the College of Optometry's motivations for the future and their dedication to protection of the public interest.

Public

No public feedback was received.

Stakeholder

1. Date: 08/10/2020	Name: Office of the Fairness Commissioner
See attached letter.	

2. Date: 08/25/2020	Name: Ontario Association of Optometrists
See attached letter.	

3. Date: 08/28/2020	Name: College of Audiologists and Speech-Language Pathologists of Ontario
See attached e-mail.	

Office of the Fairness Commissioner's Comments Regarding
the **College of Optometrists of Ontario's Proposed**
Policy and By-law Revisions

The Office of the Fairness Commissioner (OFC) has become aware of the College of Optometrists of Ontario's (COO) proposed revisions to the existing Continuing Education (CE) Policy, as well as revisions to your by-laws.

As your consultation request indicates, the proposed CE policy revisions include:

- changes to the types of CE and required hours
- all CE must be Council on Optometric Practitioner Education (COPE) accredited regardless of the format (e.g. in person, online)
- allowing other learning opportunities (including distance learning)
- removing the "lecture-based" requirement and the limitation on practice management-related hours
- participation certificates will only be required for COPE accredited CE
- changes to the reporting requirements
- removing random audits; only perform CE and other learning hours deficiency audits

Your consultation request indicates the proposed by-law revisions will include, but are not limited to:

- consolidating the 22 parts of the by-laws into 8 parts
- introducing term limits for Council, committee members, and officers
- reducing the Executive Committee's role
- introducing officer term limits
- revising timing to facilitate a new Council year beginning in 2021

The proposed revisions are of great interest to our office, and we would like to thank you for the opportunity to comment. As you know, a general duty exists in the Fair Access to Regulated Professions and Compulsory Trades Act (FARPACTA), and Schedule 2 of the Regulated Health Professions Act (RHPA), for Ontario's regulated professions to provide registration practices that are transparent, objective, impartial and fair. This is the foundation from which the OFC works and bases its comments.

CE Policy Revisions

While the policy lies outside the OFC's jurisdiction, we would like to commend your efforts and desire to enhance the policy and allow greater flexibility in meeting the policy requirements for your registered members.

By-law Revisions

While rationales for the proposed revisions were provided, it is important to acknowledge that the revisions themselves and their implementation may have an impact on applicants. For example, changes in council duties may have the potential to cause delays in decisions as decision makers acclimate themselves to their new roles.

There were some notable proposed revisions that appear to enhance the College's current momentum to uphold and adhere to the legislated fairness principles. For example, the revisions involving Committees indicate COO's commitment to clarify expectations which should enhance objectivity and transparency.

The OFC has concluded that while your proposed revisions may have the potential to impact your registration process and/or applicants, the revisions on the whole, appear to be of a beneficial nature. The OFC expects that COO will continue in its legislative duty to uphold the fairness principles, especially in the face of possible contradictions to said duty.

The OFC's goal is to ensure that everyone who is qualified to practice a profession or trade that is regulated in Ontario can get a licence to practice. We appreciate the opportunity to provide these comments to the COO and look forward to our continued collaboration.



August 25, 2020

Mr. Ira Teich
Interim Registrar
College of Optometrists of Ontario
65 St. Clair Avenue East, Suite 900
Toronto, ON M4T 2Y3

Dear Mr. Teich,

Re: Continuing Education (CE) Policy and College By-Laws Stakeholder Feedback

On behalf of the Ontario Association of Optometrists (OAO), I am pleased to provide feedback on the College's proposed changes to its continuing education (CE) policy and its by-laws.

CE Policy

OAO recommends that the current CE hours policy remain in place. The proposal to reduce CE hours equivalencies will act as a disincentive for optometrists to participate in activities that promote the profession.

OAO also recommends that its Category A status remain in place. The proposed requirement for 50 COPE accredited hours will make it more difficult to secure quality speakers, especially ophthalmologists, due to the extra paperwork involved with COPE accreditation status.

OAO has two recommendations regarding the "Other Learning Opportunities" form. First, all fields should be mandatory in order to help ensure that they are fully completed before submitted. Second, the form should include separate sections for "Activity #1" and "Activity #2" to make it clear that there are in fact two different learning opportunities.

By-Laws

OAO agrees with the proposals related to the following areas: administrative consolidation, improved document accessibility (especially as it relates to simplified wording), and revised timing to facilitate a new Council year in 2021.

OAO recommends that the eligibility criteria for professional members of Council and Committees not be changed. Putting in place lifetime term limits reduces the institutional memory of the Council as well as the pool of eligible and experienced volunteers. Instead of disqualifying these individuals from serving, the Council should view these members as a valuable resource that can help further enhance the profession.

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Finally, OAO recommends that Executive Committee members continue to be elected by a vote of the Council. We feel that elections are a key aspect of Council self-governance and help ensure that all members have an equal say in who will represent them.

Thank you again for the opportunity to provide feedback. Should you have any questions, or wish to discuss further, please let me know.

Sincerely,

A handwritten signature in cursive script that reads "Sheldon Salaba". The signature is written in black ink on a white background.

Dr. Sheldon Salaba, OD
President

cc. OAO Board of Directors

From: Brian O'Riordan
Sent: Friday, August 28, 2020
Subject: Consultation Feedback

Thank you for the opportunity to comment on revisions to your Continuing Education (CE) Policy and your College by-laws.

I. Continuing Education Policy

The requirements in the Policy for your registrants to remain current through the pursuit of specified and flexible continuing education are thorough and serve to protect the public. The submission of the CE credit hours on the OE tracker ensures that all registrants comply with the quality assurance program.

We have two additional items for your consideration :

1. Are optometrists required to develop goals to focus their learning?
2. Do they have to indicate how their learning impacted their practice?

II. College by-laws

1. Article 6.04: The College might want to also consider prior professional misconduct, incompetence or incapacity finding in any jurisdiction (within a reasonable time limit) as a reason for electoral ineligibility.
2. Article 7.04: The College may wish to consider having the more common three-year term for Committees, which would also align with the term durations set out in the RHPA.
3. Article 8.01 (5-6): The 21-year maximum lifeterm for a sitting Council member would likely not promote, as set out in your rationale, "governance best practices, support turnover or incorporate a fresh perspective". While we appreciate that the proposed provision is an improvement on the current completely uncapped situation, we must point out that it is inconsistent with the 9 year term limit in the RHPA and certainly is not in step with current governance best practices, as set out in many recent reports, including the BC Cayton Report. It is hard to see how it promotes diversity, equity and inclusion and does not seem welcoming of newer members of the profession.
4. We notice that you are retaining the "Life member" category. Our Council recently amended our by-laws to remove this designation, It does not promote public protection in any way, and has become a rarity among Ontario colleges. You may wish to examine the value of continuing it.

Please note that the above Article references are keyed to the original numbering of the current by-laws and not to the proposed version.

Thank you again for the opportunity to comment.

Brian.



Brian O’Riordan

Registrar

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Governance Jurisdictional Scan – Term Lengths & Limits

Organization	Council					Committees					Notes
	Term	Consecutive Limit	Lifetime Limit	Waiting/Cooling Off Period	Longest Serving Member	Term	Consecutive Limit	Lifetime Limit	Waiting/Cooling Off Period	Longest Serving Member	
College of Nurses of Ontario	3 years	6 years (2 full terms)	N/A	3 years	12 years (6 yrs + absence + 6yrs)	1 year	6 years (2 full terms)	N/A	See note	Unknown	There is a 3 consecutive term maximum for serving in both roles. Then must take 3 years off.
College of Physicians and Surgeons of Ontario	3 years	9 years	9 years	N/A	See note	3 years	9 years (on any one committee)	18 years	N/A	See note	Any period of time spent on Council and any committee concurrently counts as one period. These term limits were accepted by Council in 2019 and come into effect December 2020.
Ontario College of Pharmacists	3 years	6 years (recent change as was 9 years prior)	N/A	3 years	15 years (9 yrs + 4 yr absence + 6yrs)	1 year	N/A (previously had 9 year rule)	N/A	N/A	12 years	No changes currently being considered. Recently passed new governance by-laws for Council; learn what will need tweaking over next few years.
College of Massage Therapists of Ontario	3 years	9 years	N/A	3 years	11 years	1 year	3 years (on any one committee)	N/A	1 year (off that committee)	9 years	No term limits on Discipline or Fitness to Practise committees
College of Physiotherapists of Ontario	3 years	9 years (*Academic member serves 3 years, as rotate between 5 different universities)	N/A	3 years	20 years (over three different terms since 1994)	1 year	9 years on any one committee (Council); 9 years on any committee (Non-Council); 5 years consecutive (Executive)	N/A	No defined cooling period - must take break	10 years on same committee	Changes are also being considered for committee terms.
College of Medical Laboratory Technologists of Ontario	3 years	9 years	N/A	3 years	10 years	1 year	N/A	N/A	N/A	16 years	College is considering changes but no recommendations/decisions yet
College of Occupational Therapists of Ontario	3 years	9 years (3 terms)	N/A	3 years	9 years	3 years	6 years (2 terms)	N/A	1 year	9 years	College is considering changes but no recommendations/decisions yet
College of Chiropractors of Ontario	3 years	9 years	N/A	3 years	12 years (9yrs + 3 yr absence + 3 yrs)	1 year	9 years (on committees)	N/A	3 years (off committee)	Unknown	No changes currently being considered.

Governance Jurisdictional Scan – Term Lengths & Limits

Organization	Term	Consecutive Limit	Lifetime Limit	Waiting/Cooling Off Period	Longest Serving Member	Term	Consecutive Limit	Lifetime Limit	Waiting/Cooling Off Period	Longest Serving Member	Notes
College of Dietitians of Ontario	3 years	6 years	N/A	3 years		2 years	6 years (3 terms)	N/A	Yes (not defined)		The College is considering changes to term lengths
College of Opticians of Ontario	3 years	9 years	N/A	3 years	23 years (most members are 8-9 years)	2 years	6 years (3 terms)	N/A	2 years	6 years	College is considering changes but no recommendations/decisions yet
College of Optometrists of Ontario	3 years	9 years	N/A	1 year	20 years	1 year	N/A	N/A	N/A	35 years	The College is currently considering changes to Council and committee term limits. By-law amendments are out for circulation.
College of Traditional Chinese Medicine of Ontario	3 years	9 years	N/A	3 years	~ 8 years	1 year	N/A	N/A	N/A	~ 8 years	

7-10 / OTHER MATTERS

7) In Camera Session

Council may go **in camera** under:

· Section 7b of the *Health Professions Procedural Code*, which is Schedule 2 to the *Regulated Health Professions Act, 1991*

8) List of Acronyms

9) Dates of Upcoming Council Meetings

d) Friday December 4, 2020

e) Friday March 26, 2021

f) Friday June 18, 2021

g) Friday September 17, 2021

h) Friday December 10, 2021

10) Adjournment

List of Acronyms Used by the College of Optometrists of Ontario

Acronym	Name	Description
AAO	American Academy of Optometry	Organization whose goal is to maintain and enhance excellence in optometric practice
ACO	Alberta College of Optometrists	Regulates optometrists in Alberta
ACOE	Accreditation Council on Optometric Education	A division of AOA Accredits optometry schools in US and Canada Graduates of these schools may register in Ontario without additional education
ADR	Alternative Dispute Resolution	An alternate process that may be used, where appropriate, to resolve some complaints
AGRE	Advisory Group for Regulatory Excellence	A group of six colleges (medicine, dentistry, nursing, physiotherapy, pharmacy and optometry) that provides leadership in regulatory matters
AIT	Agreement on Internal Trade	Federal/Provincial/Territorial agreement intended to foster mobility of workers
AOA	American Optometric Association	Main professional association for optometrists in the US
ARBO	Association of Regulatory Boards of Optometry	Association of optometric regulators including, US, Canada, Australia and New Zealand
BV	Binocular Vision	The assessment of the relationship and coordination of the two eyes
CACO	Canadian Assessment of Competency in Optometry	Canadian entry-to-practice examination for optometry-administered by CEO-ECO to 2017
CAG	Citizen's Advisory Group	A forum for patients and health-care practitioners to discuss issues of mutual concern
CAO	Canadian Association of Optometrists	Represents the profession of optometry in Canada; its mission is to advance the quality, availability, and accessibility of eye and vision health care
CAOS	Canadian Association of Optometry Students	The Canadian optometry student association with chapters in both Waterloo and Montreal
CE	Continuing Education	Courses, programs, or organized learning experiences usually taken after a degree is obtained to enhance personal or professional goals
CEO-ECO	Canadian Examiners in Optometry	Former name of OEBC; administered the CACO exam on behalf of the provincial and territorial optometric regulators (see OEBC)
CJO	Canadian Journal of Optometry	Journal published by CAO whose mandate is to help optometrists build and manage a successful practice

List of Acronyms Used by the College of Optometrists of Ontario

Acronym	Name	Description
CLEAR	Council on Licensure Evaluation and Regulation	International body of regulatory boards – mainly US and Canadian members
CMPA	Canadian Medical Protective Association	Professional liability insurer for physicians
CNAR	Canadian Network of Agencies for Regulation	
CNCA	<i>Canada Not-for-profit Corporation Corporations Act</i>	
CNIB	Canadian National Institute for the Blind	A voluntary, non-profit rehabilitation agency that provides services for people who are blind, visually impaired and deaf-blind
CNO	College of Nurses of Ontario	Regulates nurses in Ontario
COBC	College of Optometrists of British Columbia	Regulates optometrists in British Columbia
COEC	Canadian Optometric Evaluation Committee	Committee of FORAC that assesses the credentials of internationally educated optometrists who wish to practice in Canada
COI	Conflict of Interest	Situation in which someone in a position of trust has competing professional and personal interests
COO	College of Opticians of Ontario	A self-governing college that registers and regulates opticians in Ontario Note: the College of Optometrists of Ontario does not have an acronym
COPE	Council on Optometric Practitioner Education	Accredits continuing education on behalf of optometric regulatory boards
COS	Canadian Ophthalmological Society	Society whose mission is to assure the provision of optimal eye care to Canadians
CPD	Continuing Professional Development	A quality assurance program
CPP	Clinical Practice Panel	A panel of the Quality Assurance Committee that considers issues of clinical practice and updates the OPR
CPSO	College of Physicians and Surgeons of Ontario	A self-governing college as defined by the <i>Regulated Health Professions Act</i>
CRA	Complete Record Assessment	A component of the College's practice assessment process of the Quality Assurance program
DAC	Diabetes Action Canada	
DFE	Dilated Fundus Examination	Eye health exam conducted after dilating pupils with drops

List of Acronyms Used by the College of Optometrists of Ontario

Acronym	Name	Description
DPA	Diagnostic Pharmaceutical Agents	Drugs used by optometrists in practice to evaluate systems of the eye and vision
EEOC	Evaluating Exam Oversight Committee	Committee that oversees the Internationally Graduated Optometrists Evaluating Exam (IGOEE) administered by Touchstone Institute
EHCO	Eye Health Council of Ontario	A group made up of optometrists and ophthalmologists who collaborate on issues of mutual interest
ÉOUM	École d'optométrie-Université de Montréal	School of optometry at the University of Montreal-teaches optometry in French Accredited by ACOE
EPSO	Eye Physicians and Surgeons of Ontario	OMA Section of Ophthalmology
ETP	Entry-to-Practice	Describes the level of competency necessary for registration to practise the profession
FAAO	Fellow of the American Academy of Optometry	Designation issued by AAO following evaluation against standards of professional competence
FHRCO	Federation of Health Regulatory Colleges of Ontario	Comprises of the 26 health regulatory colleges in Ontario
FORAC-FAROC	Federation of Optometric Regulatory Authorities of Canada	Comprised of 10 national optometric regulators Formerly knowns as CORA
HPARB	Health Professions Appeal and Review Board	Tribunal whose main responsibility is to review decisions made by College ICRC or registration committees when an appeal is made by either the complainant or member, or applicant in the case of a registration appeal
HPPC	Health Professions Procedural Code	Schedule 2 to the <i>Regulated Health Professions Act, 1991</i>
HPRAC	Health Professions Regulatory Advisory Council	Provides independent policy advice to the Minister of Health and Long-Term Care on matters related to the regulation of health professions in Ontario
HSARB	Health Services Appeal and Review Board	Created by the <i>Ministry of Health Appeal and Review Boards Act, 1998</i> , decisions of the ORC are heard here
HSPTA	<i>The Health Sector Payment Transparency Act, 2017</i>	An Act that requires industry to disclose transfers of value to health care professionals
ICRC	Inquiries Complaints and Reports Committee	The ICRC is the statutory committee responsible for the investigation and disposition of reports and complaints filed with the College about the conduct of an optometrist

List of Acronyms Used by the College of Optometrists of Ontario

Acronym	Name	Description
IOBP	International Optometric Bridging Program	A program to assist international graduates in meeting the academic equivalency requirement for registration and housed at the University of Waterloo
IGOEE	Internationally Graduated Optometrist Evaluating Exam	Developed and administered by Touchstone Institute on behalf of FORAC
IOG	International Optometry Graduates	Optometry graduates who have received their education outside North America
MOHLTC (or MOH)	Ministry of Health and Long-Term Care	Responsible for administering the health care system and providing services to the Ontario public
MOU	Memorandum of Understanding	
NBAO	New Brunswick Association and College of Optometrists	New Brunswick Association and College of Optometrists
NBEO	National Board of Examiners in Optometry	Entry to practice examination for all US states Also accepted in BC and QC
NCP	National Competency Profile	Articulates the requirements established by the profession upon which the blueprint for the OEBC exam is based
NLCO	Newfoundland and Labrador College of Optometrists	Regulates optometrists in Newfoundland and Labrador
NSCO	Nova Scotia College of Optometrists	Regulates optometrists in Nova Scotia
OAO	Ontario Association of Optometrists	The association that looks after the interests of optometrists in Ontario
OCP	Ontario College of Pharmacists	Regulates pharmacists, pharmacies and pharmacy technicians in Ontario
OD	Doctor of Optometry Degree	Optometrists' professional degree in North America
ODSP	Ontario Disability Support Program	Offers financial assistance to Ontarians with disabilities who qualify
OEBC-BEOC	Optometry Examining Board of Canada	Administers the national standards assessment exam on behalf of the provincial and territorial optometric regulators
OFC	Office of the Fairness Commissioner of Ontario	The OFC ensures that certain regulated professions in Ontario have registration practices that are transparent, objective, impartial and fair
OLF	Optometric Leaders' Forum	Annual meeting of CAO, provincial associations and regulators
OMA	Ontario Medical Association	The association that looks after the interests of medical practitioners

List of Acronyms Used by the College of Optometrists of Ontario

Acronym	Name	Description
OOQ	Ordre des optométristes du Québec	Regulates optometrists in Quebec
OPR	Optometric Practice Reference	A College document provided to members and available to the public providing principles of Standards of Practice and Clinical Guidelines in two separate documents
OSCE	Objective Structured Clinical Examination	An objective clinical exam; part of the OEBC exam
PEICO	PEI College of Optometrists	The optometric regulatory college in Prince Edward Island
PHIPA	<i>Personal Health Information Protection Act</i>	Provincial act that keeps personal health information of patients private, confidential and secure by imposing rules relating to its collection, use and disclosure
PLA	Prior learning assessment	Formerly part of the IOBP to ascertain the candidate's current knowledge in optometry; replaced by IOGEE in 2015
PRC	Patient Relations Committee	Promotes awareness among members and the public of expectations placed upon optometrists regarding sexual abuse of patients; also deals with issues of a broader nature relating to members' interactions with patients
QA (QAC)	Quality Assurance Committee	A statutory committee charged with the role of proactively improving the quality of care by regulated health professionals
RCDSO	Royal College of Dental Surgeons	Regulates dentists in Ontario
RHPA	<i>Regulated Health Professions Act</i>	An act administered by the Minister of Health, ensuring that professions are regulated and coordinated in the public interest by developing and maintaining appropriate standards of practice
SAO	Saskatchewan Association of Optometrists	Also functions as the regulatory College in Saskatchewan
SCERP	Specified Continuing Educational or Remediation Program	A direction to an optometrist by the ICRC to complete remediation following a complaint or report
SRA	Short Record Assessment	A component of the College's practice assessment process of the Quality Assurance program
SOP	Standards of Practice	Defined by the profession based on peer review, evidence, scientific knowledge, social expectations, expert opinion and court decision
TPA	Therapeutic Pharmaceutical Agent	Drug Generally this term is used when describing drugs that may be prescribed by optometrists for the treatment of conditions of the eye and vision system

List of Acronyms Used by the College of Optometrists of Ontario

Acronym	Name	Description
VIC	Vision Institute of Canada	A non-profit institute functioning as a secondary referral center for optometric services located in Toronto
VCC	Vision Council of Canada	A non-profit association representing the retail optical industry in Canada, with members operating in all Canadian provinces and US states
WCO	World Council of Optometry	International advocacy organization for world optometry – assists optometrists in becoming regulated where they are not
WOVS	University of Waterloo School of Optometry and Vision Science	The only school of optometry in Canada that provides education in English Accredited by ACOE; graduates are granted an OD degree; also has Masters and PhD programs

Updated June 2018