



COLLEGE OF
Optometrists
OF ONTARIO

COUNCIL MEETING

FRIDAY MARCH 26, 2021
AT 9:00 A.M.

(PUBLIC INVITED TO ATTEND)

VIRTUAL MEETING

COUNCIL AGENDA

Friday, March 26, 2021 | 9:00 a.m.

Virtual Meeting

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				
a. December 4, 2020				6
b. January 22, 2021				12
c. February 9, 2021				15
d. Motions and Actions Items Arising from the Minutes				17
PART 2 - Committee Reports				
i. Executive Committee				19
ii. Patient Relations				20
iii. Quality Assurance:				
a) QA Panel				22
b) CP Panel				23
iv. ICRC				24
v. Registration				26
vi. Discipline				28
vii. Governance/HR Committee				30
viii. Audit/Finance/Risk Committee				31
4. Registrar's Report	J. Jamieson	40	Presentation	32
5. In Camera Session – College Performance Measurement Framework. Council will go in camera under:	J. Jamieson	20	Discussion	32
· Section 7(2)(b) of the <i>Health Professions Procedural Code</i> , which is Schedule 2 to the Regulated Health Professions Act, 1991				
6. Motions Brought Forward from Committees				33
a. Approving the finalized College Performance Measurement Framework	J. Jamieson	10	Decision	34
b. Governance/HR: By-law Administrative Changes	K. Biondi	20	Decision	36
c. Clinical Practice Panel: Revisions to OPR 7.12	C. Grewal	10	Decision	183
d. Clinical Practice Panel: Revisions to OPR 7.13	C. Grewal	10	Decision	187

e. Clinical Practice Panel: Update to Public Register	C. Grewal	10	Decision	191
7. List of Acronyms				193
8. Dates of Upcoming Council Meetings				
a. June 18, 2021				
b. Sept. 17, 2021				
c. Dec. 10, 2021				
9. Adjournment (approx. 11:15 a.m.)	P. Quaid		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
 - a. September 25, 2020
 - b. October 15, 2020
 - c. November 4, 2020
 - d. November 23, 2020
 - e. Motions and Actions Items Arising from the Minutes
 - PART 2 - Committee Reports
 - i. Executive Committee
 - ii. Quality Assurance:
 - A. QA Panel
 - B. CP Panel
 - iii. ICRC
 - iv. Registration
 - v. Governance/HR Committee
 - vi. Audit/Finance/Risk Committee



**College of Optometrists of Ontario
Council Meeting
December 4, 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 and Guests:

Mr. Edward Cho
Ms. Hanan Jibry
Ms. Mina Kavanagh
Ms. Amber Lepage-Monette

Ms. Deborah McKeon
Ms. Ellen Pekilis, Chair QA Subcommittee
Mr. Ira Teich, Interim Registrar and CEO
Dr. Stan Woo, University of Waterloo

- 1 **1. Call to Order:** P. Quaid called the meeting to order at 9:02 a.m.
2
3 **2. Adoption of the Agenda:** A draft agenda was circulated prior to the meeting.
4
5 Moved by C. Grewal and seconded by L. Chan **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. None declared.
10
11 **Motion carried**
12 **3. Consent Agenda**
13
14 PART 1 - Minutes of Prior Council Meetings
15 a. September 25, 2020
16 b. October 15, 2020
17 c. November 5, 2020
18 d. November 23, 2020
19 e. Motions and Actions Items Arising from the Minutes
20 PART 2 - Reports

- 21 a. Committee Reports
- 22 i. Executive Committee
- 23 ii. Quality Assurance:
- 24 a) QA Panel
- 25 b) CP Panel
- 26 iii. ICRC
- 27 iv. Registration
- 28 v. Governance/HR Committee
- 29 vi. Audit/Finance/Risk Committee
- 30

31 N. Shah provided an update on the Registrar search process, as per the Governance/HR Committee
32 report. Waterhouse Executive Search completed interviews with stakeholders, including staff and
33 Council, which informed the position profile. The profile is now available on the College website and
34 being circulated by Waterhouse across Canada.

35
36 An outline of the phases of the process will be sent to Council. Council asked to receive regular updates
37 at the end of each phase.

38
39 L. Chan asked to clarify a point in the September minutes regarding the 50 COPE-approved hours.
40 Minutes should read that 20 of those hours must be reasonably related to ocular disease and
41 management or related systemic disease.

42
43 Council asked about the budget listed on page 42 of the briefing materials, noting the Quality Assurance
44 Subcommittee is not listed. D. McKeon clarified that the QA Subcommittee had previously been listed
45 under the Quality Assurance Panel. It is now listed separately.

46
47 Council asked about the word “removed” that is used in the September 25 minutes regarding an
48 optometrist’s licence. It was clarified that “removed” and not “revoked” is the correct term in this
49 instance.

50
51 B. Kassir also asked about the Executive Election options listed in the November 5 minutes. It was
52 clarified that the minutes reflect how the options were presented at that meeting; the options were
53 clarified at a subsequent meeting.

54
55 Council asked about committees that may need to work prior to the January motion to approve the
56 2021 committee appointment slate. It is confirmed that existing committees are in place until the
57 upcoming motion is passed.

58
59 Council asked to discuss the statement of revenue and expenses as well as investment returns
60 presented as part of the Audit/Finance/Risk Committee report.

61
62 It was clarified that a budget presentation will be provided with the Registrar’s Report. Regarding
63 investments, Council discussed the background and decision to have two investment firms. M. Witer
64 clarified that AFR discussed the issue throughout the year, and in the context of COVID, a new audit
65 firm, and market fluctuations, it was decided to leave a decision about the investment firm to 2021.

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Moved by S. Allen and seconded by K. Biondi **to adopt the consent agenda.**

Motion carried

P. Quaid invited S. Woo to present on behalf of the University of Waterloo School of Optometry and Vision Science (WOVS).

4. University of Waterloo Presentation – Dr. Stan Woo

Dr. Woo discussed the adjustments the university has made due to the pandemic – e.g., slit lamp simulators to reduce face-to-face time.

Dr. Woo outlined several campaigns WOVS is currently undertaking: the Seeing Beyond 2020, Optometry 5in5, and Advanced Procedures Course.

Seeing Beyond is looking to raise funds to add 50,000 square feet of new space, modernize the facilities, and bring in an ambulatory centre on site.

Optometry 5in5 is self-directed, micro-learning continuing education (CE) program that identifies CE gaps that is led by Dr. Sarah McIver.

Council discussed its ongoing interest in funding research, noting that CE focused on public health initiatives would also benefit practitioners and align with the College’s CE Policy.

Moved by L. Christian and seconded by L. Chan **to have the Executive Committee, in the new year, review the proposals presented by the University of Waterloo today and look for ways in which the College might benefit.**

P. Quaid asked Council for a show of hands. All in favour. None against.

Motion carried

5. Registrar’s Report

I. Teich and staff provided updates on College operations, including registration, investigations, the College Performance Measurement Framework, and finances.

Council asked follow-up questions about the drop in registration numbers, which staff indicated were unexpected and could simply represent a delay due to border closures.

The financial presentation provided the first non-deficit budget in years. Council noted its appreciation for the budget restructuring, particularly in light of COVID and other disruptions during 2020.

Council asked about reviewing the President’s stipend on a yearly basis.

110 **6. QA Subcommittee Presentation**

111
112 QA Subcommittee (QAS) chair E. Pekilis presented an overview of the QA Program Redevelopment
113 Project, including project background, goals and timeline. Following the September Council meeting,
114 QAS met to address key areas of concern with the revised CE Policy, specifically academics vs
115 professionals, and fellowships.

116
117 Council asked about the redevelopment project timeline and subcommittee makeup, as its members
118 have remained consistent since the subcommittee was formed in 2018.

119
120 E. Pekilis explained that the redevelopment project was approved with a three- to five-year timeline.
121 Work was paused for several months in 2019 due to staff and committee chair turnover.

122
123 Council asked about the short records assessment (SRA) process. It was clarified that the subcommittee
124 has spoken to experts about record selection best practices, and that allowing optometrists to select
125 their own records has not affected the quality of reports being supplied.

126
127 E. Pekilis noted that although a previously proposed Request for Proposal did not move forward, the
128 subcommittee will require external guidance on the self-assessment piece of the project.

129
130 It is agreed that the subcommittee should connect with the University of Waterloo to discuss its self-
131 assessment module 5in5, which was presented by Dr. Woo earlier in the meeting.

132
133 **7. Motions brought forward by committees:**

134
135 **a. QA Subcommittee: CE Policy**

136
137 W. Ulakovic presented the motion to Council, reiterating the revisions that had been made.

138
139 Moved by L. Chan and seconded by A. Micucci **to approve the final version of the 2021-2023 Continuing**
140 **Education Policy** (as updated in order to provide further clarity and ease of administration).

141
142 P. Quaid asked for a show of hands. None against. None abstained.

143
144 **Motion carried**

145
146 **b. Registration Committee**

147
148 W. Ulakovic presented the motion regarding ongoing support for the International Graduated
149 Optometrist Evaluating Examination (IGOEE).

150
151 Council asked whether candidates are eligible to practice across Canada or only in Ontario.

152

153 P. Quaid noted that the College developed the program and licensed it to FORAC and is therefore the
154 only organization contributing to the fund. It was clarified that the IGOEE is not licensure; those who
155 score high enough can move directly to the boards, however, most are moved into a bridging program,
156 which is no longer being offered by the University of Waterloo. Keeping the IGOEE will provide for a
157 direct path to licensure.

158
159 The intent is to have the fund reviewed on an annual basis.

160
161 Move by R. Kniaziew and seconded by H. Kennedy [to approve establishing a \\$60,000 fund to help](#)
162 [sustain the Internationally Graduated Optometrist Evaluating Examination \(IGOEE\) if candidate](#)
163 [registrations fall below the required break-even number, for as long as the IGOEE will be](#)
164 [administered, subject to a legal agreement between the College and Touchstone Institute to](#)
165 [administer the fund.](#)

166
167 P. Quaid asked for a show of hands. All in favour. No abstentions.

Motion carries

168
169
170 **c. Audit/Finance/Risk – Expense Policy**

171
172 B. Kassir presented the motion, noting the policy revision are intended to simplify how professional
173 members file meeting prep time and expenses. The revised policy would take effect January 1, 2021.

174
175 Moved by W. Hutchinson and seconded by S. Allen [to approve the College’s Finance Policy – Honoraria](#)
176 [and Expenses revised on November 6.](#)

177
178 P. Quaid asked for a show of hands. None against. No abstention.

Motion carried

179
180
181 **d. Audit/Finance/Risk – 2021 College Budget**

182
183 The 2021 budget was presented. Council asked about the Quality Assurance Subcommittee (QAS)
184 budget line.

185
186 D. McKeon clarified how the Quality Assurance and QAS budgets are accounted for: both are listed as
187 separate line items.

188
189 Moved by C. Nicol and seconded by K. Biondi [to approve the College’s Budget for the fiscal year](#)
190 [January 1, 2021 to December 31, 2021.](#)

191
192 P. Quaid asked for a show of hands. None against. No abstentions.

Motion carried

193
194
195

196 P. Quaid thanked the two outgoing Council members, C. Nicol and M. Witer, for their years of service,
197 noting some key highlights of their work.

198

199 **The meeting was adjourned at 1:09 p.m.**

DRAFT



**College of Optometrists of Ontario
Council Meeting
January 22, 2021
DRAFT #1**

Attendance:

Dr. Patrick Quaid (President)
Ms. Suzanne Allen
Ms. Kathryn Biondi
Dr. Linda Chan
Dr. Lisa Christian
Mr. Ravnit Dhaliwal
Dr. Mark Eltis
Dr. Camy Grewal
Ms. Winona Hutchinson

Mr. Bashar Kassir
Mr. Howard Kennedy
Dr. Richard Kniaziew
Dr. Lindy Mackey
Dr. Annie Micucci
Dr. Areef Nurani
Mr. Narendra Shah
Dr. William Ulakovic

Staff:

Mr. Chad Andrews
Mr. Edward Cho
Ms. Hanan Jibry

Ms. Amber Lepage-Monette
Mr. Ira Teich, Interim Registrar and CEO

- 1 **1. Call to Order:** P. Quaid called the meeting to order at 12:05 pm.
2
3 P. Quaid opened the meeting with an inspirational reading from President Roosevelt and thanked
4 Council and staff for their hard work during a challenging year.
5
6 **2. Adoption of the Agenda:** A draft agenda was circulated prior to the meeting.
7
8 Moved by W. Hutchinson and seconded by N. Shah **to adopt the agenda.**
9 **Motion carried**
10
11 **a. Conflicts of Interest:** P. Quaid asked Council members if anyone had a conflict of interest with any
12 item on the day's agenda. None declared.
13
14 **3. Election of Officers for 2021 Council Year**
15
16 Registrar I. Teich introduced the election and reminded Council of the by-law requirement that notes
17 the Executive Committee have one more professional member than public member and that this may
18 affect how we proceed through the vote.
19
20 H. Jibry announced that P. Quaid was acclaimed as President.

21
22 H. Jibry invited the three candidates for role of Vice-President to speak. W. Hutchinson, B. Kassir and R.
23 Kniaziew each presented their candidacy to Council.

24
25 **B. Kassir was elected to the position of Vice-President.**

26
27 H. Jibry invited the five candidates for the role of Chair, Governance/HR Committee to speak.

28
29 W. Hutchinson and H. Kennedy withdrew their names from the election.

30
31 K. Biondi, C. Grewal, W, and R. Kniaziew each presented their candidacy to Council.

32
33 **K. Biondi was elected to the position of Vice-President.**

34
35 H. Jibry noted that, since two public members had been elected to the Executive Committee, **L. Chan**
36 **was acclaimed as Chair, Audit/Risk/Finance.**

37
38 H. Jibry invited the three candidates for the role of Member-at-Large to speak.

39
40 A. Nurani withdrew his name from the election.

41
42 M. Eltis and C. Grewal presented their candidacy to Council.

43
44 C. Grewal was elected to the position of **Member-at-Large.**

45
46 I. Teich thanked all candidates for submitting their names and participating in the election and
47 congratulated all those who won their positions.

48
49 Council took a 10-minute break.

50
51 **4. Motions Brought Forward by Committees:**

52 **a. Governance Committee: Appointment of the Committee Chairs and Committee Members**

53
54 K. Biondi presented a PowerPoint presentation that reflected the proposed slate of members for the
55 2021 College committees, as reflected in the briefing materials.

56
57 Council had no questions regarding the proposed slate.

58
59 Moved by L. Chan and seconded by R. Kniaziew **to approve the proposed committee memberships for**
60 **2021 as set out by the Governance/HR Committee.**

61 **Motion carried**

62
63 R. Kniaziew asked about the status of the Registrar search interviews and if any optometrists were
64 included.

- 65
66 Members of the Registrar Search Committee indicated that the search process is confidential and that it
67 is too early in the process to discuss candidates.
68
69 P. Quaid confirmed that optometrists have been included in the process.
70
71 Moved by C. Grewal and seconded by H. Kennedy **to adjourn the meeting at 1:11 p.m.**

DRAFT



**College of Optometrists of Ontario
Council Meeting
February 9, 2021
DRAFT #1**

Attendance:

Dr. Patrick Quaid (President)
Mr. Bashar Kassir (Vice-President)
Ms. Suzanne Allen
Ms. Kathryn Biondi
Dr. Linda Chan
Dr. Lisa Christian
Dr. Mark Eltis

Dr. Camy Grewal
Ms. Winona Hutchinson
Dr. Richard Kniaziew
Dr. Lindy Mackey
Dr. Annie Micucci
Dr. Areef Nurani
Mr. Narendra Shah

Regrets:

Mr. Ravnit Dhaliwal
Mr. Howard Kennedy
Dr. William Ulakovic

Staff and Guests:

Ms. Amber Lepage-Monette
Mr. Ira Teich, Interim Registrar and CEO

Mr. Jon Stungevicius, Waterhouse Executive Search

- 1 **1. Call to Order:** P. Quaid called the meeting to order at 7:04 pm.
2
3 **2. Adoption of the Agenda:** A draft agenda was circulated prior to the meeting.
4
5 Moved by A. Nurani and seconded by W. Hutchinson **to adopt the agenda.**
6 **Motion carried**
7 **3. In Camera Session – Personnel Matters**
8 Council will go in camera under Section 7(2)(d) of the *Health Professions Procedural Code*, which is
9 Schedule 2 to the Regulated Health Professions Act, 1991
10
11 Council **moved in camera at 7:05 p.m.**
12
13
14
15 Council **moved out of camera at 7:47 p.m.**
16

17 P. Quaid reminded Council of the upcoming Council orientation on March 5 and next schedule Council
18 meeting on March 26, 2021.

19

20 Moved by A. Micucci and seconded by K. Biondi **to adjourn the meeting at 7:49 p.m.**

21

Motion carried

DRAFT

Council Meeting – March 26, 2021

COUNCIL ACTION LIST STATUS

Updated March 16, 2021

Date	Minute Line	Action	Status	Comments
12/04/20	130	It is agreed that the (QA) subcommittee should connect with the University of Waterloo to discuss its self-assessment module 5in5, which was presented by Dr. Woo earlier in the meeting.	Ongoing	The QA Subcommittee (QAS) will be discussing this item at an upcoming QAS meeting.

Council Meetings – December 2020 – January 2021

MOTION LIST

Updated September 15, 2020

Date	Minute Line	Motion	Committee	Decision
12/04/20	90	Moved by L. Christian and seconded by L. Chan to have the Executive Committee, in the new year, review the proposals presented by the University of Waterloo today and look for ways in which the College might benefit.	Council	Motion carried
12/04/20	139	Moved by L. Chan and seconded by A. Micucci to approve the final version of the 2021-2023 Continuing Education Policy (as updated in order to provide further clarity and ease of administration).	QA Subcommittee	Motion carried

12/04/20	161	Move by R. Kniaziew and seconded by H. Kennedy to approve establishing a \$60,000 fund to help sustain the Internationally Graduated Optometrist Evaluating Examination (IGOEE) if candidate registrations fall below the required break-even number, for as long as the IGOEE will be administered, subject to a legal agreement between the College and Touchstone Institute to administer the fund.	Registration	Motion carried
12/04/20	175	Moved by W. Hutchinson and seconded by S. Allen to approve the College's Finance Policy – Honoraria and Expenses revised on November 6.	Audit/Finance/Risk	Motion carried
12/04/20	189	Moved by C. Nicol and seconded by K. Biondi to approve the College's Budget for the fiscal year January 1, 2021 to December 31, 2021.	Audit/Finance/Risk	Motion carried
01/22/21	59	Moved by L. Chan and seconded by R. Kniaziew to approve the proposed committee memberships for 2021 as set out by the Governance/HR Committee.	Governance/HR	Motion carried

Executive Committee Activity Report

Reporting date: March 26, 2021

Chair: Dr. Patrick Quaid

Key Priorities:

There has only been one Executive Committee meeting since the December 2020 Council meeting. The frequency of Executive Committee meetings is to be discussed further within the Executive Committee before being presented to Council at its next meeting.

A discussion also took place about the roles of the President and the Vice-President. It was decided that the roles would be further discussed at a future Governance/HR Committee meeting. In addition, there was a discussion about virtual boardroom software. A presentation was made on the College Performance Measurement Framework to explain the project and the process.

Patient Relations Committee Activity Report

Reporting date: March 26, 2021

Chair: Ms. Suzanne Allen

Meetings in 2021: 1 (February 22)

Tasks Completed Since Last Council Meeting:

- The Committee had its first meeting of 2021, which served as an orientation and review of past activities.
- The committee received an update on funding for sexual abuse therapy, as well as a review of the total amount spent on support cases to date.
- The committee discussed the spousal exemption legislation that was formalized in 2020, as well as ways to provide clarity and guidance for optometrists regarding the legislation.
- The committee discussed sexual abuse training for Council and staff.

Council Orientation

The 2021 Patient Relations Committee met for the first on February 22, 2021. The meeting included an orientation delivered by Chad Andrews, Senior Manager of Policy and Governance, the new staff support for the committee, and covered issues such as the sexual abuse therapy fund, e-learning modules, and general committee responsibilities.

E-Learning Module

The committee will work with staff to develop a new e-learning module focused on common complaints received by the College. The module is intended to be a proactive tool that will help optometrists avoid complaints and problem areas before they arise.

Sexual Abuse Training

In 2019, Council and staff received training on sexual abuse and victim support, facilitated by Mandy Bonisteel, a registered nurse, consultant, and professor at George Brown College where she served as coordinator of the Assaulted Women's and Children's Counsellor/Advocate Program.

Sexual abuse training will be provided to Council and staff every two years; 2021 is the next year in which to provide training. The committee will again work with a professional developer and deliver a similar session.

Communications (Patient FAQ, Public Education Resources)

Amber Lepage-Monette, Communications Coordinator, discussed the past year's communications, which mainly centered around COVID-19, and shared ideas for upcoming patient-focused communications.

Quality Assurance Committee – QA Panel Activity Report

Reporting date: March 26, 2021

Chair: Dr. Linda Chan

Tasks Completed Since Last Council Meeting:

1. **Review of QA Subcommittee (QASC) practice assessment proposal:** Dr. Linda Chan attended the November 26, 2020 QASC meeting during which the subcommittee discussed the need to develop an effective, risk-aligned continuous improvement process for the practice assessment component. The QA Panel (QAP) reviewed and provided comments on the proposed annual feedback loop between QA assessors, the QAP, and the Clinical Practice Panel (CPP).
2. **IPAC core competencies courses:** the QAP decided that the IPAC courses would qualify as CE for the current CE cycle (2021-2023) as these courses remain relevant to current COVID-19 circumstances.
1. **QA Assessors recruitment and training:** since 2020, the number of random practice assessments has significantly increased as a result of random selection criteria revisions to better reflect higher risk areas. Due to COVID-19, practice assessments were suspended from March-September 2020. As a result, only eight assessments were completed in 2020, and the remaining 187 assessments from 2020 will be completed in 2021. For 2021, an estimated 185 optometrists will be randomly selected, bringing the total of assessments to be completed in 2021 to 372. Meanwhile, the number of QA assessors has remained the same with several assessors recently retiring/resigning from the profession. To address the increased number of assessments, the QAP decided to recruit and train new assessors. A virtual QA assessor training workshop will be held on September 10, 2021 and attendees will receive eight CE credit hours for their participation. The training workshop would be mandatory for current QA assessors.
2. **Review of cases:**
 - Random practice assessment follow-ups: 2
 - CRA and Case Manager Reports: 1
 - Remediation/Coaching: 3
 - Direct patient contact hours deficiency practice assessments: 2
 - New random practice assessments: 19

QA - CPP Activity Report

Reporting date: March 26, 2021

Chair: Dr. Camy Grewal

Meetings in 2021: 1 (February 19, 2021)

Key Priorities

CPP remain primarily concerned with pandemic-related standards of practice and guidance, in addition to standards of practice presented under the Optometric Practice Reference (OPR).

Attachments

Motions are presented separately including,

- Revisions to OPR 7.12 Patients with Amblyopia
- Revisions to OPR 7.13 Patients with Uveitis
- A motion to add search fields to the Public Register for
 - (i) offices that are wheelchair accessible, and
 - (ii) optometrists who provide home visits.

Inquiries, Complaints and Reports Committee Activity Report

Reporting date: March 26, 2021

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

This report is intended to provide the Council with information on the complaints and registrar reports' investigations process while maintaining confidentiality required under the Regulated Health Professions Act ("RHPA") and owed to the parties. In keeping with Section 36 of the RHPA, details about specific cases are not shared as part of the Committee report.

Information Items

- After the timelines in proceedings in Ontario were suspended for six months in 2020 (*Ontario Regulation 73/20 – Limitation Periods*), the ICRC has been able to resume investigations in complaints and reports as of September 14, 2020. However, the suspension caused significant delays and affected timelines in the processing and disposition of cases.
- The panels met in December 2020 and January 2021, respectively, and the 2021 ICRC met in March 2021.

Key Priorities

- The ICRC noticed an increase in cases where complainants (patients) raised allegations of their optometrist presenting ancillary fees as mandatory or as condition for the provision of an OHIP-insured examination. The ICRC would like to flag this issue to the College leadership. ICRC makes decisions on cases that are presented to it based firstly on the legislation and secondly on College policy. For the ICRC to continue making good, fair and consistent decisions, it would be extremely helpful for the College to develop guidance to the membership to address this issue.

Complaints Processed Since Last Reporting (November 20, 2020)

- Cases newly filed: 20
- Cases reviewed by the Panels: 17
- Cases withdrawn: 2
- Cases carried over (next Panel meeting): 7

Decision Breakdown	Total
Decisions Issued	12
Case Type	
• Complaints	12
• Registrar's Report	0
• Incapacity Inquiry	0
Dispositions (for complaint cases above)	
• No further action (NFA)	5
• Advice or recommendation	6
• SCERP	1
Nature of Allegations (for dispositions above, NFA excluded)	
• Care (quality, failure to diagnose/refer, unsafe care)	4
• Unprofessional behaviour	3
	1

<ul style="list-style-type: none"> • Advertising 	
Timeline for Resolution (for complaint cases above) <ul style="list-style-type: none"> • Less than 120 Days • 121-150 Days • 151-180 Days • 180+ Days 	 0 0 0 12

HPARB Appeals

- New appeals: 0
- ICRC Decision Confirmed: 0
- Outstanding appeals to be heard: 3
- Appeals heard and awaiting decisions: 1

Registration Committee Activity Report

Reporting date: March 26, 2021

Chair: Dr. Bill Ulakovic

Meetings in 2021: 1

Key Priorities:

Optometry Examining Board of Canada

- OEBC has requested the use of the Competency Profile for its standard-setting session in July 2021.
- The College has drafted a licensing agreement that would oversee OEBC's use of the Optometry Competency Framework. The licensing agreement has received legal review, and OEBC will be required to sign it prior to receiving the framework.
- The committee provided input in response to the OEBC Discussion Paper on Confirmation of Technical Skills as an Entry-to-Practice Requirement.

Touchstone Institute

- The Internationally Graduated Optometrist Evaluating Examination (IGOEE) that was scheduled to occur in May 2020, was cancelled due to COVID-19 and re-scheduled for January 2021. Due to the rise in COVID-19 cases, this administration was also subsequently cancelled.
- According to Touchstone Institute, the current IGOEE candidate pool of 25 were all provided with the option to withdraw from the exam; many of the candidates reside abroad.
- At the Federation of Optometric Regulatory Authorities of Canada (FORAC) Board of Directors meeting on February 27, 2021, Touchstone Institute proposed to transition the IGOEE written components and the short OSCE stations to remote administration by June of 2021. It also proposed administering the modified long OSCE stations in-person later in the summer following the virtual exams. FORAC approved these proposals.
- Touchstone Institute is in the process of notifying the registered IGOEE candidates regarding the above noted changes.
- There were six successful FORAC credential assessment recommendations received since December 2020.

Registration Process during COVID-19

- College staff continue accepting applications for registration electronically and validating documents with applicants.
- There were 44 candidates registered for the February 2021 online Jurisprudence exam.
- The development of an online registration application is in progress and expected to be launched by spring 2021.

Further Amendments to the Registration Regulation draft amendments

- In April 2018, the College made a comprehensive regulation amendment submission to the Ministry of Health, and further amendments in 2020. While these draft amendments are under review, the College has asked that the Ministry consider introducing more flexibility in the Registration Regulation, which would be consistent with another health regulatory college that has similar flexibility. There is currently no update on this request.

Discipline Committee Activity Report

Reporting date: March 26, 2021

Chair: Winona Hutchinson

Meetings in 2021: 1

Activities undertaken including performance relative to strategic plan and actions directed by Council:

The Discipline Committee is preparing to conduct one discipline hearing:

1. Dr. Jon Barnes – March 29, 2021

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.

Committee training: The Discipline Committee held their annual orientation meeting on March 19, 2021. Additionally, members not yet trained by HPRO will be trained this spring.

Recommendations to Council (including rationale and impact on budget if appropriate): N/A

Governance/HR Committee Activity Report

Reporting date: March 26, 2021

Chair: Ms. Kathryn Biondi

Meetings in 2021: 1 (February 16)

Tasks Completed Since Last Council Meeting:

- The Committee slate recommendations were brought to Council and updated where necessary following the Executive Committee election.
- Recruitment and hiring of the new College Registrar and CEO was finalized.
- The Governance/HR Committee's terms of reference were reviewed as part of a larger governance manual project, which will include the terms of reference for all College committees.
- Governance projects and responsibilities from 2020 were reviewed and discussed re: which projects need to be carried into 2021.
- Proposed by-law changes from 2020 and which changes are still under consideration in 2021 were discussed.
- The CPMF framework, as it relates to governance issues, was discussed.

Council Orientation

The 2021 Governance/HR Committee met for the first time February 16, 2021. The meeting served as an orientation that included a review of the committee's past work as well as general governance issues and principals that will inform the committee's work going forward.

Terms of Reference

Along with the terms of other College committees, the Governance/HR Committee's terms of reference were revised last year to reflect by-law requirements and other considerations. As part of this year's committee orientation, the terms were reviewed once again. The committee decided to implement some additional changes, which are minimal and designed to reflect the current composition requirements as dictated by the Executive Committee election process, as well as changes to make staff support less detailed (thereby creating more flexibility for staff support in the future).

Rather than present Council solely with changes to the Governance/HR Committee terms, the committee will fold these edits into the governance manual project, which will include a review of the terms of reference for all committees. This will be a major project for the Governance/HR Committee in 2021.

Contact

Chad Andrews | Senior Manager, Policy & Governance

Audit/Finance/Risk Committee Activity Report

Reporting date: March 26, 2021

Chair: Linda Chan

Tasks Completed Since Last Council Meeting:

- Ongoing discussion re: HST charged on membership fees; committee will seek advice from new auditors.
- Preliminary review of Investments Policy; committee will seek advice from new auditors.
- Revisions to Honoraria and Expenses Policy were approved by Council on December 4, 2020, and the policy and updated honoraria claim form have been distributed to all Council and committee members.

Key Priorities

- Reviewing and revising Investments Policy.
- Audit for the fiscal year ending December 31, 2020 will begin March 29, 2021.
- Ongoing review/awareness of risks: IT, operational, organizational, financial, and strategic.
- Cybersecurity training for Council members.

4-5 / PRESENTATIONS & DISCUSSION

4. Registrar's Report: Registrar and CEO Joe Jamieson to provide College updates via PPT presentation.
5. In Camera Session – College Performance Measurement Framework. Council will go in camera under Section 7(2)(b) of the *Health Professions Procedural Code*, which is Schedule 2 to the *Regulated Health Professions Act, 1991*

6 / MOTIONS

6. Motions Brought Forward from Committees

- a. From the Registrar
 - i. To approve the current CPMF report to be submitted to the Ministry of Health by March 31, 2021.
- b. Governance/HR
 - i. To approve the proposed by-law changes (as shown in the draft document) that reflect the necessary administrative changes stemming from items i. and vii. from the October 15, 2020 Special Council agenda.
- c. Clinical Practice Panel
 - i. To approve revisions to OPR 7.12 Patients with Amblyopia.
 - ii. To approve revisions to OPR 7.12 Patients with Uveitis.
 - iii. To approve the addition of search fields for i) wheelchair accessibility, and ii) home visits, to the College public register effective late 2021.

BRIEFING NOTE

Council Meeting – March 2021

Subject

Information on the College Performance Measurement Framework (CPMF)

Background

Overview

The CPMF is a standardized reporting tool launched by the Ministry of Health in 2020. Through the CPMF, regulatory colleges will measure and report on Ministry-specified standards and indicators in a standardized way. This information will be shared with the public to help strengthen accountability and oversight of Ontario's health regulators.

A draft version of the CPMF was released to regulatory colleges in September 2020. Colleges provided feedback, which was reflected in the final version of the CPMF reporting template, released on December 1, 2020.

The Ministry has clearly stated that the framework is not intended to punitively assess a college's performance but rather to report on college regulatory activities to stakeholders (i.e., the public and the Ministry) in a way that provides baseline information and context. The Ministry has also emphasized its interest in learning about colleges' performance improvement plans.

This first completed pilot CPMF report is intended to test the assessment template and validate it from a usability perspective.

Process

Bonny Wong (Manager, Quality Programs) and Eddy Cho (Manager, Informatics) led a rigorous process to complete the CPMF report as outlined below:

1. Appropriate staff members were identified and asked to complete sections of the report relevant to their area of work.
2. Meetings were held with individual staff members to clarify any questions about individual sections and to discuss responses.
3. Through this process, the first draft CPMF report was prepared by February 8, 2021. Ms. Wong and Mr. Cho reviewed the document to ensure consistent language and identify areas that required clarification, elaborations, or other revisions.
4. Staff made additional edits and revisions as needed. A second draft CPMF report was then shared as part of a team review with relevant staff.
5. The final CPMF report is now complete and ready for Council approval.

Decision(s) for Council

Approval by Council

Supporting Materials

- CPMF report, sent as in camera materials for Council review.

Next Steps

- The final report needs to be submitted to the Ministry of Health by March 31, 2021 and then published on the College website for the public and stakeholders to access.
- Summary report from the Ministry by June 2021:
 - The Ministry will be developing and publicly posting a summary report that highlights key findings regarding the best practices that colleges already have in place, areas for improvement, and the various commitments the colleges have made to improve their regulatory performance. The report will present aggregate information and neither contain nor compare individual college data. The Ministry may, if necessary, schedule informal meetings with colleges if they suspect that there is a significant discrepancy between a college's response and the Ministry standards.
- Preparation for the next reporting cycle – October 31, 2021:
 - Following March 31, the Ministry will be consulting relevant stakeholders such as colleges and the public to evaluate and refine the CPMF. Using the refined tool, the next reporting cycle will begin in October 2021. The subsequent annual CPMF reports will focus on improvements, any changes in comparison to baseline reporting, and any changes resulting from the refinements in the framework itself.

Contact

Eddy Cho, Manager, Informatics

BRIEFING NOTE

Council Meeting – March 2021

Subject

Proposed By-law Amendments

Background

In September 2020, Governance/HR presented a motion to Council recommending amendments to the College by-laws. In October 2020, Council held a special meeting to recast votes to address a technical error in the voting process. A two-thirds majority vote is required for any changes to College by-laws.

In October, five out of the seven recommended by-law changes were defeated. The remaining two items (listed as i. and vii. on the original briefing note) required additional clarity and context before a decision could be made. The remaining two items were:

- i) Administrative changes (new format with eight parts)
- vii) Remove/reduce explicit and prescriptive processes (incl. obtaining volunteers and selecting committees, process for disqualification/sanctioning, conflict of interest, and code of ethics).

Following legal review, the necessary administrative changes have been incorporated into a draft version of the by-laws, provided below in track changes. Edits have also been incorporated to reflect contemporary practices in gender neutral language, e.g., “they” instead of “he” or “she” or “he/she.”

Decision(s) for Council

To approve the proposed by-law changes (as shown in the draft document) that reflect the necessary administrative changes stemming from items i. and vii. from the October 15, 2020 Special Council agenda.

Supporting Materials

- Draft College By-Law amendments - track changes.
- Draft College By-Law amendments - clean copy.

Considerations

- High legal costs are incurred every time changes to the by-laws are required.

Contact

- Chad Andrews, Senior Manager, Policy & Governance



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
 Revised September 27, 2019
 Revised Fee Schedule Effective January 1, 2020

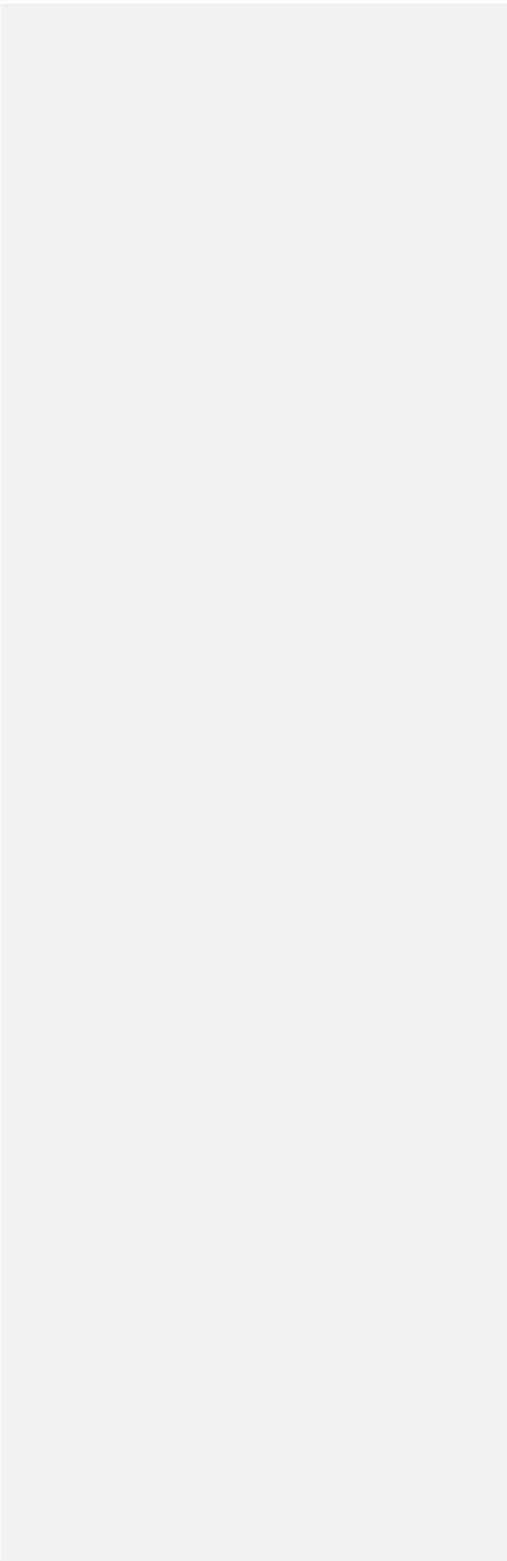
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BY-LAWS OF THE COLLEGE OF OPTOMETRISTS OF ONTARIO

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;

"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~~ ~~they~~ ~~have~~s practised optometry in Ontario for at least 25 years and has retired from practising optometry;

"Member" means a person or health profession 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 2/3rds 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.



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:
 - (a) to Council Members at least 14 days prior to the tabling of such motion; and

- (b) when required under Section 94(2) of the Code, to all Members at least 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.~~

Commented [jm1]: You don't keep a hard copy of the by-laws and they are not certified so this is obsolete and should be removed.

PART 3 - BANKING AND FINANCE

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.

3.02 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.

3.04 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.
- (5) 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.

3.06 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.

3.08 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 not an item in the College budget and is above \$25 000, the appropriate Council delegated Committee shall review the expenditure and make recommendations to Council as to whether or not to approve the expenditure.

3.09 Fiscal Year

The fiscal year of the College is January 1st to December 31st.

3.10 Auditors

- (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.
- (2) Council shall oversee and ensure that a process is in place to fairly evaluate the auditor annually.
- (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.

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.

4.02 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 or she~~they sustains or incurs 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 or she~~they sustains or 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 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) 8 Appointed Council Members; and
 - (c) 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 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) With the exception of district 6:
- (a) Council may, by Special Resolution, redefine:
 - (i) the geographic area of each electoral district; and
 - (ii) the number of Elected Council Members for each electoral district, to create balanced representation amongst the electoral districts based on general population; and
 - (b) 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:
 - (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 ~~their~~ obligations to the College:
 - (i) ~~has~~ paid any fee, penalty 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;

6.03 Timing of Council Member Elections/Selection

- (1) Elections or selection for Council shall take place as follows:
 - (a) For district 1:
 - (i) one Council Member in 20~~21~~~~12~~ and every third year thereafter; and
 - (ii) one Council Member in 20~~22~~~~13~~ and every third year thereafter;
 - (b) For districts 2 and 3 one Council Member each in 20~~22~~~~13~~, and every third year thereafter;
 - (c) For district 4 one Council Member in 20~~21~~~~12~~, and every third year thereafter;
 - (d) For district 5:
 - (i) one Council Member in 20~~20~~~~12~~ and every third year thereafter;
 - (ii) one Council Member in 20~~21~~~~13~~ and every third year thereafter; and
 - (iii) two Council Members in 20~~22~~~~14~~ and every third year thereafter;
 - (e) For district 6, one Council Member in 20~~21~~~~12~~ and every third year thereafter.
- (2) Council elections and selection shall take place before November 1st in any given year.

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~~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;
- (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.

6.05 Eligibility for Selection of District 6 Council Member

- (1) A Member who is a member of the Faculty of the University of Waterloo School of Optometry and Vision Science shall be eligible for selection to Council if, on the date of selection:
 - (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
 - (ii) 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;
 - (c) 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;
 - (d) the Member is not the subject of any disciplinary or incapacity proceedings;
 - (e) the Member has not been disqualified by Council from being a Council Member or Committee Member in the preceding six years.

- (2) No Member shall be a candidate for Council Member in more than one district during an election.

6.06 Term of Office for Council Members

- (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~~ their 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.

6.07 Nominating Procedure

- (1) At least 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 for election to Council.
- (2) A Member's written intent must be returned to the Registrar no later than 30 days before the election.

6.08 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; or
 - (ii) if the Member also belongs to the Faculty of the University of Waterloo School of Optometry and Vision Science, in district 6; and
 - (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 the ballot, voting instructions and the campaign material provided by each candidate:
 - ~~(a)~~ a clearly marked ballot;
 - ~~(b)~~ a blank envelope, if necessary;

Commented [jm2]: I have updated this to your current voting method ie electronic voting.

- ~~(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:~~
 - ~~(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 the votes on each ballot received.
- ~~(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 procedure for voting in accordance with generally accepted principles of democracy and fairness.

Commented [jm3]: Delete this because this IS your current method.

6.09 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~~they was-were a candidate, provided that:
 - (a) ~~he or she~~they has-have lost the election by no more than 20 votes; and
 - (b) the request is made in writing to the Registrar within 7 days of the results of the election being reported.

- (2) The recount shall occur within 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:
 - (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~~their designate may only challenge an election if:
 - (a) ~~he or she~~they 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) 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.

6.11 Council Vacancies

- (1) If an Elected Council Member's seat becomes vacant during the first 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) 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) The term of the replacement Council Member shall continue until the term of the previous Elected Council Member's term would have expired.

6.12 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, 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 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.
- (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.

7.03 Process for Election of Officers

- (1) The election of officers shall take place on an annual basis at the first 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 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

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.

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 for a term of one year as a Committee Member if, on the date of appointment:

- (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;
- (2) the Member is not the subject of any disciplinary or incapacity proceeding;
- (3) the Member is not:
 - (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;
- (4) the Member has not been disqualified as Council Member or Committee Member in the preceding three years; and
- (5) after having been provided with an opportunity to rectify any failure in ~~his or her~~ **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.

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.

8.03 Process for Appointing Committee Members and Committee Chairs

- (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:
 - (a) review the Committee preferences provided to the Registrar by each Council Member and non-Council Member;
 - (b) consider other relevant factors including past experience, conflicts of interest, workload and the fair representation of each district on Committees;
 - (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
 - (d) shall appoint a chair for each Committee.

- (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.

8.04 Committee Vacancies

- (1) If a vacancy of a Committee Member occurs, the Executive Committee may appoint a replacement Committee Member.
- (2) If a vacancy of a Committee Chair occurs, the Executive Committee must appoint a replacement Committee Chair.
- (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.

PART 9 - DISQUALIFYING OR 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~~were 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;
 - (d) ~~was~~were elected in district 6 and ceases to be a member of the Faculty of the University of Waterloo School of Optometry and Vision Science;
 - (e) ceases to be the holder of:
 - (i) a general certificate of registration; or
 - (ii) academic certificate of registration;
 - (f) after having been provided with an opportunity to rectify any failure in ~~his~~their or her 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;
- (g) ~~has~~ a term, condition or limitation on ~~his or her~~their 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~~their 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) fails to attend any two of three consecutive regular meetings of a Committee of which ~~he or she~~they is-are a member; and

- (iii) fails to attend a hearing or proceeding, or part thereof, of a panel on which ~~he or she~~they sits.
- (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).

9.02 Grounds for Requesting the Disqualification or Sanctioning of an Appointed Council Member

- (1) The College shall request the Public Appointments Secretariat to disqualify and remove an Appointed Council Member from Council if the Appointed Council Member:
 - (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~~their 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:
 - (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~~they is-are a Member; or
 - (iii) fails to attend a hearing or proceeding, or part thereof, of a panel on which ~~he or she~~they sits.

- (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).

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 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:
 - (i) provide the Subject Member with:
 - (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:
 - (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:
 - (ii) dismiss the allegations against the Subject Member; or
 - (iii) refer the matter to Council.
 - (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.

- (f) Council shall:
 - (i) advise the Subject Member and the individual who brought the matter to the Executive Committee's attention:
 - (A) that the matter has been referred to Council; and
 - (B) of their opportunity to make submissions in the manner determined by Council;
 - (ii) conduct an investigation, if necessary; and
 - (iii) 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;
- (g) Council may then, based on a Special Resolution, either:
 - (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.
- (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.
- (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.
- (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.
- (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.

- (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.
- (7) A Subject Member who has been disqualified ceases to be a Council Member and a member of all Committees.

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), 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;

(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.

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.

10.02 President

- (1) The President, with Council, is responsible for fulfilling 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 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 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.

10.03 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.

10.04 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) signing contracts, documents and other instruments as may be assigned by Council or as are incidental to the office of the Registrar;

- (k) recruiting personnel, ensuring an annual performance assessment and, when applicable, encouraging continuing professional development for College staff;
- (l) acting as 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 Committee Chairs

- (1) The Committee chair reports to Council.
- (2) Committee chair duties include:
 - (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) providing effective leadership for the Committee and facilitating Committee Meetings;
- (g) liaising with Council and reporting to the Executive Committee the affairs of the Committee;
- (h) being spokesperson for the Committee and ensuring all Committee Members publicly support Committee decisions; and
- (i) 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 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.
- (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.
- (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) A Council Member or Committee Member shall not use College property or information of any kind to advance ~~his or her~~ their own interests.

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11.02 Process for Declaring a Conflict of Interest for Council Members

- (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~~ they shall, prior to any 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 Council Member may introduce a motion to have the conflict of interest issue determined by Council. On such a motion:
 - (a) the chair presiding over Council shall provide the Council Member introducing the motion a brief opportunity to explain why ~~he or she~~ they 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~~ they believes that ~~he or she~~ they does not have a conflict of interest;
 - (c) Council shall determine by Special Resolution using a secret ballot whether the Council Member has a conflict of interest; and
 - (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.
- (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:
 - (a) the conflict of interest shall be recorded in the minutes of the Council meeting; and
 - (b) 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 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~~they shall:
 - (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 they~~ any other Committee Member may have a conflict of interest;
 - (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:
 - (i) not participate in the debate in respect of the matter;
 - (ii) refrain from voting on the matter;
 - (iii) absent ~~himself or herself~~themselves 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 the Committee on the matter; and
 - (c) the conflict of interest shall be recorded in the minutes of the Committee meeting.

11.04 One-Year Waiting Period

- (1) Subject to subsection 11.04(2), there shall be a one-year waiting period with respect to:
 - (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;
 - (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 by Special Resolution.

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 ~~their his or her~~ knowledge in the course of ~~his or her~~ their duties and shall not communicate any information to any other person
....
- (2) 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 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~~ they is-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 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 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 with the provisions of the RHPA, the Act, and the By-laws and policies of the College;
 - (b) actively participating in Council and Committees;
 - (c) regularly attending and being prepared for meetings on time, and participating constructively in debates;
 - (d) participating in all deliberations in a respectful and courteous manner, recognizing the diverse background, skills and experience of Council Members and Committee Members;
 - (e) abiding by and endorsing Council and Committee decisions, regardless of the level of prior personal disagreement; and
 - (f) avoiding 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~~they is-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;

- (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

- (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~~their 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

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.

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 14 days before the Council Meeting on the College's website;
 - (c) be published in English and French; and
 - (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 will be provided to members of Council 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 notice or a briefing book, or the non-receipt of any notice or briefing book, 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
 - (ii) provided to the Registrar by the chair to be kept with the 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.

13.03 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.

13.04 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.

13.05 Voting

- (1) Every motion shall, depending on the circumstances, be decided by Resolution or Special Resolution.
- (2) If the votes cast result in a tie, the chair shall not have a second vote and the motion will be defeated.

- (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 Written Resolutions

A Written Resolution is as valid and effective as if passed at a Council Meeting.

13.07 Rules of Order of Council Meetings

(1) Conduct

- (a) Council Meetings shall be conducted in English.
- (b) All attendees shall turn off communications devices during Council Meetings.
- (c) Laptops shall only be used during Council Meetings to review materials related to the meeting and to take notes.
- (d) No one shall speak out of turn.

(2) General Procedure

- (a) Council may informally discuss a matter without the requirement of a motion.
- (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.
- (c) College staff and consultants with expertise in a matter before Council may be permitted by the chair to answer specific questions.
- (d) Non-Council Members are not permitted to speak at a Council Meeting without the prior permission from the President or chair.
- (e) However, the President or chair may at any time request a non-Council Member to speak.

(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 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:
 - (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 be debated and voted upon before the initial motion is voted upon.
- (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.
- (5) *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 limit:
 - (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.
- (6) *Other***
 - (a) The Rules of Order of Meeting 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) 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 *Robert's Rules of Order*.

- (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 reasonable efforts to provide notice of each meeting to Committee Members.
- (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.
- (7) 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 the chair; and
 - (ii) provided to the Registrar by the chair to be kept with the College's records.
- (8) Committees shall provide Council with reports:
 - (a) annually; and
 - (b) when requested to do so by either the Executive Committee or Council.

14.02 Executive Committee

- (1) The Executive Committee shall be composed of:
 - (a) an odd number of persons;
 - (b) one more Elected Council Member than Appointed Council Members;
 - (c) no more than five Council members, including:
 - (i) the President; and
 - (ii) the Vice-President.
- (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.

- (3) The Executive Committee's duties include:
- (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.
- (6) The Registrar is the secretary of the Executive Committee.
- (7) 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 persons, including at least:
 - (a) one Elected Council Member;
 - (b) two Appointed Council Members; and
 - (c) two Members who may or may not be Council Members.
- (2) A panel of the Registration Committee shall be composed of at least three 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 persons, including at least:
 - (a) four Appointed Council Members;
 - (b) one Elected Council Member; and
 - (c) five Members who may or may not be Council Members.
- (2) A panel of the ICRC shall be composed of at least three 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.

14.05 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 Members who are not Council Members.

- (2) A panel of the Discipline Committee shall be composed of at least three and no more than five Committee Members, at least two 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 persons, including:
 - (a) one Elected Council Member;
 - (b) one Appointed Council Member; and
 - (c) one 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) A panel of the Fitness to Practise Committee shall be composed of at least three 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.

14.07 Quality Assurance Committee

- (1) The Quality Assurance Committee shall be composed of at least thirteen persons, including:
 - (a) two Elected Council Members;
 - (b) three Appointed Council Members; and
 - (c) eight Members who may or may not be Council Members.
- (2) A panel of the Quality Assurance Committee shall be composed of at least three 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.

14.08 Patient Relations Committee

The Patient Relations Committee shall be composed of at least seven persons, including:

- (a) one Elected Council Member;
- (b) three Appointed Council Members; and

- (c) three Members who may or may not be Council Members.

14.09 Ad Hoc and Standing Committees

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 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.
- (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:
 - (a) Committee Meeting is a majority of that Committee's Members; and
 - (b) panel of a Committee is at least three panel members, at least one of whom shall be an Appointed Council Member.
- (2) 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, POLICIES AND CODE OF ETHICS

15.01 Creating Rules and Policies

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 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 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) 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 within 14 days of such change. The College 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 CORPORATIONS

17.01 Application of a Health Profession Corporation

- (1) A health profession 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 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 corporation shall apply to the College. 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:
 - (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:
 - (i) the corporation complies with Section 3.2 of the *Ontario Business Corporations Act*, 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.

17.02 Corporate Reports

- (1) A certificate of authorization must be renewed annually. and it is the responsibility of the health profession corporation to ensure that the required documentation and fee(s) for the renewal are submitted to the College on or before the renewal date.
- (2) The date of renewing a certificate of authorization shall be no more than 30 days before the anniversary or renewal date and the health professional corporation, not the College, shall bear the responsibility for keeping track of the renewal date.
- (3) The College shall communicate ~~send a corporate report to with~~ 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.
- (4) If a health profession corporation fails to return a completed corporate report to the College within the time provided, the Registrar may:
 - (a) notify the health profession corporation in writing of such failure;
 - (b) provide the health profession corporation with at least 60 days to return a completed corporate report to the College; and
 - (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.

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- (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:
 - (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 Register

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);

- (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. This includes any optmetric practice where the member works as a locum;
- (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 Member's certificate of authorization, 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, 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, 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, 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;

Commented [JJM7]: This could help resolve the issue that is occurring but may be impractical. I am open to suggestions on improving it.

- (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 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 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 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 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.

18.04 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 18.03 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.

18.05 Deletion of Information

- (1) Notwithstanding section 18.03, 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 18.03(23) or section 18.03(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) holds or ~~has~~ have ever held a general certificate of registration or academic certificate of registration with the College for at least 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 6 years;
 - (g) ~~has~~ have not had a term, condition or limitation on their certificate of registration in the previous 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~~ ves 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 - PROFESSIONAL LIABILITY INSURANCE

21.01 Mandatory Insurance for Members

- (1) No Member shall engage in the practise of optometry unless ~~he or she~~they ~~is~~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:
 - (a) at a minimum, coverage in the amount of:

- (i) \$2,000,000 per occurrence; and
- (ii) \$5,000,000 in the aggregate per year; and
- (b) a deductible of not more than \$5,000.
- (3) A Member must, at all times, keep a copy of the Member's professional liability insurance policy at all of ~~his or her~~their places of business.

PART 22 - FEES AND PENALTIES

22.01 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 Obligation to Pay Fees and Penalties

- (1) A Member's obligation to pay a fee or penalty continues regardless of whether:
 - (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.

22.03 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:
 - (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.

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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

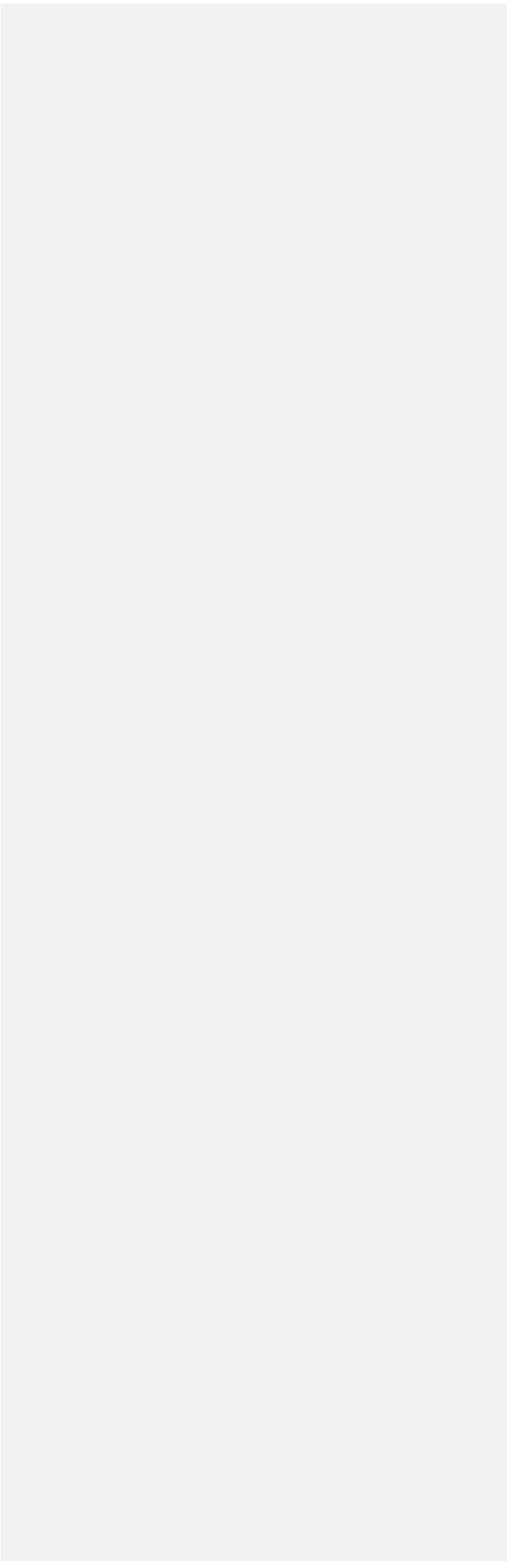
Fee Schedule Effective the 1st day of January 2020

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
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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

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;

"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 25 years and has retired from practising optometry;

"Member" means a person or health profession 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 2/3rds 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.



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:
 - (a) to Council Members at least 14 days prior to the tabling of such motion; and

- (b) when required under Section 94(2) of the Code, to all Members at least 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 - BANKING AND FINANCE

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.

3.02 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.

3.04 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.
- (5) 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.

3.06 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.

3.08 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 not an item in the College budget and is above \$25 000, the appropriate Council delegated Committee shall review the expenditure and make recommendations to Council as to whether or not to approve the expenditure.

3.09 Fiscal Year

The fiscal year of the College is January 1st to December 31st.

3.10 Auditors

- (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.
- (2) Council shall oversee and ensure that a process is in place to fairly evaluate the auditor annually.
- (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.

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.

4.02 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 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) 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.
- (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) 8 Appointed Council Members; and
 - (c) 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 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) With the exception of district 6:
- (a) Council may, by Special Resolution, redefine:
 - (i) the geographic area of each electoral district; and
 - (ii) the number of Elected Council Members for each electoral district, to create balanced representation amongst the electoral districts based on general population; and
 - (b) 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:
 - (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 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) is otherwise in good standing with the College;

6.03 Timing of Council Member Elections/Selection

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

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 their obligations to the College, the Member:
 - (i) have paid any fee, charge or order for costs owing to the College,
 - (ii) have 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.

6.05 Eligibility for Selection of District 6 Council Member

- (1) A Member who is a member of the Faculty of the University of Waterloo School of Optometry and Vision Science shall be eligible for selection to Council if, on the date of selection:
 - (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
 - (ii) 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;
 - (c) after having been provided with an opportunity to rectify any failure in their obligations to the College, the Member:
 - (i) have paid any fee, charge or order for costs owing to the College,
 - (ii) have submitted to the College all required forms and documents, and
 - (iii) is otherwise in good standing with the College;
 - (d) the Member is not the subject of any disciplinary or incapacity proceedings;
 - (e) the Member has not been disqualified by Council from being a Council Member or Committee Member in the preceding six years.

- (2) No Member shall be a candidate for Council Member in more than one district during an election.

6.06 Term of Office for Council Members

- (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 their 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.

6.07 Nominating Procedure

- (1) At least 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 for election to Council.
- (2) A Member's written intent must be returned to the Registrar no later than 30 days before the election.

6.08 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 they primarily reside; or
 - (ii) if the Member also belongs to the Faculty of the University of Waterloo School of Optometry and Vision Science, in district 6; and
 - (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.

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 the ballot, voting instructions and the campaign material provided by each candidate

- (3) At the completion of the election, the Registrar shall tally the votes on each ballot received.
- (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 and democratic 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 procedure for voting in accordance with generally accepted principles of democracy and fairness.

6.09 Vote Recount

- (1) If a candidate has lost the election, the candidate (or their designate) may request a recount in the electoral district in which they were a candidate, provided that:
 - (a) they have lost the election by no more than 20 votes; and
 - (b) the request is made in writing to the Registrar within 7 days of the results of the election being reported.

- (2) The recount shall occur within 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:
 - (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 their designate may only challenge an election if:
 - (a) they submit 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) 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.

6.11 Council Vacancies

- (1) If an Elected Council Member's seat becomes vacant during the first 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) 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) The term of the replacement Council Member shall continue until the term of the previous Elected Council Member's term would have expired.

6.12 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, 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 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.
- (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.

7.03 Process for Election of Officers

- (1) The election of officers shall take place on an annual basis at the first 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 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

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.

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 for a term of one year as a Committee Member if, on the date of appointment:

- (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;
- (2) the Member is not the subject of any disciplinary or incapacity proceeding;
- (3) the Member is not:
 - (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;
- (4) the Member has not been disqualified as Council Member or Committee Member in the preceding three years; and
- (5) 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.

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.

8.03 Process for Appointing Committee Members and Committee Chairs

- (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:
 - (a) review the Committee preferences provided to the Registrar by each Council Member and non-Council Member;
 - (b) consider other relevant factors including past experience, conflicts of interest, workload and the fair representation of each district on Committees;
 - (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
 - (d) shall appoint a chair for each Committee.

- (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.

8.04 Committee Vacancies

- (1) If a vacancy of a Committee Member occurs, the Executive Committee may appoint a replacement Committee Member.
- (2) If a vacancy of a Committee Chair occurs, the Executive Committee must appoint a replacement Committee Chair.
- (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.

PART 9 - DISQUALIFYING OR 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) were elected in electoral districts 1 through 4, and cease to principally reside in or practise optometry in the electoral district for which the Member was elected;
 - (d) were elected in district 6 and cease to be a member of the Faculty of the University of Waterloo School of Optometry and Vision Science;
 - (e) cease to be the holder of:
 - (i) a general certificate of registration; or
 - (ii) 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 a term, condition or limitation on their certificate of registration that does not already apply to every Member who possesses that class of certificate;
- (h) fail to sign, on an annual basis, a confidentiality agreement with the College, in the form approved by Council;
- (i) breach 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 their 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, become an elected representative, board member, director, officer or employee of, or enter 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, become 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) fail to attend any two of three consecutive regular meetings of the Council;
 - (ii) fail to attend any two of three 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 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).

9.02 Grounds for Requesting the Disqualification or Sanctioning of an Appointed Council Member

- (1) The College shall request the Public Appointments Secretariat to disqualify and remove an Appointed Council Member from Council if the Appointed Council Member:
 - (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 their 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:
 - (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 they are a Member; or
 - (iii) fails to attend a hearing or proceeding, or part thereof, of a panel on which they sit.

- (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).

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 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:
 - (i) provide the Subject Member with:
 - (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:
 - (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:
 - (ii) dismiss the allegations against the Subject Member; or
 - (iii) refer the matter to Council.
 - (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.

- (f) Council shall:
 - (i) advise the Subject Member and the individual who brought the matter to the Executive Committee's attention:
 - (A) that the matter has been referred to Council; and
 - (B) of their opportunity to make submissions in the manner determined by Council;
 - (ii) conduct an investigation, if necessary; and
 - (iii) 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;
- (g) Council may then, based on a Special Resolution, either:
 - (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.
- (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.
- (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.
- (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.
- (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.

- (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.
- (7) A Subject Member who has been disqualified ceases to be a Council Member and a member of all Committees.

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), 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;

(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.

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.

10.02 President

- (1) The President, with Council, is responsible for fulfilling 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 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 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.

10.03 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.

10.04 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) signing contracts, documents and other instruments as may be assigned by Council or as are incidental to the office of the Registrar;

- (k) recruiting personnel, ensuring an annual performance assessment and, when applicable, encouraging continuing professional development for College staff;
- (l) acting as 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 Committee Chairs

- (1) The Committee chair reports to Council.
- (2) Committee chair duties include:
 - (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) providing effective leadership for the Committee and facilitating Committee Meetings;
- (g) liaising with Council and reporting to the Executive Committee the affairs of the Committee;
- (h) being spokesperson for the Committee and ensuring all Committee Members publicly support Committee decisions; and
- (i) 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 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.
- (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.
- (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) 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 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, they shall, prior to any 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 Council Member may introduce a motion to have the conflict of interest issue determined by Council. On such a motion:
 - (a) the chair presiding over Council shall provide the Council Member introducing the motion a brief opportunity to explain why they believe 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 they believe that they do not have a conflict of interest;
 - (c) Council shall determine by Special Resolution using a secret ballot whether the Council Member has a conflict of interest; and
 - (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.
- (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:
 - (a) the conflict of interest shall be recorded in the minutes of the Council meeting; and
 - (b) 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 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, they shall:
 - (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 they any other Committee Member may have a conflict of interest;
 - (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:
 - (i) not participate in the debate in respect of the matter;
 - (ii) refrain from voting on the matter;
 - (iii) absent themselves 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 the Committee on the matter; and
 - (c) the conflict of interest shall be recorded in the minutes of the Committee meeting.

11.04 One-Year Waiting Period

- (1) Subject to subsection 11.04(2), there shall be a one-year waiting period with respect to:
 - (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;
 - (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 by Special Resolution.

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 their knowledge in the course of their duties and shall not communicate any information to any other person

- (2) 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 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) 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 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 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 with the provisions of the RHPA, the Act, and the By-laws and policies of the College;
 - (b) actively participating in Council and Committees;
 - (c) regularly attending and being prepared for meetings on time, and participating constructively in debates;
 - (d) participating in all deliberations in a respectful and courteous manner, recognizing the diverse background, skills and experience of Council Members and Committee Members;
 - (e) abiding by and endorsing Council and Committee decisions, regardless of the level of prior personal disagreement; and
 - (f) avoiding 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) 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;

- (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

- (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 their 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

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.

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 14 days before the Council Meeting on the College's website;
 - (c) be published in English and French; and
 - (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 will be provided to members of Council 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 notice or a briefing book, or the non-receipt of any notice or briefing book, 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
 - (ii) provided to the Registrar by the chair to be kept with the 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.

13.03 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 a not a Council Member, the chair:
 - (a) shall not participate in deliberations;
 - (b) may not vote; and
 - (c) shall undertake to maintain confidentiality.

13.04 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.

13.05 Voting

- (1) Every motion shall, depending on the circumstances, be decided by Resolution or Special Resolution.
- (2) If the votes cast result in a tie, the chair shall not have a second vote and the motion will be defeated.

- (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 Written Resolutions

A Written Resolution is as valid and effective as if passed at a Council Meeting.

13.07 Rules of Order of Council Meetings

(1) Conduct

- (a) Council Meetings shall be conducted in English.
- (b) All attendees shall turn off communications devices during Council Meetings.
- (c) Laptops shall only be used during Council Meetings to review materials related to the meeting and to take notes.
- (d) No one shall speak out of turn.

(2) General Procedure

- (a) Council may informally discuss a matter without the requirement of a motion.
- (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.
- (c) College staff and consultants with expertise in a matter before Council may be permitted by the chair to answer specific questions.
- (d) Non-Council Members are not permitted to speak at a Council Meeting without the prior permission from the President or chair.
- (e) However, the President or chair may at any time request a non-Council Member to speak.

(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 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:
 - (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 be debated and voted upon before the initial motion is voted upon.
- (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.

(5) *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 limit:
 - (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.

(6) *Other*

- (a) The Rules of Order of Meeting 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) 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 *Robert's Rules of Order*.

- (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 reasonable efforts to provide notice of each meeting to Committee Members.
- (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.
- (7) 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 the chair; and
 - (ii) provided to the Registrar by the chair to be kept with the College's records.
- (8) Committees shall provide Council with reports:
 - (a) annually; and
 - (b) when requested to do so by either the Executive Committee or Council.

14.02 Executive Committee

- (1) The Executive Committee shall be composed of:
 - (a) an odd number of persons;
 - (b) one more Elected Council Member than Appointed Council Members;
 - (c) no more than five Council members, including:
 - (i) the President; and
 - (ii) the Vice-President.
- (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.

- (3) The Executive Committee's duties include:
 - (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.
- (6) The Registrar is the secretary of the Executive Committee.
- (7) 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 persons, including at least:
 - (a) one Elected Council Member;
 - (b) two Appointed Council Members; and
 - (c) two Members who may or may not be Council Members.
- (2) A panel of the Registration Committee shall be composed of at least three 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 persons, including at least:
 - (a) four Appointed Council Members;
 - (b) one Elected Council Member; and
 - (c) five Members who may or may not be Council Members.
- (2) A panel of the ICRC shall be composed of at least three 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.

14.05 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 Members who are not Council Members.

- (2) A panel of the Discipline Committee shall be composed of at least three and no more than five Committee Members, at least two 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 persons, including:
 - (a) one Elected Council Member;
 - (b) one Appointed Council Member; and
 - (c) one 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) A panel of the Fitness to Practise Committee shall be composed of at least three 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.

14.07 Quality Assurance Committee

- (1) The Quality Assurance Committee shall be composed of at least thirteen persons, including:
 - (a) two Elected Council Members;
 - (b) three Appointed Council Members; and
 - (c) eight Members who may or may not be Council Members.
- (2) A panel of the Quality Assurance Committee shall be composed of at least three 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.

14.08 Patient Relations Committee

The Patient Relations Committee shall be composed of at least seven persons, including:

- (a) one Elected Council Member;
- (b) three Appointed Council Members; and

- (c) three Members who may or may not be Council Members.

14.09 Ad Hoc and Standing Committees

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 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.
- (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:
 - (a) Committee Meeting is a majority of that Committee's Members; and
 - (b) panel of a Committee is at least three panel members, at least one of whom shall be an Appointed Council Member.
- (2) 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, POLICIES AND CODE OF ETHICS

15.01 Creating Rules and Policies

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 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 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) 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 within 14 days of such change. The College 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 CORPORATIONS

17.01 Application of a Health Profession Corporation

- (1) A health profession 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 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 corporation shall apply to the College. 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:
 - (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:
 - (i) the corporation complies with Section 3.2 of the *Ontario Business Corporations Act*, 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.

17.02 Corporate Reports

- (1) A certificate of authorization must be renewed annually and it is the responsibility of the health profession corporation to ensure that the required documentation and fee(s) for the renewal are submitted to the College on or before the renewal date.
- (2) The date of renewing a certificate of authorization shall be no more than 30 days before the anniversary or renewal date and the health professional corporation, not the College, shall bear the responsibility for keeping track of the renewal date.
- (3) The College shall communicate with 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.
- (4) If a health profession corporation fails to return a completed corporate report to the College within the time provided, the Registrar may:
 - (a) notify the health profession corporation in writing of such failure;
 - (b) provide the health profession corporation with at least 60 days to return a completed corporate report to the College; and
 - (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.

- (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:
 - (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 Register

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);

- (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. This includes any optometric practice where the member works as a locum;
- (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 Member's certificate of authorization, 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, 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, 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, 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 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 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 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 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.

18.04 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 18.03 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.

18.05 Deletion of Information

- (1) Notwithstanding section 18.03, 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 18.03(23) or section 18.03(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 they:

- (a) hold or have ever held a general certificate of registration or academic certificate of registration with the College for at least 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 6 years;
 - (g) have not had a term, condition or limitation on their certificate of registration in the previous 6 years other than one that does not already apply to every Member who possesses that class of certificate;
 - (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) 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.
- (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 - PROFESSIONAL LIABILITY INSURANCE

21.01 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 provide:
 - (a) at a minimum, coverage in the amount of:

- (i) \$2,000,000 per occurrence; and
- (ii) \$5,000,000 in the aggregate per year; and
- (b) a deductible of not more than \$5,000.
- (3) A Member must, at all times, keep a copy of the Member's professional liability insurance policy at all of their places of business.

PART 22 - FEES AND PENALTIES

22.01 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 Obligation to Pay Fees and Penalties

- (1) A Member's obligation to pay a fee or penalty continues regardless of whether:
 - (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.

22.03 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:
 - (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
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BRIEFING NOTE

QA - CPP – March 2021

Subject

OPR 7.12 Patients with Amblyopia

Background

A review of this standard began in 2019 and was interrupted last year by the COVID pandemic. This review is the result of contributions from CPP committees 2019-2021.

Decision(s) for Council

To approve revisions to OPR 7.12 Patients with Amblyopia.

Contact

David Wilkinson, Practice Advisor

7.12 Patients With Amblyopia

Description

Amblyopia ([a condition patients often call “lazy eye”](#)) is characterized by reduced best-corrected visual acuity in one or both eyes, without disease or structural abnormality of the eye or visual pathways. It is caused by an interruption of visual sensory stimulation (due to strabismus ([an eye turn](#)), uncorrected refractive error, or visual deprivation) occurring early in life during the visual-sensitive period. [The level of interruption determines the reduction in acuity and subsequent suppression of the weaker eye: this is variable, and depends on the cause of the interruption.](#) Children and adults with amblyopia commonly experience reduced vision and [impaired](#) eye co-ordination that may impact academic, recreational, and occupational accomplishments. ~~Optometrists provide diagnosis and treatment of amblyopia, its causes and associated functional visual deficits.~~

Regulatory Standard

The Professional Misconduct Regulation ([O.Reg. 119/94 Part I under the Optometry Act](#)) includes the following acts of professional misconduct:

- 3.** Doing anything to a patient for a therapeutic, preventative, palliative, diagnostic, cosmetic or other health-related purpose in a situation in which a consent is required by law, without such a consent.
- 8.** Failing to reveal the exact nature of a secret remedy or treatment used by member following a patient’s request to do so.
- 9.** Making a misrepresentation with respect to a remedy, treatment or device.
- 10.** Treating or attempting to treat an eye or vision system condition which the member recognizes or should recognize as being beyond his or her experience or competence.
- 11.** Failing to refer a patient to another professional whose profession is regulated under the Regulated Health Professions Act, 1991 when the member recognizes or should recognize a condition of the eye or vision system that appears to require such referral.
- 13.** Recommending or providing unnecessary diagnostic or treatment services.
- 14.** Failing to maintain the standards of practice of the profession.
- 29.** Charging or allowing a fee to be charged that is excessive or unreasonable in relation to the professional services performed.

Professional Standard

Diagnostic evaluation of new patients with, or suspected of having, amblyopia incorporates:

- comprehensive case history including:
 - prior eye conditions, diseases and treatments ([medical and/or surgical](#))
 - family history of amblyopia, strabismus and other eye conditions
 - developmental history including [term of pregnancy](#), birth weight, [and pre-/peri-natal history \(including specifically maternal use of alcohol, tobacco or drug use during pregnancy\)](#), as indicated
 - [measurement of uncorrected](#) visual acuity
 - [cycloplegic refraction \(both with and without cycloplegia\) and measurement of best-corrected visual acuity \(OPR 7.6\)](#)
 - [assessment of](#) ocular motility and alignment
 - dilated anterior and posterior segment examinations ([OPR 6.1 and OPR 6.2](#))

Given that amblyopia is considered a diagnosis of exclusion, additional investigations are performed as needed to rule out other causes of reduced vision.

Treatment^{1,2} for amblyopia involves:

- consideration of prognostic factors (including but not limited to patient age, cause of amblyopia, [and](#) degree of amblyopia) and patient education regarding realistic goals, limitations and estimated time frame of available treatment options
- optical correction, [including the use of iseikonic lenses and contact lenses](#), as required
- occlusion treatment or pharmacological penalization, as indicated
- [referral for binocular vision assessment and/or optometric](#) vision therapy for monocular and binocular visual function, as required
- referral ([OPR 4.5](#)) for surgical correction of associated conditions (such as strabismus, ptosis, etc.), as indicated [by optometric or ophthalmologic guidelines](#)
- patient education regarding the impact of amblyopia on eligibility for specific occupations, [and the](#) increased risk for eye injury and ~~the~~ importance of eye protection
- provision of a prescription for protective eyewear

Continuing care of established patients previously diagnosed with amblyopia is done at appropriate intervals. Patients involved in active

amblyopia therapy are seen frequently, to assess progress and modify treatment as needed, while others are seen regularly, as indicated.

Continuing care includes:

- history concerning any changes in vision or visual function and patient [compliance with adherence to](#) prescribed treatment
- re-assessment of best-corrected visual acuity and binocular status
- re-assessment of ocular health status with special attention to the ongoing health of the non-amblyopic eye
- modification of the treatment plan, as indicated, to improve the effectiveness of treatment and/or to better meet patient needs and expectations

Optometrists must stay abreast of developments in evidence-based treatment for amblyopia and ensure that their patients have access to such treatment where clinically beneficial.

BRIEFING NOTE

QA - CPP – March 2021

Subject

OPR 7.13 Patients with Uveitis

Background

A review of this standard began in 2019 and was interrupted last year by the COVID pandemic. This review is the result of contributions from CPP committees 2019-2021.

Notably, the revised standard adds “pharmacologic dilation at first visit of each occurrence and subsequently as indicated.”

Dilation is important for patients with uveitis as it allows for improved examination of the posterior eye, appropriate classification and treatment. Dilation also reduces eye pain in patients with uveitis.

Decision(s) for Council

To approve revisions to OPR 7.13 Patients with Uveitis.

Next Steps

The [OPR](#) will be updated, also involving a collateral edit to OPR 6.2 Posterior Segment Examination, under Pharmacologic Dilation, for consistency.

Contact

David Wilkinson, Practice Advisor

7.13 Patients With Uveitis

Description

Uveitis is an inflammatory condition of the eye that ~~may be~~ is classified by

- i. anatomically (based on the part of the eye primarily affected) as anterior, intermediate, posterior, or panuveitic,
- ii. laterality (unilateral or bilateral), and
- ~~iii. or based on~~ duration: as acute when the condition lasts less than two months, chronic when it lasts longer than two months, or as recurrent when repeated episodes are separated by several months of inactivity.

Anterior uveitis, also known as iridocyclitis or iritis, is inflammation of the iris and ciliary body. As many as 90% of uveitis cases are anterior in location.

Intermediate uveitis, also known as pars planitis, is inflammation of the vitreous cavity (vitritis) sometimes with snowbanking, or deposition of inflammatory material on the pars plana.

Posterior uveitis is limited to inflammation in the posterior segment. Most of the posterior uveitis presents as a retinitis (inflammation of retina) or choroiditis (inflammation of the choroid) and can be further classified as focal or multifocal. ~~, also known as choroiditis, is inflammation of the choroid that may secondarily involve the retina (chorioretinitis).~~

Panuveitis is inflammation of the entire uveal tract involving both the anterior segment (iris and ciliary body) and the posterior segment (choroid).

These conditions may occur as a single episode, subsiding spontaneously or with proper treatment, or may become chronic or recurrent in nature.

The practice of optometry includes the diagnosis, treatment and /or, when appropriate, referral of patients with uveitis.

Regulatory Standard

The Professional Misconduct Regulation (O.Reg. 119/94 Part I under the Optometry Act) includes the following acts of professional misconduct:

- 3.** Doing anything to a patient for a therapeutic, preventative ive, palliative, diagnostic, cosmetic or other health-related purpose in a situation in which a consent is required by law, without such a consent.
- 7.** Engaging in the practice of the profession while in a conflict of interest as described in Part II.
- 8.** Failing to reveal the exact nature of a secret remedy or treatment used

by the member following a patient's request to do so.

9. Making a misrepresentation with respect to a remedy, treatment or device.
10. Treating or attempting to treat an eye or vision system condition which the member recognizes or should recognize as being beyond his or her experience or competence.
11. Failing to refer a patient to another professional whose profession is regulated under the Regulated Health Professions Act, 1991 when the member recognizes or should recognize a condition of the eye or vision system that appears to rev:20170123 [COLLEGE OF OPTOMETRISTS OF ONTARIO OPTOMETRIC PRACTICE REFERENCE STANDARDS OF PRACTICE 7. Specific Diseases, Disorders and Procedures](#) [Return to Table of Contents](#) require such referral.
13. Recommending or providing unnecessary diagnostic or treatment services.
14. Failing to maintain the standards of practice of the profession.
16. Performing a controlled act that the member is not authorized to perform.

Professional Standard

When providing care to patients with uveitis, optometrists will:

- have the required knowledge, skill and judgment to appropriately diagnose, treat and/or refer patients with uveitis
- utilize appropriate instrumentation and techniques to diagnose uveitis and identify any ocular or systemic conditions that may complicate the condition. As a minimum, this would include:
 - a thorough ocular, ~~and~~ systemic [and medication](#) history
 - ~~unaided and/or best corrected~~ visual acuity
 - pupil reflexes
 - anterior segment examination ([OPR 6.1](#))
 - tonometry
 - posterior segment examination, [with pharmacologic dilation at first visit of each occurrence and subsequently as indicated](#)—([OPR 6.2](#))
- provide treatment options that include, as indicated:
 1. topical corticosteroids to reduce inflammation
 2. topical cycloplegics to relieve pain, prevent iris adhesion to the anterior lens capsule (synechiae), and prevent protein leakage from inflamed blood vessels (flare)

3. topical non-steroidal anti-inflammatory drugs (NSAIDs) to reduce inflammation leading to macular edema that may accompany uveitis

4. topical intraocular pressure (IOP) lowering medications to reduce elevated IOPs

5. over-the-counter oral analgesics to reduce pain

- arrange follow-up every 1-7 days until resolution and then as deemed appropriate to monitor for recurrence
- counsel patients regarding the serious nature of uveitis, stress compliance with the therapeutic regimen and follow-up appointments, and discuss potential side effects of long term corticosteroid use
- recommend referral (OPR 4.5) when appropriate, including initiating communication with the patient's primary care physician or another health care provider for evaluation and treatment if a systemic etiology is suspected (for example: when the condition is [chronic](#), recurrent or bilateral, non-responsive to aggressive treatment, is accompanied by clinical signs or symptoms characteristic of systemic disease (including but not limited to: joint or lower back pain; respiratory, genitourinary or digestive difficulties; preceding or accompanying fever, malaise or skin rash) or involves the choroid as posterior uveitis), or when recalcitrant cases of uveitis require oral steroids or prescription analgesics where topical steroids or over-the-counter analgesics have produced little response

BRIEFING NOTE

(CPP – QAC – March, 2021)

Subject

[The Public Register](#)

Background

The College website features a link to the [Public Register](#) (i.e., “Find an Optometrist”). Search fields currently include surname, city, postal code, gender and language of service, as required by College by-law 18.03. By-law 18.03(31) also allows the College to include additional information, provided the College and the member agrees to make the information available to the public.

The College regularly receives enquiries from the public via email/phone call regarding 1) offices that are wheelchair accessible, and 2) optometrists who provide home visits. CPP considers that these search criteria are fundamental to making eyecare more accessible and should be made publicly available, provided individual members agree.

As part of the fall 2020 membership renewal, the College surveyed optometrists regarding these items.

Decision(s) for Council

To approve the addition of search fields for i) wheelchair accessibility, and ii) home visits, to the College public register effective late 2021.

Next Steps

Staff will work to prepare for the addition of these search fields to the public register.

During the next membership renewal (fall 2021), optometrists who indicate their offices to be wheelchair accessible and/or provide home visits, will be prompted to consent to making this information available in the public register.

Contact

David Wilkinson, Practice Advisor

7-9 / OTHER MATTERS

7. List of Acronyms
8. Dates of Upcoming Council Meetings
 - a. Friday, June 18, 2021
 - b. Friday, September 17, 2021
 - c. Friday, December 10, 2021
9. 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