



COLLEGE OF
Optometrists
OF ONTARIO

COUNCIL MEETING

THURSDAY JUNE 25, 2020
AT 9:00 A.M.

(PUBLIC INVITED TO ATTEND)

VIRTUAL MEETING

COUNCIL AGENDA

Thursday, June 25, 2020 | 9:00 a.m.

Teleconference

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	5	Decision	6
PART 1 – Minutes of Prior Council Meetings				
a. April 20, 2020				7
b. May 14, 2020				12
c. June 11, 2020				14
PART 2 – Reports	P. Quaid	10	Receive for Information	
a. Committee Reports				
i. Executive Committee				17
ii. Patient Relations				19
iii. Quality Assurance:				
a) QA Panel				21
b) CP Panel				24
iv. Registration				25
v. Governance/HR Committee				27
vi. Audit/Finance/Risk Committee				31
4. Registrar CEO Report	M. Boon	20	Presentation	32
5. Motions Brought Forward from Committees				
a. Quality Assurance Subcommittee: CE Policy Revisions	W. Ulakovic	10	Decision	36
b. Clinical Practice Panel: Scope Expansion	C. Grewal	10	Decision	59
c. Clinical Practice Panel: Revisions to the Return to Work guidance	C. Grewal	10	Decision	64
d. Governance Committee: By-law Revision Circulation	A. Micucci	20	Decision	74
e. Registration Committee: Regulation Amendments	W. Ulakovic	45	Decision	274
11:15 - Morning Break		15		

6. Strategic Planning Committee: Strategic Plan Presentation and Approval

Optimus
M. Witer

45

Presentation/Decision

284

<p>7. In Camera Session</p> <p>Council will go in camera under:</p> <ul style="list-style-type: none"> · Section 7(2)(d) of the <i>Health Professions Procedural Code</i>, which is Schedule 2 to the Regulated Health Professions Act, 1991 whereby personnel matters will be discussed. 		10	Discussion	284
<p>8. List of Acronyms</p>			For Information	298
<p>9. Dates of Upcoming Council Meetings</p> <ul style="list-style-type: none"> a. Friday Sept. 25, 2020 b. Friday December 4, 2020 			For Information	
<p>10. Adjournment (approx. 12:15 p.m.)</p>	P. Quaid	1	Decision	

Vision and Mission

Vision: The best eye health and vision for everyone in Ontario, through excellence in optometric care.

Mission: To serve the public by regulating Ontario's optometrists. The College uses its authority to guide the profession in the delivery of safe, ethical, progressive and quality eye care at the highest standards

Strategic Plan Update 2015

The following overall strategic objectives will drive the College's operating strategies:

MAINTAIN HIGHEST STANDARDS BY PRACTITIONERS TO ENSURE PUBLIC PROTECTION AND QUALITY CARE, INCLUDING EVOLVING SCOPE OF PRACTICE RE: EYE HEALTH CARE

THE COLLEGE REQUIRES GREAT PARTNERSHIPS TO GET THINGS DONE: ENHANCE INTERPROFESSIONAL AND STAKEHOLDER COLLABORATION

GOVERNMENT MUST SEE COLLEGE AS AN ASSET AND RESOURCE: INFLUENCE AND COLLABORATE WITH GOVERNMENT TO IMPACT LEGISLATION AND REGULATION

1 -2 / INTRODUCTION

1. Call to Order/Attendance
2. Adopt the Agenda
 - a. Conflict of Interest Declaration

3 / CONSENT AGENDA

3. Consent Agenda

PART 1 – Minutes of Prior Council Meetings

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

PART 2 – Reports

a. Committee Reports

- i. Executive Committee
- ii. Patient Relations
- iii. Quality Assurance:
 - a) QA Panel
 - b) CP Panel
- iv. Registration
- v. Governance/HR Committee
- vi. Audit/Finance/Risk Committee
- vii. Strategic Planning Committee



**College of Optometrists of Ontario
Council Meeting
April 20, 2020
DRAFT #1**

Attendance

Dr. Patrick Quaid
Dr. Richard Kniaziew
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
Mr. Albert Liang
Dr. Lindy Mackey
Dr. Annie Micucci
Dr. Christopher Nicol
Dr. William Ulakovic
Dr. Marta Witer

Regrets:

Mr. Narendra Shah

Staff:

Ms. Maureen Boon, Registrar/CEO
Ms. Hanan Jibry
Ms. Amber Lepage-Monette

Ms. Deborah McKeon
Mr. Justin Rafton
Dr. David Wilkinson

1 **1. Call to Order:** P. Quaid called the meeting to order at 9 a.m., expressing wishes that everyone has
2 been well during unprecedented times and noting how much has changed since Council last met in
3 January.

4
5 Housekeeping items, including muting, how to participate in the meeting, are clarified.
6

7 P. Quaid welcomed three new Council members – two public members and one professional member –
8 Ms. Kathryn Biondi, Mr. Ravnit Dhaliwal, and Dr. Lindy Mackey. The new members were invited to
9 provide a short introduction of themselves and their work.

10
11 **2. Adoption of the Agenda:** A draft agenda was circulated prior to the meeting.

12
13 Moved by A. Micucci and seconded by C. Grewal **to adopt the agenda.**

14 **Motion carried**

15
16 **a. Conflicts of Interest:** Dr. Quaid asked Council members if anyone had a conflict of interest with any
17 item on the day's agenda.

18

19 C. Nicol and R. Kniaziew noted they may have possible conflicts with agenda Item 8 regarding changes to
20 Council term limits. C. Nicol noted he will excuse himself from the discussion if needed. R. Kniaziew
21 noted he would like the changes to be on a going-forward basis and not retroactive.
22

23 P. Quaid provided a brief description of the Consent Agenda process for new Council members and
24 explained how to remove items for further discussion, if needed.
25

26 **3. Adoption of the Consent Agenda:**

27

28 PART 1 - Minutes of Prior Council Meetings

29 a. January 17, 2020

30 b. Motions and Action Items Arising from the Minutes

31

32 Moved by R. Kniaziew and seconded by L. Christian **to adopt consent agenda.**

33

Motion carried

34 **4. Financial Matters**

35

36 Auditor Ildiko Junira Cleary presented the draft audited financial statements for the fiscal year ending
37 December 31, 2019.
38

39

40 I. Junira Cleary indicated that the auditors worked closely with the Audit/Finance/Risk Committee on the
41 current draft financial statements and highlighted areas where there have been changes from previous
42 years to provide additional detail and clarity. The auditors also included a note regarding COVID-19 and
43 how this situation affected fair market value under current economic conditions.

44

45 Council asked for clarification about the increase of expenditures on page 5 re: Jurisprudence exam over
46 previous years and about a difference in the net assets from 2018-2019, which appeared to be tied to
47 legal fees re: Essilor.

48

49 The increase in expenditures re: Jurisprudence exam was related to the development of an online
50 Jurisprudence seminar, which was implemented in May 2019. The auditors clarified that the
51 appropriated funds were established for this kind of expenditure and that the legal fees were an
52 appropriate use of appropriated funds and were therefore not represented in operating expenses.

53

54 *I. Junira Cleary left the meeting.*

55

56 Moved by C. Grewal and seconded by A. Liang **to approve the audited financial statements for the
57 fiscal year ending December 31, 2019.**

58

59

Motion carried

60

61 P. Quaid handed the meeting over to Registrar M. Boon for an update on the Annual Report and the
62 Registrar's Report.
63

64

65

64 **5. Annual Report**

65

66 **6. Registrar’s Report**

67
68 M. Boon provided her report via PowerPoint presentation.

69
70 The 2019 Annual Report will be finalized and released next week; the intention this year was to release
71 the report earlier, making it easier to read in a more engaging format, and a focus on the three
72 regulatory areas of work vs committees. Next year, the Annual Report will align with the Strategic Plan.

73
74 M. Boon provided the Registrar’s Report, which focused on a COVID-19 update to Council, including
75 timelines, key decisions, and communications to the profession. The presentation touched on the key
76 regulatory areas have been affected during COVID-19: launching an online Jurisprudence exam, which
77 will be offered in June; investigations have slowed due to suspension of legal processes and fewer
78 patient visits; QA assessments were suspended early in the COVID-19 timeline. At this time, it is felt
79 optometrists can meet continuing education requirements with online opportunities and so CE is
80 continuing, though the College continues to monitor the situation. The QA review is ongoing.

81
82 Regarding operations – the College has moved to a remote office. In terms of the profession, the College
83 is focusing on recovery planning, specifically infection control and personal protective equipment and
84 patient management

85
86 P. Quaid recognized the work done with the Ontario Association of Optometrists during COVID-19,
87 including daily phone calls and coordinated messaging.

88
89 P. Quaid thanked the Registrar and staff for the work they have been doing to continue College business
90 during COVID.

91
92 **7. Motions Brought Forward from Committees:**

93 **a. CPP: OPR 4.2**

94
95 As per a motion in January, CPP reviewed OPR 4.2 with specific attention to the fact that there are
96 common omissions in the Short Record Assessments (SRA) regarding monocular acuities. For many
97 patients, however, it is not clinically indicated and not truly an omission.

98
99 Council discussed concerns regarding children and whether monocular acuity should be included for all
100 school-age children.

101
102 The panel considered this when making the recommendation. It was felt case history would address the
103 issue for children.

104
105 Council discussed whether the motion needs to be brought back to the panel for a change in wording
106 related to children. M. Boon noted that a change to a motion would normally warrant returning to the
107 panel, however, given the chair was present at the Council meeting a revision could be made today.

108
109 C. Grewal confirmed the new wording of the final bullet point in the motion could be revised to read
110 “accommodative function when clinically indicated *and for school-age children.*”

111
112 L. Chan agreed with the revised wording.

113
114 Moved by L. Chan and seconded by H. Kennedy **to amend the motion.**

115
116 **Motion carried**

117
118 Moved by W. Hutchinson and seconded by A. Liang **to approve the revised motion.**

119
120 **Motion carried**

121 **b. Governance – Committee Appointments and Executive Election**

122
123 The College had requested certain competencies for new public members (governance and finance) and
124 the chair noted the new ministry appointees have these background experiences.

125
126 As per the briefing materials, the Governance/HR Committee is recommending several committee
127 appointments to replace departing member John Van Bastelaar.

128
129 Moved by R. Kniaziew and seconded by C. Grewal **to appoint, effective immediately, L. Mackey**
130 **(Discipline Committeee), K. Biondi (Discipline, Governance/HR and Patient Relations), and R.**
131 **Dhaliwal(Discipline and Quality Assurance Committee (QA Panel).**

132
133 **Motion carried**

134
135 P. Quaid noted that for the Executive Committee election, only one public member name was
136 submitted. H. Kennedy was acclaimed to the Executive Committee.

137
138 Moved by W. Hutchinson and seconded by L. Chan **to approve H. Kennedy’s acclamation to the**
139 **Executive Committee.**

140 **Motion carried**

141
142 **8. Governance Committee: Upcoming bylaw circulation**

143
144 A brief update was provided on the work that has happened to date to revise the by-laws, with a focus
145 on changes to term limits and the Executive Committee. The Governance Committee is proposing an 18-
146 year total limit on Council and a 21-year limit on committee involvement. New term limits are intended
147 to encourage new members to join Council, not to limit participation on Council or with the College.

148
149 The Governance Committee is proposing that these changes be retroactive. Without retroactive status,
150 the changes would not come into effect until 2041. Although some members expressed concerns re:
151 conflict of interest, A. Micucci noted that every professional member will be affected by the term limit
152 changes and the committee would like members to consider the issue from an objective perspective.

153
154 Changes are also being proposed for the Executive Committee, including further limiting the
155 committee’s capacity and appointing some roles (other than President and Vice-President) based on
156 competence-based selection criteria.

157

158 Proposed changes will be presented at the June Council meeting to approve for circulation.

159

160 In response to a question, A. Micucci confirmed that the communication role that the Executive
161 Committee now plays with other optometric bodies would be taken over by the Registrar and President.

162

163 **9. Proposed Council Meeting Dates 2021**

164

165 P. Quaid noted the proposed meeting dates for 2021 are intended to move meetings so they are more
166 aligned with annual quarters.

167

168 **10. List of Acronyms**

169

170 **11. Dates of Upcoming Council Meetings**

171

- Monday April 20, 2020
- Thursday June 25, 2020
- Friday Sept. 25, 2020
- Friday December 4, 2020

172

173

174

175

176 **12. Adjournment:** Moved by L. Chan and seconded by A. Micucci to adjourn the meeting at 10:43 p.m.

177

178

Motion carried



**College of Optometrists of Ontario
Council Meeting
May 14, 2020
DRAFT #1**

Attendance:

Dr. Patrick Quaid
Dr. Richard Kniaziew
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
Mr. Albert Liang
Dr. Lindy Mackey
Dr. Annie Micucci
Dr. Christopher Nicol
Mr. Narendra Shah
Dr. William Ulakovic
Dr. Marta Witer

Regrets:

Staff:

Ms. Maureen Boon, Registrar | CEO
Ms. Hanan Jibry
Ms. Amber Lepage-Monette

Mr. Justin Rafton
Mr. David Wilkinson

- 1 **1. Call to Order:** P. Quaid called the meeting to order at 9:02 a.m. and welcomed everyone in
2 attendance.
3
4 P. Quaid provided a quick background of the Return to Work guidance document and the reason for
5 today's meeting. He also noted the College sought public feedback through the Citizen's Advisory Group
6 (CAG), which expressed concerns about resumption of non-urgent care, but were supportive of
7 increased safety measures.
8
9 A preliminary Zoom poll reflected Council support for the document – nine Council members voted 5/5
10 (i.e., "I love the current version") and eight voted 4/5 (i.e. "I can live with the current version."). The
11 meeting was then opened up to broader discussion.
12
13 **2. COVID-19 Guidance: *Return to Work: Infection Prevention and Control for Optometric Practice***
14
15 Council discussed several key anticipated questions, including the mask requirement for patients and
16 care providers; processes for optometrists seeking clarification on the guidance; and how the College
17 would address complaints that may arise from optometrists not following provincial or College
18 guidance. In addition, Council provided specific feedback and asked questions related to physical
19 distancing in the school and office settings. Clarification about the clinical necessity of automated visual
20 fields was also requested.

21 Council was reminded that the document will be revised as needed. The guidance document recognizes
22 that every practice is different and optometrists will need to exercise judgment.

23

24 In addition, an FAQ is being finalized that will address specific questions. With regard to complaints, the
25 public can always file a complaint and the College will follow due process

26

27 With regard to automated visual fields, the guidance doesn't change what constitutes standards of care;
28 it was suggested that the FAQ include some clarification regarding standards of care related to OCT and
29 retinal imaging.

30

31 P. Quaid turned the meeting over for M. Boon to clarify timing of the guidance release.

32

33 M. Boon reviewed the College plan, which is to release guidance by the end of the week. The Ministry of
34 Health may be making an announcement this afternoon; the College will wait to see what the
35 announcement includes prior to releasing the guidance.

36

37 Moved by W. Hutchinson and seconded by S. Allen **to release the document *Return to Work: Infection***
38 ***Prevention and Control for Optometric Practice.***

39

40 **Motion carried.**

41

42 P. Quaid asked if future revisions to the document could be reviewed by the Executive Committee to
43 expedite updates to the profession. Council supported this direction via a show of hands.

44

45 Council discussed some process issues related to revisions and revising the FAQ going forward, including
46 the issue of tele-optometry and documenting Standard Operating Procedures.

47

48 Council briefly discussed whether it should consider licensing optometrists prior to writing exams, as is
49 being done in the U.S. or if new graduates can practice under supervision.

50

51 M. Boon noted that registration requirements, including entry-to-practice (ETP) exam, are set out in
52 regulation, which cannot be changed by Council. Council has supported the ETP as an important part of
53 ensuring applicants have necessary skills. Under the regulation, the College does not have the ability to
54 provide a conditional license.

55 Council also asked about how the public will be informed of the guidance and expectations for care. It is
56 clarified that a patient FAQ is also being developed.

57

58 **3. Adjournment:** Moved by A. Micucci and seconded L. Christian **to adjourn the meeting at 11:40**

59

60

Motion carried



**College of Optometrists of Ontario
Council Meeting
June 11, 2020
DRAFT #1**

Attendance:

Dr. Patrick Quaid
Dr. Richard Kniaziew
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
Mr. Albert Liang
Dr. Annie Micucci
Dr. Christopher Nicol
Mr. Narendra Shah
Dr. William Ulakovic
Dr. Marta Witer

Regrets:

Dr. Lindy Mackey

Guests:

Ms. Julia Martin

Staff:

Ms. Maureen Boon, Registrar/CEO
Ms. Hanan Jibry
Ms. Mina Kavanagh

Ms. Amber Lepage-Monette
Mr. Justin Rafton

1 **1. Call to Order:** P. Quaid called the meeting to order at 3:02 p.m., welcomed everyone in attendance
2 and discusses housekeeping matters, including that the meeting is being shared over live stream for any
3 public guests.
4

5 The purpose of the meeting was to discuss a College policy that addresses requirements for
6 optometrists in the event of potential job action. The agenda was sent to Council and made public
7 ahead of the meeting.
8

9 **2. Adopt the Agenda**

10
11 Moved by R. Kniaziew and seconded by A. Liang **to adopt the agenda.**

12
13 Legal counsel Julia Martin joined the Council meeting to provide legal advice.
14

15 **3. IN CAMERA SESSION:** In accordance with Section 7(1.1) of the *Health Professions Procedural Code*
16 (*HPPC*), Council will go in camera under Section 7(2)(e) whereby instructions will be given to or opinions
17 received from the solicitors for the College.

18
19 Moved by S. Allen and seconded by A. Liang **to have the meeting go in camera.**
20 **Motion carried**

21 *Guests left the meeting.*

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42 Council moved out of camera at 3:37 p.m.

43
44 *Guests returned to the meeting.*

45
46 **4. Job Action Policy**

47
48 P. Quaid addressed the issue of conflict of interest. Several professional members on Council are
49 members of the OAO. Members should declare a conflict of interest and avoid voting on issues that
50 benefit them personally.

51
52 This meeting's discussion, however, focused on a policy that speaks to any potential job action and
53 therefore did not post a conflict.

54
55 P. Quaid provided a brief background: a policy was being developed in January 2020. Due to COVID-19,
56 the draft policy was not presented to Council at the April meeting. The draft policy was previously
57 approved by the Executive Committee.

58
59 Moved by R. Kniaziew and seconded by W. Hutchinson **to approve the job action policy.**
60 **Motion carried**
61

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P. Quaid provided Council with a brief update on strategic planning. The Strategic Planning Committee has been working on a new plan since the spring of 2019. A proposed plan will be presented at the upcoming Council meeting on June 25 seeking feedback from Council. Council will receive a survey this Friday regarding the proposed vision.

5. Dates of Upcoming Council Meetings

- June 25, 2020
- September 25, 2020
- December 4, 2020

6. Adjournment: The meeting adjourned at 3:45 p.m.

DRAFT

Executive Committee Activity Report

Reporting date: June 25, 2020

Chair: Dr. Patrick Quaid, President

Meetings in 2020: 12 (February 13; March 13; March 16; March 20; April 9; April 23; May 7; May 15; May 21; May 22; May 27; June 4)

Tasks Completed Since Last Council Meeting:

- Biweekly updates on the College's COVID response and return to work guidance.
- Developed and presented College Policy on *Optometric Services During a Job Action* for Council approval.

Key Priorities

On March 16, 2020, the Committee agreed to recommend Ontario optometrists provide only urgent care and to close for any non-essential services as soon as possible due to the COVID-19 pandemic. On March 19, 2020, Directive #2 was enacted, ceasing all non-essential care in the province. Since this time, the Committee has met at regular intervals to receive staff updates, and to discuss consultation with stakeholders and return to work planning. The Committee was apprised of and provided feedback for consultations with various key stakeholders, including the Chief Medical Officer, Ministry of Health and other Colleges regarding both a return to work date and guidance.

The Committee was involved in reviewing communications to the membership, which both provided updates on the pandemic response and answers to common questions. On May 19, the Committee directed communications indicating offices with street front access could open for retail, as per government orders. On May 26, the Chief Medical Officer amended Directive #2 so that health care providers could begin a gradual return to non-urgent care. This was immediately communicated to all optometrists.

Alongside the COVID-19 response, a job action policy was drafted and approved by the Executive Committee in anticipation of potential job action from the OAO. Due to other priorities related to COVID-19, the draft policy was not presented at the April Council meeting and deferred to the June Council meeting. There was no indication, at that time, that the OAO intended to proceed with job action. Given the possibility of action ahead of the June Council date, however, the policy was presented and approved at an ad hoc Council meeting held on June 11, 2020.

Information Items

Ontario Optometrists - Scope Expansion Request

The College had previously supported an OAO proposal in 2017 for scope expansion, however, a current request was expanded and included additional elements such as laser procedures. The Committee discussed the proposal and referred further analysis to the Clinical Practice Panel. Council will review the proposal and CPP's considerations at the June meeting.

Alberta Opticians – FORAC Response

The Committee received information on the Alberta College of Optometrists and Association of Opticians' scope expansion request to the Alberta government. The Alberta college requested feedback from FORAC. The College holds the position that separating the prescription from the eye examination is not in the public interest, given the importance of eye examinations to identify, prevent and treat eye disease. The Committee agreed that the College would sign on to the FORAC letter.

Patient Relations Committee Activity Report

Reporting date: June 25, 2020

Chairs: Dr. Christopher Nicol & Ms. Suzanne Allen

Meetings in 2020: 1 (May 13, 2020)

Tasks Completed Since Last Council Meeting:

- Prioritized development of new Continuing Education E-Learning module on *Common Complaint Issues*;
- Discussed development of a communication/guideline document on treatment of family members;
- Recapped patient-focused communication regarding FAQs and COVID response; and
- Discussed new communication resources aimed towards informing patient and the public based on key questions raised by the public regarding optometric visits.

Key Priorities

Following the successful development and implementation of the previous module *Eye Consent – The Optometrist’s Guide to Informed Consent*, the Patient Relations Committee has shifted its focus to new module topics. Based on the data and feedback received from the Inquiries, Complaints and Reports Committee (ICRC) Complaints Review project, the proposed module will cover the key complaint areas/themes the College receives and how practitioners may mitigate these risks. The Committee will be reviewing a draft framework at its next meeting, before proceeding further with the project.

At the January 2020 Council meeting, the Committee chair addressed the College’s position on treatment of family members. Council’s direction was to develop a document discouraging, but not prohibiting optometrists from treating family members. The document should also clarify the reasons why one should not treat a family member. The Committee and staff are working on a document outlining considerations for optometrists when determining if treatment should be provided to such individuals, recognizing that professional judgment be used to determine if there is an apparent or perceived conflict.

In regards to patient communication, the Committee was involved in an updated version of [Patient FAQs](#), and looped in on the College’s ongoing [COVID updates/information for patients](#). To increase transparency and engagement, new communications resources directed at patients and the public are also in the works. The intention is to create accessible, engaging resources that touch on key College processes relevant to members of the public or address key questions that the College receives from the public. The Committee would continue to be involved and engaged throughout patient focused communication development.

Information Items

Staff/Committee Training – Sexual Abuse Prevention

The Patient Relations Program has a mandate to ensure that staff receive training that focuses on support and communication to facilitate working with victims of sexual abuse. A training session for

both staff and committee members, *Understanding Sexual Abuse: Impacts, Response & Support*, was held last year. The session was led by Mandy Bonisteel, who has worked as an anti-violence advocate, consultant, and therapist for more than 20 years. The session was well received, and the Committee plans to organise training on a regular basis. Training materials are being compiled and finalized to assist in the on boarding of new staff and committee members

Funding for Therapy and Counselling Program

The Committee continues to process applications for funding submitted by patients alleging sexual abuse and to administer the College's funding program as required by regulation. The Committee makes two determinations upon receipt of a funding application: whether the applicant is eligible for funding, and if so, the amount of funding that should be awarded. Ontario regulation 59/94 under the RHPA states that the maximum amount for funding is the amount that OHIP would pay for 200 half-hour sessions of individual out-patient psychotherapy with a psychiatrist over a five-year period – this amount is currently \$16,060. The Committee typically awards eligible applicants the maximum amount of funding allowed by Regulation. Last year, Council approved a motion to increase the Special Reserve Fund for Patient Relations from \$30,000 to \$100,000. The Committee continues to discuss expanding the scope of funding to areas additional to therapy.

Quality Assurance Committee – QA Panel Activity Report

Reporting date: June 25, 2020

Chair: Dr. Linda Chan

Information Items

The current CE cycle ends on December 31, 2020. In light of the COVID-19 pandemic, the QA Panel has made the following changes to CE requirements:

- Accepting COPE-accredited activities presented in a new online format from March 7 - June 30, 2020 as Category A CE, as per revised COPE rules.
 - COPE has allowed live COPE-accredited CE activities to be presented in an interactive, online format from March 7 - June 30, 2020. Post-course tests will not be required for these online activities.
- Increasing the maximum number of Category A CE hours permitted in topics related to practice management from 10 to 20 hours, given that the additional 10 hours are taken between March 1, 2020 – December 31, 2020. These topics must be related to practice management issues relating to COVID-19 (e.g., infection control). This means an optometrist can take up to 40 CE hours (20 Category A and 20 Category B) of practice management-related topics for the current cycle.

No other changes have been made at this time, considering:

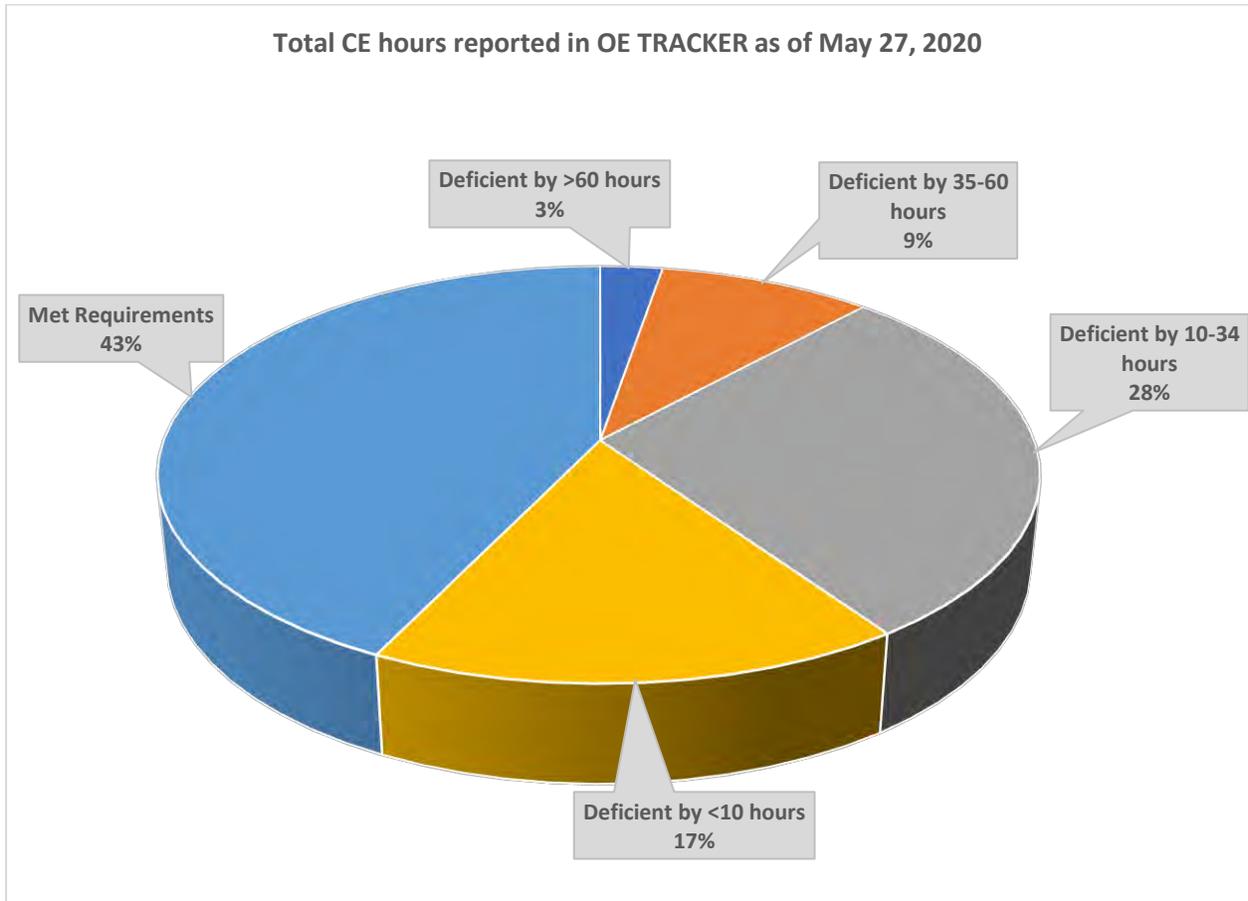
- All CE hours may be obtained online;
- The College received minimal number of inquiries from optometrists regarding possible extension of the CE cycle deadline (eight received between March 18 – April 27, 2020, and no further inquiries received after April 27, 2020); and
- Most optometrists (60%) have already completed the requirement or are close to meeting the requirement and only 12% have completed less than half of the required hours (i.e., deficient by 35 hours or more). The total CE hours reported in OE TRACKER as of May 27, 2020 is provided for Council information. These are conservative estimates as optometrists may not have submitted all of their CE hours to OE TRACKER yet.

The Panel will continue to review CE requirements as the pandemic situation develops and consider possible changes to regulatory obligations if needed.

Attachments

- COPE Extends Temporary Rules Modification
- Total CE hours reported in OE TRACKER as of May 27, 2020

Total CE hours reported in OE TRACKER as of May 27, 2020





Council on Optometric Practitioner Education

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A Program of the Association of Regulatory Boards of Optometry

COPE Extends Temporary Rules Modification (4.23.2020)

COPE previously announced a temporary modification to our rules to allow COPE Administrators and Providers to present CE activities through an INTERACTIVE ONLINE format and give LIVE COPE CE credit for the time period of March 7, 2020-May 31, 2020. **Due to continued state restrictions and CDC guidelines related to COVID-19, we are extending the temporary rules modification through June 30, 2020.**

If you have a LIVE CE activity scheduled that is, or will be, COPE-accredited, COPE is modifying our rules to allow you to give LIVE credit for those courses if they are presented in an INTERACTIVE DISTANCE LEARNING format. In order to be considered interactive, your attendees must be able to have immediate interaction with the instructor (i.e. webinar, video conference, teleconference). The activity can only be presented at one specified time, and once it has taken place the learners may no longer participate in that activity. You will also need to have a way to confirm the learners' attendance for the courses before issuing certificates of attendance. You will not be required to provide a post-course test for this modified activity.

If you plan to present your LIVE CE in an INTERACTIVE DISTANCE LEARNING format, please notify COPE as soon as possible so that we can keep track of the change. The usual post-activity data must be submitted to COPE for your activity to be considered COPE Accredited. Please note that although COPE is modifying our rules to temporarily allow INTERACTIVE DISTANCE LEARNING to count as LIVE CE, individual State and Provincial Boards may have different rules. We advise you to contact the State or Provincial Boards where your attendees are licensed for verification.

If you are planning an ENDURING DISTANCE LEARNING activity where there is not immediate interaction with the instructor and the participants can determine when they participate, you should continue to follow COPE's rules regarding ENDURING DISTANCE LEARNING (a post-course test must be administered which has been reviewed by a school of optometry, medicine, pharmacy or osteopathy.)

COPE will not extend the temporary rules modification beyond June 30, 2020. After June 30th, all LIVE COPE Accredited courses and activities must meet COPE's definition of LIVE: "... the instructor is in the same room with the participants, even if other formats are used as audiovisual aids for teaching the course. The instructor is face-to-face with the audience and can touch the participants."

If you are planning a CE activity that will take place after June 30, 2020, COPE's recommendation is that you submit the course(s) and activity using one of our ONLINE/DISTANCE LEARNING formats. If restrictions are lifted in the future and you're able to hold a LIVE CE activity, please notify us and we will be able to change your course(s) and activity from DISTANCE LEARNING to LIVE.

We thank all our COPE Administrators and Instructors for all their hard work and dedication during this difficult time. If you have any questions please contact Sierra Powell, Manager of Accreditation Services, at spowell@arbo.org.

QA – Clinical Practice Panel Activity Report

Reporting date: June 16, 2020

Chair: Dr. Camy Grewal

Tasks Completed Since Last Council Meeting:

- Prepared [Return to Work: Infection Prevention and Control for Optometric Practice \(May 2020\)](#)
- Reviewed the OAO's proposed changes to scope of practice
- Reviewed questions from the Ministry of Health regarding the December 2019 proposal to amend the Designated Drugs Regulation (O. Reg. 112/11)

Key Priorities

CPP's current priority remains guiding safe optometric practice during the current COVID-19 pandemic. CPP plans to continue reviewing the return to work guidance every three to four weeks, or as new information requires, through the summer.

Information Items

A motion regarding OAO's proposed changes to scope of practice, is provided separately.

A motion regarding Return to Work: Infection Prevention and Control for Optometric Practice is expected following CPP's meeting on June 23.

Registration Committee Activity Report

Reporting date: June 25, 2020

Chair: Dr. Bill Ulakovic

Key Priorities:

Optometry Competency Framework project

- The Committee prioritized the national competency profile project, which Touchstone Institute (Touchstone) refers to as the Optometry Competency Framework.
- The Committee discussed the progress timeline with Touchstone and assisted in recruiting participants for the project's different phases.
- Touchstone hosted its second workshop on February 20, with nine participants.
- The Optometry Competency Framework project is currently in its validation phase. To date, Touchstone completed a literature review and environment scan, two in-person workshops with subject matter experts (SMEs), consultation and review by SMEs, and recently closed the national SME validation survey. The validation survey was distributed to 21 SMEs from across Canadian jurisdictions (Alberta, British Columbia, Manitoba, Newfoundland & Labrador, Nova Scotia, Ontario, Quebec, and Saskatchewan). Touchstone Institute's Psychometric Team is currently analyzing the survey data.
- The next steps will be to integrate the survey results into the final competency framework, translate the document into French, and deliver the final product to the College by July 31, 2020.

Internationally Educated Applicants

- The Committee also prioritized the pre-registration process for internationally educated applicants, the majority of whom apply to Ontario for registration.
- The elimination of the existing International Optometric Bridging Program (IOBP) has reduced the opportunity for some candidates for challenging an entry-to-practice examination. Prior to COVID-19, the University of Waterloo School of Optometry and Vision Science (WOVS) had announced that it would only accept six internationally educated optometry candidates into its new advanced standing program in 2022. There are 31 candidates in the bridging pool, 21 of whom would have no further Internationally Graduated Optometrist Evaluating Exam (IGOEE) attempts. The IGOEE has been temporarily suspended since COVID-19 was declared as a pandemic.
- The Committee requested that the Federation of Optometric Regulatory Authorities of Canada (FORAC) consider extending the time that the IGOEE results are valid for from three to five years following the first exam attempt, and to increase the number of attempts from two to three.
- At the April 1 FORAC meeting, the time frame was extended from three to five years, and FORAC approved increasing the number of attempts from two to three at its May 28.

Direct Patient-Hour Requirement

- Due to COVID-19, and after receiving inquiries from registered optometrists, the Committee also prioritized the 750 direct patient-hour requirement.
- Recognizing that COVID-19 had significantly reduced the number of hours that optometrists have been able to practise, College staff sought a legal option.
- The College's legal counsel confirmed that the College does not have the authority to change either the 750 practice-hour requirement, or the rolling three-year period over which the number of practice hours is assessed.
- The Committee will continue to monitor this issue as we approach the end of the current three-year renewal cycle on December 31, 2020.

Registration Process during COVID-19

- Due to COVID-19 and delays experienced by applicants to the postponement or cancellation of entry-to-practice exams, the normal two-year application period is being extended.
- College staff is currently accepting applications for registration electronically. College staff will follow-up with applicants in the future to validate submitted documents.
- Registration staff have worked with a learning management system provider to launch a proctored online Jurisprudence exam.
- The College's first online Jurisprudence exam was launched on June 1 with a plan to accommodate as many candidates as possible and to allow candidates some flexibility for challenging the exam during this period.

Further Amendments to the Registration Regulation draft amendments

- Please refer to the Committee recommendation to Council for approval of further amendments to the Registration Regulation draft amendments.

Governance/HR Committee Activity Report

Reporting date: June 25, 2020

Chair: Dr. Annie Micucci

Meetings in 2020: 2 (March 23; June 1)

Tasks Completed Since Last Council Meeting:

- Discussed and reviewed legal advice and Council feedback regarding proposed by-law revisions;
- Finalized proposed by-Law revisions for Council circulation approval;
- Discussed and developed enhanced Council member recruitment and volunteer application process;
- Organised and participated in virtual facilitation training for both current and prospective committee chairs;
- Developed and implemented mentorship pilot project for new Council members;
- Prioritized development of terms of reference for each statutory committee.

Key Priorities

The Committee's key task for this Council year was to spearhead a review and revision of the College by-laws. The Chair provided an overview of the anticipated recommendations to Council at its April 2020 meeting. Following that meeting, the Committee solicited feedback from Council on the proposed revisions, which received majority support. The Committee reviewed and discussed the specific comments and how best to address them in both the formal Council motion and consultation materials, specifically regarding the implementation of term limits and revisions to the conflict of interest process.

In developing its recommendations, the Committee reviewed best practices and other models, had extensive internal discussions, and considered Council feedback and historical information. In addition, a fulsome legal review and administrative document restructuring was undertaken. A motion with the proposed by-law revision for circulation are provided separately in the briefing materials.

With the upcoming election of two seats (District 5 – Provincial), the Committee is shifting its focus in the interim to enhancing the College election and recruitment process to gauge interest and encourage optometrists to join the College in different roles. An advertisement will be sent out in the summer, alongside the self-nomination form for Council election and volunteer application for College committees.

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

Information Items

Virtual Facilitation Training

Over two sessions on May 4 and 11, current and prospective chairs, along with staff support, took part in an all-day virtual Chair training course. The Committee intends to organise this training on a rolling basis every two to three years.

Council Member Mentor Program

The Committee is trialling a new program whereby new professional and public Council members are assigned an established member during their first year. The Chair has contacted prospective mentors to gauge interest, before confirming assignments. Initial feedback is that the opportunity provides a personal connection, a sounding board for new ideas and highlights areas of strength for both individuals involved.

Council Meeting Evaluation

The Committee will continue to distribute an evaluation survey following each Council meeting and asks that all members please complete in a timely fashion. The survey results following the April 20, 2020 meeting are provided as an addendum to the report.

Attachments

- April 20 Council Meeting Evaluation – Results and Feedback

Council Meeting Evaluation – Survey Results

Following the Council meeting on April 20, 2020, members were sent an online survey to complete, asking them to evaluate the meeting effectiveness and make any suggestions moving forward. Out of the 17 members in attendance, 15 responded to the survey.

- 1. Was enough background information given for you to be able to participate meaningfully in the discussion and decision-making? If no, what information were you missing?**
 - Yes (x15)
 - Briefing package provided all the information needed to prepare (x2)
 - Information was meaningful and sufficient

- 2. Do you feel you have a good understanding of the financial discussions around the Council table? Any suggestions for improvement?**
 - Yes (x10)
 - No – minimal financial background and would benefit from a cheat sheet/instruction/training on what to look for in financial statements
 - Continue to provide documents ahead of time
 - Interesting changes regarding investments – would like to know more about that
 - Surprised that there was very little financial discussion, especially in relation to COVID
 - Used notes from the 2019 financial training session to review the financial statements; feel confident about understanding

- 3. Do you feel you have a good understanding of the by-law changes that will be proposed in June 2020?**
 - Yes (x14)
 - No, I am a new member

- 4. If you do not support the proposed changes, please provide feedback about why this is the case.**
 - Support the by-law changes as presented (x10)
 - “Changing from an election based system and no limits on terms is not in line with other elected positions (i.e. mayors, PMs). There is a concern with a process that makes it an appointment system - if you are concerned about concentration of "power" this is just another way of doing that. If there was concern on this from with Executive - why move towards an appointment system at all? If a lot of members are being acclaimed - encourage more members to run - simple. Penalizing people for being interested in regulation is not in my opinion a wise move. Appointment based systems have much more flaws than election systems. Appointed by whom - and who makes the "criteria"? Much more risk for bias there in my opinion.”
 - Unclear about conflict of interest changes
 - Unfamiliar with technical aspects of optometry service standards

- 5. Do you have any further questions for the Governance/HR Committee?**
 - Do all employees complete performance reviews?
 - Ensure revisions are reviewed by legal counsel to avoid conflict later
 - Great work by the Governance/HR Committee

-How did the committee agree on 21 years? Why not shorter or longer?
-"Why is the issue of Council terms being brought up now all of a sudden and also, why is a process that is good enough for government not good enough for the COO? It seems somewhat hypocritical to be concerned about "concentration of power" within Exec, but then be fine to have (arguably more) concentration of power within HR/Governance as they will presumably be setting criteria for board members. If the issue is "not enough people run", it is a thin reason to throw out what is essentially a democratic process. Politicians have the same process applied on them - imagine if we went to a competency-based process in Ottawa!"

6. Feedback often includes the need for better time management. How do you feel the chair could enforce better time management during Council meetings?

-Meeting was smooth and efficient (x12)
-Not an issue at this meeting (x2)
-Managed well given the use of new platform
-May be beneficial to use countdown timer for future meetings to keep topics on time

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

-Good efficient meeting (x3)
-Committee meetings can be held virtually, but Council needs to be in-person
-Council could (and should) meet more often to reduce Exec meetings during the year - frankly no excuse given the user-friendly nature of the platform.
-Good idea to have everyone on mute until they need to speak
-Hard to imagine this Zoom format as the new normal for all council meetings but a good option for interim communication

Audit/Finance/ Risk Committee Activity Report

Reporting date: June 25, 2020

Chair: Bashar Kassir

Meetings in 2020: 3 (via videoconferencing)

Tasks Completed Since Last Council Meeting:

- Completion of audit for the year ended December 31, 2019; Audited Financial Statements posted to College website.
- Discussion re possible revisions to Honoraria and Expenses Policy.
- Discussion re HST charged on membership fees; Committee will seek advice.
- Initiated review of Investments Policy.
- Initiated review of Auditor Selection and Review Process.
- Prioritized Governance By-Law Reform – 2020 Project (Financials) and completed revisions.

Key Priorities

- Review of the College's Investment Policy.
- Review of Auditor Selection and Review Process with a view to making a recommendation to Council at the next meeting on September 25, 2020.
- Ongoing review of risks: operational, organizational, financial, and strategic.
- Updating budget and preparing financial reporting and various analyses for Q2 period ending June 30, 2020 and impact of COVID-19, for review by Council at the next meeting on September 25, 2020.
- Cybersecurity training for Council members.

Information Items

Financial Reporting:

- A financial analysis of the impact of COVID-19 on the budget, as well as a full report on the investment portfolio, will be provided at the next meeting on September 25, 2020.

4 / REPORTS

4. Registrar's Report: Registrar Maureen Boon to provide College updates via PPT presentation that will touch on:
 - a. An overview of key College activities April-Present
 - b. An update on the virtual boardroom
 - c. Recovery planning

Supplementary material:

- OEBC Report



Board of Directors Meeting Summary

June 18, 2020

Approved Items

The Board agreed to the following;

1. Adopting a Modified Policy Governance Model
 - **Governance Position:** With the Members above it and operational matters below it, the Board is a critical link in the chain of command. Its role is the commander. The Board exists to exercise that authority and empower others to act. The Board bears full and direct responsibility for the governance process and products, and accountability for any authority and performance expectations delegated to others.
 - **Strategy** is the very essence of the Board, and policy is the result of its strategic deliberations. The plan to implement strategy/policy is the domain of the CEO.
 - **Governance Policy Manual** — An [electronic copy](#) is accessible and viewable on OEBC.CA
2. Focusing on
 - a) Having an ongoing dialogue with the Members to discern their expectations for what results OEBC should produce
 - b) Translating those expectations, plus other information and the Directors' perspectives and the Corporate values, into strategy and written criteria for success
 - c) Checking to see that those criteria were met
 - d) Managing risks — A Risk Register will be maintained and discussed at each Board meeting. Risks are ranked by the likelihood of occurrence on the potential impact on the organization
 - e) Living its corporate value of Transparency, Integrity, Trust, Engagement, and Responsibility
3. Clarifying direction by amending,
 - **Vision** — *"To be the sole provider of competence assessments for optometric regulatory authorities in Canada."*
 - **Mission** — *"To continually develop and administer a legally valid and defensible entry to practice examination to assess competence in the practice of optometry in Canada that meets Members' expectations."*
 - **Global Ends** — *"On behalf of Members, OEBC assesses if a candidate has met the entry-level competence required for practice. All costs for this service are recovered from candidates."*

Items Requiring Further Discussions & Attention

The Board members agree to continue discussions for the following;

1. **Enhancing Communications with Members**
 - a. Increase Board transparency through communication mechanisms such as bulletins to provide more timely and regular updates
 - b. Board Meeting Summary after each Board meeting
 - c. Establishing a process for Member consultation, which includes the issues that require consultation with the Members
 - d. Establishing a process for Members to submit items for Board consideration

Board Summary

2. Governance Policy Manual

- a. The CEO to continue to work towards reducing the overall size of the policy due to concerns of the policy containing too much detail.

3. Board Restructuring/Reduction in Members

- a. Recommendations for Members' consideration should be available in December, as the terms of some Registrars will expire at the AGM (March). Further conversations to be held regarding the impact and benefit of reducing the Board size to 4 - 6 members to represent each area of Canada instead of each ten regions (i.e. Western Canada, Central Canada, Quebec, and Eastern Canada)

4. Exam Regulation/Reduction of Exam Costs

- a. Further exploration to be had regarding computer-based examinations using remote proctoring. A survey of the Class of 2021 (at Canadian Optometry Schools and Canadians at US Optometry Schools), is being conducted regarding their preferences.
- b. Evaluate current costs of exam development, intellectual property and costs to candidates to identify cost reduction strategies that do not alter the quality of the exam overall

5. Response to the College of Optometrists of Ontario letter

- a. Regrets that the response has been delayed to the circumstances (COVID-19, new CEO, and new governance focus)
- b. The response will focus on strengthening collaboration, sharing insights on competency models to ensure the National Competency model is current, and understanding the possible shortcoming in the OEBC exam regarding COO's needs.

Information

The postponed April administration of the written exam will be held on - September 24 (Hamilton and Montreal), and the OSCE on September 26&27 (Hamilton). Candidates registering for the fall administration will have the option to do the written portion in September or November. OEBC has purchased PPE for examiners and simulated patients. Candidates have been instructed to wear masks that they are comfortable in for the written and OSCE.

OEBC is assessing the use of a computer-based written exam for the November 2020 administration. It would be done via remote proctoring. Board exams of other professions have had recent successful administrations using remote proctoring as exam centres are closed due to the emergency order.

OEBC has a series of contingency plans to administer the OSCE in September based on the size of gathering that can be held with people indoors under an Emergency Order. This includes alternative venues and locations.

OEBC issued an update and published three sets Frequently Asked Questions to keep candidates informed at this challenging time. The information is available on OEBC.CA.

The CEO has had discussions with the Directors of the Schools of Optometry. The group plans to meet twice per year. The Directors have asked the CEO to provide summary reports of the exam results to support their accreditation processes. OEBC will accommodate their request while protecting the candidates' information.

5 / MOTIONS

5. Motions Brought Forward from Committees
 - a. Quality Assurance Committee
 - i. Quality Assurance Subcommittee
 - To approve the proposed key changes to the 2021-2023 CE Policy for circulation.
 - ii. Clinical Practice Panel
 - To approve the following motion: That the College generally supports OAO's proposed changes to optometry's scope of practice.
 - To approve revisions to the *Return to Work: Infection Prevention and Control for Optometric Practice* guidance document.
 - b. Governance/HR Committee
 - i. To approve the proposed by-law revisions for circulation.
 - c. Registration Committee
 - i. To approve the proposed further amendments to the Registration Regulation.

BRIEFING NOTE – QA SUBCOMMITTEE

Council Meeting – June 25, 2020

Subject

Continuing Education (CE) Policy (2021-2023)

Background

The current CE cycle ends on December 31, 2020. At its May 2020 meeting, the QA Subcommittee had proposed several key changes to the CE Policy for the next CE cycle, which would run from January 1, 2021 to December 31, 2023.

Decision(s) for Council

To approve the proposed key changes to the 2021-2023 CE Policy for circulation.

Supporting Materials

- Infographic highlighting the proposed key changes to the 2021-2023 CE Policy
- Proposed key changes rationale
- Other learning opportunities CE credit hours calculations
- COPE vs. non-COPE credit hours reported to OE TRACKER for the current CE cycle (2018-2020) as of June 3, 2020
- COPE Accreditation Criteria
- COPE Standards for Commercial Support (COPE SCS): Standards to Ensure Independence in CE Activities
- COPE Accreditation Frequently Asked Questions
- COPE Course Categories
- [COPE Accreditation Process](#)

Consultation

- The College has been consulting informally with key stakeholders, including the Vision Institute of Canada, the University of Waterloo School of Optometry and Vision Science, and the Ontario Association of Optometrists. Further consultation will occur during the formal circulation period.

Next Steps

- Circulation of the proposed CE policy for 30 days (July)
- Consolidation of feedback and revisions if needed (August)
- Formal approval by Council at September 25, 2020 meeting
- Roll-out to optometrists (October)

Contacts

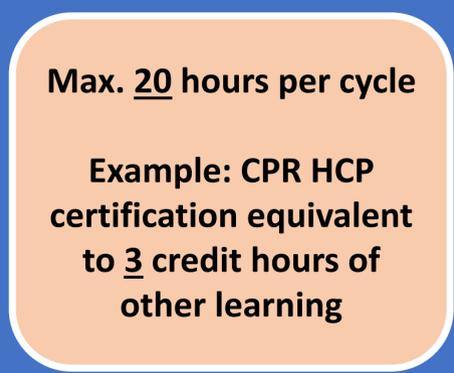
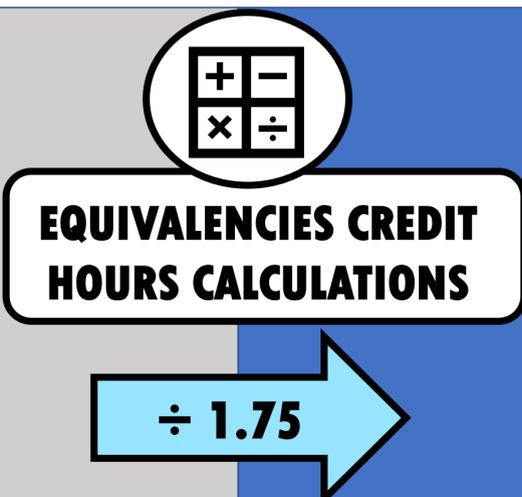
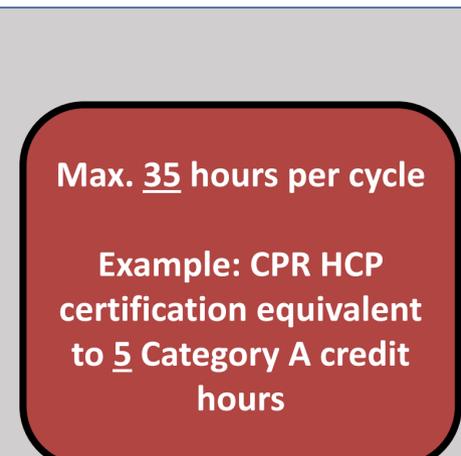
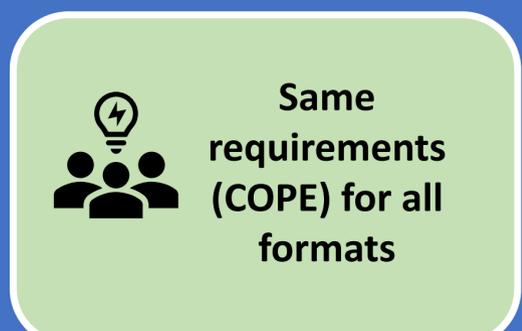
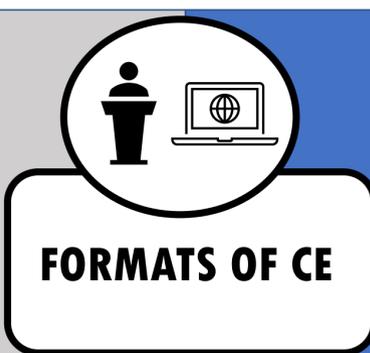
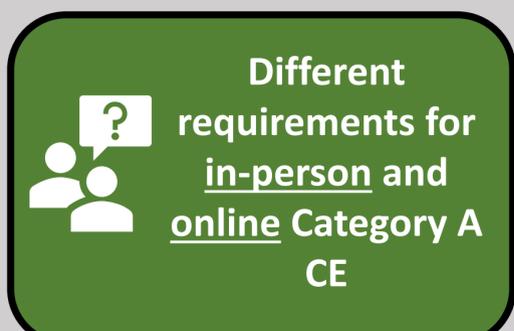
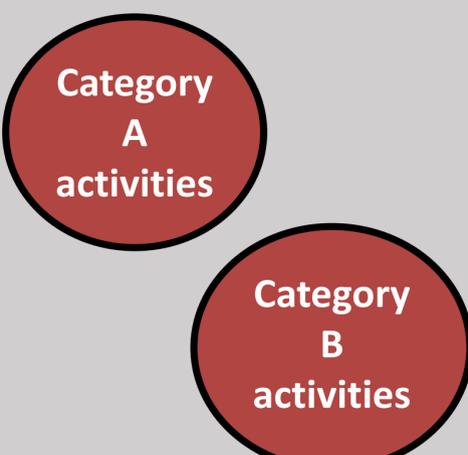
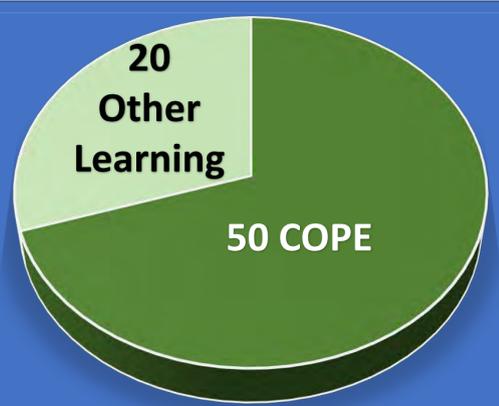
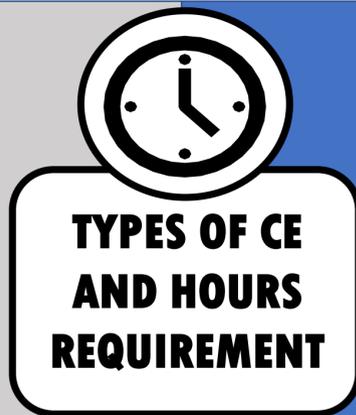
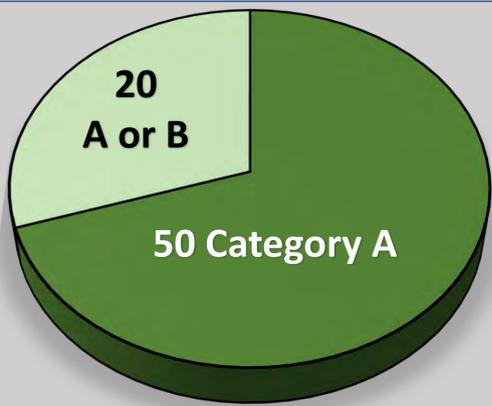
- Ellen Pekilis, QA Subcommittee Chair
- Bonny Wong, Coordinator, Quality Assurance Programs

CE CHANGES AT A GLANCE

NOW

versus

NEW



1. Min. 20 hours in lecture-based ocular disease and management or related systemic disease
2. Max. 10 hours in practice management

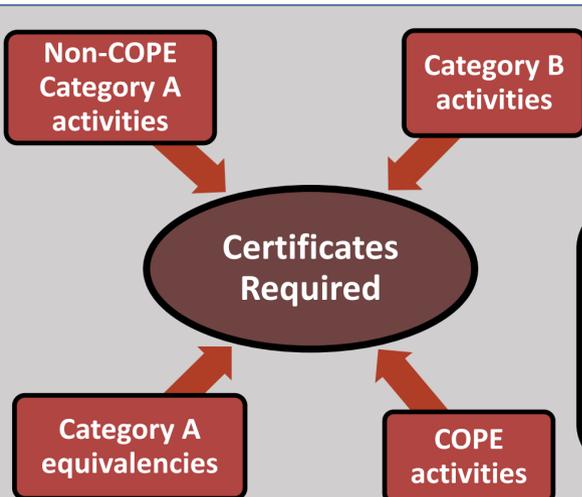
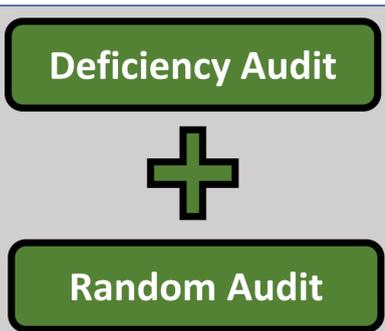


1. Min. 20 hours in ocular disease and management or related systemic disease

1. College Annual Report
2. OE TRACKER



1. OE TRACKER



PROPOSED KEY CHANGES TO 2021-2023 CE POLICY RATIONALE

No.	Key Changes	Current CE Cycle (2018-2020)	Next CE Cycle (2021-2023)	Commentary
1	Types of CE and hours requirement	70 hours in total: <ul style="list-style-type: none"> i. Minimum 50 Category A hours ii. Remaining 20 can be Category A or B 	70 hours in total: <ul style="list-style-type: none"> i. 50 COPE-accredited CE hours ii. 20 hours of other learning opportunities 	<p>The Council on Optometric Practitioner Education (COPE) is a recognized accreditation program for optometric CE courses. After extensive review of the COPE accreditation process, the QA Subcommittee is confident that COPE-accredited CE would ensure Ontario optometrists are participating in high-quality and meaningful CE.</p> <p>OE TRACKER data also indicates that members are already taking approximately 72% of their CE hours as COPE accredited courses; so, the proposed changes to the policy are simply reflecting the current reality of members with a simpler and more efficient process.</p>
2	Format of CE	<p>In-person and online Category A CE have different requirements.</p> <p>In-Person: Category A providers can provide in-person Category A CE without COPE accreditation as long as they meet the Category A CE requirements in the CE policy (e.g. commercial entities must not directly pay for a speaker). These requirements were developed by the QA Panel.</p> <p>Online: to qualify as Category A CE, COPE accreditation is required when Category A providers provide online CE.</p>	<p>All CE must be COPE-accredited regardless of the format it is presented in (e.g. in-person, webinar, video).</p> <p>Other learning opportunities will not require COPE-accreditation.</p>	<p>This would ensure all CE meet the same set of standards (COPE) and would avoid confusion among optometrists in terms of the types and formats of CE accepted by the College.</p>

No.	Key Changes	Current CE Cycle (2018-2020)	Next CE Cycle (2021-2023)	Commentary
3	Other learning opportunities	Not available	<p>Any activity related to the maintenance of an optometrist's standards of practice or continuing competence, including:</p> <ul style="list-style-type: none"> • Organized events: conferences, education, events, and lectures that are not COPE accredited • Professional journals: reading of articles in refereed optometric, ophthalmologic, or medical journal. • Distance learning activities: print, internet, video • Activities listed under "Category A equivalencies" of the current CE policy 	<p>Restrictions on the remaining 20 hours of other learning opportunities have been relaxed to give members a wider range of options and the opportunity to make flexible selections that suit their learning needs and practice. The QA Subcommittee is satisfied that the 50 hours of COPE accredited CE will ensure a solid basis of traditional core CE.</p> <p>Current non-COPE Category A and Category B CE activities would be considered other learning opportunities in the next cycle.</p> <p>The maximum number of hours per cycle for activities currently considered Category A equivalencies would be decreased from 35 to 20 hours in the next cycle. As such, the credit hours of these activities would be decreased by a factor of 1.75. For example, in the current cycle, one full year of residency training at an ACOE-accredited school is equivalent to 35 Category A credit hours. For the next cycle, one full year of residency training at an ACOE-accredited school would be equivalent to 20 credit hours of other learning opportunities.</p>
4	Topic Requirements	<p>Of the 50 Category A hours:</p> <ul style="list-style-type: none"> • 20 hours must be lecture-based in topics reasonably related to ocular disease and management or related systemic disease • Maximum of 10 hours per CE cycle may be in topics related to practice management. 	<p>Of the 50 COPE-accredited hours, 20 hours must be in topics reasonably related to ocular disease and management or related systemic disease</p>	<p>Removing the "lecture-based" requirement provides greater flexibility to course formats (e.g. distance learning would be acceptable).</p> <p>The limitation on practice management-related hours has been removed, allowing optometrists to participate more in topics related to ethics and practice management issues, such as those relating to COVID-19 (e.g. infection control). COPE does not accredit courses that are intended for personal enhancement or investment prowess.</p>

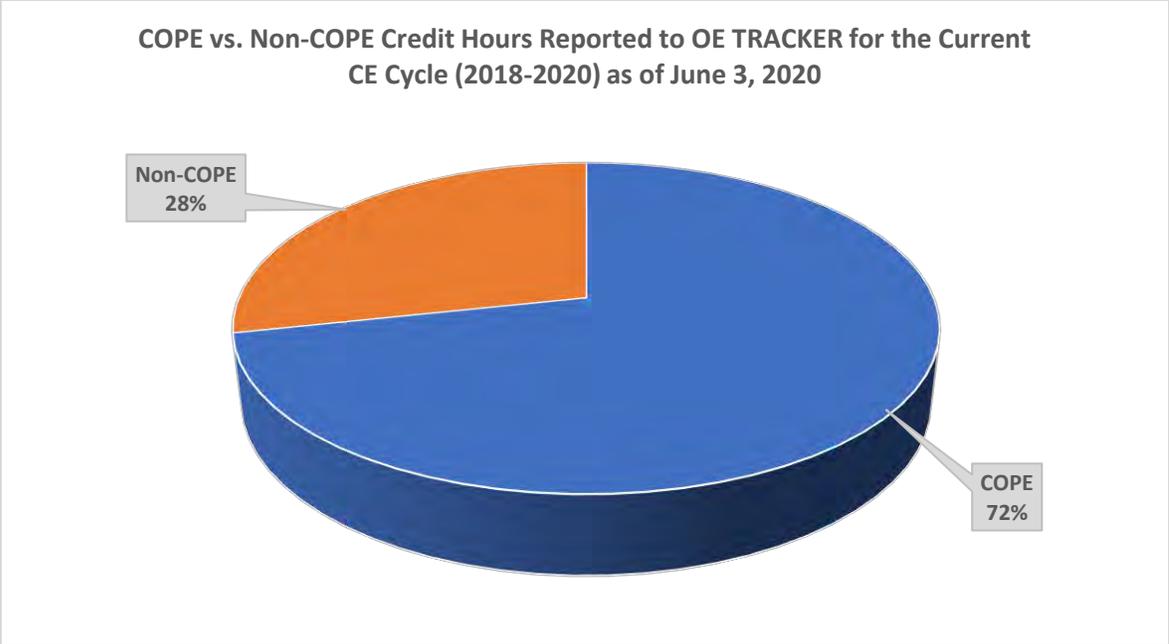
No.	Key Changes	Current CE Cycle (2018-2020)	Next CE Cycle (2021-2023)	Commentary
5	Participation Certificate	Participation certificates required for both Category A and B CE.	<p>Participation certificates required for COPE accredited CE only.</p> <p>Participation certificates not required for other learning opportunities.</p>	Other learning opportunities may not generate a certificate (e.g. reading of journal articles). Instead, the College will create a form where optometrists fill in the description and hours completed for each learning activity. Submission of this type of form would be acceptable to OE TRACKER.
6	Reporting Requirements	<p>Optometrists are required to report their CE hours to two databases:</p> <ul style="list-style-type: none"> • College annual renewal; and • OE TRACKER 	<p>Require optometrists to self-declare completion of CE and other learning requirements on annual renewal.</p> <p>Require reporting of all CE and other learning hours in OE TRACKER.</p>	The College and OE TRACKER databases are two independent systems, and quite often, CE hours do not match between the two systems. This has caused confusion among optometrists. The College only uses OE TRACKER data for auditing purposes. As such, tracking actual hours only in OE TRACKER would simplify reporting requirements.
7	CE Audits	<p>College conducts two audits:</p> <ul style="list-style-type: none"> • CE hours deficiency audit (100% of membership) • Random CE audit (approximately 5% of membership) 	Only perform CE and other learning hours deficiency audit (100% of membership)	<p>For the current cycle, there are various Category A providers that can provide either Category A or B CE. As such, a random audit was required to ensure members correctly claimed Category A and B hours.</p> <p>For the next cycle, all 50 COPE accredited hours would already be verified by OE TRACKER, eliminating the need for a random audit. This would have cost-saving results for the College.</p>

OTHER LEARNING OPPORTUNITIES CE CREDIT HOURS CALCULATIONS

Learning Opportunities	Calculation of CE Credit Hours
Organized events: conferences, seminars, workshops, and lectures that are not COPE accredited	Hour-for-hour
Professional journals: reading of articles in refereed optometric, ophthalmologic, or medical journal	Hour-for-hour
Distance learning activities: print, internet, video that are not COPE accredited	Hour-for-hour
Graduate studies in optometry or a related health discipline preapproved by the Quality Assurance Panel	One year of full-time studies: 20 hours One year of part-time studies: 14 hours
Residency at an ACOE-accredited school	One full year of residency training: 20 hours
Faculty appointment at an ACOE-accredited school	Full-time: 14 hours per year Part-time: pro-rated 14 hours per year
Fellowship or Diplomate in the American Academy of Optometry or Fellowship in the College of Optometrists in Vision Development	17 hours during the cycle the fellowship or diplomate is awarded
Publication of an article in a refereed optometric, ophthalmologic, or medical journal	6 hours
Publication of a case report in a refereed journal	1 hour
Lectures prepared and given to regulated health professionals for their primary continuing education or regulated health professionals in training education at a Canadian or American accredited school	2 credit hours/hour of lecture—each lecture may be counted one time only

Learning Opportunities	Calculation of CE Credit Hours
Appointment as a clinical supervisor at an ACOE-accredited school	Full-time: 4 hours per academic year Part-time: pro-rated 4 hours per academic year
Supervising optometrist in an extern rotation for students from ACOE-accredited schools or the IOBP	One rotation of minimum 7 weeks in an academic term: 4 hours One short rotation (i.e. 4 week): 2 hours Maximum of 12 hours per cycle.
Participation in the approved examination board of the standards assessment examination(s) or an approved evaluating examination	Clinical Assessor: 0.5 credit hour per two hours spent assessing or training to assess candidates Question Author: 0.5 credit hour per question accepted to the database Question Item Selector: 0.5 credit hour per two hours spent selecting questions for the examinations Maximum of 14 hours per cycle.
Certification in a Cardiopulmonary Resuscitation (CPR) Heart Saver AED (C) or CPR HCP (Health Care Provider) level with AED	3 hours per cycle

COPE VS. NON-COPE CREDIT HOURS REPORTED TO OE TRACKER FOR THE CURRENT CE CYCLE (2018-2020) AS OF JUNE 3, 2020





COPE ACCREDITATION CRITERIA

A. EDUCATIONAL PURPOSE

Criterion 1: The provider has a CE mission statement for the organization that includes the expected results articulated in terms of changes in competence, performance or patient outcomes that will be the result of the program.

** Criterion 1 is only applicable in provider accreditation. It is not required for accredited activities.*

B. EDUCATIONAL PLANNING

Criterion 2: The provider incorporates into CE activities the educational needs (knowledge, competence, or performance) that underlie the professional practice gaps of their learners.

Criterion 3: The provider generates activities/educational interventions that are designed to change competence, performance, or patient outcomes as described in its mission statement.

Criterion 4: The provider ensures that the content of the CE is validated, the intervention has scientific and educational integrity and contains customary and generally accepted optometric and medical practices. (Standards for Commercial Support 5)

Criterion 5: The provider chooses educational formats for activities/interventions that are appropriate for the setting, objectives, and desired results of the activity.

Criterion 6: The provider develops activities/educational interventions in the context of desirable professional (i.e. optometrist) attributes. (e.g. Institute of Medicine's Core Competencies for Health Care Professionals, ASCO Attributes of Students Graduating from Schools and Colleges of Optometry, ABO/ACGME/ABMS Competencies)

Criterion 7: The provider develops activities/educational interventions independent of commercial interests. (Standards for Commercial Support 1, 2, & 6)

Criterion 8: The provider appropriately manages commercial support. (Standards for Commercial Support 3)

Criterion 9: The provider maintains a separation of promotion from education. (Standards for Commercial Support 4)

Criterion 10: The provider promotes improvements in health care and NOT proprietary interests of a commercial interest. (Standards for Commercial Support 5)

C. EDUCATIONAL ASSESSMENT

Criterion 11: The provider analyzes changes in learners (competence, performance, or patient outcomes) achieved as a result of the overall program's activities/educational interventions.

Criterion 12: The provider gathers data or information and conducts a program-based analysis on the degree to which the CE mission of the provider has been met through the conduct of CE activities/educational interventions.

**Criterion 12 is only applicable in provider accreditation. It is not required for accredited activities.*

Criterion 13: The provider identifies, plans, and implements the needed or desired changes in the overall program (e.g. planners, teachers, infrastructure, methods, resources, facilities, interventions) that are required to improve on ability to meet the CE mission.

**NOTE: For Activity Accreditation, COPE Administrators will identify and plan the needed or desired changes (e.g. planners, teachers, infrastructure, methods, resources, facilities, interventions) from the activity that may be utilized to improve future educational activities.*

**COPE has adopted the ACCME® Accreditation Criteria. Used with the permission of the Accreditation Council for Continuing Medical Education (ACCME).*



COPE STANDARDS FOR COMMERCIAL SUPPORT (COPE SCS): Standards to Ensure Independence in CE Activities

Standard 1: Independence

Standard 1.1 A CE provider must ensure that the following decisions were made free of the control of a commercial interest. (a) Identification of CE needs; (b) Determination of educational objectives; (c) Selection and presentation of content; (d) Selection of all persons and organizations that will be in a position to control the content of the CE; (e) Selection of educational methods; (f) Evaluation of the activity.

Standard 1.2 A commercial interest cannot take the role of non-accredited partner in a joint Provider relationship.

Standard 2: Resolution of Personal Conflicts of Interest

Standard 2.1 The provider must be able to show that everyone who is in a position to control the content of an education activity has disclosed all relevant financial relationships with any commercial interest to the Provider. COPE defines "'relevant' financial relationships" as financial relationships in any amount occurring within the past 12 months that create a conflict of interest.

Standard 2.2 An individual who refuses to disclose relevant financial relationships will be disqualified from being a planning committee member, a teacher, or an author of CE, and cannot have control of, or responsibility for, the development, management, presentation or evaluation of the CE activity.

Standard 2.3 The provider must have implemented a mechanism to identify and resolve all conflicts of interest prior to the education activity being delivered to learners.

Standard 3: Appropriate Use of Commercial Support

Standard 3.1 The provider must make all decisions regarding the disposition and disbursement of commercial support.

Standard 3.2 A provider cannot be required by a commercial interest to accept advice or services concerning teachers, authors, or participants or other education matters, including content, from a commercial interest as conditions of contributing funds or services.

Standard 3.3 All commercial support associated with a CE activity must be given with the full knowledge and approval of the provider.

Standard 3.4 The terms, conditions, and purposes of the commercial support must be documented in a written agreement between the commercial supporter that includes the provider and its educational partner(s). The agreement must include the provider, even if the support is given directly to the provider's educational partner or a joint provider.

Standard 3.5 The written agreement must specify the commercial interest that is the source of commercial support.



Standard 3.6 Both the commercial supporter and the provider must sign the written agreement between the commercial supporter and the provider.

Standard 3.7 The provider must have written policies and procedures governing honoraria and reimbursement of out-of-pocket expenses for planners, teachers and authors.

Standard 3.8 The provider, the joint provider, or designated educational partner must pay directly any teacher or author honoraria or reimbursement of out-of-pocket expenses in compliance with the provider's written policies and procedures.

Standard 3.9 No other payment shall be given to the director of the activity, planning committee members, teachers or authors, joint sponsor, or any others involved with the supported activity.

Standard 3.10 If teachers or authors are listed on the agenda as facilitating or conducting a presentation or session, but participate in the remainder of an educational event as a learner, their expenses can be reimbursed and honoraria can be paid for their teacher or author role only.

Standard 3.11 Social events or meals at CE activities cannot compete with or take precedence over the educational events.

Standard 3.12 The provider may not use commercial support to pay for travel, lodging, honoraria, or personal expenses for non-teacher or non-author participants of a CE activity. The provider may use commercial support to pay for travel, lodging, honoraria, or personal expenses for bona fide employees and volunteers of the provider, joint provider or educational partner.

Standard 3.13 The provider must be able to produce accurate documentation detailing the receipt and expenditure of the commercial support.

Standard 4: Appropriate Management of Associated Commercial Promotion

Standard 4.1 Arrangements for commercial exhibits or advertisements cannot influence planning or interfere with the presentation, nor can they be a condition of the provision of commercial support for CE activities.

Standard 4.2 Product-promotion material or product-specific advertisement of any type is prohibited in or during CE activities. The juxtaposition of editorial and advertising material on the same products or subjects must be avoided. Live (staffed exhibits, presentations) or enduring (printed or electronic advertisements) promotional activities must be kept separate from CE.

- For print, advertisements and promotional materials will not be interleaved within the pages of the CE content. Advertisements and promotional materials may face the first or last pages of printed CE content as long as these materials are not related to the CE content they face and are not paid for by the commercial supporters of the CE activity.
- For computer based, advertisements and promotional materials will not be visible on the screen at the same time as the CE content and not interleaved between computer "windows" or screens of the CE content. Also, COPE providers may not place their CE activities on a website owned or controlled by a commercial interest. With clear notification that the learner is leaving the educational website, links from the website of



a COPE provider to pharmaceutical and device manufacturers' product websites are permitted before or after the educational content of a CE activity, but shall not be embedded in the educational content of a CE activity. Advertising of any type is prohibited within the educational content of CE activities on the internet including, but not limited to, banner ads, subliminal ads, and pop-up window ads. For computer based CE activities, advertisements and promotional materials may not be visible on the screen at the same time as the CE content and not interleaved between computer windows or screens of the CE content.

- For audio and video recording, advertisements and promotional materials will not be included within the CE. There will be no "commercial breaks."
- For live, face-to-face CE, advertisements and promotional materials cannot be displayed or distributed in the educational space immediately before, during, or after a CE activity. Providers cannot allow representatives of commercial interests to engage in sales or promotional activities while in the space or place of the CE activity.
- For Journal-based CE, none of the elements of journal-based CE can contain any advertising or product group messages of commercial interests. The learner must not encounter advertising within the pages of the article or within the pages of the related questions or evaluation materials.

Standard 4.3 Educational materials that are part of a CE activity, such as slides, abstracts and handouts, cannot contain any advertising, corporate logo, trade name or a product-group message of a COPE-defined commercial interest.

Standard 4.4 Print or electronic information distributed about the non-CE elements of a CE activity that are not directly related to the transfer of education to the learner, such as schedules and content descriptions, may include product-promotion material or product-specific advertisement.

Standard 4.5 A provider cannot use a commercial interest as the agent providing a CE activity to learners, e.g., distribution of self-study CE activities or arranging for electronic access to CE activities.

Standard 5: Content and Format without Commercial Bias

Standard 5.1 The content or format of a CE activity or its related materials must promote improvements or quality in healthcare and not a specific proprietary business interest of a commercial interest.

Standard 5.2 Presentations must give a balanced view of therapeutic options. Use of generic names will contribute to this impartiality. If the CE educational material or content includes trade names, where available trade names from several companies should be used, not just trade names from a single company.

Standard 6: Disclosures Relevant to Potential Commercial Bias

Standard 6.1 An individual must disclose to learners any relevant financial relationship(s), to include the following information: The name of the individual; The name of the commercial interest(s); The nature of the relationship the person has with each commercial interest.

Standard 6.2 For an individual with no relevant financial relationship(s) the learners must be informed that no relevant financial relationship(s) exist.



Standard 6.3 The source of all support from commercial interests must be disclosed to learners. When commercial support is "in-kind" the nature of the support must be disclosed to learners.

Standard 6.4 'Disclosure' must never include the use of a corporate logo, trade name or a product-group message of a COPE-defined commercial interest.

Standard 6.5 A Provider must disclose the above information to learners prior to the beginning of the educational activity.

**COPE has adopted the ACCME® Standards for Commercial Support: Standards to Ensure Independence in CME ActivitiesSM as COPE policy. Used with permission of the Accreditation Council for Continuing Medical Education (ACCME).*



COPE ACCREDITATION FREQUENTLY ASKED QUESTIONS

How long are COPE qualified courses valid?

Beginning February 1, 2017, courses qualified by COPE are valid for the following time period:

- **Live and Interactive Distance Learning Courses are valid for 1 year.**
 - Live Course: Face-to-face real-time learning
 - Interactive Distance Learning Course: Real-time webinar, video conference, teleconference, or other format that allows for immediate interaction and feedback between the learner and instructor.
- **Enduring Distance Learning Courses will be valid for 3 years.**
 - Enduring Distance Learning Course: Webcast, podcast, video, journal, website, written, or other format that provides one-way content to the learner without interaction with the instructor.

Why does the dollar amount of commercial support received need to be reported to COPE under the new rules?

The COPE Standards for Commercial Support (SCS) ensure that optometric CE is independent of commercial bias. SCS 3.13 requires that a CE provider produce accurate documentation of the receipt and expenditure of commercial support. This includes providing the total amount of money received from commercial supporters.

Does Criterion 2 mean that the expected results need to be articulated for every course at an activity or for the overall activity in general?

Specifying multiple expected results may be appropriate if each course has a different goal. However, if an activity has multiple courses that are all centered on the same expected result, Criterion 2 may be satisfied by stating a single expected result. Regardless of the number of expected results within an activity, the activity should be planned to elicit a change in either professional competence or professional performance or patient outcomes.

What is an example of a practice gap? Is it the same as a topic of interest?

A practice gap is not the same as a topic of interest. For example, if learners express a desire for a course in optical coherence tomography (OCT), the request alone is not considered a practice gap. An OCT course is a topic of interest. The learners must still be asked why they desire the course in OCT and what specifically the learner would like to know in order to help them in clinical practice. Is the request generated out of a lack of understanding of the technology of OCT (knowledge based need) or the uncertainty of how to interpret the OCT results (competency based need)? Do they desire the topic for another educational need? Once the underlying educational need is known, a practice gap has been identified. The appropriate learning format that will best address the educational need may then be selected.

Do I always have to survey my learners to determine what practice gap will be addressed during an activity?

No. Multiple resources may be used to determine a practice gap. Practice gaps may be identified through conversations with learners, journal articles, new practice guidelines, patient outcome data, etc. For example, you may read a result of a public health survey which



determines a rising rate of low vision services utilization in the diabetic community. The planning committee may use this information to plan an activity which has the goal of reducing diabetic retinopathy rates by educating optometrists about recently released diabetic guidelines, detection of diabetic macular edema, appropriate use of intravitreal injections for diabetic macular edema, etc.

What about new technology? How can I determine a practice gap if the learners are not familiar with the new technology and don't even "know what they don't know?"

The introduction of new technology to the profession is an appropriate utilization of accredited CE. The practice gap may be defined by the fact that new information is now available which would aid the optometrist in clinical practice or research. The activity must still be planned in compliance with the COPE Standards for Commercial Support.

Can an individual who works for industry serve as an instructor for COPE Accredited CE?

In rare cases, an industry representative may present CE if they are not delivering a proprietary message about the company's product(s). For example, if they are speaking about science behind new products or technology introduced in the profession, but not giving a "commercial" lecture, this would be allowed. The onus is on the provider/administrator to review the materials and information prior to the lecture to assure that no violation of Standards for Commercial Support occurs. The provider/administrator must also ensure appropriate disclosure to the learners. Accordingly, it may also be appropriate for the provider/administrator to place a "real time monitor" in the lecture to assure that COPE SCS are followed.

Optometrists in my jurisdiction need 10 hours of retina CE to fulfill their license renewal requirements. Is that a practice gap?

No. Designing a CE program solely based on license requirements does not qualify as a practice gap analysis. You certainly may design a retina track curriculum, but the planning committee must determine the specific problems in practice and the underlying educational needs of the learners that will be addressed within the retina curriculum.

Does each course within an activity have to specify a different practice gap?

Having each course within an activity meet a different practice gap may be appropriate if every lecture is unrelated to the whole lecture series. However, if a meeting is being designed to address a single practice gap, and all courses support the practice gap, a single practice gap may be appropriate for that activity. Each course may support a different need, but as long as the courses center on a certain practice gap, this would meet the COPE accreditation criteria.

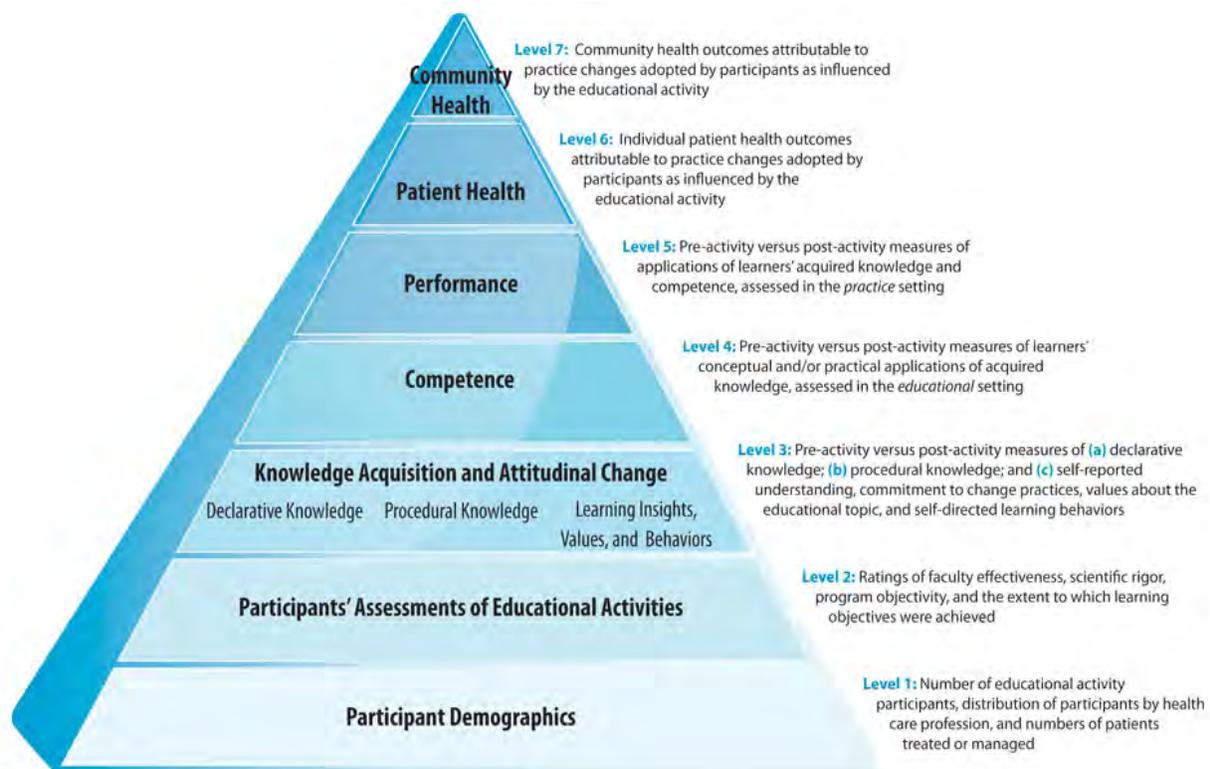
How do I select the appropriate format for my CE activity?

All activity formats (e.g., didactic, small group, interactive, hands-on skills labs) are acceptable and should be chosen based on what the administrator or provider hopes to achieve with respect to change in competence, performance, and/or patient outcomes. When choosing the educational format for an activity, the administrator or provider should take into account the setting, objectives, and desired results of the activity. If a provider/administrator believes that the best way to impart knowledge or strategies is through a didactic lecture, the provider will choose a live lecture as a format. If a provider/administrator believes that the learners may

respond better in a self-directed manner, they may choose to develop a distance learning format (video, audio, or text). If the best way to address the practice gap is through hands-on learning, a provider/administrator would choose a workshop format.

Why did COPE select the particular outcomes measures that are required in the new accreditation criteria?

Although there are varied methods of outcome measures within adult learning theory, the particular outcomes selected are those most commonly used in healthcare continuing education systems. The terms are derived from a framework for assessment of continuous learning developed by Donald E. Moore, Jr., PhD from Vanderbilt University School of Medicine. This framework is most commonly referred to as Moore's 7 levels of CME outcome measures and is represented as a pyramid. (See image of Moore's pyramid on next page.)



Healthcare continuing education accreditation systems agree that accredited CE should strive to move from declarative knowledge to competency or higher outcome measures. For more information see references below.

References: Moore DE Jr., Green JS, Gallis HA. Achieving desired results and improved outcomes: integrating planning and assessment throughout learning activities. *J. Contin. Educ. Health. Prof.* 2009 Winter;29(1):1-15. See more at:

<http://www.medicineandtechnology.com/2009/06/moores-7-levels-of-cme-outcomes.html#sthash.ppsATx9M.dpuf>

http://www.sacme.org/Resources/Documents/Virtual%20Journal%20Club/Moore_evaluation



[n_article.pdf](#)

Alliance for Continuing Education in Health Professions www.acehp.org

What are some examples of knowledge, competence, performance, or patient outcomes as expected results within optometric CE?

Scenario #1: You determine through practice gap analysis that your learners are not adequately familiar with scleral contact lens fitting. You develop an educational intervention to address this need.

Knowledge: The optometrist is able to identify the patient conditions benefitting from scleral contact lenses. The optometrist will also be able to verbalize the fitting steps.

Competence: The optometrist has demonstrated ability to apply and remove scleral lenses, correctly identify fluorescein patterns and articulate how to manage complications.

OR

Competence: The optometrist is able to articulate how they will change their clinical practice as a result of the course.

Performance: Data is obtained to show that the optometrist has successfully managed scleral lens patients within clinical practice.

Patient Outcomes: You are able to determine through review of data or patient surveys that visual acuities and quality of life has improved in a population as a result of appropriate scleral lens care.

Scenario #2: You determine through a practice gap analysis that your learners would benefit from additional training in the management of dry eye disease. You develop an educational intervention to address this practice gap.

Knowledge: The optometrist is able to identify the etiology of dry eye disease and the possible treatment protocols.

Competence: The optometrist has been able to demonstrate the ability of to insert punctual plugs and articulate when punctual plugs are appropriate in the management of dry eye disease.

OR

Competence: The optometrist is able to articulate how they will change their clinical practice as a result of the course.

Performance: You are able to identify through direct observation or review of data that the learners are able to successfully manage patients with dry eye disease in clinical practice.



Patient Outcomes: You are able to identify that patient satisfaction scores are improved on patient dry eye survey forms as a result of the learners applying the new information after the course.

Why is knowledge acceptable as a documented educational need but not acceptable as a CE outcome measure?

The goal of accredited CE is to enable doctors to put knowledge into action.

Achieving this goal begins at the planning level. The primary impetus for CE is to address a specific problem in practice (a practice gap). It very well may be that the underlying problem in practice is due to a lack of knowledge. In this instance, the provider/administrator may design a CE course to impart knowledge, but the education should also supply strategies which help the doctor to use this knowledge in their practice. The CE outcome measure is the degree to which the provider/administrator has achieved the goal of helping the doctor put knowledge into action.

COPE acknowledges that, historically, most optometric continuing education programs have been measured at the level of satisfaction or knowledge. COPE Accreditation will encourage and require administrators and providers to demonstrate that they are “raising their bar” on outcome levels and show progress toward measuring outcomes at the competence, performance, or patient outcomes level.

How can I measure competency when the education is addressing procedures that are beyond the scope of licensure of the learners?

It is possible to measure competency even if the learner is attending a course that is beyond the scope of licensure provided that the outcomes measures are related to how the learner will apply the knowledge in clinical practice. This is particularly true with courses on ocular surgical procedures. It is imperative for optometrists to know and understand ocular surgeries and to appropriately manage pre-operative and post-operative patients. The competency measures assess whether an optometrist will use the knowledge to provide better care for their patients.

Example: You ask a retina specialist to give a lecture on ocriplasmin for intravitreal injections and measure the outcomes for the activity. If you only ask the ODs what they have learned, you are measuring outcomes at a knowledge level. If you ask the ODs how they will change their practice and the OD articulates how they will make more appropriate referrals for the procedure, you have moved to a competence outcomes measure.

Do all of my activities need to demonstrate positive educational outcome measures in order to maintain accreditation?

No. It is possible that an activity may not meet the expected results desired and documented during the planning process. Accreditation Criterion 13 does require that you identify, plan, document and implement changes in the overall program to improve future CE activities.

Why does COPE select the activities which will be reviewed during the Reaccreditation process? Why can't I select the activities I wish to highlight?

The process of a random selection of activities by the accreditor gives validity to the process of



accreditation. This method is used by most healthcare continuing education accreditors to assure all stakeholders that each and every activity is planned and executed according to accreditation criteria and standards.

Can I submit my audience survey forms to meet Criterion 11?

The submission of survey forms alone does not meet Criterion 11. COPE is interested in the information that is concluded from surveys, data or other tools you use to evaluate your activities or overall CE program. You may elect to submit the audience survey form as an example of evidence to support your accreditation Self-Study Report, but the aggregate raw data from surveys will not meet Criterion 11 by itself.

Why does COPE require submission of data relating to financial support by commercial interests?

The administrator or provider is responsible for demonstrating that all relevant conflicts of interest have been identified and have been effectively managed. Neither ARBO nor COPE provides continuing education; neither is a competitor of any CE administrator/ provider. That is one way ARBO and COPE manage conflicts associated with such required reporting. COPE expects all administrators/providers to engage in the most rigorous disclosure of, and management of, all conflicts of interest, especially those of a commercial nature.

If an Accredited Provider validates a course for a specific activity, can the course be presented by an administrator at other educational activities?

Courses that are accredited through a provider's planning committee are specific to that provider. If a COPE Administrator would like to present the same course at their activity, it must be submitted through the COPE Review system for content validation and assigned a new number after which the course will be placed in the COPE database.

***NOTE:** It is still the responsibility of the administrator to determine that the content of the course addresses a practice gap of their learners.*

COPE Categories

Revised March 2014

A. CLINICAL OPTOMETRY

Contact Lenses (CL): All aspects of contact lens applications.

Functional Vision/Pediatrics (FV): Those portions of optometric practice that deal with visual processing and neuro-optometric rehabilitation, including sports vision, binocular vision, and visual training or vision development courses.

General Optometry (GO): Any study in the area of the eye and vision care, which constitutes eye and vision research, or examination, diagnosis and treatment of anomalies of the human eye and visual system. For the purposes of these categories “General Optometry” excludes any other category enumerated here.

Low Vision/Vision Impairment & Rehabilitation (LV): All aspects of low vision devices, care and therapy.

Public Health (PB): Those portions of optometry focused on disease prevention and health promotion at a population level and considering evidence from the fields of biostatistics, environmental health, health policy and management of social and behavioral sciences.

Examples: Disease surveillance, vision screening, health disparities, determinants of health, health literacy, health education, environmental optometry, infection control, health services research, health law, health economics, evidence based practice, behavior change communication, cultural competency, etc.

B. OCULAR DISEASE

Glaucoma (GL): The study of the etiology, clinical pathophysiology, diagnosis, treatment, management, and the outcomes of therapeutic regimens.

Examples: Any course with major emphasis on diagnosis, treatment, and/or surgical and medical management of glaucoma (i.e., trabeculectomy, laser surgery for glaucoma).

Injection Skills (IS)

Instruction and clinical training in subcutaneous, intra-muscular, and intravenous injection for the purpose of therapeutic diagnosis and treatment of disease or anaphylaxis.

Laser Procedures (LP)

The study and clinical training in the performance of any ophthalmic laser procedure of the anterior segment and adnexa.

Examples: SLT, ALT, LPI, YAG, Punctoplasty, etc.

Peri-Operative Management of Ophthalmic Surgery (PO) The study of all aspects of pre- and post-operative management of invasive ophthalmic surgery procedures. (Excludes refractive surgery.)

Examples: Cataract surgery, blepharoplasty, strabismus surgery, keratoplasty, etc.

Refractive Surgery Management (RS): Instruction and/or clinical training in refractive or photorefractive technologies, which may include Peri-operative Patient Management: Counseling and evaluation for indications or contraindications in patient selection, including recognition of associated complications and course of action in analysis and treatment.

Examples: Courses related specifically to management of PRK, RK and LASIK patients; corneal refractive surgery, etc.

Surgery Procedures (Optometric) (SP)

Instruction and/or clinical training in the performance of ocular surgery procedures.

Examples: I&D of lesions, surgical lid lesion excision, suturing techniques, stromal micropuncture, chalazion curettage, etc.

Treatment & Management of Ocular Disease: Anterior Segment (AS): The study of the etiology, clinical pathophysiology, diagnosis, treatment, management, and outcomes of therapeutic regimens for anomalies of the anterior segment of the human eye.

Examples: Keratitis, anterior uveitis, conjunctivitis, blepharitis, lid anomalies, foreign body removal, etc.

Treatment & Management of Ocular Disease: Posterior Segment (PS): The study of the etiology, clinical pathophysiology, diagnosis, treatment, management, and outcomes of therapeutic regimens for anomalies of the posterior segment of the human eye.

Examples: Degenerative, infective, and vascular diseases of the retina/choroid/sclera and optic nerve, inclusive of all aspects of surgical care involving the posterior segment of the eye, i.e., retinopathies, neuropathies, retinal laser surgery, retinal detachment surgery, etc.

C. RELATED SYSTEMIC DISEASE

Neuro-Optometry (NO): The study of the etiology, clinical evaluation, diagnosis, treatment and management of disease and disorders of the nervous system, both systemically and as it relates directly to the eye and visual system.

Examples: Includes all aspects of nervous system conditions involving the brain, cranial nerves, spinal cord, peripheral nerves, and corresponding muscles, i.e., multiple sclerosis, pituitary tumor, brain trauma, Myasthenia Gravis, papilledema, Horner's Syndrome, etc.

Oral Pharmaceuticals (OP): The study of the etiology, clinical evaluation, diagnosis and treatment of ocular disease using the appropriate indications, prescription utilization, and follow-up assessment of the oral medications used for ocular therapy.

Pharmacology (PH): The study of the interaction of chemical agents with biological systems.

Examples: Toxicology; adverse effects of systemic drugs; adverse effects of ocular drugs; control of ocular pain. Any courses related to medications and how they affect the various tissues or their mechanism of actions.

Principles of Diagnosis (PD): The study of the art and science of the process of determining the nature and circumstances of a diseased condition with emphasis on the biological and clinical

procedures utilized in medical examination and disease differentiation, and underlying clinical pathophysiology, e.g., corneal topography, visual fields (unless specific to glaucoma); laboratory testing and imaging; fluorescein angiography; gonioscopy.

Systemic/Ocular Disease (SD): The study of the relationship of any anomaly of normal function of the human body and the possible manifestation of such as signs and/or symptoms in the eye or visual system.

Examples: General study of diabetes, HIV/AIDS, thyroid disease, etc., along with their ocular manifestations. Vascular diseases both systemic and ocular.

D. OPTOMETRIC BUSINESS MANAGEMENT

Practice Management (PM): The study of management of the **business** affairs of optometric practice. *This includes the concepts of managed care and operations management, courses designed to help market practices, to educate office staff, to improve billing efficiency and coding skills, to improve clinical recordkeeping and to enhance fiscal efficiency. EHR and ICD-10 courses are included in this category. This does not include courses that are intended for personal enhancement or investment prowess.*

Ethics/Jurisprudence (EJ): The study of the body of law in the practice of optometry and its relationship to the Medicolegal system.

Examples: Any courses related to the rules and practice acts for optometry, or addressing medicolegal issues related to patient treatment, and liability concerns and issues.

BRIEFING NOTE - CLINICAL PRACTICE PANEL

Council Meeting, June 25, 2020

Subject

The Ontario Association of Optometrists' (OAO) proposed changes to scope of practice.

Background

OAO plan to present the Minister of Health with the attached letter, including several proposed changes to optometry's scope of practice.

The Ministry of Health have suggested that proposals regarding scope of practice should have the support of the College.

Representatives of the College (two members from CPP, and staff) have collaborated with representatives from OAO and the University of Waterloo School of Optometry & Vision Science (WOVS), through a Tripartite Working Group that has met periodically over the past 1.5 years to discuss matters related to scope of practice.

OAO have asked for the College's support regarding the attached proposal.

CPP reviewed the proposal on May 12, 2020, and support the proposal in principal, i.e. CPP support any changes to the scope of practice that improve public access to safe and competent eye care.

Decision(s) for Council

To approve the following motion: That the College generally supports OAO's proposed changes to optometry's scope of practice.

Considerations

As these proposals move forward, CPP consider that it will be important to further discuss:

- Whether the curriculum and training at WOVS supports all of the proposals; and
- Whether additional education/training may be offered or required for current registrants.

CPP agree that these questions are most applicable to the final three proposals in OAO's letter.

Next Steps

If the motion is approved, College staff will communicate the College's general support to OAO.

Contact

David Wilkinson – Practice Advisor

Appendix A

Authority to perform diagnostic ultrasound (including pachymetry and A/B scans of the eye)

Why: Giving optometrists the authority to perform diagnostic ultrasounds would improve their ability to meet the standards of care set out by the College.

Background: Pachymetry is a non-invasive diagnostic test that measures the thickness of the cornea and is required to meet the standard of care for diagnosing and managing patients with open-angle glaucoma.

The A-scan is a diagnostic test used to determine the length of the eye and measure the size of intraocular structures (e.g. ocular tumours).

B-scans produce a cross-sectional image of the eye when the view of the back of the eye is obstructed due to conditions including vitreous hemorrhage, advanced cataract, or dense corneal opacities. It can also assist in imaging a suspicious nevus and for diagnosing buried optic nerve drusen.

The controlled act of *applying a prescribed form of energy* is currently authorized to optometrists; however, *applying soundwaves for diagnostic ultrasound* is not currently prescribed in Ontario Regulation 107/96 of the Regulated Health Professions Act, 1991.

Suggested Change: Amend Ontario Regulation 107/96 of the Regulated Health Professions Act, 1991 to either add the words “applying soundwaves for diagnostic ultrasound” or to grant optometrists an exemption.

Full independent management of open-angle glaucoma

Why: Permitting optometrists full independent management of open-angle glaucoma would remove unnecessary restrictions on optometrists to refer to physicians for co-management, reducing health care costs and improving access for patients, especially in situations where ophthalmologic care is not readily accessible, or not available in a timely manner.

Background: In Ontario, optometrists may only treat a patient with primary open-angle glaucoma, the treatment of which is not complicated by either a concurrent medical condition or a potentially interacting pharmacological treatment. Alberta and Saskatchewan optometrists have broader authority, being permitted to treat all open-angle glaucoma with full independent authority (oral and topical).

In over half of US jurisdictions, optometrists have the full range of glaucoma management authority. They may treat with both topical and oral medications (in both emergency and non-emergency settings) without an ophthalmologic consultation or co-management requirement, and without any conditions imposed by state law.

Removing these restrictions would not reduce collaboration between ophthalmologists and optometrists; rather, it would permit decision-making about the best arrangement to be based on the specific needs of the patient, and to be made more expeditiously. It would also reduce duplicate testing between optometrists and physicians and reduce unnecessary health care costs.

Suggested Change: Amend the Designated Drug Regulation.

Foreign body removal beneath the corneal/conjunctival epithelium

Why: Optometrists are often the first point of access for patients with eye emergencies, and are trained to competently diagnose and manage these injuries. Ocular foreign bodies are painful, and their timely removal is in the public interest, particularly in rural areas where limited options for care often result in a circuitous journey by the patient and suboptimal outcomes. Busy hospitals, physician walk-in clinics, and ophthalmology clinics would be less burdened by these cases that can be easily managed by an optometrist.

Background: Optometrists in all Canadian and US jurisdictions may remove foreign bodies from the cornea and conjunctiva. However, Ontario is the only Canadian jurisdiction where there is a requirement for foreign bodies to be above the corneal/conjunctival epithelium.

Suggested Change: Amend the *Optometry Act* to add the words “*Performing a procedure on tissue below the surface of a mucous membrane, and in or below the surface of the cornea*”, or amend Ontario Regulation 107/96 of the Regulated Health Professions Act, 1991 to grant optometrists an exemption.

Authority to order diagnostic tests

Why: The judicious use of diagnostic tests is crucial when timely referral to a specialist is not possible, or when it is critical to rule out certain conditions in the differential diagnosis process.

Background: Optometrists need broader access to diagnostic imaging and lab testing to assist in the diagnosis and management of diseases of the eye and visual system, and sometimes systemic conditions. This includes the ordering of ionizing radiation (CT scans and X-rays), non-ionizing radiation (MRIs), blood-work, lab cultures, and ultrasound (such as carotid doppler scans).

In cases where there are systemic concerns, having access to diagnostic testing to confirm clinical suspicions would facilitate timely triaging to the most appropriate provider because of the availability of relevant clinical information. Existing standards of care require optometrists to collaborate and communicate with other providers to avoid duplicate testing.

Examples include: lab testing for atypical corneal ulcers, giant cell arteritis, recurrent uveitis, suspected Graves’ disease; X-rays for suspected penetrating eye injury; MRI/MRV scans for papilledema cases; and carotid doppler scan for patients with suspected transient ischemic attacks or ocular ischemic syndrome.

Manitoba and Alberta permit optometrists to order cultures to diagnose infections of eye. In the US, most states permit the requested diagnostic testing to treat ocular disease and within the scope of optometry.

Suggested Change: Amend the following:

- *Laboratory and Specimen Collection Centre Licensing Act (RRO 1990)*
- *Regulation 682, Section 9(1)*
- *Laboratory and Specimen Collection Centre Licensing Act, Section 5*
- *Medical Laboratory Technology Act, 1991 (O Reg 207/94), Part III (Person prescribed to order tests)*
- *Health Insurance Act*

All schedule 1 oral and topical drugs within the scope of optometry (excluding narcotics)

Why: Patient care is more streamlined and cost-effective when unnecessary, duplicative care is avoided. Pharmacists would also no longer have to consult a list of drugs whenever a prescription from an optometrist is received.

Background: This amendment would provide optometrists with the flexibility to prescribe the most appropriate drug therapy when it is approved by Health Canada. New drug therapies are continually in development, including new drug categories that currently do not exist.

Requiring amendments to the regulation every time a new drug comes to market is a lengthy and cumbersome process that ties up Ministry resources on simple administrative matters. The public is best served when optometrists can prescribe the best drug in a timely manner. Allowing this amendment would bring Ontario in line with Alberta, Saskatchewan, and most US states.

Please note that narcotics and other controlled substances are **not** part of this request.

Suggested Change: Amend the *Optometry Act*

Authority to provide ophthalmic drug samples to patients

Why: The sampling of topical medication, especially in glaucoma care, would allow optometrists to determine the most appropriate drug therapy for patients before it is prescribed. Allowing optometrists to dispense samples for the sole purpose of trialling clinical effectiveness would improve patient adherence with therapy as it reduces cost barriers for patients, which can be significant at the onset of treatment.

Suggested Change: Amend the *Optometry Act*

Laser therapy (SLT, ALT, LPI, YAG capsulotomy, iridoplasty)

Why: Granting optometrists this extension would greatly improve access to glaucoma care, especially in rural areas.

Background: Laser therapies for the management of glaucoma include: selective laser trabeculoplasty, argon laser trabeculoplasty, laser peripheral iridotomy, and peripheral laser iridoplasty. Laser therapy for treating post-cataract extraction posterior capsular opacification ("secondary cataract) includes YAG

capsulotomy. These are procedures that can easily be performed by an optometrist in their offices, freeing ophthalmologists to perform more complex surgical care.

Currently, Canadian optometrists are not authorized to perform laser therapy. Five states in the USA have laser authority granted to optometrists: Oklahoma (since 1988), Arkansas, Kentucky, Alaska, and Louisiana.

Suggested Change: Amend the *Optometry Act*

Minor surgery of the eye and adnexa

Why: In reducing the workload for ophthalmologists, this will reduce strain on the healthcare system and free up physician time for more complex services.

Background: The distribution of ophthalmologists is suboptimal in many areas of the province, and optometrists are well positioned to fill this gap and provide more value to the health care system if granted surgical privileges for minor procedures.

Examples of minor surgery include: chalazion incision and drainage, removal of benign skin tags on the lid or adnexa, removal of benign conjunctival cysts, biopsy of suspicious lid lesions, removal of conjunctival concretions. These procedures are authorized in ten US states: Alaska, Arkansas, Kentucky, Louisiana, New Mexico, Oklahoma, Oregon, Tennessee, Utah, and Virginia.

The proposed minor surgery authority would be limited to the anterior segment, and **there is no intent** to perform ophthalmic surgical procedures such as cataract surgery, vitreoretinal surgery, blepharoplasty, or refractive laser vision correction.

Suggested Change: Amend the *Optometry Act*

Authority to administer injections (anaphylaxis, subconjunctival injections, lid and adnexa injections)

Why: Granting this authority will also shift routine ophthalmologic procedures to optometrists so that ophthalmologists can focus on more complex medical diagnoses and procedures.

Background: In the US, 20 states permit injections for anaphylaxis while 19 states permit ocular injections (i.e. subconjunctival injections) in addition to injections for anaphylaxis.

Some examples where injections are necessary in primary eye care include: treatment of chalazion in cases not responsive to conservative treatment (i.e. hot compresses) and the patient declines surgical removal; subcutaneous injection to facilitate removal of skin tags of the lid or to biopsy suspicious lesions; patients presenting with anaphylaxis requiring an EpiPen intramuscular injection.

Please note that injections into the globe are **not** part of this request.

Suggested Change: Amend the *Optometry Act*

BRIEFING NOTE – CLINICAL PRACTICE PANEL

Council Meeting - June 25 2020

Subject

Return to Work: Infection Prevention and Control for Optometric Practice

Background

This document provides guidance for optometrists returning to work during the COVID-19 pandemic. The document was originally approved in May 2020 and was revised last week to reflect updated Screening Guidance and Operational Requirements by the Ministry of Health.

As of June 24, 2020, all regions of Ontario, with the exception of Windsor-Essex, will have entered Stage 2 of Ontario's restart.

Ontario's daily COVID-19 confirmed case count has been in decline, and the effective reproduction number remained under 1.0, over recent weeks.

With consideration to literature shared by the University of Waterloo School of Optometry and Vision Science (*The impact of COVID-19 on Contact Lens Fitting: Implications for Ontario-Based Optometrists*) and measures that would allow for a reduced amount of time spent in proximity to patients and that patients spend in the office, CPP consider that it is safe for initial (new) contact lens fittings to resume.

The revised document also includes a minor wording revision and added reference to guidance published by the Royal College of Ophthalmologists and the College of Optometrists (U.K.), regarding non-contact tonometry (NCT).

Decision(s) for Council

To approve the following motion: To approve revisions to *Return to Work: Infection Prevention and Control for Optometric Practice*.

Next Steps

If the motion is approved, College staff will update optometrists regarding the revision and that new contact lens fittings may now resume.

Additional information regarding how new contact lens fittings may be performed with reduced contact and office time will be prepared in an FAQ.

Contact

David Wilkinson – Practice Advisor

Revised: June 2020



RETURN TO WORK: INFECTION PREVENTION AND CONTROL FOR OPTOMETRIC PRACTICE

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

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

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Revised: June 2020

Summary of Requirements

- Do not schedule appointments for any person who has symptoms of COVID-19,^{3,4} who is living with someone that has symptoms, who has been in contact with a confirmed case of COVID-19 without wearing appropriate PPE, or who has travelled outside of Canada within 14 days.
- Hands must be cleaned before and after every patient interaction.
- Hand sanitizing stations must be available at clinic entrances and must be used by anyone entering the clinic.
- Optometrists and staff must wear personal protective equipment (PPE) covering their mouth, nose, and eyes when interacting with patients.
- Anyone entering the office, including patients, must wear a mask.
- Health Canada guidelines must be followed if reprocessing PPE.⁵
- Optometrists must consider how physical distancing can be maintained in the office (> 2 m).
- Slit lamp shields must be installed.
- Optometrists must update and document their standard operating procedures (SOPs) related to infection control.
- Every device or appliance (including eyeglass frames) that patients contact must be disinfected before use with the next patient.
- Optometrists and their staff must not present to work when ill with symptoms of infection.
- ~~No initial (new) contact lens fittings are to be performed at this time (i.e., insertion and removal training).~~
- Automated visual field assessment must only occur when necessary, and with patients wearing a properly secured mask covering their mouth and nose.

Commented [DW1]: June 23, 2020 edit – New CL fits may resume (see revised paragraph under Clinical Guidance)

Revised: June 2020

Summary of Recommendations

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

Risk Assessment and Screening

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

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

Conjunctivitis (pink eye) is an atypical symptom of COVID-19,⁴ however, conjunctivitis⁹ represents a positive screening result⁷ that should be referred to Telehealth Ontario. Optometrists screening patients with complaints of pink eye (conjunctivitis), should manage these patients using telehealth, if possible.

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

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

Hand Hygiene

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

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

Personal Protective Equipment (PPE)

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

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

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

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

Commented [DW2]: June 23, 2020 – Revised wording

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

Optometrists must not allow any person (> 2 years of age) into their office who is not wearing a mask (disposable/reusable). When scheduling appointments, patients should be advised to arrive to the office wearing a mask. Ideally, optometry offices should have inventory to sustain recommended PPE use for

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its workforce and patients for two weeks without the need for emergency conservation effort. Optometrists must follow Health Canada guidelines if reprocessing PPE.⁶

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

Precautions to Maintain Physical Distancing

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

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

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

Control of the Environment

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

Optometric office settings will usually feature two components:

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

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

Every device or appliance (including eyeglass frames) that patients come into contact with must be disinfected before use with the next patient. Follow the manufacturer's instructions regarding

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appropriate contact time and the use of disinfectants, in order to provide appropriate disinfection and avoid damaging equipment or appliances.

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

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

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

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

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

When in doubt, high-level disinfection is recommended.

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

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

Administrative Controls

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

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

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

Optometrists and staff should self-declare their health status at the beginning of each day.

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Optometrists and their staff should adhere to the recommended immunization schedule.¹

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

Clinical Guidance

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

Optometrists performing initial (new) contact lens fittings should consider measures that would limit the amount of time spent in close proximity to patients, and the amount of time patients spend in the office. Optometrists must not perform initial (new) contact lens fittings at this time (i.e., insertion and removal trainings), as they generally involve close proximity, frequent touching of the eyes/lids, splash, and an uncertain amount of time. Continuing contact lens care (including refits) and replacement contact lens services (OPR 6.5)¹⁰¹¹ remain appropriate.

Commented [DW3]: June 23, 2020 – Revised paragraph. FAQ to provide more guidance.

It is strongly recommended that optometrists provide spectacle and contact lens dispensing services (OPR 6.4, 6.5)¹¹ by appointment only, and direct delivery should be used when considered appropriate.

Automated visual field assessment (OPR 6.8)¹¹ must only occur when necessary, and with patients wearing a properly secured mask covering their mouth and nose.

Optometrists should use their professional judgment regarding when the measurement of intraocular pressure (IOP) may be necessary. When performing tonometry, optometrists should consider which equipment to use, which PPE should be worn, the risk of aerosol generation, barriers that may be appropriate, and how to disinfect the equipment and immediate surrounding environment. There is no current evidenced-based consensus regarding the COVID-19 risk associated with non-contact tonometry (NCT)¹². However, risk is certainly reduced through patient screening, wearing PPE, and disinfection of the equipment and surrounding environment. Optometrists should consider using other equipment to measure IOP, if possible.

Optometrists should refer to industry standards regarding how to clean specific devices¹¹¹³¹³ and appliances (including frames of different materials).

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

Revised: June 2020

References

¹Infection Prevention and Control for Clinical Office Practice. Provincial Infectious Diseases Advisory Committee. 2015. <https://www.publichealthontario.ca/-/media/documents/B/2013/bp-clinical-office-practice.pdf?la=en>.

²Coronavirus Disease 2019 (COVID-19). Public Health Ontario. <https://www.publichealthontario.ca/en/diseases-and-conditions/infectious-diseases/respiratory-diseases/novel-coronavirus>.

³COVID-19: Stop the spread. <https://www.ontario.ca/page/covid-19-stop-spread>

⁴COVID-19 Reference Document for Symptoms. Ministry of Health. Ontario. http://www.health.gov.on.ca/en/pro/programs/publichealth/coronavirus/docs/2019_reference_doc_symptoms.pdf

⁵Conservation and Decontamination N95 Facemasks and PPE. Infection Prevention and Control Canada. <https://ipac-canada.org/reprocessing-of-ppe.php>

⁶Telehealth Policy for Optometrists. College of Optometrists of Ontario. https://www.collegeoptom.on.ca/wp-content/uploads/2016/06/Telehealth_Policy_for_Optometrists.pdf

⁷Guidance for Primary Care Providers in a Community Setting. Ministry of Health. Ontario. http://www.health.gov.on.ca/en/pro/programs/publichealth/coronavirus/docs/2019_primary_care_guidance.pdf

⁸COVID-19 Patient Screening Guidance Document. Ministry of Health. Ontario. http://www.health.gov.on.ca/en/pro/programs/publichealth/coronavirus/docs/2019_patient_screening_guidance.pdf

⁹Hand Hygiene. Public Health Ontario. <https://www.publichealthontario.ca/en/health-topics/infection-prevention-control/hand-hygiene>.

¹⁰Homemade hand sanitizers may present health risks. Recalls and safety alerts. Canada. <https://healthycanadians.gc.ca/recall-alert-rappel-avis/hc-sc/2020/72687a-eng.php>

¹¹Optometric Practice Reference (OPR). College of Optometrists of Ontario. <https://www.collegeoptom.on.ca/members/professional-practice/optometric-practice-reference-opr/>

¹²Use of non-contact tonometry to measure intra-ocular pressure during COVID-19. The College of Optometrists (UK). <https://www.college-optometrists.org/the-college/media-hub/news-listing/non-contact-tonometry-covid-19.html>

¹³How to clean and disinfect your instruments to lower the risk of COVID-19 transmission. Cleaning, Disinfection and Safety Protocols. Innova. <https://innovamed.com/covid-19-cleaning-and-disinfection-protocol>

Commented [DW4]: June 23, 2020 – Added Reference

Revised: June 2020

Appendix A: Sample Standard Operating Procedure

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

Frequency legend:

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

Who legend:

- A. Optometrist
- B. Staff

Disinfection Agent:

DRAFT

BRIEFING NOTE - GOVERNANCE/HR COMMITTEE

Council Meeting – June 25, 2020

Subject

Proposed By-Law Amendments – FOR CIRCULATION

Background

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

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

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

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

The focus on governance reform aligns with the ongoing work occurring across the health regulatory jurisdiction, including:

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

Issue

Building on this initial work, the Governance/HR Committee's key task for this Council year was to review and revise the College by-laws. The College last conducted a fulsome by-law review in 2010/2011. Since that time, the College has made minor alterations to specific sections, directed by certain committees. The aim of this review is to consolidate, simplify and update the by-laws to better reflect current best practices in by-law structure and governance reform. The review also recognised

that the Ministry supports any work that ensures the self-regulatory model is accountable to the public and built upon a modern and effective governance framework.

At the April Council meeting, the Chair provided an overview of the anticipated recommendations. Following that meeting, the Committee solicited feedback from Council on the proposed revisions, which received majority support. The Committee discussed the specific comments and have attempted to address them below under “Considerations”.

Proposed By-Law Amendments - Summary

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

In partnership with staff, a fulsome legal review and administrative document restructure was undertaken since the April Council meeting. The proposed new framework for the College by-laws reduces the page count, from 73 pages down to 35 pages.

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

Administrative

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

Governance

- Term Limits
 - 21 total years of Council and Committee involvement:
 - 21 total years either consecutive or non-consecutive.

- The 21-year total is specific to Council and committee involvement. Members would still be able to contribute to College work through other College processes (i.e., QA Assessor, Coach, Expert).
 - Council –
 - Three-year term length (same as currently set out).
 - No more than nine consecutive years (same as currently set out).
 - No more than 18 years total (i.e., maximum of two, nine-year term lengths).
 - Three-year waiting period if first nine-year consecutive term limit is reached.
 - Member is ineligible to run for election if they would reach 18 total years on Council or 21 total years on committees before completing their three-year term.
 - Committees –
 - Time spent on Council and committees counts as one period of time.
 - No more than nine years for any one committee.
 - Maximum of 21 years on any combination of committees.
 - Establish a clause that would allow Council to appoint a committee member beyond 21 years in an exceptional circumstance.
- Executive Committee/Officers
 - Reduce Executive Committee duties in by-laws to only the legislative requirement: act as Council between meetings in matter of administrative urgency.
 - President/Vice-President to remain elected positions but remaining Executive committee members to be appointed by Council.
 - Allow for composition of Executive Committee to reflect the greater Council makeup.
 - Set a four-year maximum term limit for each of the President and Vice-President positions.
- Processes
 - Remove/reduce explicit and prescriptive processes - staff/committee will adapt the current by-law wording into policies following the review, to then be accepted by Council.
 - Obtaining volunteers and selecting committees
 - Process for disqualification/sanctioning
 - Code of Ethics

Considerations

Governance best practices support turnover, board/committee succession planning and incorporating fresh perspective. The changes would provide both the College with the opportunity to continue to retain knowledge and experience while also encouraging renewal and involvement from a wider range of the membership demographic. The goal would be to continue to promote both a board and collection of committees that best reflect the variable makeup of the profession.

The Committee also recognizes that the by-laws in their current form can, at times, act as a barrier rather than a valuable resource for members. From an administrative standpoint, the proposed new by-law document would also be much easier to reference and more accessible to Council/committee members, optometrists and the public.

The proposed by-laws are a first step for both the College and Council to be a leading regulator and move toward best practice with the ultimate goal of strengthening the ability for Council to provide

oversight that is both transparent and aligned with the College's public interest mandate. Further, this modernization work aligns with the goal of incorporating good governance practices and the priorities outlined in the College's new strategic plan.

Decision(s) for Council

To approve the proposed by-law revisions for circulation.

Supporting Materials

- Draft College By-Law Amendments – Clause by Clause Comparison
- Draft College By-Law Amendments – Proposed New Framework
- Draft College By-Law Amendments – Clean (Prior Framework)
- Draft College By-Law Amendments – Redline Version (Prior Framework)

Next Steps

As the Council calendar will change in 2021, commencing with the shift to a December 2020 meeting, certain changes will need to be approved by year end to allow governance processes (such as the Executive election and committee appointments) to occur for the following year. Therefore, the draft by-law changes are being presented at this time (June 2020) for circulation and be accepted at the September meeting.

The following project timeline is proposed:

June 25 Council Meeting: present motion to approve circulation of by-laws

June 29 → August 28 – Circulate by-laws for feedback

September 25 Council Meeting: review feedback received and present motion to approve by-law changes

Contact

- Dr. Annie Micucci, Governance/HR Committee Chair
- Mr. Justin Rafton, Manager, Policy & Governance

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

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

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

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

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

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

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

6.04 Eligibility for Election

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

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

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

- (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:
 - (a) a clearly marked ballot;
 - (b) a blank envelope, if necessary;
 - (c) a return mail envelope, if necessary;
 - (d) the campaign material provided by each candidate; and
 - (e) voting instructions.
- (4) Upon receipt of a Member's ballot, the Registrar shall:
 - (a) open the return mail envelope; and
 - (b) place the blank envelope containing the ballot in the ballot box.
- (5) At the completion of the election, the Registrar shall tally the votes on each ballot received.
- (6) The candidate (or his or her designate) is entitled to be present while the Registrar tallies the votes.
- (7) The candidate who receives the most votes cast on a ballot for each contested electoral district shall be declared elected.
- (8) If the votes on a ballot result in a tie, the Registrar shall resolve the deadlock by lot.
- (9) If a position in an electoral district is not contested, the Registrar shall declare the candidate elected by acclamation.
- (10) Where an issue arises with respect to a ballot that is not governed by these By-laws, the Registrar shall resolve the dispute in a fair and democratic manner.
- (11) The Registrar shall report the results of the election to Council and the Members.

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

<p>(12) If Council determines, by Special Resolution, that an alternative method of voting (such as electronic voting) would be preferable, Council shall create a procedure for voting in accordance with generally accepted principles of democracy and fairness.</p>		
<p>6.09 Vote Recount</p> <p>(1) If a candidate has lost the election, the candidate (or his or her designate) may request a recount in the electoral district in which he or she was a candidate, provided that:</p> <p>(a) he or she has lost the election by no more than 20 votes; and</p> <p>(b) the request is made in writing to the Registrar within 7 days of the results of the election being reported.</p> <p>(2) The recount shall occur within 14 days of a valid recount request.</p> <p>(3) The candidate requesting the recount and the candidate previously declared the winner (or a designate of each) shall be entitled to be present at the recount.</p> <p>(4) If the outcome of the recount changes the election results:</p> <p>(a) the candidate requesting the recount shall be refunded any fees paid; and</p> <p>(b) the candidate who has now received the most votes on the ballot shall be declared elected.</p> <p>(5) If the recount of the votes on the ballot results in a tie, the Registrar shall resolve the deadlock by lot.</p> <p>(6) Where an issue arises with respect to the recount that is not governed by these By-laws, the Registrar shall resolve the dispute in a fair and democratic manner.</p> <p>(7) The Registrar shall report the results of the recount to Council and the Members.</p> <p>(8) The Registrar may destroy the ballots 8 days after the election or, if a recount has been requested, 8 days after the recount.</p>	<p>6.08 Vote Recount</p> <p>(1) If a candidate has lost the election, the candidate (or their designate) may request a recount provided that:</p> <p>(a) they lost the election by no more than twenty (20) votes; and</p> <p>(b) the request is made in writing to the Registrar within seven (7) days of the results of the election being reported.</p> <p>(2) The recount shall occur within fourteen (14) days of a valid recount request.</p> <p>(3) The candidate requesting the recount and the candidate previously declared the winner (or a designate of each) shall be entitled to be present at the recount.</p> <p>(4) If the outcome of the recount changes the election results, the candidate who has now received the most votes on the ballot shall be declared elected</p> <p>(5) If the recount of the votes on the ballot results in a tie, the Registrar shall resolve the deadlock by lot.</p> <p>(6) Where an issue arises with respect to the recount that is not governed by these By-laws, the Registrar shall resolve the dispute in a fair manner.</p> <p>(7) The Registrar shall report the results of the recount to Council and the Members.</p>	<p>Amended to remove requirement for Registrar to destroy ballots after the election or recount, as process is now held electronically.</p>
<p>6.10 Election Challenge</p>	<p>Deleted</p>	
<p>None</p>	<p>6.10 Election Irregularity</p> <p>(1) If the Council is of the opinion that there is a reasonable ground for doubt or dispute as to the validity of the election or selection of any Council Member, the Council shall hold an inquiry and decide</p>	<p>Removed detailed process for election challenges and added general clause on election irregularity. Based on by-law best practices, if Council has reasonable</p>

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

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

	<p>(iv) if there is a tie in votes cast, the Registrar shall resolve the deadlock by lot.</p> <p>(3) Where an issue arises that is not governed by these By-laws during an election, the Registrar shall resolve the dispute in a fair manner.</p>	
<p>7.04 Officer Term Limits The term of an officer is one year, beginning from the first regular Council meeting after the officer was elected by Council until the officer's successor takes office.</p>	<p>7.04 Officer Term Limits (1) The term of an officer is one year, from January 1st to December 31st. (2) No officer shall serve more than four years in their lifetime in the office of President or the office of Vice-President.</p>	<p>All Council/committee annual terms to now align: January 1 – December 31. Amended to set a four-year lifetime maximum for each of the officer positions.</p>
<p>Part 8 - Appointment to Committees</p>		
<p>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:</p> <p>(1) the Member's certificate of registration is not subject to a term, condition or limitation that does not already apply to every Member who possesses that class of certificate;</p> <p>(2) the Member is not the subject of any disciplinary or incapacity proceeding;</p> <p>(3) the Member is not:</p> <p>(a) an elected representative, director or officer or employee of, or a party to a contractual relationship (if it is reasonable to expect that a real or apparent conflict of interest may arise) to provide services to, the Ontario Association of Optometrists, the Canadian Association of Optometrists or any other organization determined by Council, or</p> <p>(b) an appointed Committee chairperson or member of a committee of the Ontario Association of Optometrists, the Canadian Association of Optometrists or any other organization determined by Council if it is reasonable to expect that a real or apparent conflict of interest may arise;</p> <p>(4) the Member has not been disqualified as Council Member or Committee Member in the preceding three years; and</p> <p>(5) after having been provided with an opportunity to rectify any failure in his or her obligations to the College, the Member:</p>	<p>8.01 Eligibility for Appointment to Committees A Member is eligible to be appointed to a Committee for a one-year term if they meet the following requirements on the date of appointment:</p> <p>(1) the Member's certificate of registration is not subject to any exceptional term, condition or limitation;</p> <p>(2) the Member is not the subject of any disciplinary or incapacity proceeding;</p> <p>(3) the Member is not a director, officer, committee member or chair, appointee, employee, independent contractor or service provider of the Ontario Association of Optometrists, the Canadian Association of Optometrists or any other organization that is considered by Council to create a real or apparent conflict of interest;</p> <p>(4) the Member has not been a member of that Committee for a total of nine (9) years or more in their lifetime;</p> <p>(5) the Member has not already served a total of twenty-one (21) years in their lifetime on Council and/or any Committee subject to the following:</p> <p>(a) For the purposes of calculating the twenty-one (21) years' time served simultaneously on Council and/or any Committees is counted concurrently; and</p>	<p>Amended to incorporate committee term limits, similar to Council. A member cannot be on a committee for more than nine years in their lifetime, and no more than twenty-one years on a combination of Council/committees.</p> <p>The clause clarifies that time served simultaneously on Council and committees will be counted concurrently. The Council may also exempt the twenty-one year maximum in exceptional circumstances if needed.</p> <p>In addition, if a member is disqualified, they are not eligible for appointment for six years. This timeframe is aligned for both disqualification on Council and committees.</p>

<ul style="list-style-type: none"> (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. 	<ul style="list-style-type: none"> (b) Council may exempt this requirement if it is necessary to ensure that the Committee functions properly including that it has the proper composition or quorum; (6) the Member has not been disqualified as a Council Member or Committee Member in the preceding six (6) years; and (7) after having been provided with an opportunity to rectify any failure in their obligations to the College, the Member: <ul style="list-style-type: none"> (b) has paid any fee, charge or order for costs owing to the College, (c) has submitted to the College all required forms and documents, and (d) is otherwise in good standing with the College 	
<p>8.02 Obtaining Volunteers for Committees</p>	<p>Deleted</p>	<p>Process dealt with by Governance/HR Committee.</p>
<p>8.03 Process for Appointing Committee Members and Committee Chairs</p> <ul style="list-style-type: none"> (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: <ul style="list-style-type: none"> (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. 	<p>8.02 Appointing Committee Members and Committee Chairs</p> <ul style="list-style-type: none"> (1) At the final meeting of the year, Council shall appoint Council Members and non-Council Members to the Committees, including the Chairs for each Committee. (2) If the Council is unable to meet the composition requirements set out in these By-laws for any Committee, Council may temporarily adjust the composition until those requirements can be met. 	<p>Committee appointments would now occur at the final Council meeting, outlining the appointments for the following year.</p> <p>The clause is further amended to remove the specifics of the process, as the recommendations will be provided to Council by the Governance/HR Committee.</p>
<p>8.04 Committee Vacancies</p>	<p>8.03 Committee Vacancies</p>	<p>Amended to reflect that the Governance/HR Committee now</p>

<p>(1) If a vacancy of a Committee Member occurs, the Executive Committee may appoint a replacement Committee Member.</p> <p>(2) If a vacancy of a Committee Chair occurs, the Executive Committee must appoint a replacement Committee Chair.</p> <p>(3) At the next Council meeting, the Executive Committee shall present the replacement Committee Member(s) or replacement Committee Chair(s) to Council to be ratified by Resolution.</p>	<p>(1) If a vacancy of a Committee Member occurs, a Council-delegated Committee may recommend a replacement Committee Member, to be appointed by Council.</p> <p>(2) If a vacancy of a Committee Chair occurs, a Council-delegated Committee shall recommend a replacement Committee Chair, to be appointed by Council</p>	<p>makes the recommendation to Council regarding both annual and vacancy appointments.</p>
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Part 9 – Disqualifying and Sanctioning Council Members and Committee Members

<p>9.01 Grounds for Disqualifying or Sanctioning an Elected Council Member or Committee Member</p> <p>(1) Council shall disqualify an Elected Council Member or Committee Member from sitting on Council or a Committee, as the case may be, if he or she:</p> <p>(a) is found by a panel of the Discipline Committee to be incompetent or to have committed an act of professional misconduct;</p> <p>(b) is found by a panel of the Fitness to Practise Committee to be an incapacitated member;</p> <p>(c) was elected in electoral districts 1 through 4, and ceases to principally reside in or practise optometry in the electoral district for which the Member was elected;</p> <p>(d) was elected in district 6 and ceases to be a member of the Faculty of the University of Waterloo School of Optometry and Vision Science;</p> <p>(e) ceases to be the holder of:</p> <p>(i) a general certificate of registration; or</p> <p>(ii) academic certificate of registration;</p> <p>(f) after having been provided with an opportunity to rectify any failure in his or her obligations to the College:</p> <p>(i) remains in default of any fee, charge or order for costs owing to the College,</p> <p>(ii) fails to submit to the College all required forms and documents, or</p> <p>(iii) ceases to otherwise be in good standing with the College;</p>	<p>9.01 Grounds for Disqualifying or Sanctioning an Elected Council Member or Committee Member</p> <p>(1) Council shall disqualify an Elected Council Member or Committee Member from sitting on Council or a Committee, as the case may be, if they:</p> <p>(a) are found by a panel of the Discipline Committee to be incompetent or to have committed an act of professional misconduct;</p> <p>(b) are found by a panel of the Fitness to Practise Committee to be an incapacitated member;</p> <p>(c) cease to reside or practise optometry in the electoral district for which the Member was elected;</p> <p>(d) cease to be a member of the Faculty of the University of Waterloo School of Optometry and Vision Science if elected in District 6;</p> <p>(e) cease to be the holder of:</p> <p>(i) a general certificate of registration; or</p> <p>(ii) an academic certificate of registration;</p> <p>(f) after having been provided with an opportunity to rectify any failure in their obligations to the College:</p> <p>(i) remain in default of any fee, charge or order for costs owing to the College,</p> <p>(ii) fail to submit to the College all required forms and documents, or</p> <p>(iii) cease to otherwise be in good standing with the College;</p>	<p>Simplified clause as it relates to possible conflicts with associations roles.</p>
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- (g) has a term, condition or limitation on his or her certificate of registration that does not already apply to every Member who possesses that class of certificate;
- (h) fails to sign, on an annual basis, a confidentiality agreement with the College, in the form approved by Council;
- (i) breaches Section 36 of the RHPA or the By-laws of the College that require Council Members or Committee Members to preserve the confidentiality of information disclosed during the course of his or her duties as a Council Member or Committee Member;
- (j) depending on the eligibility requirements for a Council Member or Committee Member set out in Parts 6 and 8, becomes an elected representative, board member, director, officer or employee of, or enters into a contractual relationship to provide services (if it is reasonable to expect that a real or apparent conflict of interest may arise) to:
 - (i) the Ontario Association of Optometrists,
 - (ii) the Canadian Association of Optometrists, or
 - (iii) any other organization determined by Council;
- (k) depending on the eligibility requirements for a Council Member or Committee Member set out Parts 6 and 8, becomes an appointed committee chairperson or member of a committee of:
 - (i) the Ontario Association of Optometrists,
 - (ii) the Canadian Association of Optometrists, or
 - (iii) any other organization determined by Council;
- (l) subject to the discretion of Council to excuse the absence:
 - (i) fails to attend any two of three consecutive regular meetings of the Council;
 - (ii) fails to attend any two of three consecutive regular meetings of a Committee of which he or she is a member; and
 - (iii) fails to attend a hearing or proceeding, or part thereof, of a panel on which he or she sits.
- (2) An Elected Council Member or a Committee Member may also be removed from their position or sanctioned if they contravene

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

<p>their duties (including abiding by the College's Code of Conduct and conflict of interest provisions).</p>		
<p>9.02 Grounds for Requesting the Disqualification or Sanctioning of an Appointed Council Member</p> <p>(1) The College shall request the Public Appointments Secretariat to disqualify and remove an Appointed Council Member from Council if the Appointed Council Member:</p> <p>(a) becomes a Member;</p> <p>(b) fails to sign, on an annual basis, a confidentiality agreement with the College, in the form approved by Council;</p> <p>(c) breaches Section 36 of the RHPA or the By-laws of the College that require Committee Members to preserve the confidentiality of information obtained in the course of his or her duties as a Committee Member;</p> <p>(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;</p> <p>(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</p> <p>(f) subject to the discretion of Council to excuse the absence:</p> <p>(i) fails to attend any two of three consecutive regular meetings of the Council;</p> <p>(ii) fails to attend any two of three consecutive regular meetings of a Committee of which he or she is a Member; or</p> <p>(iii) fails to attend a hearing or proceeding, or part thereof, of a panel on which he or she sits.</p> <p>(2) The College may also request the removal of an Appointed Council Member or sanction an Appointed Council Member if</p>	<p>9.02 Grounds for Requesting the Disqualification or Sanctioning of an Appointed Council Member</p> <p>(1) The College shall request that the Public Appointments Secretariat to disqualify and remove an Appointed Council Member from Council if the Appointed Council Member:</p> <p>(a) becomes a Member; or</p> <p>(b) fails to comply with paragraphs (h) through (j) of section 1 of Part 9.01; and</p> <p>(2) An Appointed Council Member may also be sanctioned and a request made that they be disqualified if they fail to comply with these By-laws including the College's Code of Conduct and the conflict of interest provisions.</p>	<p>Consolidated clause by referencing applicable sections above.</p>

<p>they contravene their duties (including abiding by the College's Code of Conduct and conflict of interest provisions).</p>		
<p>9.03 Process for Disqualifying or Sanctioning a Council Member and Committee Member</p> <p>(1) The following process shall be used to disqualify or sanction an Elected Council Member, Committee Member or Appointed Council Member (the "Subject Member"):</p> <p>(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;</p> <p>(b) The Executive Committee shall:</p> <p>(i) provide the Subject Member with:</p> <p>(A) notice of the concerns in writing, and</p> <p>(B) reasonable time to make submission in the time and manner determined by the Executive Committee;</p> <p>(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;</p> <p>(d) The Executive Committee may then, based on at least a 2/3rds majority vote, either:</p> <p>(i) sanction the Subject Member, provided the sanction does not include the disqualification, request to disqualify or dismissal of the Subject Member. Sanctions by the Executive Committee may include:</p> <p>(ii) dismiss the allegations against the Subject Member; or</p> <p>(iii) refer the matter to Council.</p> <p>(e) If either the individual who brought the matter to the Executive Committee's attention or the Subject Member is of the view that Council's involvement is required, they shall provide, in writing, their concern to the attention of the President within 15 days</p>	<p>9.03 Process for Disqualifying or Sanctioning a Council Member and Committee Member</p> <p>(1) The following process shall be used to disqualify or sanction an Elected Council Member, Committee Member or Appointed Council Member (the "Subject Member"):</p> <p>(a) Where a Council Member or the Registrar receives information in writing that suggests that a Subject Member should be disqualified or sanctioned the Council Member or Registrar shall notify the Council-delegated Committee in writing;</p> <p>(b) The Council-delegated Committee shall provide the Subject Member with notice of the matter and thirty (30) days to provide a written response;</p> <p>(c) The Council-delegated Committee shall consider the matter and dismiss the matter, sanction the Subject Member, or if it finds that the Subject Member ought to be disqualified, refer the matter to the President within thirty days of its decision;</p> <p>(d) Upon receipt of the information, the President shall do the following:</p> <p>(i) place the matter on the Agenda at the next Council meeting or call a Special Meeting for that purpose; and</p> <p>(ii) notify the Subject Member of the referral to Council and their right to make written or oral submissions at the meeting.</p> <p>(e) When considering the matter, Council may do one or more of the following:</p> <p>(i) conduct an investigation into the matter before considering the matter;</p> <p>(ii) dismiss the matter;</p> <p>(iii) sanction or disqualify the Subject Member by Special Resolution; and</p>	<p>As per the change to the Executive Committee's duties, the disqualification process would now be spearheaded by the Governance/HR Committee. The process is less prescriptive within the by-laws, allowing Council more flexibility.</p>

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

(iv) in the case of an Appointed Council Member, pass a Special Resolution to request that the Public Appointments Secretariat disqualify them.

- (2) Until the matter has been finally disposed of, the Subject Member shall be suspended from their role(s) at the College and shall not participate in any discussion or vote regarding their sanction or disqualification.
- (3) A Subject Member who has been disqualified ceases to be a Council Member and a member of all Committees.
- (4) The disqualification of a Council Member or Committee Member, shall be deemed to constitute a vacancy for the purposes of these By-laws and the relevant provisions shall apply.

<p>Member, the College shall make such a request to the Public Appointments Secretariat.</p> <p>(6) If the Subject Member is disqualified or removed as a Council Member or Committee Member, the College shall act as if a vacancy had been created as a result of a resignation.</p> <p>(7) A Subject Member who has been disqualified ceases to be a Council Member and a member of all Committees.</p>		
<p>9.04 Temporary Suspension of a Council Member or Committee Member</p> <p>(1) A Council Member or Committee Member who becomes the subject of a disciplinary or incapacity proceeding (including, in the case of an Elected Council Member, one which originates at any time after the deadline for receipt of nominations), shall not serve on Council or on any Committee until a final decision (including any appeal) has been rendered.</p> <p>(2) An Elected Council Member and/or a Committee Member who, after having been provided with an opportunity to rectify a failure in their obligations to the College:</p> <p>(a) remains in default of any fee, charge or order for costs owing to the College,</p> <p>(b) fails to submit to the College all required forms and documents, or</p> <p>(c) ceases to otherwise be in good standing with the College; (including, in the case of an Elected Council Member, a default which originates at any time after the deadline for receipt of nominations), shall not serve on Council or any Committee until the failure is remedied or the Elected Council Member and/or a Committee Member is disqualified.</p>	<p>9.04 Temporary Suspension</p> <p>(1) A Council Member or Committee Member who becomes the subject of a disciplinary or incapacity proceeding, shall not serve on Council or on any Committee until a final decision (including any appeal) has been rendered.</p> <p>(2) An Elected Council Member or Committee Member, who fails to comply with paragraph 9.01(f), shall not serve on Council or any Committee until the failure is remedied unless the failure resulted in their disqualification.</p>	<p>Clarified that a member either a subject of a proceeding or not in compliance/good standing would not serve until a decision is rendered or issue is remedied.</p>
<p>Part 10 - Description of Duties</p>		
<p>10.01 Officers on Executive Committee</p>	<p>Deleted</p>	<p>Removed as composition and role of Executive is outlined under 14.02</p>
<p>10.05 Council Members</p>	<p>Deleted</p>	<p>Removed as not required within the by-laws, and will be outlined in a policy document.</p>
<p>Part 11 - Obligations of Council and Committee Members</p>		

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

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

<p>(b) if the Committee Member has a conflict of interest or if there is any doubt about whether a conflict of interest exists, the Committee Member shall, unless the Committee chair has agreed otherwise:</p> <ul style="list-style-type: none"> (i) not participate in the debate in respect of the matter; (ii) refrain from voting on the matter; (iii) absent himself or herself from the room; and (iv) not attempt in any way to influence the voting or do anything that might be perceived as attempting to influence the decision of the Committee on the matter; and <p>(c) the conflict of interest shall be recorded in the minutes of the Committee meeting.</p>	<p>whether a conflict exists and how to resolve it and the Committee Member shall abide by the decision.</p> <p>(3) The Committee Member who has a conflict shall:</p> <ul style="list-style-type: none"> (a) absent themselves from the room when the matter is considered; (b) refrain from voting on the matter; and (c) not do anything to influence the decision. <p>(4) The conflict of interest shall be recorded in the minutes of the Committee meeting.</p>	
<p>11.04 One-Year Waiting Period</p> <p>(1) Subject to subsection 11.04(2), there shall be a one-year waiting period with respect to:</p> <ul style="list-style-type: none"> (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: <ul style="list-style-type: none"> (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. <p>The one-year waiting period shall commence on the first day following the last day that the conflicting position was held by the individual.</p> <p>(2) Council may, under exceptional circumstances, adjust the one-year waiting period by Special Resolution.</p>	<p>11.04 Waiting Periods</p> <p>(1) There shall be a one (1) year waiting period for the following positions:</p> <ul style="list-style-type: none"> (a) a Council Member, Committee Member or person referred to in paragraph 8.01(3)(a) who wants to work as an employee of the College, on contract with the College, or hold any appointment with the College; and (b) an employee, contractor or any other appointee of the College who wants to be a Council Member or Committee Member.; <p>(2) Council may, under exceptional circumstances, adjust the one-year waiting period in subsection (1) by Special Resolution.</p> <p>(3) After completing nine (9) consecutive years on Council, a Council Members shall complete a three (3) year waiting period prior to commencing another term on Council.</p> <p>(4) For the purposes of this section, waiting periods shall commence on the day following the last day that the conflicting position was held by the person.</p>	<p>Amended to clarify both the one year waiting period between conflicting roles and to introduce a three-year waiting period once a Council member has reached the nine-year consecutive maximum.</p>
<p>11.05 Confidentiality</p>	<p>11.05 Confidentiality</p>	

<p>(1) Section 36(1) of the RHPA states, in part: Every person employed, retained or appointed for the purposes of the administration of this Act, a health profession Act or the <i>Drug and Pharmacies Regulation Act</i> and every Member of a Council or committee of a College shall keep confidential all information that comes to his or her knowledge in the course of his or her duties and shall not communicate any information to any other person</p> <p>(2) Council Members and Committee Members, College staff and persons retained or appointed by the College shall:</p> <p>(a) maintain confidentiality of information disclosed to them in the course of discharging their duties, unless otherwise authorized by Council or permitted under Section 36(1) of the RHPA;</p> <p>(b) refrain from communicating to Members, including Council Members or Committee Members, information regarding registration, complaints, reports, investigations, disciplinary or fitness to practise proceedings which could be perceived as an attempt to influence a statutory decision or a breach of confidentiality, unless:</p> <p>(i) he or she is a Member of the same panel considering the matter, or</p> <p>(ii) when there is no panel, of the same Committee considering the matter.</p> <p>However, Council Members and Committee Members may discuss any other matter not prohibited by Section 36(1) of the RHPA and not arising from an <i>in camera</i> meeting;</p> <p>(c) be aware of and understand those exceptions to confidentiality obligations in Section 36(1) of the RHPA; and</p> <p>(d) seek advice if any doubt whether an exception applies.</p>	<p>(1) Council Members and Committee Members, College staff and persons retained or appointed by the College shall:</p> <p>(a) maintain confidentiality of information disclosed to them in the course of discharging their duties, unless otherwise authorized by Council or permitted under section 36(1) of the RHPA;</p> <p>(b) refrain from discussing matters arising in an <i>in camera</i> meeting;</p> <p>(c) refrain from communicating to Members, including Council Members or Committee Members, information regarding registration, complaints, reports, investigations, disciplinary or fitness to practise proceedings, unless:</p> <p>(i) they are a Member of the same panel considering the matter, or</p> <p>(ii) when there is no panel, of the same Committee considering the matter.</p> <p>(d) seek advice if any doubt whether an exception under section 36(1) of the RHPA applies.</p>	<p>Removed the specific legislative excerpt as not needed to repeat within the by-laws.</p>
<p>11.06 Code of Conduct</p> <p>(1) Council Members and Committee Members must, at all times, when discharging their College duties, act in the College's best interest, maintain high standards of integrity, honesty, and loyalty.</p> <p>(2) The College's Code of Conduct for Council Members and Committee Members includes:</p>	<p>11.06 Code of Conduct</p> <p>(1) Council Members and Committee Members must, at all times, when discharging their College duties, act in the public's best interest, maintain high standards of integrity, honesty, and loyalty.</p> <p>(2) The College's Code of Conduct for Council Members and Committee Members includes:</p>	<p>Amended to remove restatement of confidentiality requirements. Already stated above (11.05)</p>

- (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 is a Member of the same panel considering the matter, or
 - (ii) when there is no panel, of the same Committee considering the matter;

However, Council Members and Committee Members may discuss any other matter not prohibited by Section 36(1) of the RHPA and not arising from an *in camera* meeting;

- (i) 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.

- (a) being familiar and complying with the provisions of the RHPA, the Act, and the By-laws and policies of the College;
- (b) actively and constructively participating in Council and Committee deliberations in a respectful and courteous manner, recognizing the diverse background, skills and experience of Council Members and Committee Members;
- (c) regularly attending and being prepared for meetings;
- (d) abiding by and endorsing Council and Committee decisions, regardless of personal opinions about them; and
- (e) respecting the boundaries of College staff who do not report to or work for individual Council Members or Committee Members;
- (f) being respectful of others and not engaging in behaviour that might reasonably be perceived as verbal, physical or sexual abuse or harassment; and
- (g) refraining from any other form of misconduct Council may determine.

11.07 Media and Official Communications	Deleted	As advised, not required in College by-laws. The information will be developed into a governance policy.
11.08 Speaking and Writing Engagements	Deleted	As above.
Part 12 - Remuneration of Elected Council Members		
12.01 Remuneration Policy of the College (1) Elected Council Members shall be paid a stipend and be reimbursed by the College for travelling and other expenses reasonably incurred in relation to the performance of their duties as Council Members or Committee Members in accordance with the College's remuneration policy.	12.01 Remuneration Policy of the College (1) Elected Council Members may be paid honoraria as determined by Council.	Consolidated wording regarding honoraria to match updated finance policy.
Part 13 – Council		
13.02 Meeting Agenda	Deleted	As advised, not required to be explicit in by-laws.
13.03 Chair (1) The President shall chair Council Meetings. However, Council may by Resolution appoint anyone else to preside as chair of a Council Meeting in lieu of the President, provided that, at all times, it does so in good faith and is not in an effort to usurp the function of the President as the presumptive chair of Council Meetings. (2) In the case of an appointed chair who is a not a Council Member, the chair: (a) shall not participate in deliberations; (b) may not vote; and (c) shall undertake to maintain confidentiality.	13.02 Chair (1) The President or their appointee shall chair Council Meetings. (2) If the appointee is not a Council Member, then they shall not vote.	Amended to simplify the role of an appointee chair.
13.05 Voting (1) Every motion shall, depending on the circumstances, be decided by Resolution or Special Resolution. (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.	13.04 Voting (1) Every motion shall be decided by Resolution unless these By-laws, the RHPA, the Regulations made under the Act, or the <i>Corporations Act</i> , require that the motion be decided by Special Resolution. (2) The chair shall have one vote and shall vote last. (3) Every vote at a Council meeting shall be by a show of hands, roll call, secret ballot or as the chair of the meeting shall otherwise determine. A vote held	Amended to clarify that the chair does have one vote, and shall vote last.

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

- (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.

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

- (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.

14.01 Committee Meetings

- (1) Each Committee shall meet at the direction of the Committee Chair or the majority of Committee Members.
- (2) The conduct of Committee Meetings shall be held in accordance with the most recent edition of *Robert's Rules of Order*.
- (3) A Committee Meeting may be held in any manner that allows all persons to participate simultaneously and instantaneously.
- (4) No formal notice is required for a Committee meeting. However, College staff designated to assist a Committee shall make reasonable efforts to provide notice of each meeting to Committee Members.
- (5) Every motion considered by a Committee shall be decided by a majority of the votes cast at the

As advised, by-laws are not required to stipulate that the meetings will be conducted in English.

<p>(7) Minutes shall be kept for every Committee Meeting and shall:</p> <p>(a) include details of all motions, recommendations and decisions;</p> <p>(b) be circulated to Committee Members following the Committee Meeting;</p> <p>(c) be approved or amended at the next Committee Meeting; and</p> <p>(d) once approved:</p> <p>(i) signed by the chair; and</p> <p>(ii) provided to the Registrar by the chair to be kept with the College's records.</p> <p>(8) Committees shall provide Council with reports:</p> <p>(a) annually; and</p> <p>(b) when requested to do so by either the Executive Committee or Council.</p>	<p>meeting. The chair shall have one vote and shall vote last.</p> <p>(6) Minutes shall be kept for every Committee Meeting and shall:</p> <p>(a) include details of all motions, recommendations and decisions;</p> <p>(b) be circulated to Committee Members following the Committee Meeting;</p> <p>(c) be approved or amended at the next Committee Meeting; and</p> <p>(d) be archived in the College's records.</p> <p>(7) Committees shall provide Council with reports annually and when requested to do so by the Executive Committee or Council.</p>	
<p>14.02 Executive Committee</p> <p>(1) The Executive Committee shall be composed of:</p> <p>(a) an odd number of persons;</p> <p>(b) one more Elected Council Member than Appointed Council Members;</p> <p>(c) no more than five Council members, including:</p> <p>(i) the President; and</p> <p>(ii) the Vice-President.</p> <p>(2) The Executive Committee is directly accountable to Council and indirectly accountable to the government, the public and the profession for the effective governance of the College.</p> <p>(3) The Executive Committee's duties include:</p> <p>(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;</p> <p>(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 <i>Health Professions Procedural Code</i> and recommend closure, with rationale, to Council;</p>	<p>14.02 Executive Committee</p> <p>(1) The Executive Committee shall be composed of either three (3) or five (5) Council Members and shall include:</p> <p>(a) the President and Vice President; and</p> <p>(b) one (1) more Elected Council Member than Appointed Council Members.</p> <p>(2) The President is the Chair of the Executive Committee.</p> <p>(3) The Registrar is the secretary of the Executive Committee.</p> <p>(4) The Executive Committee is directly accountable to Council and indirectly accountable to the government, the public and the profession for the effective governance of the College.</p> <p>(5) The Executive Committee's duties include:</p> <p>(a) exercising the full powers of Council in all matters of administrative urgency and reporting every action at the next meeting of Council</p> <p>(i) the Committee does not have the power to make, amend or revoke a regulation or By-law.</p>	<p>Amended to remove additional duties from the Executive Committee. The role of the Executive Committee would now focus on the sole legislative requirement: act as Council between meetings in matters of administrative urgency. Prior duties would now be reacquired by Council or assigned to other Council delegated committees.</p>

<ul style="list-style-type: none"> (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. <p>(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.</p> <p>(5) The President is the chair of the Executive Committee.</p> <p>(6) The Registrar is the secretary of the Executive Committee.</p> <p>(7) Executive Committee meetings are closed to the public. However, the Executive Committee may permit anyone to attend or participate in meetings.</p>	<p>(6) Executive Committee meetings are closed to the public. However, the Executive Committee may permit anyone to attend or participate in meetings.</p>	
<p>14.10 Committee Chairs and Panel Chairs</p> <p>(1) The term of a Committee chair is 1 year.</p>	<p>14.10 Committee Chairs and Panel Chairs</p> <p>(1) The term of a Committee Chair is one (1) year.</p>	<p>Amended to specify that certain committee chairs appoint panels/panel chairs, as per legislative requirement.</p>

<p>(2) With the exception of the President as chair of the Executive Committee, no person may serve as a Committee chair for more than 3 consecutive years.</p> <p>(3) When a panel chair is not able to attend a meeting, hearing or proceeding of a panel, the remaining panel members shall designate a chair for the duration of the absence.</p>	<p>(2) The chairs of the Registration Committee, the ICRC and the Discipline Committee shall appoint their Committee Members to panels and a panel chair for each panel. For all other College Committees, the appointment to panels and of the panel chair shall be done by a Council-delegated Committee.</p> <p>(3) When a panel chair is not able to attend a meeting, hearing or proceeding of a panel, the remaining panel members shall designate a chair for the duration of the absence.</p>	
<p>Part 15 - Rules, and Policies and Code of Ethics</p>		
<p>15.02 Code of Ethics</p>	<p>Deleted</p>	<p>Removed as the Code of Ethics applied to all College members, not just specifically Council and committee members. The Code would be developed into a separate standalone document.</p>
<p>Part 16 - Information Provided by Members</p>		
<p>16.02 Member Reports</p> <p>(1) A Member's certificate of registration must be renewed annually.</p> <p>(2) The College shall send a member report to each Member by mail or e-mail requesting any information required by the Registrar and provide the Members with at least 30 days to respond.</p> <p>(3) The College may request:</p> <p>(a) the Member's birth date;</p> <p>(b) the Member's certificate of registration number;</p> <p>(c) the Member's e-mail address;</p> <p>(d) the address and telephone number of each Member's principal residence;</p> <p>(e) the name of each business where the Member practises optometry, including the address, telephone number, fax number and e-mail address;</p> <p>(f) the preferred address for receiving College communications;</p> <p>(g) information respecting the Member's participation in continuing professional development and other professional training;</p>	<p>16.02 Member Reports</p> <p>(1) A Member's certificate of registration must be renewed annually.</p> <p>(2) The College shall send a member report to each Member by mail or e-mail requesting any information required by the Registrar and provide the Members with at least thirty (30) days to respond.</p> <p>(3) The College may request:</p> <p>(a) information that the College is required to maintain in the register;</p> <p>(b) a copy of the declarations page from the Member's professional liability insurance policy;</p> <p>(c) information which allows the College to maintain statistics related to the College and the Member; and</p> <p>(d) any other information the College requires.</p> <p>(4) If a Member fails to return a completed member report to the College within the time provided, the Registrar shall:</p>	<p>Amended to remove specific requirements of what members must report annually. The College, as it already currently states, may request any information it requires for the report. Therefore specific reporting requirements are not necessary to list within the clause.</p>

<ul style="list-style-type: none"> (h) whether the member is licenced or registered to practice another profession either inside or outside Ontario; (i) information about actions taken by other regulatory bodies against the Member; (j) information relating to a finding of professional negligence or malpractice made against the Member; (k) information related to findings of guilt for a federal, provincial or other offence; (l) information related to any current charges in respect of a federal, provincial or other offence; (m) information related to any current existing conditions, terms, orders, directions or agreements relating to the custody or release of the Member with respect to federal, provincial or other offences; (n) the nature of the Member's practise and services a Member may offer in their practise such as: <ul style="list-style-type: none"> (i) ADP Authorizer; (ii) Automated Visual Fields; (iii) Binocular Vision Training; (iv) Contact Lens Therapy; (v) Corneal Topography; (vi) Digital Retinal Imaging; (vii) Home Visits; (viii) Infant Examinations (0 to 24 months); (ix) Institution Visits; (x) Low Vision Therapy; (xi) Occupational Safety Eyewear; (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 	<ul style="list-style-type: none"> (a) notify the Member in writing of such failure; and (b) provide the Member with a reasonable period to return a completed member report to the College. (5) If the Member fails to rectify the failure within the time provided, the College may, without notice, suspend the Member's certificate of registration until a completed member report is returned. (6) When the College receives notice of a change in information required for the issuance of a certificate of registration, it may: <ul style="list-style-type: none"> (a) issue a revised certificate of registration; (b) decline to revise the existing certificate of registration; or (c) revoke a certificate of registration. 	
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<ul style="list-style-type: none"> (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: <ul style="list-style-type: none"> (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: <ul style="list-style-type: none"> (a) notify the Member in writing of such failure; and (b) provide the Member with a reasonable period to return a completed member'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: <ul style="list-style-type: none"> (a) issue a revised certificate of registration; (b) decline to revise the existing certificate of registration; or (c) revoke a certificate of registration. 		
<p>Part 17 - Information Provided by Health Profession Corporations</p>	<p>Part 17 - Health Professional Corporations</p>	
<p>None</p>	<p>17.01 Obligation to Provide Information</p>	<p>Incorporated new clause to align with best practices in corporation by-laws.</p>

	(1) Upon written request for information from the College, a health professional corporation shall respond in writing within the time provided.	
<p>17.01 Application of a Health Profession Corporation</p> <p>(1) A health profession corporation is eligible to hold a certificate of authorization if:</p> <p>(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;</p> <p>(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</p> <p>(c) all the requirements set out in the <i>Ontario Business Corporations Act</i>, the RHPA, the Act and in any other applicable statute or regulation, and these By-laws have been satisfied.</p> <p>(2) In order to obtain a certificate of authorization, a health profession corporation shall apply to the College. The application must include:</p> <p>(a) the name of the health profession corporation;</p> <p>(b) all business names of the corporation, if any;</p> <p>(c) all phone numbers, fax numbers and addresses of all business locations along with the address of its head office;</p> <p>(d) the capital structure of the corporation and shareholdings of each shareholder;</p> <p>(e) the name, phone number, address, e-mail address and, when applicable, the College registration number of each shareholder;</p> <p>(f) the name, phone number, address, e-mail address and, when applicable, the College registration number of each director and officer;</p> <p>(g) a certified copy of the corporation's:</p> <p>(i) articles of incorporation, continuance and/or amalgamation, as applicable; and</p> <p>(ii) by-laws;</p>	<p>17.02 Application</p> <p>(1) A health professional corporation is eligible to hold a certificate of authorization if:</p> <p>(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;</p> <p>(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</p> <p>(c) all the requirements set out in these By-laws, the <i>Ontario Business Corporations Act</i>, the RHPA, the Act and in any other applicable statute or regulation have been satisfied.</p> <p>(2) In order to obtain a certificate of authorization, a health professional corporation shall submit a completed application package to the College which shall include the following:</p> <p>(a) a copy of the corporation's articles of incorporation, continuance and/or amalgamation, as applicable;</p> <p>(b) a corporation profile report that has been issued no more than thirty (30) days before submitting the application indicating that the corporation has not been dissolved;</p> <p>(c) a statutory declaration of a director of the corporation, executed not more than fifteen (15) days before submitting the application, certifying that:</p> <p>(i) the corporation complies with the relevant legislation;</p> <p>(ii) the corporation does not carry on, and does not plan to carry on, any business that is not</p>	<p>Simplified to align with best practices in corporation by-laws.</p>

<ul style="list-style-type: none"> (h) a corporation profile report that has been issued no more than 30 days before submitting the application indicating that the corporation has not been dissolved; (i) a statutory declaration of a director of the corporation, executed not more than 15 days before submitting the application, certifying that: <ul style="list-style-type: none"> (i) the corporation complies with Section 3.2 of the <i>Ontario Business Corporations Act</i>, and its regulations; (ii) the corporation does not carry on, and does not plan to carry on, any business that is not the practise of optometry or practises related to or ancillary to the practise of optometry; (iii) there has been no change in the status of the corporation since the date of the certificate of status; and (iv) the information contained in the application is complete and accurate as of the date the statutory declaration is executed; (j) any other information the College deems necessary; and (k) the signature of all shareholders of the health profession corporation. 	<ul style="list-style-type: none"> the practise of optometry or practises related to or ancillary to the practise of optometry; (iii) there has been no change in the status of the corporation since the date of the corporation profile report; and (iv) the information contained in the application is complete and accurate as of the date the statutory declaration is executed; (d) the signature of all shareholders of the optometry professional corporation; and (e) any other information the College deems necessary. 	
<p>17.02 Corporate Reports</p> <ul style="list-style-type: none"> (1) A certificate of authorization must be renewed annually. (2) The date of renewing a certificate of authorization shall be no more than 30 days before the anniversary or renewal date. (3) The College shall send a corporate report to each health profession corporation by mail or e-mail requesting any information required by the Registrar and provide the health profession corporation with at least 30 days to respond. (4) If a health profession corporation fails to return a completed corporate report to the College within the time provided, the Registrar may: <ul style="list-style-type: none"> (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 	<p>17.03 Renewal</p> <ul style="list-style-type: none"> (1) A certificate of authorization must be renewed annually on or before the anniversary of the certificate's date of issue. (2) The College will request any information required by the Registrar from a health professional corporation by mail or e-mail and provide the health professional corporation with at least thirty (30) days to respond. (3) If a health professional corporation fails to renew within the time provided, the Registrar may: <ul style="list-style-type: none"> (a) notify the health professional corporation in writing of such failure; (b) provide the health professional corporation with at least sixty (60) days to provide the renewal documents and fee(s) to the College; and 	<p>Simplified to align with best practices in corporation by-laws.</p>

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



COLLEGE OF
Optometrists
OF ONTARIO

COLLEGE BY-LAWS

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

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BY-LAWS OF THE COLLEGE OF OPTOMETRISTS OF ONTARIO

Part 1 - Definitions

1.01 Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1.02 Seal

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

Part 2 – Business Practises

2.01 Banking

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

2.02 Investments

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

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

2.03 Borrowing

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

2.04 Expenses

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

2.05 Financial Year

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

2.06 Auditors

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

2.07 Annual Financial Statements

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

2.08 Indemnification

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

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

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

2.09 Execution of Documents

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

Part 3 – Council

ELECTION

3.01 Electoral Districts

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

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

3.02 Voting Eligibility

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

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

3.03 Election Date

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

3.04 Eligibility for Election

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

3.05 Term of Office

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

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

3.06 Nominating Procedure

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

3.07 Election Procedure

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

3.08 Vote Recount

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

3.09 Election Irregularity

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

3.10 Council Vacancies

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

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

3.11 Unexpected Circumstances

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

OFFICERS

3.12 Officers

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

3.13 Nomination Procedure

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

3.14 Process for Election of Officers

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

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

3.15 Officer Term Limits

- (1) The term of an officer is one year, from January 1st to December 31st.
- (2) No officer shall serve more than four years in their lifetime in the office of President or the office of Vice-President.

3.16 Officer Vacancies

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

MEETINGS

3.17 Council Meetings

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

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

3.18 Chair

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

3.19 Quorum

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

3.20 Voting

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

3.21 Written Resolutions

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

3.22 Rules of Order of Council Meetings

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

(3) *Motions*

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

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

(4) *Maintaining Order*

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

(5) *Other*

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

3.23 Remuneration

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

DUTIES

3.24 President

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

3.25 Vice-President

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

3.26 Registrar and CEO

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

3.27 Committee Chairs

- (1) The Committee chair reports to Council.
- (2) Committee chair duties include:
 - (a) providing effective leadership for the Committee and facilitating Committee Meetings;
 - (b) approving meeting agendas prepared by College staff;
 - (c) assessing whether Committee Members have the resources and training to effectively perform the Committee's work;

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

PART 4 – Committees

4.01 Eligibility for Appointment to Committees

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

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

- (b) has submitted to the College all required forms and documents, and
- (c) is otherwise in good standing with the College.

4.02 Appointing Committee Members and Committee Chairs

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

4.03 Committee Vacancies

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

4.04 Committee Meetings

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

4.05 Executive Committee

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

4.06 Registration Committee

- (1) The Registration Committee shall be composed of a minimum of five (5) persons, including at least:
 - (a) one (1) Elected Council Member;
 - (b) two (2) Appointed Council Members; and
 - (c) two (2) Members who may or may not be Council Members.
- (2) A panel of the Registration Committee shall be composed of at least three (3) Committee Members, at least one of whom is an Appointed Council Member.

4.07 Inquiries, Complaints and Reports Committee

- (1) The ICRC shall be composed of at least ten (10) persons, including at least:
 - (a) four (4) Appointed Council Members;
 - (b) one (1) Elected Council Member; and
 - (c) five (5) Members who may or may not be Council Members.
- (2) A panel of the ICRC shall be composed of at least three (3) Committee Members, at least one (1) of whom is an Appointed Council Member.

4.08 Discipline Committee

- (1) The Discipline Committee shall be composed of:
 - (a) all elected Council Members who are not members of the ICRC;
 - (b) all appointed Council Members; and
 - (c) at least five (5) Members who are not Council Members.
- (2) A panel of the Discipline Committee shall be composed of at least three (3) and no more than five (5) Committee Members, at least two (2) of whom are Appointed Council Members.

4.09 Fitness to Practise Committee

- (1) The Fitness to Practise Committee shall be composed of at least three (3) persons, including:
 - (a) one (1) Elected Council Member;
 - (b) one (1) Appointed Council Member; and
 - (c) one (1) Member who may or may not be a Council Member.
- (2) A panel of the Fitness to Practise Committee shall be composed of at least three (3) Committee Members, at least one (1) of whom is an Appointed Council Member.

4.10 Quality Assurance Committee

- (1) The Quality Assurance Committee shall be composed of at least thirteen (13) persons, including:
 - (a) two (2) Elected Council Members;
 - (b) three (3) Appointed Council Members; and
 - (c) eight (8) Members who may or may not be Council Members.
- (2) A panel of the Quality Assurance Committee shall be composed of at least three (3) Committee Members, at least one (1) of whom is an Appointed Council Member.

4.11 Patient Relations Committee

- (1) The Patient Relations Committee shall be composed of at least seven (7) persons, including:
 - (a) one (1) Elected Council Member;
 - (b) three (3) Appointed Council Members; and
 - (c) three (3) Members who may or may not be Council Members.

4.12 Ad Hoc and Standing Committees

- (1) Council may, by Resolution, appoint and fill such Ad Hoc and/or Standing Committees as it deems necessary.

4.13 Committee Chairs and Panel Chairs

- (1) The term of a Committee chair is one (1) year.
- (2) The chairs of the Registration Committee, the ICRC and the Discipline Committee shall appoint their Committee Members to panels and a panel chair for each panel. For all other College Committees, the appointment to panels and of the panel chair shall be done by a Council-delegated Committee.
- (3) When a panel chair is not able to attend a meeting, hearing or proceeding of a panel, the remaining panel members shall designate a chair for the duration of the absence.

4.14 Quorum for Committees and Panels

- (1) The quorum for any Committee Meeting is a majority of that Committee's Members.
- (2) The quorum for any panel of a Committee is three panel members, at least one of whom shall be an Appointed Council Member.
- (3) In determining whether or not a quorum has been met, the number of Committee Members or panel members shall be deemed not to be reduced as a result of any vacancy.

Part 5 - Conduct

5.01 Conflict of Interest

- (1) Council Members and Committee Members must not engage in any activities or decision-making where a conflict of interest may arise.
- (2) A conflict of interest occurs when a Council Member's or Committee Member's personal or financial interest or participation in an arrangement or agreement influences, is likely to influence, or could be perceived as influencing that person's judgment or decision-making with respect to College matters.
- (3) The personal or financial interests of a family member or close relation (such as a friend or business associate) of a Council Member or Committee Member shall be interpreted to be the interests of a Council Member or Committee Member.
- (4) A Council Member or Committee Member shall not use College property or information of any kind to advance their own interests.

5.02 Process for Declaring a Conflict of Interest for Council Members

- (1) If a Council Member believes that they or another Council Member has or may have a conflict of interest in a matter which is the subject of deliberation or action by Council, they shall consult with the Registrar and inform the Council as soon as possible before the consideration of the matter at the meeting.

- (2) If there is any doubt about whether a conflict of interest exists, the Council Member shall declare it to Council and Council shall decide, in their absence, whether a conflict exists and the Council Member shall accept the decision.
- (3) The Council Member who has the conflict shall do the following:
 - (a) absent themselves from the room when the matter is being considered;
 - (b) refrain from voting on the matter; and
 - (c) not do anything to influence the decision.
- (4) The conflict of interest shall be recorded in the minutes of the meeting.

5.03 Process for Declaring a Conflict of Interest for Committee Members

- (1) If a Committee Member believes that they have or another Committee Member may have a conflict of interest in a matter which is the subject of deliberation or action, they shall consult the Committee's staff support and disclose it to the Committee chair as soon as possible before the consideration of the matter at the meeting.
- (2) If there is any doubt about whether a conflict of interest exists, the Committee chair shall decide whether a conflict exists and how to resolve it and the Committee Member shall abide by the decision.
- (3) The Committee Member who has a conflict shall:
 - (a) absent themselves from the room when the matter is considered;
 - (b) refrain from voting on the matter; and
 - (c) not do anything to influence the decision.
- (4) The conflict of interest shall be recorded in the minutes of the Committee meeting.

5.04 Confidentiality

- (1) Council Members and Committee Members, College staff and persons retained or appointed by the College shall:
 - (a) maintain confidentiality of information disclosed to them in the course of discharging their duties, unless otherwise authorized by Council or permitted under section 36(1) of the RHPA;
 - (b) refrain from discussing matters arising in an *in camera* meeting;
 - (c) refrain from communicating to Members, including Council Members or Committee Members, information regarding registration, complaints, reports, investigations, disciplinary or fitness to practise proceedings, unless:
 - (i) they are a Member of the same panel considering the matter, or
 - (ii) when there is no panel, of the same Committee considering the matter.

(d) seek advice if any doubt whether an exception under Section 36(1) of the RHPA applies.

5.05 Code of Conduct

- (1) Council Members and Committee Members must, at all times, when discharging their College duties, act in the public's best interest, maintain high standards of integrity, honesty, and loyalty.
- (2) The College's Code of Conduct for Council Members and Committee Members includes:
 - (a) being familiar and complying with the provisions of the RHPA, the Act, and the By-laws and policies of the College;
 - (b) actively and constructively participating in Council and Committee deliberations in a respectful and courteous manner, recognizing the diverse background, skills and experience of Council Members and Committee Members;
 - (c) regularly attending and being prepared for meetings;
 - (d) abiding by and endorsing Council and Committee decisions, regardless of personal opinions about them; and
 - (e) respecting the boundaries of College staff who do not report to or work for individual Council Members or Committee Members;
 - (f) being respectful of others and not engaging in behaviour that might reasonably be perceived as verbal, physical or sexual abuse or harassment; and
 - (g) refraining from any other form of misconduct Council may determine.

5.06 Grounds for Disqualifying or Sanctioning an Elected Council Member or Committee Member

- (1) Council shall disqualify an Elected Council Member or Committee Member from sitting on Council or a Committee, as the case may be, if they:
 - (a) are found by a panel of the Discipline Committee to be incompetent or to have committed an act of professional misconduct;
 - (b) are found by a panel of the Fitness to Practise Committee to be an incapacitated member;
 - (c) cease to reside or practise optometry in the electoral district for which the Member was elected;
 - (d) cease to be a member of the Faculty of the University of Waterloo School of Optometry and Vision Science if elected in District 6;
 - (e) cease to be the holder of:
 - (i) a general certificate of registration; or
 - (ii) an academic certificate of registration;

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

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

- (1) The College shall request that the Public Appointments Secretariat disqualify and remove an Appointed Council Member from Council if the Appointed Council Member:
 - (a) becomes a Member; or
 - (b) fails to comply with paragraphs (h) through (j) of section 1 of Part 5.06; and
- (2) An Appointed Council Member may also be sanctioned and a request made that they be disqualified if they fail to comply with these By-laws including the College's Code of Conduct and the conflict of interest provisions.

5.08 Process for Disqualifying or Sanctioning a Council Member and Committee Member

- (1) The following process shall be used to disqualify or sanction an Elected Council Member, Committee Member or Appointed Council Member (the "Subject Member"):
 - (a) Where a Council Member or the Registrar receives information in writing that suggests that a Subject Member should be disqualified or sanctioned the Council Member or Registrar shall notify the Council-delegated Committee in writing;
 - (b) The Council-delegated Committee shall provide the Subject Member with notice of the matter and thirty (30) days to provide a written response;
 - (c) The Council-delegated Committee shall consider the matter and dismiss the matter, sanction the Subject Member, or if it finds that the Subject Member ought to be disqualified, refer the matter to the President within thirty days of its decision;
 - (d) Upon receipt of the information, the President shall do the following:
 - (i) place the matter on the Agenda at the next Council meeting or call a Special Meeting for that purpose; and
 - (ii) notify the Subject Member of the referral to Council and their right to make written or oral submissions at the meeting.
 - (e) When considering the matter, Council may do one or more of the following:
 - (i) conduct an investigation into the matter before considering the matter;
 - (ii) dismiss the matter;
 - (iii) sanction or disqualify the Subject Member by Special Resolution; and
 - (iv) in the case of an Appointed Council Member, pass a Special Resolution to request that the Public Appointments Secretariat disqualify them.
- (2) Until the matter has been finally disposed of, the Subject Member shall be suspended from their role(s) at the College and shall not participate in any discussion or vote regarding their sanction or disqualification.
- (3) A Subject Member who has been disqualified ceases to be a Council Member and a member of all Committees.
- (4) The disqualification of a Council Member or Committee Member shall be deemed to constitute a vacancy for the purposes of these By-laws and the relevant provisions shall apply.

5.09 Temporary Suspension

- (1) A Council Member or Committee Member who becomes the subject of a disciplinary or incapacity proceeding shall not serve on Council or on any Committee until a final decision (including any appeal) has been rendered.

- (2) An Elected Council Member or Committee Member, who fails to comply with paragraph 5.06(f), shall not serve on Council or any Committee until the failure is remedied unless the failure resulted in their disqualification.

5.10 Waiting Periods

- (1) There shall be a one (1) year waiting period for the following positions:
 - (a) a Council Member, Committee Member or person referred to in paragraph 4.01(3) who wants to work as an employee of the College, on contract with the College, or hold any appointment with the College; and
 - (b) an employee, contractor or any other appointee of the College who wants to be a Council Member or Committee Member;
- (2) Council may, under exceptional circumstances, adjust the one-year waiting period in subsection (1) by Special Resolution.
- (3) After completing nine (9) consecutive years on Council, a Council Members shall complete a three (3) year waiting period prior to commencing another term on Council.
- (4) For the purposes of this section, waiting periods shall commence on the day following the last day that the conflicting position was held by the person.

5.11 Creating Rules and Policies

- (1) The College may create rules, policies and similar guiding documents to govern the College and the conduct of its Members, Council Members, Committees and panels.

Part 6 – Registration Matters

Register

6.01 Maintaining the Register

The Registrar shall maintain a register on behalf of the College in an up-to-date manner.

6.02 Content of Register Entries

In addition to the information required under subsection 23(2) of the Code, the register shall contain the following information, which is designated by the College as public pursuant to subsection 23(5) of the Code:

- (1) the Member's gender;
- (2) the date that the Member first became a Member or, if the Member was licensed under the *Health Disciplines Act*, the date when the Member was first issued a license by the College;
- (3) each Member's certificate of registration number and the date it was issued;

- (4) a description of the Member's degree in optometry (or equivalent academic achievement) and the year the Member obtained it;
- (5) any language in which the Member is able to communicate and provide services to patients;
- (6) the name and address of any optometric practise for which the Member is an employee, contractor or otherwise;
- (7) if applicable, a notation concerning the authorization by the College to prescribe drugs, and the date on which the Member received such authorization;
- (8) A Member's certificate of authorization, if any, including:
 - (a) the name of the corporation; and
 - (b) the date it was issued;
- (9) upon revision of a certificate of registration or certificate of authorization:
 - (a) details of the revision; and
 - (b) the effective date of the revision;
- (10) the effective date of resignation of the Member;
- (11) a summary of any current charges against a Member, other than those required by the Code, of which the College is aware in respect of a federal, provincial or other offence that the Registrar believes is relevant to the Member's suitability to practise;
- (12) a summary of any currently existing conditions, terms, orders, directions or agreements relating to the custody or release of the Member in provincial, federal or other offence processes, other than those required by the Code, of which the College is aware and that the Registrar believes is relevant to the Member's suitability to practise;
- (13) a summary of any findings of guilt, other than those required by the Code, of which the College is aware if made by a court after January 17, 2015, against a Member in respect of a federal, provincial or other offence that the Registrar believes is relevant to the Member's suitability to practise;
- (14) where the Member's certificate of registration is subject to any terms, conditions and limitations, the reason for them, the Committee that imposed them and the date they took effect;
- (15) where terms, conditions or limitations on the Member's certificate of registration have been varied or removed, the effective date of the variance or removal;
- (16) where the Member's certificate of registration is subject to a suspension for failure to pay a fee, the reason for the suspension and the date of the suspension in addition to the fact of the suspension;
- (17) where a suspension of the Member's certificate of registration is lifted or otherwise removed, the effective date of the lifting or removal of that suspension;

- (18) where the Member's certificate of registration is reinstated, the effective date of the reinstatement;
- (19) where a finding of professional negligence or malpractice is contained in the College's register, the following information;
- (a) the date of the finding;
 - (b) the court and the court file number;
 - (c) a summary of the finding; and
 - (d) the status of any appeal respecting the finding made against the Member;
- (20) where applicable, a summary of any restriction on the Member's right to practise:
- (a) resulting from an undertaking given by the Member to the College or an agreement entered into between the Member and the College; or
 - (b) of which the College is aware and which has been imposed by a court or other lawful authority, in which event the summary of the restriction shall also include the source of the restriction;
- (21) the following information regarding every caution that a member has received from a panel of the ICRC under paragraph 3 of subsection 26 (1) of the Code:
- (a) a notation of that fact;
 - (b) a summary of the panel's decision, including a summary of the caution;
 - (c) the date of the panel's decision; and
 - (d) if applicable, a notation that the panel's decision is subject to review and therefore is not yet final, which notation shall be removed once the review is finally disposed of;
- (22) the following information regarding any specified continuing education or remediation program that has been required by the ICRC on or after October 1, 2015, under paragraph (4) of subsection 26(1) of the Code:
- (a) a notation of that fact;
 - (b) a summary of the panel's decision, including a summary of the specified continuing education or remediation program;
 - (c) the date of the panel's decision; and
 - (d) if applicable, a notation that the panel's decision is subject to review and therefore is not yet final, which notation shall be removed once the review is finally disposed of;
- (23) the following information regarding any undertaking that the member has been directed to comply with by the ICRC on or after October 1, 2015, under paragraph (4) of subsection 26(1) of the Code:

- (a) a notation of that fact;
 - (b) a summary of the panel's decision, including a summary of the undertaking; and
 - (c) the date of the undertaking and of the panel's decision;
- (24) where the Member's certificate of registration is subject to an interim order of the ICRC, a notation of that fact, the nature of that order and its effective date;
- (25) where an allegation of a Member's professional misconduct or incompetence has been referred to the Discipline Committee or where the Registrar has referred an application for reinstatement to the Discipline Committee under section 73 of the Code and the matter is outstanding:
- (a) the date of the referral;
 - (b) a brief summary of each specified allegation, if applicable;
 - (c) the notice of hearing;
 - (d) the anticipated date of the hearing if the hearing date has been set or, if the hearing has commenced, the next scheduled date for the continuation of the hearing;
 - (e) if the hearing is awaiting scheduling, a statement of that fact; and
 - (f) if the hearing of evidence and arguments is completed and the parties are awaiting a decision of the Discipline Committee, a statement of that fact;
- (26) where a decision of the Discipline Committee has been published by the College with the Member's name:
- (a) a notation of that fact; and
 - (b) identification of the specific publication of the College which contains the information;
- (27) the reasons for decision of every disciplinary proceeding:
- (a) in which a panel of the Discipline Committee makes a finding of professional misconduct or incompetence; and
 - (b) in which a panel of the Discipline Committee makes no finding with regard to the proceeding but the Member requests that the reasons be posted in the register;
- (28) where the question of a Member's capacity has been referred to the Fitness to Practise Committee or where the Registrar has referred an application for reinstatement to the Fitness to Practise Committee under section 73 of the Code and the matter is outstanding:
- (a) the date of the referral; and
 - (b) a notation of the referral.
- (29) where the College is aware that a pending allegation of professional misconduct or incompetence or a similar allegation has been referred to a discipline type of hearing against a

Member registered or licensed to practise a profession inside or outside of Ontario and the Registrar believes that it is relevant to the Member's suitability to practise,

- (a) a notation of that fact;
 - (b) the name of the governing body that made the referral;
 - (c) the date of the referral if available;
 - (d) a brief summary of each allegation if available; and
 - (e) the notice of hearing if available;
- (30) in respect of a former Member, any information that was in the register at the time the former Member's registration terminated, for a period of at least two (2) years after the termination of registration, except for any information related to discipline proceedings in Ontario, which shall be entered in the register for a period of fifty (50) years after the termination of registration; and
- (31) any other information not otherwise referred to in this section, which the College and the Member have agreed shall be available to the public.

6.03 Designated Information for Safety Exception

- (1) All of the information required to be kept in the register under subsection 23(2) of the Code and under 6.02 of these By-laws is designated as information that may be withheld from the public pursuant to subsection 23(6) of the Code if the Registrar has reasonable grounds to believe that disclosure of that information may jeopardize the safety of an individual.

6.04 Deletion of Information

- (1) Notwithstanding section 6.02, where after a review the ICRC has been required to remove or vary the requirement to appear for a caution or to complete a specified continuing education or remediation program:
- (a) the Registrar may delete from the register any information which would otherwise have been required to be maintained under section 6.02(23) or section 6.02(24); and
 - (b) the Registrar may enter a summary of the process leading up to and the results of any variation of a caution or a specified continuing education or remediation program.

INFORMATION PROVIDED BY MEMBERS

6.05 Member Obligations to Provide Information

- (1) Upon written request for information by the College, a Member shall respond in writing within the time provided.
- (2) A Member shall provide written notice of any change to information previously provided to the College within fourteen (14) days of the change.

6.06 Member Reports

- (1) A Member's certificate of registration must be renewed annually.
- (2) The College shall send a member report to each Member by mail or e-mail requesting any information required by the Registrar and provide the Members with at least thirty (30) days to respond.
- (3) The College may request:
 - (a) information that the College is required to maintain in the register;
 - (b) a copy of the declarations page from the Member's professional liability insurance policy;
 - (c) information which allows the College to maintain statistics related to the College and the Member; and
 - (d) any other information the College requires.
- (4) If a Member fails to return a completed member report to the College within the time provided, the Registrar shall:
 - (a) notify the Member in writing of such failure; and
 - (b) provide the Member with a reasonable period to return a completed member report to the College.
- (5) If the Member fails to rectify the failure within the time provided, the College may, without notice, suspend the Member's certificate of registration until a completed member report is returned.
- (6) When the College receives notice of a change in information required for the issuance of a certificate of registration, it may:
 - (a) issue a revised certificate of registration;
 - (b) decline to revise the existing certificate of registration; or
 - (c) revoke a certificate of registration.

LIFE MEMBERS

6.07 Life Members

- (1) A Member or a former Member may apply to the College to be designated as a Life Member by the College's Registrar;
- (2) A Member or a former Member is eligible to be a Life Member if they:
 - (a) hold or have ever held a general certificate of registration or academic certificate of registration with the College for at least twenty-five (25) years;

- (b) have retired from practising optometry;
 - (c) were in good standing with the College when they resigned their membership with the College;
 - (d) are not a Council Member;
 - (e) after having been provided with an opportunity to rectify any failure of their obligations to the College:
 - (i) have paid any fee, penalty or order for costs owing to the College;
 - (ii) have submitted to the College all required forms and documents; and
 - (iii) are otherwise in good standing with the College;
 - (f) have not had their certificate of registration suspended or revoked in the previous six (6) years;
 - (g) have not had any exceptional term, condition or limitation on their certificate of registration in the previous six (6) years;
 - (h) are not the subject of any disciplinary or incapacity proceedings; and
 - (i) have not otherwise acted in a manner that is inconsistent with an ongoing association with the College.
- (3) A Life Member shall not:
- (a) practise optometry;
 - (b) hold themselves out as qualified to practise optometry in Ontario; or
 - (c) be eligible for election to Council or vote in Council elections.
- (4) A Life Member's designation may be revoked by the Registrar if the Life Member
- (a) is found by a panel of the Discipline Committee to be incompetent or to have committed an act of professional misconduct;
 - (b) acts in a manner that is inconsistent with an ongoing association with the College provided that, before making a determination, the Registrar first provides the Life Member with a reasonable opportunity to make written submissions; or
 - (c) after having been provided with an opportunity to rectify any failure in their obligations to the College:
 - (i) remains in default of any fee, charge or order for costs owing to the College;
 - (ii) fails to submit to the College all required forms and documents; or
 - (iii) ceases to otherwise be in good standing with the College.

- (5) A Life Member who wishes to re-obtain a general or academic certificate of registration must apply for one and meet the registration requirements in effect at the time of application.

HEALTH PROFESSIONAL CORPORATIONS

6.08 Obligation to Provide Information

- (1) Upon written request for information from the College, a health professional corporation shall respond in writing within the time provided.

6.09 Application

- (1) A health professional corporation is eligible to hold a certificate of authorization if:
- (a) the articles of the corporation provide that the corporation cannot carry on a business other than the practise of optometry and activities related to or ancillary to the practise of optometry;
 - (b) all of the issued and outstanding shares of the corporation are legally and beneficially owned, directly or indirectly, by one or more Members; and
 - (c) all the requirements set out in these By-laws, the *Ontario Business Corporations Act*, the RHPA, the Act and in any other applicable statute or regulation have been satisfied.
- (2) In order to obtain a certificate of authorization, a health professional corporation shall submit a completed application package to the College which shall include the following:
- (a) a copy of the corporation's articles of incorporation, continuance and/or amalgamation, as applicable;
 - (b) a corporation profile report that has been issued no more than thirty (30) days before submitting the application indicating that the corporation has not been dissolved;
 - (c) a statutory declaration of a director of the corporation, executed not more than fifteen (15) days before submitting the application, certifying that:
 - (i) the corporation complies with the relevant legislation;
 - (ii) the corporation does not carry on, and does not plan to carry on, any business that is not the practise of optometry or practises related to or ancillary to the practise of optometry;
 - (iii) there has been no change in the status of the corporation since the date of the corporation profile report; and
 - (iv) the information contained in the application is complete and accurate as of the date the statutory declaration is executed;
 - (d) the signature of all shareholders of the health professional corporation; and
 - (e) any other information the College deems necessary.

6.10 Renewal

- (1) A certificate of authorization must be renewed annually on or before the anniversary of the certificate's date of issue.
- (2) The College will request any information required by the Registrar from a health professional corporation by mail or e-mail and provide the health professional corporation with at least thirty (30) days to respond.
- (3) If a health professional corporation fails to renew within the time provided, the Registrar may:
 - (a) notify the health professional corporation in writing of such failure;
 - (b) provide the health professional corporation with at least sixty (60) days to provide the renewal documents and fee(s) to the College; and
 - (c) advise the health professional corporation that failure to renew will result in revocation of the health professional corporation's certificate of authorization.
- (4) A health professional corporation must advise the Registrar in writing of a change to any information required for issuance of a certificate of authorization within fourteen (14) days of such change. When the College receives such a notice, it may:
 - (a) issue a revised certificate of authorization;
 - (b) decline to revise the existing certificate of authorization; or
 - (c) revoke a certificate of authorization.

Professional Liability Insurance

6.11 Mandatory Insurance for Members

- (1) No Member shall engage in the practise of optometry unless they are personally insured against professional liability under a professional liability insurance policy that provides coverage based on when an "occurrence" allegedly took place.
- (2) The professional liability insurance policy must include the following:
 - (a) minimum coverage in the amount of \$2,000,000 per occurrence and \$5,000,000 aggregate per year; and
 - (b) a deductible of not more than \$5,000.
- (3) A Member must, at all times, keep a copy of their professional liability insurance policy at all of their places of business.

Part 7 – By-Laws

7.01 Special Resolution is Required

- (1) A Special Resolution is required to amend or revoke these By-laws, or make new By-laws.
- (2) Written notice of all motions applying to the making, amending or revoking of a By-law shall be circulated as follows:
 - (a) to Council Members at least fourteen (14) days prior to the consideration of such motion; and
 - (b) when required under section 94(2) of the Code, to all Members at least sixty (60) days prior to the tabling of such motion.
- (3) Every By-law, including every amendment and revocation of a By-law, shall be dated and numbered according to the date on which it was passed.

Part 8 – Fees and Penalties

8.01 Setting and Imposing Fees and Penalties

- (1) The College shall maintain, as a schedule to these By-laws, a list of all fees and penalties which may be charged or imposed by the College. Council may, without amending these By-laws, adjust the amount of any fees or penalties set out in the schedule to reflect annual changes to the Consumer Price Index (Canada) plus up to 2%.
- (2) Where no fee or penalty has been set out in the schedule, a Member or person shall pay to the College the fee or penalty set by the College.

8.02 Obligation to Pay Fees and Penalties

- (1) A Member's obligation to pay a fee or penalty continues regardless of whether the College has failed to send notice of it to the Member or the Member has not received the notice.
- (2) The College may waive all or a portion of any fee or penalty.

8.03 Consequences for Failure to Pay Fees and Penalties

- (1) Any fee or penalty charged or imposed by the College not paid by a Member shall be included as part of a Member's next annual membership fee.
- (2) If a Member fails to pay a fee or penalty or part thereof, the Registrar may suspend the Member's certificate of registration within thirty (30) days of having given the Member notice that they intend to do so.

Schedule of Fees and Penalties – effective January 1, 2020

All of the following fees are in Canadian funds and subject to 13% HST.

	Fee
Application Fee including Jurisprudence Seminar and Exam Fee	\$420.00
Jurisprudence Reassessment Fee	\$184.00
Certificate Fee upon completion of all College registration requirements	\$26.00
Duplicate Certificate fee: <ul style="list-style-type: none"> • when ordered at the same time as the initial certificate • when ordered some time after ordering the initial certificate 	\$11.00 \$26.00
Annual Membership Fee (non-refundable)	\$945.00
Annual Non-Practising Membership Fee (non-refundable)	\$472.50
Late Penalty Fee (application, membership renewal, Certificate of Authorization renewal)	\$105.00
Reinstatement Fee (membership)	\$210.00
Certificate of Authorization (Incorporation) Application Fee	\$440.00
Certificate of Authorization (Incorporation) Certificate Fee	\$26.00
Certificate of Authorization (Incorporation) Revision	\$220.00
Certificate of Authorization (Incorporation) Annual Renewal Fee	\$220.00
Quality Assurance Practise Assessment Fee (CRA)	\$2,400.00
Quality Assurance Short Record Assessment Fee (for CE deficient hours): <ul style="list-style-type: none"> • Deficient by 5 hours or less (5 records) • Deficient by more than 5 hours (25 records) 	\$1,000.00 \$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: <ul style="list-style-type: none"> For members and other professionals on profession-related business (e.g., referrals) For continuing education providers (e.g., UWSO, Vision Institute, University of Toronto) For any commercial organization 	\$32.00 \$95.00 \$315.00
NSF Cheques	\$42.00
Fee for Copying and Providing any Requested Documentation	Actual costs to the College of providing the copies



College By-laws

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Revised September 4, 2012

Revised January 16, 2015

Revised April 8, 2015

Revised September 30, 2015

Revised January 20, 2016

Revised Fee Schedule Effective April 20, 2016

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Revised September 27, 2019

Revised Fee Schedule Effective January 1, 2020

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BY-LAWS OF THE COLLEGE OF OPTOMETRISTS OF ONTARIO

PART 1 - DEFINITIONS

1.01 Definitions

(1) In these By-laws, unless otherwise defined or required by the context,

"**Act**" means the *Optometry Act, 1991* including its associated regulations;

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

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

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

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

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

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

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

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

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

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

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

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

“**ICRC**” means the Inquiries, Reports and Complaints Committee;

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

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

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

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

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

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

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

1.02 Seal

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

PART 2 - BY-LAWS

2.01 Special Resolution is Required

- (1) A Special Resolution is required to amend or revoke these By-laws, or make new By-laws.
- (2) Written notice of all motions applying to the making, amending or revoking of a By-law shall be circulated as follows:
 - (a) to Council Members at least fourteen (14) days prior to the consideration of such motion; and
 - (b) when required under section 94(2) of the Code, to all Members at least sixty (60) days prior to the tabling of such motion.
- (3) Every By-law, including every amendment and revocation of a By-law, shall be dated and numbered according to the date on which it was passed.

PART 3 - BUSINESS PRACTICES

3.01 Banking

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

3.02 Investments

- (1) College funds not immediately required for use by the College may be invested in accordance with the investment criteria established by Council.
- (2) Council may authorize, by Resolution, any employee of the College to give directions to an investment advisor.
- (3) All securities and other negotiable instruments in which the College's monies have been invested shall be registered in the name of the College.
- (4) Council shall oversee and ensure that a process is in place to fairly evaluate the College's investments and investment advisor annually.

3.03 Borrowing

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

3.04 Expenses

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

3.05 Financial Year

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

3.06 Auditors

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

3.07 Annual Financial Statements

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

PART 4 - INSURANCE AND INDEMNIFICATION

4.01 Indemnification

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

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

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

PART 5 - EXECUTION OF DOCUMENTS

5.01 Signing Authority

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

PART 6 - ELECTION OF COUNCIL MEMBERS

6.01 Electoral Districts

- (1) Council shall consist of:
 - (a) Nine Elected Council Members elected from the following electoral districts:

- (i) **"District 1"** which comprises the municipality of Toronto and the regional municipalities of Halton, City of Hamilton, Niagara, Peel and York;
 - (ii) **"District 2"** which comprises the Northern Electoral District, composed of the territorial districts of Algoma, Cochrane, Kenora, Manitoulin, Nipissing, Parry Sound, Rainy River, City of Greater Sudbury, Thunder Bay and Timiskaming, the counties of Bruce, Dufferin, Grey, Haliburton, Huron; Renfrew and Simcoe and the district municipality of Muskoka;
 - (iii) **"District 3"** which comprises the Eastern Electoral District, composed of the counties of Frontenac, Hastings, Lanark, Northumberland, Peterborough, Prince Edward, Kawartha Lakes, Leeds & Grenville, Lennox and Addington, Prescott and Russell United Counties, Stormont, Dundas and Glengarry and the Durham Region and the City of Ottawa;
 - (iv) **"District 4"** which comprises the Western Electoral District, composed of Brant, Elgin, Essex, Chatham-Kent, Lambton, Middlesex, Oxford, Perth and Wellington and the regional municipalities of Haldimand County, Norfolk County and Waterloo; and
 - (v) **"District 5"** which comprises the Provincial Electoral District, composed of the whole of the Province of Ontario;
 - (b) Eight (8) Appointed Council Members; and
 - (c) One (1) Member, who has been selected from the Faculty of the University of Waterloo School of Optometry and Vision Science, provided that that person has first been elected, in the manner set out in these By-laws, by those Members who belong to the Faculty of the University of Waterloo School of Optometry and Vision Science. The electoral district for this Council position will be referred to as **"District 6"**.
- (2) Except for electoral Districts 1 and 5, one member is to be elected for each electoral district.
- (a) Two (2) members are to be elected for electoral District 1 and four (4) members are to be elected for electoral District 5.
- (3) If an electoral district has no candidate at the time of an election, that Council seat shall be transferred to District 5 to allow for any eligible Member to stand for election for that Council seat.

6.02 Voting Eligibility

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

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

6.03 Election Date

(1) Elections or selection for Council shall take place as follows:

- (a) For District 1:
 - (i) one (1) Council Member in 2021, and every third year thereafter; and
 - (ii) one (1) Council Member in 2022, and every third year thereafter;
- (b) For Districts 2 and 3: one (1) Council Member each in 2022, and every third year thereafter;
- (c) For District 4: one (1) Council Member in 2021, and every third year thereafter;
- (d) For District 5:
 - (i) two (2) Council Member in 2020, and every third year thereafter;
 - (ii) one (1) Council Member in 2021, and every third year thereafter; and
 - (iii) one (1) Council Members in 2022, and every third year thereafter;
- (e) For District 6, one (1) Council Member in 2021, and every third year thereafter.

- (2) Council elections and selection shall take place before the end of November in any given year.

6.04 Eligibility for Election

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

- (b) they would exceed eighteen (18) years in their lifetime on Council; or
- (c) they would exceed a total of twenty-one (21) years in their lifetime of serving on Council and/or any Committees where time served simultaneously on Council and/or any Committees is counted concurrently.

6.05 Term of Office

- (1) The term of office of a Council Member is three (3) years, beginning January 1st in the year following their election and expiring on December 31st three (3) years later.
- (2) Notwithstanding the application of paragraphs 6.04(4)(a) and (b), Council Members who took office in 2018, 2019, and 2020, shall be permitted to complete their current terms of office.

6.06 Nominating Procedure

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

6.07 Election Procedure

- (1) Each eligible Member may vote once for a candidate:
 - (a) in one of the following:
 - (i) in the district in which the Member's primary practise is located; or, if a Member does not practise optometry in Ontario, in the district where they primarily reside; or
 - (ii) if the Member belongs to the Faculty of the University of Waterloo School of Optometry and Vision Science, in District 6; and
 - (b) in District 5.
- (2) When there is more than one candidate for a position, the Registrar shall, at least fifteen (15) days before an election, send each Member entitled to vote in an election a ballot along with the voting instructions and any campaign materials provided by candidates.
- (3) The Registrar shall cause the votes to be tallied.

- (4) The candidate (or their designate) is entitled to be present while the Registrar tallies the votes.
- (5) The candidate who receives the most votes cast on a ballot for each contested electoral district shall be declared elected.
- (6) If the votes on a ballot result in a tie, the Registrar shall resolve the deadlock by lot.
- (7) If a position in an electoral district is not contested, the Registrar shall declare the candidate elected by acclamation.
- (8) Where an issue arises with respect to a ballot that is not governed by these By-laws, the Registrar shall resolve the dispute in a fair manner.
- (9) The Registrar shall report the results of the election to Council and the Members.
- (10) If Council determines, by Special Resolution, that an alternative method of voting would be preferable, Council shall create a democratic and fair procedure.

6.08 Vote Recount

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

6.09 Election Irregularity

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

6.10 Council Vacancies

- (1) If an Elected Council Member's seat becomes vacant during the first two (2) years of a Council Member's term:
 - (a) Council shall appoint the candidate who received the most votes during the previous election to fill the vacant position in that district provided that:
 - (i) the Member agrees to fill the vacant position; and
 - (ii) the Member is eligible to be a Council Member; or
 - (b) if the above requirements cannot be satisfied, the Registrar shall hold a by-election to fill the vacancy.
- (2) If the seat of an Elected Council Member becomes vacant in the third year of a Council Member's term, Council is not required to fill the vacancy.
- (3) If a vacancy on Council is filled by holding a by-election and the votes cast result in a tie, the Registrar shall resolve the deadlock by lot.
- (4) In the case of a by-election, the Registrar may amend the timing of the nomination and election procedure laid out in Part 6 to facilitate the filling of the vacancy.
- (5) Where an issue arises that is not governed by these By-laws during an election, the Registrar shall resolve the dispute in a fair manner.
- (6) The term of the replacement Council Member shall continue until the time when the previous Elected Council Member's term would have expired.

6.11 Unexpected Circumstances

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

PART 7 - ELECTION OF OFFICERS

7.01 Officers

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

7.02 Nomination Procedure

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

7.03 Process for Election of Officers

- (1) The election of officers shall take place on an annual basis at the last Council Meeting of each year.
- (2) At a Council Meeting during which an election of officers occurs:
 - (a) a special quorum of at least 2/3 of all Council Members must be present;
 - (b) the Registrar shall present the names of candidates who have indicated their interest for each officer's position;
 - (c) when an officer's position is not contested, the Registrar shall declare the candidate elected by acclamation; and
 - (d) when there is more than one candidate for an officer's position:
 - (i) voting shall be conducted by secret ballot;
 - (ii) the Registrar shall count the ballots, and report the results to Council;
 - (iii) the candidate who receives the most votes cast on a ballot shall be declared elected; and
 - (iv) if there is a tie in votes cast, the Registrar shall resolve the deadlock by lot.
- (3) Where an issue arises that is not governed by these By-laws during an election, the Registrar shall resolve the dispute in a fair manner.

7.04 Officer Term Limits

- (1) The term of an officer is one year, from January 1st to December 31st.
- (2) No officer shall serve more than four years in their lifetime in the office of President or the office of Vice-President.

7.05 Officer Vacancies

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

PART 8 - APPOINTMENT TO COMMITTEES

8.01 Eligibility for Appointment to Committees

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

- (1) the Member's certificate of registration is not subject to any exceptional term, condition or limitation;
- (2) the Member is not the subject of any disciplinary or incapacity proceeding;
- (3) the Member is not a director, officer, committee member or chair, appointee, employee, independent contractor or service provider of the Ontario Association of Optometrists, the Canadian Association of Optometrists or any other organization that is considered by Council to create a real or apparent conflict of interest;
- (4) the Member has not been a member of that Committee for a total of nine (9) years or more in their lifetime;

- (5) the Member has not already served a total of twenty-one (21) years in their lifetime on Council and/or any Committee subject to the following:
 - (a) For the purposes of calculating the twenty-one (21) years' time served simultaneously on Council and/or any Committees is counted concurrently; and
 - (b) Council may exempt this requirement if it is necessary to ensure that the Committee functions properly including that it has the proper composition or quorum;
- (6) the Member has not been disqualified as a Council Member or Committee Member in the preceding six (6) years; and
- (7) after having been provided with an opportunity to rectify any failure in their obligations to the College, the Member:
 - (b) has paid any fee, charge or order for costs owing to the College,
 - (c) has submitted to the College all required forms and documents, and
 - (d) is otherwise in good standing with the College.

8.02 Appointing Committee Members and Committee Chairs

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

8.03 Committee Vacancies

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

**PART 9 - DISQUALIFYING AND SANCTIONING COUNCIL MEMBERS
AND COMMITTEE MEMBERS**

**9.01 Grounds for Disqualifying or Sanctioning an Elected Council Member
or Committee Member**

- (1) Council shall disqualify an Elected Council Member or Committee Member from sitting on Council or a Committee, as the case may be, if they:
 - (a) are found by a panel of the Discipline Committee to be incompetent or to have committed an act of professional misconduct;
 - (b) are found by a panel of the Fitness to Practise Committee to be an incapacitated member;
 - (c) cease to reside or practise optometry in the electoral district for which the Member was elected;
 - (d) cease to be a member of the Faculty of the University of Waterloo School of Optometry and Vision Science if elected in District 6;
 - (e) cease to be the holder of:
 - (i) a general certificate of registration; or
 - (ii) an academic certificate of registration;
 - (f) after having been provided with an opportunity to rectify any failure in their obligations to the College:
 - (i) remain in default of any fee, charge or order for costs owing to the College,
 - (ii) fail to submit to the College all required forms and documents, or
 - (iii) cease to otherwise be in good standing with the College;
 - (g) have any exceptional term, condition or limitation on their certificate of registration;
 - (h) fail to annually sign and/or comply with the confidentiality agreement with the College, in the form approved by Council;
 - (i) becomes a director, officer, committee member or chair, appointee, employee, independent contractor or service provider of the Ontario Association of Optometrists, the

Canadian Association of Optometrists or any other organization that is considered by Council to create a real or apparent conflict of interest.

- (j) subject to the discretion of Council to excuse the absence:
 - (i) fail to attend any two (2) of three (3) consecutive regular meetings of the Council;
 - (ii) fail to attend any two (2) of three (3) consecutive regular meetings of a Committee of which they are a member; and
 - (iii) fail to attend a hearing or proceeding, or part thereof, of a panel on which they sit.
- (2) An Elected Council Member or a Committee Member may also be disqualified or sanctioned if they fail to comply with these By-laws, including the College's Code of Conduct and the conflict of interest provisions.

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

- (1) The College shall request that the Public Appointments Secretariat to disqualify and remove an Appointed Council Member from Council if the Appointed Council Member:
 - (a) becomes a Member; or
 - (b) fails to comply with paragraphs (h) through (j) of section 1 of Part 9.01; and
- (2) An Appointed Council Member may also be sanctioned and a request made that they be disqualified if they fail to comply with these By-laws including the College's Code of Conduct and the conflict of interest provisions.

9.03 Process for Disqualifying or Sanctioning a Council Member and Committee Member

- (1) The following process shall be used to disqualify or sanction an Elected Council Member, Committee Member or Appointed Council Member (the "Subject Member"):
 - (a) Where a Council Member or the Registrar receives information in writing that suggests that a Subject Member should be disqualified or sanctioned the Council Member or Registrar shall notify the Council-delegated Committee in writing;

- (b) The Council-delegated Committee shall provide the Subject Member with notice of the matter and thirty (30) days to provide a written response;
 - (c) The Council-delegated Committee shall consider the matter and dismiss the matter, sanction the Subject Member, or if it finds that the Subject Member ought to be disqualified, refer the matter to the President within thirty days of its decision;
 - (d) Upon receipt of the information, the President shall do the following:
 - (i) place the matter on the Agenda at the next Council meeting or call a Special Meeting for that purpose; and
 - (ii) notify the Subject Member of the referral to Council and their right to make written or oral submissions at the meeting.
 - (e) When considering the matter, Council may do one or more of the following:
 - (i) conduct an investigation into the matter before considering the matter;
 - (ii) dismiss the matter;
 - (iii) sanction or disqualify the Subject Member by Special Resolution; and
 - (iv) in the case of an Appointed Council Member, pass a Special Resolution to request that the Public Appointments Secretariat disqualify them.
- (2) Until the matter has been finally disposed of, the Subject Member shall be suspended from their role(s) at the College and shall not participate in any discussion or vote regarding their sanction or disqualification.
- (3) A Subject Member who has been disqualified ceases to be a Council Member and a member of all Committees.
- (4) The disqualification of a Council Member or Committee Member, shall be deemed to constitute a vacancy for the purposes of these By-laws and the relevant provisions shall apply.

9.04 Temporary Suspension

- (1) A Council Member or Committee Member who becomes the subject of a disciplinary or incapacity proceeding, shall not serve on Council or on any Committee until a final decision (including any appeal) has been rendered.
- (2) An Elected Council Member or Committee Member, who fails to comply with paragraph 9.01(f), shall not serve on Council or any Committee until the failure is remedied unless the failure resulted in their disqualification.

PART 10 - DESCRIPTION OF DUTIES

10.01 President

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

- (i) liaising with the Registrar on any issue relating to the interaction between Council Members and College staff; and
- (j) any other duty determined by Council.

10.02 Vice-President

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

10.03 Registrar and CEO

- (1) The Registrar holds the most senior position on the College's staff and is the chief executive officer of the College.
- (2) The Registrar is directly accountable to Council and, between Council meetings, to the Executive Committee.
- (3) The Registrar's duties include:
 - (a) overseeing the day to day affairs of the College;
 - (b) ensuring compliance with statutory obligations;
 - (c) implementing and monitoring College policies;
 - (d) facilitating the orderly transfer of presidential responsibility, when required;
 - (e) preparing and maintaining minutes of all Council and Executive Committee meetings and maintaining the College's records, documents and register;

- (f) preparing agendas for meetings of Council and the Executive Committee, and submitting those agendas to the President for approval;
- (g) providing notice of all Council and Executive Committee meetings;
- (h) establishing and maintaining administrative, human resource, and financial operations of the College's office, in collaboration with Council and the Executive Committee, to ensure effective management of the College;
- (i) signing contracts, documents and other instruments as may be assigned by Council or as are incidental to the office of the Registrar;
- (j) recruiting, hiring, promoting, terminating and establishing the terms, duration and severances of employment of College staff;
- (k) ensuring an annual performance assessment and, when applicable, encouraging continuing professional development of College staff;
- (l) acting as an official spokesperson for the College; and
- (m) any other duty determined by Council.

10.04 Committee Chairs

- (1) The Committee Chair reports to Council.
- (2) Committee Chair duties include:
 - (a) providing effective leadership for the Committee and facilitating Committee Meetings;
 - (b) approving meeting agendas prepared by College staff;
 - (c) assessing whether Committee Members have the resources and training to effectively perform the Committee's work;
 - (d) ensuring that the activities of the Committee are conducted within budget;
 - (e) working with the Committee and College staff to establish, monitor and execute Committee goals;

- (f) submitting a regular report to Council containing information on the affairs of the Committee and reporting to a Council-delegated Committee the affairs of the Committee;
- (g) being a spokesperson for the Committee and ensuring all Committee Members publicly support Committee decisions; and
- (h) any other duty determined by Council.

PART 11 - OBLIGATIONS OF COUNCIL AND COMMITTEE MEMBERS

11.01 Conflict of Interest

- (1) Council Members and Committee Members must not engage in any activities or decision-making where a conflict of interest may arise.
- (2) A conflict of interest occurs when a Council Member's or Committee Member's personal or financial interest or participation in an arrangement or agreement influences, is likely to influence, or could be perceived as influencing that person's judgment or decision-making with respect to College matters.
- (3) The personal or financial interests of a family member or close relation (such as a friend or business associate) of a Council Member or Committee Member shall be interpreted to be the interests of a Council Member or Committee Member.
- (4) A Council Member or Committee Member shall not use College property or information of any kind to advance their own interests.

11.02 Process for Declaring a Conflict of Interest for Council Members

- (1) If a Council Member believes that they or another Council Member has or may have a conflict of interest in a matter which is the subject of deliberation or action by Council, they shall consult with the Registrar and inform the Council as soon as possible before the consideration of the matter at the meeting.
- (2) If there is any doubt about whether a conflict of interest exists, the Council Member shall declare it to Council and Council shall decide in their absence whether a conflict exists and the Council Member shall accept the decision.
- (3) The Council Member who has the conflict shall do the following:
 - (a) absent themselves from the room when the matter is being considered;
 - (b) refrain from voting on the matter; and

- (c) not do anything to influence the decision.
- (4) The conflict of interest shall be recorded in the minutes of the meeting.

11.03 Declaring a Conflict of Interest for Committee Members

- (1) If a Committee Member believes that they have or another Committee Member may have a conflict of interest in a matter which is the subject of deliberation or action, they shall consult the Committee's staff support and disclose it to the Committee chair as soon as possible before the consideration of the matter at the meeting;
- (2) If there is any doubt about whether a conflict of interest exists, the Committee chair shall decide whether a conflict exists and how to resolve it and the Committee Member shall abide by the decision.
 - (3) The Committee Member who has a conflict shall:
 - (a) absent themselves from the room when the matter is considered;
 - (b) refrain from voting on the matter; and
 - (c) not do anything to influence the decision.
 - (4) The conflict of interest shall be recorded in the minutes of the Committee meeting.

11.04 Waiting Periods

- (1) There shall be a one (1) year waiting period for the following positions:
 - (a) a Council Member, Committee Member or person referred to in paragraph 8.01(3)(a) who wants to work as an employee of the College, on contract with the College, or hold any appointment with the College; and
 - (b) an employee, contractor or any other appointee of the College who wants to be a Council Member or Committee Member.;
- (2) Council may, under exceptional circumstances, adjust the one-year waiting period in subsection (1) by Special Resolution.
- (3) After completing nine (9) consecutive years on Council, a Council Members shall complete a three (3) year waiting period prior to commencing another term on Council.
- (4) For the purposes of this section, waiting periods shall commence on the day following the last day that the conflicting position was held by the person.

11.05 Confidentiality

- (1) Council Members and Committee Members, College staff and persons retained or appointed by the College shall:
 - (a) maintain confidentiality of information disclosed to them in the course of discharging their duties, unless otherwise authorized by Council or permitted under section 36(1) of the RHPA;
 - (b) refrain from discussing matters arising in an *in camera* meeting;
 - (c) refrain from communicating to Members, including Council Members or Committee Members, information regarding registration, complaints, reports, investigations, disciplinary or fitness to practise proceedings, unless:
 - (i) they are a Member of the same panel considering the matter, or
 - (ii) when there is no panel, of the same Committee considering the matter.
 - (d) seek advice if any doubt whether an exception under section 36(1) of the RHPA applies.

11.06 Code of Conduct

- (1) Council Members and Committee Members must, at all times, when discharging their College duties, act in the public's best interest, maintain high standards of integrity, honesty, and loyalty.
- (2) The College's Code of Conduct for Council Members and Committee Members includes:
 - (a) being familiar and complying with the provisions of the RHPA, the Act, and the By-laws and policies of the College;
 - (b) actively and constructively participating in Council and Committee deliberations in a respectful and courteous manner, recognizing the diverse background, skills and experience of Council Members and Committee Members;
 - (c) regularly attending and being prepared for meetings;
 - (d) abiding by and endorsing Council and Committee decisions, regardless of personal opinions about them; and

- (e) respecting the boundaries of College staff who do not report to or work for individual Council Members or Committee Members;
- (f) being respectful of others and not engaging in behaviour that might reasonably be perceived as verbal, physical or sexual abuse or harassment; and
- (g) refraining from any other form of misconduct Council may determine.

PART 12 - REMUNERATION OF ELECTED COUNCIL MEMBERS

12.01 Remuneration Policy of the College

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

PART 13 - COUNCIL

13.01 Council Meetings

- (1) Council Meetings shall be held at the College or any other location determined by the Registrar.
- (2) The Registrar shall serve as Council's secretary.
- (3) At least four Council meetings shall be held in a calendar year. Additional Council meetings may be called by:
 - (a) Resolution;
 - (b) the President; or
 - (c) the written request of a majority of Council Members.
- (4) A Council meeting may be held in any manner that allows all Members, along with any members of the public, to participate simultaneously and instantaneously.
- (5) Council meetings are open to the public. However, the public may be excluded from any meeting or part of a meeting in accordance with section 7 of the Code.
- (6) Notice of a Council Meeting shall:
 - (a) be communicated to Council Members as soon as practicable;
 - (b) be posted at least fourteen (14) days before the Council Meeting on the College's website;

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

13.02 Chair

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

13.03 Quorum

- (1) A majority of Council Members constitutes a quorum to hold a Council meeting.

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

13.04 Voting

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

13.05 Written Resolutions

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

13.06 Rules of Order of Council Meetings

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

- (3) ***Motions***

- (a) Before a matter may be voted on:

- (i) it must be introduced by a Council Member;

- (ii) Council Members must have an opportunity to debate it; and

- (iii) a motion regarding the matter must be made and seconded.

- (b) When a motion is being debated, no other motion can be made except to:

- (i) amend it;

- (ii) postpone it;

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

(4) ***Maintaining Order***

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

(5) *Other*

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

PART 14 - COMMITTEES

14.01 Committee Meetings

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

14.02 Executive Committee

- (1) The Executive Committee shall be composed of either three (3) or five (5) Council Members and shall include:
 - (a) the President and Vice President; and

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

14.03 Registration Committee

- (1) The Registration Committee shall be composed of a minimum of five (5) persons, including at least:
 - (a) one (1) Elected Council Member;
 - (b) two (2) Appointed Council Members; and
 - (c) two (2) Members who may or may not be Council Members.
- (2) A panel of the Registration Committee shall be composed of at least three (3) Committee Members, at least one of whom is an Appointed Council Member.

14.04 Inquiries, Complaints and Reports Committee

- (1) The ICRC shall be composed of at least ten (10) persons, including at least:
 - (a) four (4) Appointed Council Members;
 - (b) one (1) Elected Council Member; and
 - (c) five (5) Members who may or may not be Council Members.
- (2) A panel of the ICRC shall be composed of at least three (3) Committee Members, at least one (1) of whom is an Appointed Council Member.

14.05 Discipline Committee

- (1) The Discipline Committee shall be composed of:
 - (a) all elected Council Members who are not members of the ICRC;
 - (b) all appointed Council Members; and
 - (c) at least five (5) Members who are not Council Members.
- (2) A panel of the Discipline Committee shall be composed of at least three (3) and no more than five (5) Committee Members, at least two (2) of whom are Appointed Council Members.

14.06 Fitness to Practise Committee

- (1) The Fitness to Practise Committee shall be composed of at least three (3) persons, including:
 - (a) one (1) Elected Council Member;
 - (b) one (1) Appointed Council Member; and
 - (c) one (1) Member who may or may not be a Council Member.
- (2) A panel of the Fitness to Practise Committee shall be composed of at least three (3) Committee Members, at least one (1) of whom is an Appointed Council Member.

14.07 Quality Assurance Committee

- (1) The Quality Assurance Committee shall be composed of at least thirteen (13) persons, including:
 - (a) two (2) Elected Council Members;
 - (b) three (3) Appointed Council Members; and
 - (c) eight (8) Members who may or may not be Council Members.
- (2) A panel of the Quality Assurance Committee shall be composed of at least three (3) Committee Members, at least one (1) of whom is an Appointed Council Member.

14.08 Patient Relations Committee

The Patient Relations Committee shall be composed of at least seven (7) persons, including:

- (a) one (1) Elected Council Member;
- (b) three (3) Appointed Council Members; and
- (c) three (3) Members who may or may not be Council Members.

14.09 Ad Hoc and Standing Committees

- (1) Council may, by Resolution, appoint and fill such Ad Hoc and/or Standing Committees as it deems necessary.

14.10 Committee Chairs and Panel Chairs

- (1) The term of a Committee Chair is one (1) year.
- (2) The chairs of the Registration Committee, the ICRC and the Discipline Committee shall appoint their Committee Members to panels and a panel chair for each panel. For all other College Committees, the appointment to panels and of the panel chair shall be done by a Council-delegated Committee.
- (3) When a panel chair is not able to attend a meeting, hearing or proceeding of a panel, the remaining panel members shall designate a chair for the duration of the absence.

14.11 Quorum for Committees and Panels

- (1) The quorum for any Committee Meeting is a majority of that Committee's Members.
- (2) The quorum for any panel of a Committee is three panel members, at least one of whom shall be an Appointed Council Member.
- (3) In determining whether or not a quorum has been met, the number of Committee Members or panel members shall be deemed not to be reduced as a result of any vacancy.

PART 15 - RULES AND POLICIES

15.01 Creating Rules and Policies

- (1) The College may create rules, policies and similar guiding documents to govern the College and the conduct of its Members, Council Members, Committees and panels.

PART 16 - INFORMATION PROVIDED BY MEMBERS

16.01 Member Obligations to Provide Information

- (1) Upon written request for information by the College, a Member shall respond in writing within the time provided.
- (2) A Member shall provide written notice of any change to information previously provided to the College within fourteen (14) days of the change.

16.02 Member Reports

- (1) A Member's certificate of registration must be renewed annually.
- (2) The College shall send a member report to each Member by mail or e-mail requesting any information required by the Registrar and provide the Members with at least thirty (30) days to respond.
- (3) The College may request:
 - (a) information that the College is required to maintain in the register;
 - (b) a copy of the declarations page from the Member's professional liability insurance policy;
 - (c) information which allows the College to maintain statistics related to the College and the Member; and
 - (d) any other information the College requires.
- (4) If a Member fails to return a completed member report to the College within the time provided, the Registrar shall:
 - (a) notify the Member in writing of such failure; and
 - (b) provide the Member with a reasonable period to return a completed member report to the College.
- (5) If the Member fails to rectify the failure within the time provided, the College may, without notice, suspend the Member's certificate of registration until a completed member report is returned.
- (6) When the College receives notice of a change in information required for the issuance of a certificate of registration, it may:
 - (a) issue a revised certificate of registration;
 - (b) decline to revise the existing certificate of registration; or

- (c) revoke a certificate of registration.

PART 17 - HEALTH PROFESSIONAL CORPORATIONS

17.01 Obligation to Provide Information

- (1) Upon written request for information from the College, a health professional corporation shall respond in writing within the time provided.

17.02 Application

- (1) A health professional corporation is eligible to hold a certificate of authorization if:
 - (a) the articles of the corporation provide that the corporation cannot carry on a business other than the practise of optometry and activities related to or ancillary to the practise of optometry;
 - (b) all of the issued and outstanding shares of the corporation are legally and beneficially owned, directly or indirectly, by one or more Members; and
 - (c) all the requirements set out in these By-laws, the *Ontario Business Corporations Act*, the RHPA, the Act and in any other applicable statute or regulation have been satisfied.
- (2) In order to obtain a certificate of authorization, a health professional corporation shall submit a completed application package to the College which shall include the following:
 - (a) a copy of the corporation's articles of incorporation, continuance and/or amalgamation, as applicable;
 - (b) a corporation profile report that has been issued no more than thirty (30) days before submitting the application indicating that the corporation has not been dissolved;
 - (c) a statutory declaration of a director of the corporation, executed not more than fifteen (15) days before submitting the application, certifying that:
 - (i) the corporation complies with the relevant legislation;
 - (ii) the corporation does not carry on, and does not plan to carry on, any business that is not the practise of optometry or practises related to or ancillary to the practise of optometry;

- (iii) there has been no change in the status of the corporation since the date of the corporation profile report; and
- (iv) the information contained in the application is complete and accurate as of the date the statutory declaration is executed;
- (d) the signature of all shareholders of the optometry professional corporation; and
- (e) any other information the College deems necessary.

17.03 Renewal

- (1) A certificate of authorization must be renewed annually on or before the anniversary of the certificate's date of issue.
- (2) The College will request any information required by the Registrar from a health professional corporation by mail or e-mail and provide the health professional corporation with at least thirty (30) days to respond.
- (3) If a health professional corporation fails to renew within the time provided, the Registrar may:
 - (a) notify the health professional corporation in writing of such failure;
 - (b) provide the health professional corporation with at least sixty (60) days to provide the renewal documents and fee(s) to the College; and
 - (c) advise the health professional corporation that failure to renew will result in revocation of the health professional corporation's certificate of authorization.
- (4) A health professional corporation must advise the Registrar in writing of a change to any information required for issuance of a certificate of authorization within fourteen (14) days of such change. When the College receives such a notice, it may:
 - (a) issue a revised certificate of authorization;
 - (b) decline to revise the existing certificate of authorization; or
 - (c) revoke a certificate of authorization.

PART 18 - REGISTER

18.01 Maintaining the Register

The Registrar shall maintain a register on behalf of the College in an up-to-date manner.

18.02 Content of Register Entries

In addition to the information required under subsection 23(2) of the Code, the register shall contain the following information, which is designated by the College as public pursuant to subsection 23(5) of the Code:

- (1) the Member's gender;
- (2) the date that the Member first became a Member or, if the Member was licensed under the *Health Disciplines Act*, the date when the Member was first issued a licence by the College;
- (3) each Member's certificate of registration number and the date it was issued;
- (4) a description of the Member's degree in optometry (or equivalent academic achievement) and the year the Member obtained it;
- (5) any language in which the Member is able to communicate and provide services to patients;
- (6) the name and address of any optometric practise for which the Member is an employee, contractor or otherwise;
- (7) if applicable, a notation concerning the authorization by the College to prescribe drugs, and the date on which the Member received such authorization;
- (8) A Member's certificate of authorization, if any, including:
 - (a) the name of the corporation; and
 - (b) the date it was issued;
- (9) upon revision of a certificate of registration or certificate of authorization:
 - (a) details of the revision; and
 - (b) the effective date of the revision;
- (10) the effective date of resignation of the Member;
- (11) a summary of any current charges against a Member, other than those required by the Code, of which the College is aware in respect of a federal, provincial or

other offence that the Registrar believes is relevant to the Member's suitability to practise;

- (12) a summary of any currently existing conditions, terms, orders, directions or agreements relating to the custody or release of the Member in provincial, federal or other offence processes, other than those required by the Code, of which the College is aware and that the Registrar believes is relevant to the Member's suitability to practise;
- (13) a summary of any findings of guilt, other than those required by the Code, of which the College is aware if made by a court after January 17, 2015, against a Member in respect of a federal, provincial or other offence that the Registrar believes is relevant to the Member's suitability to practise;
- (14) where the Member's certificate of registration is subject to any terms, conditions and limitations, the reason for them, the Committee that imposed them and the date they took effect;
- (15) where terms, conditions or limitations on the Member's certificate of registration have been varied or removed, the effective date of the variance or removal;
- (16) where the Member's certificate of registration is subject to a suspension for failure to pay a fee, the reason for the suspension and the date of the suspension in addition to the fact of the suspension;
- (17) where a suspension of the Member's certificate of registration is lifted or otherwise removed, the effective date of the lifting or removal of that suspension;
- (18) where the Member's certificate of registration is reinstated, the effective date of the reinstatement;
- (19) where a finding of professional negligence or malpractice is contained in the College's register, the following information;
 - (a) the date of the finding;
 - (b) the court and the court file number;
 - (c) a summary of the finding; and
 - (d) the status of any appeal respecting the finding made against the Member;
- (20) where applicable, a summary of any restriction on the Member's right to practise;

- (a) resulting from an undertaking given by the Member to the College or an agreement entered into between the Member and the College; or
 - (b) of which the College is aware and which has been imposed by a court or other lawful authority, in which event the summary of the restriction shall also include the source of the restriction;
- (21) the following information regarding every caution that a member has received from a panel of the ICRC, from a panel of the ICRC under paragraph 3 of subsection 26 (1) of the Code;
 - (a) a notation of that fact,
 - (b) a summary of the panel's decision, including a summary of the caution,
 - (c) the date of the panel's decision, and
 - (d) if applicable, a notation that the panel's decision is subject to review and therefore is not yet final, which notation shall be removed once the review is finally disposed of;
- (22) the following information regarding any specified continuing education or remediation program that has been required by the Inquiries, Complaints and Reports Committee on or after October 1, 2015 under paragraph (4) of subsection 26(1) of the Code,
 - (a) a notation of that fact,
 - (b) a summary of the panel's decision, including a summary of the specified continuing education or remediation program,
 - (c) the date of the panel's decision, and
 - (d) if applicable, a notation that the panel's decision is subject to review and therefore is not yet final, which notation shall be removed once the review is finally disposed of.
- (23) the following information regarding any undertaking that the member has been directed to comply with by the Inquiries, Complaints and Reports Committee on or after October 1, 2015 under paragraph (4) of subsection 26(1) of the Code:
 - (a) a notation of that fact;
 - (b) a summary of the panel's decision, including a summary of the undertaking; and

- (c) the date of the undertaking and of the panel's decision;
- (24) where the Member's certificate of registration is subject to an interim order of the ICRC, a notation of that fact, the nature of that order and its effective date;
- (25) where an allegation of a Member's professional misconduct or incompetence has been referred to the Discipline Committee or where the Registrar has referred an application for reinstatement to the Discipline Committee under section 73 of the Code and the matter is outstanding,
 - (a) the date of the referral;
 - (b) a brief summary of each specified allegation, if applicable;
 - (c) the notice of hearing;
 - (d) the anticipated date of the hearing if the hearing date has been set or, if the hearing has commenced, the next scheduled date for the continuation of the hearing;
 - (e) if the hearing is awaiting scheduling, a statement of that fact; and
 - (f) if the hearing of evidence and arguments is completed and the parties are awaiting a decision of the Discipline Committee, a statement of that fact;
- (26) where a decision of the Discipline Committee has been published by the College with the Member's name:
 - (a) a notation of that fact; and
 - (b) identification of the specific publication of the College which contains the information;
- (27) the reasons for decision of every disciplinary proceeding:
 - (a) in which a panel of the Discipline Committee makes a finding of professional misconduct or incompetence; and
 - (b) in which a panel of the Discipline Committee makes no finding with regard to the proceeding but the Member requests that the reasons be posted in the register;
- (28) where the question of a Member's capacity has been referred to the Fitness to Practise Committee or where the Registrar has referred an application for reinstatement to the Fitness to Practise Committee under section 73 of the Code and the matter is outstanding;

- (a) the date of the referral; and
 - (b) a notation of the referral.
- (29) where the College is aware that a pending allegation of professional misconduct or incompetence or a similar allegation has been referred to a discipline type of hearing against a Member registered or licensed to practise a profession inside or outside of Ontario and the Registrar believes that it is relevant to the Member's suitability to practise,
- (a) a notation of that fact;
 - (b) the name of the governing body that made the referral;
 - (c) the date of the referral if available;
 - (d) a brief summary of each allegation if available; and
 - (e) the notice of hearing if available.
- (30) in respect of a former Member, any information that was in the register at the time the former Member's registration terminated, for a period of at least two (2) years after the termination of registration, except for any information related to discipline proceedings in Ontario, which shall be entered in the register for a period of fifty (50) years after the termination of registration; and
- (31) any other information not otherwise referred to in this section, which the College and the Member have agreed shall be available to the public.

18.03 Designated Information for Safety Exception

- (1) All of the information required to be kept in the register under subsection 23(2) of the Code and under 18.02 of these By-laws is designated as information that may be withheld from the public pursuant to subsection 23(6) of the Code if the Registrar has reasonable grounds to believe that disclosure of that information may jeopardize the safety of an individual.

18.04 Deletion of Information

- (1) Notwithstanding section 18.02, where after a review the ICRC has been required to remove or vary the requirement to appear for a caution or to complete a specified continuing education or remediation program:
- (a) the Registrar may delete from the register any information which would otherwise have been required to be maintained under section 18.02(23) or section 18.02(24); and

- (b) the Registrar may enter a summary of the process leading up to and the results of any variation of a caution or a specified continuing education or remediation program.

PART 19 - LIFE MEMBERS

- (1) A Member or a former Member may apply to the College to be designated as a Life Member by the College's Registrar;
- (2) A Member or a former Member is eligible to be a Life Member if they:
 - (a) hold or have ever held a general certificate of registration or academic certificate of registration with the College for at least twenty five (25) years;
 - (b) have retired from practising optometry;
 - (c) were in good standing with the College when they resigned their membership with the College;
 - (d) are not a Council Member;
 - (e) after having been provided with an opportunity to rectify any failure of their obligations to the College:
 - (i) have paid any fee, penalty or order for costs owing to the College;
 - (ii) have submitted to the College all required forms and documents; and
 - (iii) are otherwise in good standing with the College;
 - (f) have not had their certificate of registration suspended or revoked in the previous six (6) years;
 - (g) have not had any exceptional term, condition or limitation on their certificate of registration in the previous six (6) years;
 - (h) are not the subject of any disciplinary or incapacity proceedings; and
 - (i) have not otherwise acted in a manner that is inconsistent with an ongoing association with the College.
- (3) A Life Member shall not:
 - (a) practise optometry;

- (b) hold themselves out as qualified to practise optometry in Ontario;
or
 - (c) be eligible for election to Council or vote in Council elections.
- (4) A Life Member's designation may be revoked by the Registrar if the Life Member:
 - (a) is found by a panel of the Discipline Committee to be incompetent or to have committed an act of professional misconduct;
 - (b) acts in a manner that is inconsistent with an ongoing association with the College provided that, before making a determination, the Registrar first provides the Life Member with a reasonable opportunity to make written submissions; or
 - (c) after having been provided with an opportunity to rectify any failure in their obligations to the College:
 - (i) remains in default of any fee, charge or order for costs owing to the College,
 - (ii) fails to submit to the College all required forms and documents, or
 - (iii) ceases to otherwise be in good standing with the College.
- (5) A Life Member who wishes to re-obtain a general or academic certificate of registration must apply for one and meet the registration requirements in effect at the time of application.

PART 20 - PROFESSIONAL LIABILITY INSURANCE

20.01 Mandatory Insurance for Members

- (1) No Member shall engage in the practise of optometry unless they are personally insured against professional liability under a professional liability insurance policy that provides coverage based on when an "occurrence" allegedly took place.
- (2) The professional liability insurance policy must include the following:
 - (a) minimum coverage in the amount of \$2,000,000 per occurrence and \$5,000,000 aggregate per year; and
 - (b) a deductible of not more than \$5,000.

- (3) A Member must, at all times, keep a copy of their professional liability insurance policy at all of their places of business.

PART 21 - FEES AND PENALTIES

21.01 Setting and Imposing Fees and Penalties

- (1) The College shall maintain, as a schedule to these By-laws, a list of all fees and penalties which may be charged or imposed by the College. Council may, without amending these By-laws, adjust the amount of any fees or penalties set out in the schedule to reflect annual changes to the Consumer Price Index (Canada) plus up to 2%.
- (2) Where no fee or penalty has been set out in the schedule, a Member or person shall pay to the College the fee or penalty set by the College.

21.02 Obligation to Pay Fees and Penalties

- (1) A Member's obligation to pay a fee or penalty continues regardless of whether the College has failed to send notice of it to the Member or the Member has not received the notice.
- (2) The College may waive all or a portion of any fee or penalty.

21.03 Consequences for Failure to Pay Fees and Penalties

- (1) Any fee or penalty charged or imposed by the College not paid by a Member shall be included as part of a Member's next annual membership fee.
- (2) If a Member fails to pay a fee or penalty or part thereof, the Registrar may suspend the Member's certificate of registration within thirty (30) days of having given the Member notice that they intend to do so.

Schedule of Fees and Penalties – effective January 1, 2020

All of the following fees are in Canadian funds and subject to 13% HST.

	Fee
Application Fee including Jurisprudence Seminar and Exam Fee	\$420.00
Jurisprudence Reassessment Fee	\$184.00
Certificate Fee upon completion of all College registration requirements	\$26.00
Duplicate Certificate fee:	
• when ordered at the same time as the initial certificate	\$11.00
• when ordered some time after ordering the initial certificate	\$26.00
Annual Membership Fee (non-refundable)	\$945.00
Annual Non-Practising Membership Fee (non-refundable)	\$472.50
Late Penalty Fee (application, membership renewal, Certificate of Authorization renewal)	\$105.00
Reinstatement Fee (membership)	\$210.00
Certificate of Authorization (Incorporation) Application Fee	\$440.00
Certificate of Authorization (Incorporation) Certificate Fee	\$26.00
Certificate of Authorization (Incorporation) Revision	\$220.00
Certificate of Authorization (Incorporation) Annual Renewal Fee	\$220.00
Quality Assurance Practice Assessment Fee (CRA)	\$2,400.00
Quality Assurance Short Record Assessment Fee (for CE deficient hours):	
• Deficient by 5 hours or less (5 records)	\$1,000.00
• Deficient by more than 5 hours (25 records)	\$5,000.00
Incorrectly Underreported CE Hours Audit Fee	\$350.00
Quality Assurance Evaluation Fee	\$3,176.00
Certificate of Standing	\$105.00
Address Labels:	
For members and other professionals on profession-related business (e.g., referrals)	\$32.00
For continuing education providers (e.g., UWSO, Vision Institute, University of Toronto)	\$95.00
For any commercial organization	\$315.00
NSF Cheques	\$42.00
Fee for Copying and Providing any Requested Documentation	Actual costs to the College of providing the copies



College By-laws

Original Effective Date: August 3, 2012
Revised September 4, 2012
Revised January 16, 2015
Revised April 8, 2015
Revised September 30, 2015
Revised January 20, 2016
Revised Fee Schedule Effective April 20, 2016
Revised Fee Schedule Effective January 16, 2017
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BY-LAWS OF THE COLLEGE OF OPTOMETRISTS OF ONTARIO

PART 1 - DEFINITIONS

1.01 Definitions

(1) In these By-laws, unless otherwise defined or required by the context,

"Act" means the *Optometry Act, 1991* including its associated regulations;

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

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

"College" means the College of Optometrists of Ontario;

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

"Committee Member" means a member of a Committee;

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

"Council" means the Council established under [s](#)Section 6 of the Act;

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

"Council Meeting" means a meeting of Council;

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

"Elected Council Member" means a Member of the College elected to Council in accordance with these By-laws (including [4D](#)District 6);

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

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

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

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

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

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

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

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

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

1.02 Seal

The seal ~~depicted below is the seal~~ of the College, if any, shall be in the form determined by Council.



PART 2 - ~~AMENDMENT OR REVOCATION OF BY-LAWS~~

2.01 Special Resolution is Required

- (1) A Special Resolution is required to amend or revoke these By-laws, or make new By-laws.
- (2) Written notice of all motions applying to the making, amending or revoking of a By-law shall be circulated as follows:

- (a) to Council Members at least fourteen (14) days prior to the ~~tabling~~consideration of such motion; and
 - (b) when required under ~~S~~section 94(2) of the Code, to all Members at least sixty (60) days prior to the tabling of such motion.
- (3) Every By-law, including every amendment and revocation of a By-law, shall be dated and numbered according to the date on which it was passed, ~~certified by the President or Vice President, in addition to the Registrar, sealed and maintained in a book in its chronological order.~~

~~Part 3 - BANKING AND FINANCE~~

PART 3 - BUSINESS PRACTICES

3.01 Banking

- ~~(1)~~—The College shall ~~open an account at~~appoint a Schedule 1 Canadian bank chartered ~~bank~~.
- ~~(2)~~—The College shall:
- ~~(3)~~(1) open all accounts required under the Bank Act (Canada) for the operation use of the College, ~~and~~.
- ~~(4)~~(2) unless otherwise earmarked, deposit all monies ~~All money~~ belonging to the College, shall be deposited in the name of the College with the bank.
- ~~(5)~~—Except for payments out of the petty cash fund, all College payments shall be made by electronic transfer, credit card, cheque, draft or money order drawn on the College's bank account.

3.02 Bank Signing Authority

~~Subject to these By laws, Council may authorize by Resolution any individual to sign contracts, documents, cheques or other instruments pertaining to the College's bank account. In the absence of such Resolution, any of the President or the Vice President, in addition to the Registrar, is authorized to sign banking documents on behalf of the College.~~

3.03 Authorization by Electronic Signature

~~Electronic signatures may not be used on any securities or negotiable instruments, unless authorized by Council by Resolution.~~

3.043.02 Investments

- ~~(1)~~ College funds not immediately required for use by the College may be invested.
- ~~(2)~~(1) The Executive Committee shall recommend, for approval in accordance with the investment criteria established by Council, an investment policy for investing the College's funds in a reasonably safe and secure manner.
- ~~(3)~~(2) Council may authorize, by Resolution, any employee of the College to give directions to an investment advisor.
- ~~(4)~~(3) All securities and other negotiable instruments in which the College's monies have been invested shall be registered in the name of the College.
- ~~(5)~~(4) Council shall oversee and ensure that a process is in place to fairly evaluate the College's investments and investment advisor annually.

3.05 Custody of Securities

- ~~(1)~~ The Registrar or other individual appointed by Council shall maintain a record of all securities and other negotiable instruments owned by the College.
- ~~(2)~~ Any deposit, cashing or transferring of securities shall require the signature of either the President or Vice President, in addition to the Registrar.

3.063.03 Borrowing

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

~~The Executive Committee shall review, from time to time, the terms and conditions of any monies borrowed by the College.~~

3.07 Petty Cash

- ~~(1)~~ The College shall maintain a petty cash fund of up to \$1,000. The Registrar must authorize expenditures from the petty cash fund.

3.083.04 ~~Authorization of Expenses~~

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

3.093.05 ~~Fiscal~~ Financial Year

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

3.103.06 ~~Auditors~~

- (1) ~~At the first meeting following the election of the Executive Committee, the Executive Committee must~~ Council shall appoint an auditor to audit the accounts of the College ~~and hold office for the ensuing year.~~
- (2) ~~Council shall oversee and ensure that a process is in place to fairly evaluate the auditor annually.~~

3.07 Annual Financial Statements

- ~~(2)~~ (2) The ~~auditor~~ College shall ~~present~~ publish the ~~results of its annual financial statements, including the audit to Council when requested to do so by Council.~~ results of its annual financial statements, including the audit to Council when requested to do so by Council. ~~The results of each report in the annual audit shall be published in the annual report of the College.~~ report 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.~~

4.024.01 Indemnification of College Representatives

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

- (1) all costs, charges and expenses whatsoever that ~~he~~ they ~~sustain~~ sustain or ~~she~~ she ~~sustains~~ sustains or ~~incurs~~ 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~~they sustain or ~~she~~sustains or ~~incurs~~incur in relation to the College's affairs,

except such costs, charges or expenses incurred as a result of ~~his or her~~their own wilful misconduct or gross negligence.

PART 5 - EXECUTION OF DOCUMENTS

5.01 Signing Authority

- (1) ~~Unless otherwise indicated in these By-laws, either Documents or instruments requiring execution by the College may be signed by the President or, Vice-President, in addition to the Registrar, or any individual appointed by Resolution or Special Resolution of Council, may sign documents or instruments requiring the signature of the College.~~
- (2) The Registrar may sign summonses, notices and orders on behalf of the College.

PART 6 - ELECTION OF COUNCIL MEMBERS

6.01 Electoral Districts

- (1) Council shall consist of:
 - (a) Nine Elected Council Members elected from the following electoral districts:
 - (i) **"District 1"** which comprises the municipality of Toronto and the regional municipalities of Halton, City of Hamilton, Niagara, Peel and York;
 - (ii) **"District 2"** which comprises the Northern Electoral District, composed of the territorial districts of Algoma, Cochrane, Kenora, Manitoulin, Nipissing, Parry Sound, Rainy River, City of Greater Sudbury, Thunder Bay and Timiskaming, the counties of Bruce, Dufferin, Grey, Haliburton, Huron; Renfrew and Simcoe and the district municipality of Muskoka;
 - (iii) **"District 3"** which comprises the Eastern Electoral District, composed of the counties of Frontenac, Hastings, Lanark, Northumberland, Peterborough, Prince Edward, Kawartha Lakes, Leeds & Grenville, Lennox and Addington, Prescott

and Russell United Counties, Stormont, Dundas and Glengarry and the Durham Region and the City of Ottawa;

- (iv) **"District 4"** which comprises the Western Electoral District, composed of Brant, Elgin, Essex, Chatham-Kent, Lambton, Middlesex, Oxford, Perth and Wellington and the regional municipalities of Haldimand County, Norfolk County and Waterloo; and
- (v) **"District 5"** which comprises the Provincial Electoral District, composed of the whole of the Province of Ontario;
- (b) Eight (8) Appointed Council Members; and
- (c) One (1) Member, who has been selected from the Faculty of the University of Waterloo School of Optometry and Vision Science, provided that that person has first been elected, in the manner set out in these By-laws, by those Members who belong to the Faculty of the University of Waterloo School of Optometry and Vision Science. The electoral district for this Council position will be referred to as **"District 6"**.

~~(2) The following Except for electoral districts shall elect the following number of Elected Council Members:~~

District	Elected Council Members
District 1	2
District 2	1
District 3	1
District 4	1
District 5	4

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_____ District	_____ Ele eted Cou ncil Me mbe rs
_____ District 6	_____ 1

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~~(3)~~ Except for electoral Districts

~~(4)~~ With the exception of district 6:

~~(5)~~ Council may, by Special Resolution, redefine:

~~(6)~~(2) the geographic area of 1 and 5, one member is to be elected for each electoral district; and,

~~(i)~~ the number of Elected Council Members for eachTwo (2) membersare to be elected for electoral ~~d~~District;

~~(b)(a)~~ to create balanced representation amongst the electoral districts based on general population; 1 and four (4) members are to be elected for electoral ~~d~~District 5.

~~(7)~~(3) if an electoral district has no candidate at the time of an election, that Council seat shall be transferred to District 5 to allow for any eligible Member to stand for election for that Council seat.

6.02 Voting Eligibility

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

(a) is the holder of: a general or academic certificate of registration;

~~(i)~~ a general certificate of registration; or

~~(ii)~~ an academic certificate of registration; and

~~(b)~~ after having been provided with an opportunity to rectify any failure of his or her obligations to the College;

~~(c)~~(b) has paid any fee, penalty or order for costs owing to the College;

~~(d)~~(c) has submitted to the College all required forms and documents; and

~~(e)~~(d) is otherwise in good standing with the College;

6.03 ~~Timing of Council Member Elections/Selection~~ Election Date

(1) Elections or selection for Council shall take place as follows:

(a) For ~~district~~District 1:

(i) ~~One~~ (1) Council Member in ~~2012~~2021, and every third year thereafter; and

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(ii) ~~One~~ (1) Council Member in ~~2013~~2022, and every third year thereafter;

(b) For ~~districts~~Districts 2 and 3; one (1) Council Member each in ~~2013~~2022, and every third year thereafter;

(c) For ~~district~~District 4; one (1) Council Member in ~~2012~~2021, and every third year thereafter;

(d) For ~~district~~District 5:

(i) ~~one~~two (2) Council Member in ~~2012~~2020, and every third year thereafter;

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(ii) one (1) Council Member in ~~2013~~2021, and every third year thereafter; and

(iii) ~~two~~one (1) Council Members in ~~2014~~2022, and every third year thereafter;

(e) For ~~district~~District 6, one (1) Council Member in ~~2012~~2021, and every third year thereafter.

(2) Council elections and selection shall take place before the end of November 4th 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:

~~(2)~~(1) they meet the following requirements by the ~~deadline for the receipt of the nomination~~ deadline:

(a) the Member ~~principally~~ resides in or practises optometry in the district for which the Member is seeking election;

~~(i) (b)~~ the Member is the holder of:

~~(A) a general certificate of registration; or~~

~~(B) an academic certificate of registration;~~

~~and the certificate that is not subject to any exceptional term, condition or limitation that does not already apply to every Member who possesses that class of certificate;~~

~~(ii) (c) the Member is not a member of the Faculty of the University of Waterloo School of Optometry and Vision Science;~~

~~(iii) the Member files with the Registrar a written agreement to resign from all of the applicable following positions if elected as a Council Member:~~

~~an elected representative, director, officer, committee member or officer or chair, appointee, employee of, or a party to a contractual relationship (if it is reasonable to expect that a real or apparent conflict of interest may arise) to provide services to, independent contractor or service provider of the Ontario Association of Optometrists, the Canadian Association of Optometrists or any other organization determined that is considered by Council, to create a real or apparent conflict of interest.~~

~~(A) an appointed Committee chairperson or member of a committee of the Ontario Association of Optometrists, the Canadian Association of Optometrists or any other organization determined by Council;~~

~~(d) after having been provided with an opportunity to rectify any failure in his or her their obligations to the College, the Member:~~

~~(i) has paid any fee, charge or order for costs owing to the College,~~

~~(ii) has submitted to the College all required forms and documents, and~~

~~(iii) is otherwise in good standing with the College;~~

~~(e) the Member is not the subject of any disciplinary or incapacity proceedings; and~~

~~(f) the Member has not been disqualified by Council as a Council Member or Committee Member in the preceding six (6) years; and~~

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~~(3)(1) No Member shall be a candidate for Council Member in more than one district during an election.~~

6.05—Eligibility for Selection of District 6 Council Member

~~(+)(2) A Member who is a member of the Faculty of the University of Waterloo School of Optometry and Vision Science shall only be eligible for ~~selection to Council if, on the date of selection:~~ District 6.~~

~~(a) the Member files with the Registrar a written agreement to resign from all of the applicable following positions if selected as a Council Member:~~

~~(i) an elected representative, director or officer or employee of, or a party to a contractual relationship (if it is reasonable to expect that a real or apparent conflict of interest may arise) to provide services to, the Ontario Association of Optometrists, the Canadian Association of Optometrists or any other organization determined by Council, or~~

~~(ii) an appointed Committee chairperson or member of a committee of the Ontario Association of Optometrists, the Canadian Association of Optometrists or any other organization determined by Council;~~

~~(b) the Member is the holder of:~~

~~(i) a general certificate of registration; or~~

~~(3) No Member shall be a candidate for Council Member in more than one district during an election.~~

~~(4) A member is not eligible for election to Council if they would be unable to complete the term as a result of any of the following:~~

~~(a) they would exceed the nine (9) consecutive years term limit set out at subsection 5(2) of the Code;~~

~~(b) they would exceed eighteen (18) years in their lifetime on Council; or~~

~~they would exceed a total of twenty-one (21) years in their lifetime of serving on Council and/or any Committees where time served simultaneously on Council and/or any Committees is counted concurrently.~~

~~(i)(a) 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;~~

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~~(e) after having been provided with an opportunity to rectify any failure in his or her obligations to the College, the Member:~~

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~~(d)(a) has paid any fee, charge or order for costs owing to the College;~~

~~(e)(a) has submitted to the College all required forms and documents, and~~

~~(i) is otherwise in good standing with the College;~~

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~~(f) the Member is not the subject of any disciplinary or incapacity proceedings;~~

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~~(g) the Member has not been disqualified by Council from being a Council Member or Committee Member in the preceding six years.~~

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

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6.066.05 Term of Office for Council Members

- (1) The term of office of a Council Member is three (3) years, beginning ~~from the first regular Council meeting after the Member was elected, appointed or selected, as the case may be, until his or her successor takes office in accordance with these By-laws, January 1st in the year following their election and expiring on December 31st three (3) years later.~~
- (2) ~~A Council Member may serve more than one term. However, no person may be an Elected Council Member for more than nine consecutive years.~~
- (2) Notwithstanding the application of paragraphs 6.04(4)(a) and (b), Council Members who took office in 2018, 2019, and 2020, shall be permitted to complete their current terms of office.

6.076.06 Nominating Procedure

- (1) At least sixty (60) days before the date of election ~~each year,~~ the Registrar ~~shall, in the districts where elections are to be held in that year, invite in writing any Member wishing to stand,~~ shall invite ~~shall invite~~ nominations for election to Council from the membership in the relevant electoral district.

- (2) ~~A Member's written intent~~Members must ~~be returned~~submit their nominations to the Registrar no later than thirty (30) days before the election.

6.086.07 Election Procedure

- (1) Each eligible Member may vote once for a candidate:
- (a) in one of the following:
 - (i) in the district in which the Member's primary ~~place of~~practise is located; or, if a Member does not practise optometry in Ontario, in the district where ~~he or she~~they primarily ~~resides~~reside; or
 - (ii) if the Member ~~also~~belongs to the Faculty of the University of Waterloo School of Optometry and Vision Science, in ~~district~~District 6; and
 - (b) in ~~district~~District 5.

~~(2) If a Member practises optometry in multiple electoral districts and has not declared a primary place of practise, the College shall select the electoral district in which the Member is eligible to vote on the Member's behalf.~~

~~(3)~~(2) When there is more than one candidate for a position, the Registrar shall, at least fifteen (15) days before an election, send each Member entitled to vote in an election: a ballot along with the voting instructions and any campaign materials provided by candidates.

- ~~(a) a clearly marked ballot;~~
- ~~(b) a blank envelope, if necessary;~~
- ~~(c) a return mail envelope, if necessary;~~
- ~~(d) the campaign material provided by each candidate; and~~
- ~~(e) voting instructions.~~

~~(4) Upon receipt of a Member's ballot, the~~The Registrar shall:

- ~~(a) open the return mail envelope; and~~
- ~~(b) place the blank envelope containing the ballot in the ballot box.~~

~~(5)~~(3) At the completion of the election, the Registrar shall tally cause the votes on each ballot received. to be tallied.

- ~~(6)~~(4) The candidate (or ~~his or her~~their designate) is entitled to be present while the Registrar tallies the votes.
- ~~(7)~~(5) The candidate who receives the most votes cast on a ballot for each contested electoral district shall be declared elected.
- ~~(8)~~(6) If the votes on a ballot result in a tie, the Registrar shall resolve the deadlock by lot.
- ~~(9)~~(7) If a position in an electoral district is not contested, the Registrar shall declare the candidate elected by acclamation.
- ~~(10)~~(8) Where an issue arises with respect to a ballot that is not governed by these By-laws, the Registrar shall resolve the dispute in a fair ~~and democratic~~ manner.
- ~~(11)~~(9) The Registrar shall report the results of the election to Council and the Members.
- ~~(12)~~(10) If Council determines, by Special Resolution, that an alternative method of voting (~~such as electronic voting~~) would be preferable, Council shall create a democratic and fair procedure ~~for voting in accordance with generally accepted principles of democracy and fairness.~~

6.096.08 **Vote Recount**

- (1) If a candidate has lost the election, the candidate (or ~~his or her~~their designate) may request a recount ~~in the electoral district in which he or she was a candidate,~~ provided that:
 - (a) ~~he or she has~~they lost the election by no more than twenty (20) votes; and
 - (b) the request is made in writing to the Registrar within seven (7) days of the results of the election being reported.
- (2) The recount shall occur within fourteen (14) days of a valid recount request.
- (3) The candidate requesting the recount and the candidate previously declared the winner (or a designate of each) shall be entitled to be present at the recount.
- (4) If the outcome of the recount changes the election results, the candidate who has now received the most votes on the ballot shall be declared elected
 - ~~(a) the candidate requesting the recount shall be refunded any fees paid; and~~
 - ~~(b) the candidate who has now received the most votes on the ballot shall be declared elected.~~

- (5) If the recount of the votes on the ballot results in a tie, the Registrar shall resolve the deadlock by lot.
- (6) Where an issue arises with respect to the recount that is not governed by these By-laws, the Registrar shall resolve the dispute in a fair ~~and democratic~~ manner.
- (7) The Registrar shall report the results of the recount to Council and the Members.
- ~~(8) The Registrar may destroy the ballots 8 days after the election or, if a recount has been requested, 8 days after the recount.~~

~~6.10 Election Challenge~~

- ~~(1) A candidate or his or her designate may only challenge an election if:
 - ~~(a) he or she submits the challenge in writing to the Registrar within:
 - ~~(i) 7 days after the election results are reported; or~~
 - ~~(ii) if a vote recount has occurred, 7 days after the vote recount results are reported; and~~~~
 - ~~(b) provide a detailed description of the reason for challenging the vote.~~~~
- ~~(2) Within 7 days of the Registrar receiving a valid election challenge, Council shall appoint:
 - ~~(a) a panel consisting of 3 Council Members, at least one of whom is an Appointed Council Member, to hold an inquiry into the election (the "Election Challenge Committee"); and~~
 - ~~(b) provide a deadline (which may, depending on the circumstances, be extended) by which the Election Challenge Committee must report its findings to Council in writing.~~~~
- ~~(3) No member of the Election Challenge Committee shall be a Council Member who was elected during the election being disputed.~~
- ~~(4) The Election Challenge Committee shall:
 - ~~(a) provide all candidates with:
 - ~~(i) notice of the challenge in writing; and~~
 - ~~(ii) a reasonable opportunity to make submissions regarding the challenge in the time and manner determined by the Election Challenge Committee.~~~~~~

- ~~(b) — conduct an investigation, if necessary; and~~
- ~~(c) — based on a majority vote, make findings of the facts; and~~
- ~~(d) — report its findings and reasoning to the candidates and to Council in writing.~~
- ~~(5) — Depending on the findings of the Election Challenge Committee, Council may, by Resolution, direct the Registrar to:~~
 - ~~(a) — hold a new election for some or all of the districts;~~
 - ~~(b) — recount the votes;~~
 - ~~(c) — hold a by election or run-off between two candidates;~~
 - ~~(d) — carry out any other means that Council determines would resolve the challenge in a fair and democratic manner.~~

~~6.09 If any allegation of the challenge is determined by the Election Challenge Committee to be valid, the candidate challenging the election shall be refunded any fees paid to the College for making the challenge.~~Election Irregularity

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

6.116.10 Council Vacancies

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

(3) If a vacancy on Council is filled by holding a by-election and the votes cast result in a tie, the Registrar shall resolve the deadlock by lot.

~~(4)~~ In the case of a by-election, the Registrar may amend the timing of the nomination and election procedure laid out in Part 6 to facilitate the filling of the vacancy.

~~(4)~~(5) Where an issue arises that is not governed by these By-laws during an election, the Registrar shall resolve the dispute in a fair ~~and democratic~~ manner.

~~(5)~~(6) The term of the replacement Council Member shall continue until the ~~term~~ of time when the previous Elected Council Member's term would have expired.

~~6.12~~6.11 Unexpected Circumstances

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

PART 7 - ELECTION OF OFFICERS

7.01 Officers

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

7.02 Nomination Procedure

(1) Before the ~~first regular~~final Council Meeting each year, the Registrar shall invite ~~in writing all nominations from~~ Council Members ~~wishing to stand~~ for election to the office of the President, Vice-President and any other officer position as Council may determine for the following year.

(2) ~~A Council Member's written intent~~Members must ~~be returned~~submit their nomination to the Registrar before the Council Meeting when the election of officers is to take place.

7.03 Process for Election of Officers

(1) The election of officers shall take place on an annual basis at the ~~first~~last Council Meeting of each year.

(2) At a Council Meeting during which an election of officers occurs:

(a) a special quorum of at least ~~2/3~~2/3 of all Council Members must be present;

(b) the Registrar shall present the names of candidates who have indicated their interest for each officer's position;

- (c) when an officer's position is not contested, the Registrar shall declare the candidate elected by acclamation; and
 - (d) when there is more than one candidate for an officer's position:
 - (i) voting shall be conducted by secret ballot;
 - (ii) the Registrar shall count the ballots, and report the results to Council;
 - (iii) the candidate who receives the most votes cast on a ballot shall be declared elected; and
 - (iv) if there is a tie in votes cast, the Registrar shall resolve the deadlock by lot.
- (3) Where an issue arises that is not governed by these By-laws during an election, the Registrar shall resolve the dispute in a fair ~~and democratic~~ manner.

7.04 Officer Term Limits

(1) The term of an officer is one year, ~~beginning from the first regular Council meeting after the January 1st to December 31st.~~

(2) No officer ~~was elected by Council until the officer's successor takes shall serve more than four years in their lifetime in the office of President or the office of Vice-President.~~

7.05 Officer Vacancies

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

PART 8 - APPOINTMENT TO COMMITTEES

8.01 Eligibility ~~of Members~~ for Appointment to Committees

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

- (1) the Member's certificate of registration is not subject to ~~any exceptional~~ term, condition or limitation ~~that does not already apply to every Member who possesses that class of certificate;~~
- (2) the Member is not the subject of any disciplinary or incapacity proceeding;
 - ~~(3) the Member is not:~~
 - ~~(4)(3) an elected representative, a director or officer or committee member or chair, appointee, employee, independent contractor or service provider of, or a party to a contractual relationship (if it is reasonable to expect that a real or apparent conflict of interest may arise) to provide services to, the Ontario Association of Optometrists, the Canadian Association of Optometrists or any other organization determined that is considered by Council, to create a real or apparent conflict of interest;~~
 - ~~(a) an appointed Committee chairperson or member of a committee of the Ontario Association of Optometrists, the Canadian Association of Optometrists or any other organization determined by Council if it is reasonable to expect that a real or apparent conflict of interest may arise;~~
 - (4) the Member has not been a member of that Committee for a total of nine (9) years or more in their lifetime;
 - (5) the Member has not already served a total of twenty-one (21) years in their lifetime on Council and/or any Committee subject to the following:
 - (a) For the purposes of calculating the twenty-one (21) years' time served simultaneously on Council and/or any Committees is counted concurrently; and
 - (b) Council may exempt this requirement if it is necessary to ensure that the Committee functions properly including that it has the proper composition or quorum;
 - (6) the Member has not been disqualified as a Council Member or Committee Member in the preceding ~~three~~ six (6) years; and
 - (7) after having been provided with an opportunity to rectify any failure in ~~his or her~~ their obligations to the College, the Member:

(b) has paid any fee, charge or order for costs owing to the College,

(c) has submitted to the College all required forms and documents, and

~~(b) is otherwise in good standing with the College~~~~has paid any fee, charge or order for costs owing to the College,~~

~~(c) has submitted to the College all required forms and documents, and~~

~~(d) is otherwise in good standing with the College.~~

8.02 — Obtaining Volunteers for Committees

~~(1) In the case of Council Members:~~

~~(a) before the first regular meeting of Council in each year the Registrar shall invite in writing all Council Members to indicate in writing their preferences for committee appointment(s); and~~

~~(b) a Council Member's written intent must be returned to the Registrar before the first regular meeting of the Council for the year.~~

~~(2) In the case of non-Council Members:~~

~~(a) the Registrar, at the same time that nomination ballots for Council are distributed, shall invite in writing all Members to indicate in writing any Committee on which they volunteer to sit; and~~

~~(b) a Member's written intent must be returned to the Registrar before the first regular meeting of Council for the year.~~

~~(3) A Member who volunteers to serve on a Committee and is either:~~

~~(a) an elected representative, director or officer or employee of, or a party to a contractual relationship (if it is reasonable to expect that a real or apparent conflict of interest may arise) to provide services to, the Ontario Association of Optometrists, the Canadian Association of Optometrists or any other organization determined by Council, or~~

~~(b) an appointed Committee chairperson or member of a committee of the Ontario Association of Optometrists, the Canadian Association of Optometrists or any other organization determined by Council if it is reasonable to expect that a real or apparent conflict of interest may arise;~~

must, at the time of submitting their written intent, file with the Registrar a written agreement to resign from the conflicting position if appointed to serve on a Committee.

(d) Process for

8.038.02 **Appointing Committee Members and Committee Chairs**

(1) ~~As soon as possible after~~ At the ~~Executive Committee's election, final meeting of the year,~~ Council, shall appoint Council Members and non-Council Members ~~volunteering to sit on a Committee and shall:~~

(a) ~~review the Committee preferences provided to the Registrar by each Council Member and non-Council Member;~~

~~(2)~~(1) ~~consider other relevant factors including past experience, conflicts of interest, workload and the fair representation of each district on Committees; including the Chairs for each Committee.~~

(a) ~~rank Council Members and non-Council Members in order of preference, and include documentation of each person's qualifications relating to the work of the Committee; and~~

(b) ~~shall appoint a chair for each Committee.~~

~~(3)~~(2) If the Council is unable to meet the composition requirements set out in these By-laws ~~or~~ for any Committee, Council may temporarily adjust the composition until those requirements can be met.

8.048.03 **Committee Vacancies**

(1) If a vacancy of a Committee Member occurs, ~~the Executive Council-delegated~~ Committee may ~~appoint~~ recommend a replacement Committee Member, to be appointed by Council.

~~(2)~~ If a vacancy of a Committee Chair occurs, ~~the Executive Council-delegated~~ Committee ~~must appoint~~ shall recommend a replacement Committee Chair.

~~(3)~~(2) ~~At the next Council meeting, the Executive Committee shall present the replacement Committee Member(s) or replacement Committee Chair(s) to Council, to be ratified~~ appointed by Resolution. Council

DISQUALIFYING OR

**PART 9 - ~~DISQUALIFYING AND~~ SANCTIONING COUNCIL MEMBERS
AND COMMITTEE MEMBERS**

**9.01 Grounds for Disqualifying or Sanctioning an Elected Council Member
or Committee Member**

(1) Council shall disqualify an Elected Council Member or Committee Member from sitting on Council or a Committee, as the case may be, if ~~he or she~~they:

(a) ~~is~~are found by a panel of the Discipline Committee to be incompetent or to have committed an act of professional misconduct;

(b) ~~is~~are found by a panel of the Fitness to Practise Committee to be an incapacitated member;

(c) ~~was elected in electoral districts 1 through 4, and ceases~~cease to ~~principally reside in~~ or practise optometry in the electoral district for which the Member was elected;

(d) ~~was elected in district 6 and ceases~~cease to be a member of the Faculty of the University of Waterloo School of Optometry and Vision Science if elected in District 6;

(e) ~~ceases~~cease to be the holder of:

(i) a general certificate of registration; or

(ii) an academic certificate of registration;

~~(ii) academic certificate of registration;~~

(f) after having been provided with an opportunity to rectify any failure in ~~his or her~~their obligations to the College:

(i) ~~remains~~remain in default of any fee, charge or order for costs owing to the College,

(ii) ~~fails~~fail to submit to the College all required forms and documents, or

(iii) ~~ceases~~cease to otherwise be in good standing with the College;

~~(g) has~~have any exceptional term, condition or limitation on ~~his or her~~their certificate of registration ~~that does not already apply;~~

~~(g) fail to every Member who possesses that class of certificate;~~

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- (h) ~~fails to~~annually sign, ~~on an annual basis, a~~ and/or comply with the confidentiality agreement with the College, in the form approved by Council;
- ~~(i) breaches Section 36 of the RHPA or the By laws of the College that require Council Members or Committee Members to preserve the confidentiality of information disclosed during the course of his or her duties as a Council Member or Committee Member;~~
- ~~(j) depending on the eligibility requirements for a Council Member or Committee Member set out in Parts 6 and 8, becomes an elected representative, board member, a director, officer or employee of, or enters into a contractual relationship to provide services (if it is reasonable to expect that a real or apparent conflict of interest may arise) to:~~
 - ~~(i) , committee member or chair, appointee, employee, independent contractor or service provider of the Ontario Association of Optometrists,~~
 - ~~(ii) the Canadian Association of Optometrists, or~~
 - ~~(iii) any other organization determined that is considered by Council; to create a real or apparent conflict of interest.~~
- ~~(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;~~
- ~~(m)~~(j) subject to the discretion of Council to excuse the absence:
 - (i) ~~fails~~fail to attend any two (2) of three (3) consecutive regular meetings of the Council;
 - (ii) ~~fails~~fail to attend any two (2) of three (3) consecutive regular meetings of a Committee of which ~~he or she is~~they are a member; and
 - (iii) ~~fails~~fail to attend a hearing or proceeding, or part thereof, of a panel on which ~~he or she sits~~they sit.

- (2) An Elected Council Member or a Committee Member may also be ~~removed from their position~~disqualified or sanctioned if they ~~contravene their duties (fail to comply with these By-laws, including abiding by the College's College's Code of Conduct and the conflict of interest provisions)~~.

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

- (1) The College shall request that the Public Appointments Secretariat to disqualify and remove an Appointed Council Member from Council if the Appointed Council Member:
- (a) becomes a Member; or
 - ~~(b) fails to sign, on an annual basis, a confidentiality agreement~~comply with the College, in the form approved by Council;
 - ~~(c) breaches Section 36 paragraphs (h) through (j) of the RHPA or the By-laws of the College that require Committee Members to preserve the confidentiality of information obtained in the course of his section 1, or her duties as a Committee Member; section 2 both~~ of Part 9.01; and
 - ~~(d) depending on whether the person is a Council Member or Committee Member, becomes an elected representative, Board member, director, officer or employee of, or enters into a contractual relationship (if it is reasonable to expect that a real or apparent conflict of interest may arise) to provide services to the Ontario Association of Optometrists, the Canadian Association of Optometrists or any other organization determined by Council;~~
 - ~~(e) depending on whether the person is a Council Member or Committee Member, becomes an appointed Committee chairperson or member of a Committee of the Ontario Association of Optometrists, the Canadian Association of Optometrists or any other organization determined by Council; or~~
 - ~~(f) subject to the discretion of Council to excuse the absence:~~
 - ~~(i) fails to attend any two of three consecutive regular meetings of the Council;~~
 - ~~(ii) fails to attend any two of three consecutive regular meetings of a Committee of which he or she is a Member; or~~
 - ~~(iii) fails to attend a hearing or proceeding, or part thereof, of a panel on which he or she sits.~~

- (2) ~~The College may also request the removal of an~~ An Appointed Council Member ~~or sanction an Appointed Council Member if~~ may also be sanctioned and a request made that they contravene their duties (be disqualified if they fail to comply with these By-laws including abiding by the College's Code of Conduct and the conflict of interest provisions).

9.03 Process for Disqualifying or Sanctioning a Council Member and Committee Member

- (1) The following process shall be used to disqualify or sanction an Elected Council Member, Committee Member or Appointed Council Member (the "Subject Member"):
- (a) Where a Council Member or the Registrar ~~believes~~ receives information in writing that the College should consider the disqualification or sanction of ~~the~~ suggests that a Subject Member, ~~should be disqualified or sanctioned~~ the Council Member or Registrar shall ~~advise~~ notify the ~~Executive Council-delegated~~ Committee in writing;
 - ~~(b) The Executive Council-delegated~~ Committee shall:
 - ~~(i)~~ provide the Subject Member with:
 - ~~(e)~~ (b) notice of the concerns in writing, matter and thirty (30) days to provide a written response;
 - ~~(A) reasonable time to make submission in the time and manner determined by the Executive Committee;~~
 - ~~(d) The Executive Council-delegated~~ Committee shall, ~~based on at least a 2/3^{rds} majority vote, make a preliminary finding of the facts and, in writing, report those findings and its reasoning to the Subject Member and Council, and, depending on the circumstances, the individual who brought the matter to the Executive Committee's attention;~~
 - ~~(e) The Executive Committee may then, based on at least a 2/3^{rds} majority vote, either:~~
 - ~~(c)~~ consider the matter and dismiss the matter, sanction the Subject Member, provided the or if it finds that the Subject Member ought to be disqualified, refer the matter to the President within thirty days of its decision;
 - ~~(d)~~ Upon receipt of the information, the President shall do the following:

- (i) place the matter on the Agenda at the next Council meeting or call a Special Meeting for that purpose; and Formatted: SR Art 2_7
- (ii) notify the Subject Member of the referral to Council and their right to make written or oral submissions at the meeting.
- (e) When considering the matter, Council may do one or more of the following:
 - (i) conduct an investigation into the matter before considering the matter; Formatted: SR Art 2_7
 - (ii) dismiss the matter;
 - ~~(i) — sanction does not include the disqualification, request to or disqualify or dismissal of the Subject Member. Sanctions by the Executive Committee may include:~~ Formatted: SR Art 2_7, Indent: Left: 0", Tab stops: Not at 2"
 - ~~(ii)(iii) dismiss the allegations against the Subject Member, or by~~ Formatted: SR Art 2_7
 - Special Resolution; and
 - ~~(iii) — refer in the matter to Council.~~ Formatted: SR Art 2_7, Indent: Left: 0", Tab stops: Not at 2"
 - ~~(f) — 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.~~ Formatted: SR Art 2_7, Indent: Left: 0", Tab stops: Not at 1.5"
- ~~(g) — Council shall:~~
 - ~~(i) — advise the Subject Member and the individual who brought the matter to the Executive Committee's attention:~~ Formatted: SR Art 2_7, Indent: Left: 0", Tab stops: Not at 2"
 - ~~(A) — that the matter has been referred to Council; and~~ Formatted: SR Art 2_7, Indent: Left: 0"
 - ~~(B) — case of their opportunity to make submissions in the manner determined by an Appointed Council;~~
 - ~~(ii) — conduct an investigation, if necessary; and~~ Formatted: SR Art 2_7, Indent: Left: 0", Tab stops: Not at 2"
 - ~~(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;~~

~~(h) Council may then, based on pass a Special Resolution, either:~~

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~~(i) sanction the Subject Member (which may include the disqualification, or the request to disqualify the Subject Member); or~~

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~~(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 to request that the primary purpose of sanctions is to protect the College and to modify behaviour that could be potentially harmful to College.~~

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~~(iv) The Subject Member, throughout the process, shall be temporarily suspended as a Council Member or Committee Member until a final decision by the College has been rendered or the Public Appointments Secretariat has removed the Appointed Council Member, as the case may bedisqualify them.~~

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~~(3) 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.~~

~~(4) 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.~~

~~(5) If the Subject Member is disqualified or removed as a Council Member or Committee Member, the College shall act as if a vacancy had been created as a result of a resignation.~~

(2) Until the matter has been finally disposed of, the Subject Member shall be suspended from their role(s) at the College and shall not participate in any discussion or vote regarding their sanction or disqualification.

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

(4) The disqualification of a Council Member or Committee Member, shall be deemed to constitute a vacancy for the purposes of these By-laws and the relevant provisions shall apply.

9.04 Temporary Suspension of a Council Member or Committee Member

- (1) A Council Member or Committee Member who becomes the subject of a disciplinary or incapacity proceeding ~~(including, in the case of an Elected Council Member, one which originates at any time after the deadline for receipt of nominations)~~, shall not serve on Council or on any Committee until a final decision (including any appeal) has been rendered.
- ~~(2) An Elected Council Member and/or a Committee Member, who, after having been provided with an opportunity to rectify a failure in their obligations to the College:~~
 - ~~(a) remains in default of any fee, charge or order for costs owing to the College;~~
 - ~~(b) fails to submit to the College all required forms and documents, or~~
 - ~~(c) ceases to otherwise be in good standing with the College;~~
- ~~(3)~~(2) ~~(including, in the case of an Elected Council Member, a default which originates at any time after the deadline for receipt of nominations)~~ comply with paragraph 9.01(f), shall not serve on Council or any Committee until the failure is remedied ~~or the Elected Council Member and/or a Committee Member is disqualified unless the failure resulted in their disqualification.~~

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PART 10 - DESCRIPTION OF DUTIES

10.01 Officers on Executive Committee

- ~~(1) The President and Vice President are members of the Executive Committee.~~
- ~~(2) In addition to the President and Vice President, Council may, by Special Resolution, determine the composition of the Executive Committee provided that all members of the Executive Committee are Council Members.~~
- ~~(3) Each additional member of the Executive Committee shall be elected in the same manner as the officers.~~

10.0210.01 President

- (1) The President, with Council, is responsible for fulfilling the mandate, objectives and strategic plans of the College. The President is directly accountable to Council and indirectly accountable to the government, the public and the profession for the effective governance of the College.

(2) The President's duties include:

- (a) providing effective leadership for Council;
- (b) presiding as chair of all Council Meetings and Executive Committee meetings, unless another chair has been appointed;
- (c) overseeing the operations of Council, including approving the agenda for Council Meetings ~~and presenting an Executive Committee report at each Council Meeting;~~
- (d) working with the Registrar to ensure the efficient conduct of all Council Meetings and Executive ~~Council~~Committee meetings and that decisions of Council and the Executive Committee are implemented;
- (e) participating in the orientation of new Council Members, officers, Committee Members, chairs and volunteers and encouraging Members to participate in Council;
- (f) overseeing and ensuring that a process is in place to fairly evaluate the Registrar;
- (g) along with the Registrar, representing the College as ~~the~~an authorized spokesperson on College policies and positions;
- (h) signing contracts, documents or instruments on behalf of the College;
- (i) liaising with the Registrar on any issue relating to the interaction between Council Members and College staff; and
- (j) any other duty determined by Council.

10.0310.02 Vice-President

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

- (c) signing contracts, documents or instruments on behalf of the College; and
- (d) any other duty determined by Council.

10.0410.03 Registrar and CEO

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

- (j) ~~recruiting personnel, hiring, promoting, terminating and establishing the terms, duration and severances of employment of College staff;~~
- (k) ensuring an annual performance assessment and, when applicable, encouraging continuing professional development ~~for of~~ College staff;
- (l) acting as an official spokesperson for the College; and
- (m) any other duty determined by Council.

10.05 Council Members

- ~~(1) The primary functions of a Council Member:~~
 - ~~(a) is to debate and establish College policy; and~~
 - ~~(b) to serve as a liaison between the College and those who elect or appoint them.~~
- ~~(2) Council Member duties include:~~
 - ~~(a) working with Council to abide by, develop, enforce and propose amendments to:
 - ~~(i) the RHPA;~~
 - ~~(ii) the Act; and~~
 - ~~(iii) these By-laws;~~~~
 - ~~(b) establishing policy, strategic direction and goals of the College, including approving statements of principles and positions related to College policy;~~
 - ~~(c) supporting and implementing Council decisions;~~
 - ~~(d) preparing for each Council meeting;~~
 - ~~(e) monitoring the performance of the Registrar through feedback reports prepared by the President;~~
 - ~~(f) ensuring appropriate succession planning for the Registrar; and~~
 - ~~(g) any other duty determined by Council.~~

10.0610.04 Committee Chairs

- (1) The Committee Chair reports to Council.

(2) Committee Chair duties include:

(a) providing effective leadership for the Committee and facilitating Committee Meetings;

~~(a) chairing Committee meetings;~~

(b) approving meeting agendas prepared by College staff;

(c) assessing whether Committee Members have the resources and training to effectively perform the Committee's work;

(d) ensuring that the activities of the Committee are conducted within budget;

(e) working with the Committee and College staff to establish, monitor and execute Committee goals;

~~(f)(a) providing effective leadership for the Committee and facilitating Committee Meetings;~~

~~(e)(f) liaising with submitting a regular report to Council containing information on the affairs of the Committee and reporting to the Executive Council- delegated~~ Committee the affairs of the Committee;

~~(h)(g)~~ being a spokesperson for the Committee and ensuring all Committee Members publicly support Committee decisions; and

~~(i)(h)~~ any other duty determined by Council.

PART 11 - OBLIGATIONS OF COUNCIL AND COMMITTEE MEMBERS

11.01 Conflict of Interest

(1) Council Members and Committee Members must not engage in any activities or decision-making where a conflict of interest may arise.

(2) A conflict of interest ~~means~~ occurs when a Council ~~Member~~ Member's or Committee Member's personal or financial interest or participation in an arrangement or agreement ~~which~~ influences, is likely to influence, or could be perceived as influencing that person's judgment or decision-making with respect to College matters.

(3) The personal or financial interests of ~~any~~ 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)~~(4) A Council Member or Committee Member shall not use College property or information of any kind to advance ~~his or her~~their own interests.

11.02 Process for Declaring a Conflict of Interest for Council Members

(1) If a Council Member believes ~~or suspects~~ that ~~he, she~~they or ~~any other~~another Council Member has or may have a conflict of interest, ~~including an appearance of a conflict of interest~~, in any matter which is the subject of deliberation or action by Council, ~~he or she~~they shall, ~~prior to any consult with the Registrar and inform the Council as soon as possible before the consideration of the matter at the meeting, declare it to Council.~~

~~(2) If there is any doubt about whether a conflict of interest exists, any the Council Member may introduce a motion shall declare it to have the conflict of interest issue determined by Council. On such a motion:~~

~~(a) the chair presiding over and Council shall providedecide in their absence whether a conflict exists; and the Council Member introducing the motion a brief opportunity to explain why he or she believes the Council Member may have a conflict of interest;~~

~~(b) the chair presiding over Council shall provide the Council Member who is the subject of the potential conflict of interest a brief opportunity to explain why he or she believes that he or she does not have a conflict of interest;~~

~~(3)~~(2) Council shall determine by Special Resolution using a secret ballot whether the Council Member has a conflict of interest; and accept the decision.

~~(4)~~(3) The Council Member who ~~is~~has the subject of the potential conflict of interest and the Council member who initiates the conflict of interest motion shall not participate in ~~do~~ the vote following:

~~(5) If a Council Member has or is determined to have a conflict of interest with respect to a matter that is the subject of deliberation or action by Council:~~

- (a) ~~the~~ absent themselves from the room when the matter is being considered;
- (b) refrain from voting on the matter; and
- (c) not do anything to influence the decision.

~~(6)~~(4) The conflict of interest shall be recorded in the minutes of the Council meeting; and,

- (a) the Council Member shall:
 - (i) not participate in the debate in respect of the matter;
 - (ii) refrain from voting on the matter;
 - (iii) absent himself or herself from the room; and
 - (iv) not attempt in any way to influence the voting or do anything that might be perceived as attempting to influence the decision of Council on the matter.

11.03 ~~Process for~~ Declaring a Conflict of Interest for Committee Members

- (1) If a Committee Member believes ~~or suspects that he, she~~ they have or any other another Committee Member may have a conflict of interest, ~~including an appearance of a conflict of interest, in any in a~~ matter which is the subject of deliberation or action ~~by a~~, they shall consult the Committee's staff support and disclose it to the Committee, ~~he or she shall~~.
- ~~(2)~~(1) prior to any chair as soon as possible before the consideration of the matter at the meeting, ~~disclose to the Committee chair, Committee staff support, Committee, Registrar and/or the College's legal counsel the fact that he, she or any other Committee Member may have a conflict of interest;~~
- (2) if the Committee Member has a conflict of interest or if ~~(2)~~ If there is any doubt about whether a conflict of interest exists, the Committee Member shall, unless the Committee chair has agreed otherwise, chair shall decide whether a conflict exists and how to resolve it and the Committee Member shall abide by the decision.

~~not participate~~(3) ~~ate in~~(3) The Committee Member who has a conflict shall:

- (a) absent themselves from the debate in respect of room when the matter is considered;
- (b) refrain from voting on the matter; and
- (i) absent himself or herself from the room; and

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~~(c) not attempt in any way to influence the voting or do anything that might be perceived as attempting to influence the decision of the Committee on the matter; and~~

~~(4) The conflict of interest shall be recorded in the minutes of the Committee meeting.~~

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11.04 ~~One-Year-Waiting Period~~ Periods

- (1) ~~Subject to subsection 11.04(2), there~~ There shall be a one- (1) year waiting period ~~with respect to~~ for the following positions:
 - (a) ~~a Council Member or, Committee Member or person referred to in paragraph 8.01(3)(a) who wants to work as an employee of the College, on a contract with the College (if it is reasonable to expect that a real or apparent conflict of interest may arise), or hold any appointment by~~ with the College; ~~and~~
 - (b) an employee, contractor or any other appointee of the College who wants to be a Council Member or Committee Member; ~~and;~~
 - ~~(c) an employee, contractor, appointee, director or officer of the Ontario Association of Optometrists, the Canadian Association of Optometrists or any other organization determined by Council who wants to:~~
 - ~~(i) be an employee or work on a contract with the College (if it is reasonable to expect that a real or apparent conflict of interest may arise); or~~
 - ~~(ii) hold any appointment by the College.~~

~~The one year waiting period shall commence on the first day following the last day that the conflicting position was held by the individual.~~

- (2) Council may, under exceptional circumstances, adjust the one-year waiting period in subsection (1) by Special Resolution.
- (3) ~~After completing nine (9) consecutive years on Council, a Council Members shall complete a three (3) -year waiting period prior to commencing another term on Council.~~
- (4) For the purposes of this section, waiting periods shall commence on the day following the last day that the conflicting position was held by the person.

11.05 Confidentiality

- ~~(1) Section 36(1) of the RHPA states, in part:~~

~~Every person employed, retained or appointed for the purposes of the administration of this Act, a health profession Act or the *Drug and Pharmacies Regulation Act* and every Member of a Council or committee of a College shall keep confidential all information that comes to his or her knowledge in the course of his or her duties and shall not communicate any information to any other person~~

~~(2)~~(1) Council Members and Committee Members, College staff and persons retained or appointed by the College shall:

(a) maintain confidentiality of information disclosed to them in the course of discharging their duties, unless otherwise authorized by Council or permitted under ~~s~~Section 36(1) of the RHPA;

~~(b)~~ refrain from discussing matters arising in an *in camera* meeting;

~~(b)~~(c) refrain from communicating to Members, including Council Members or Committee Members, information regarding registration, complaints, reports, investigations, disciplinary or fitness to practise proceedings ~~which could be perceived as an attempt to influence a statutory decision or a breach of confidentiality,~~ unless:

(i) ~~he or she is~~they are a Member of the same panel considering the matter, or

(ii) when there is no panel, of the same Committee considering the matter.

~~However, Council Members and Committee Members may discuss any other matter not prohibited by Section 36(1) of the RHPA and not arising from an *in camera* meeting;~~

~~(c)~~ be aware of and understand those exceptions to confidentiality obligations in Section 36(1) of the RHPA; and

(d) seek advice if any doubt whether an exception under sSection 36(1) of the RHPA applies.

11.06 Code of Conduct

(1) Council Members and Committee Members must, at all times, when discharging their College duties, act in the ~~College's~~public's best interest, maintain high standards of integrity, honesty, and loyalty.

(2) The College's Code of Conduct for Council Members and Committee Members includes:

- (a) being familiar and ~~complying~~ complying with the provisions of the RHPA, the Act, and the By-laws and policies of the College;
 - ~~(b) — actively and constructively participating in Council and Committees;~~
 - ~~(c) — regularly attending and being prepared for meetings on time, and participating constructively in debates;~~
 - ~~(d) — participating in all Committee deliberations in a respectful and courteous manner, recognizing the diverse background, skills and experience of Council Members and Committee Members;~~
 - ~~(e) — regularly attending and being prepared for meetings;~~
 - ~~(f) — abiding by and endorsing Council and Committee decisions, regardless of the level of prior personal disagreement; and~~
 - ~~(g) — avoiding opinions about them; and, where that is not possible, declaring any appearance of or actual conflicts of interest.~~
 - ~~(g) — preserving confidentiality of all information before Council and/or its Committees unless disclosure has been authorized by Council or otherwise exempted under s. 36(1) of the RHPA;~~
 - ~~(h) — refraining from communicating to Members, including Council Members or Committee Members, information regarding registration, complaints, reports, investigations, disciplinary or fitness to practise proceedings which could be perceived as an attempt to influence a statutory decision or a breach of confidentiality, unless:~~
 - ~~(i) — he or she is a Member of the same panel considering the matter, or~~
 - ~~(ii) — when there is no panel, of the same Committee considering the matter;~~
- ~~However, Council Members and Committee Members may discuss any other matter not prohibited by Section 36(1) of the RHPA and not arising from an *in camera* meeting;~~
- ~~(i)(e) — respecting the boundaries of College staff whose role is who do not to report to or work for individual Council Members or Committee Members;~~

~~(j)~~(f) being respectful of others and not engaging in behaviour that might reasonably be perceived as verbal, physical or sexual abuse or harassment; and

~~(k)~~(g) refraining from any other form of misconduct Council may determine.

11.07 – Media and Official Communications

- ~~(1) Official communications on behalf of the College shall be coordinated through the Registrar.~~
- ~~(2) The President and the Registrar are the authorized spokespersons of the College. On any given issue, they shall consult with one another to determine who will speak on behalf of the College.~~
- ~~(3) The College shall develop an official communications policy.~~
- ~~(4) All communications by the College to the media and to the public shall be consistent with the policies and positions of the College.~~

11.08 – Speaking and Writing Engagements

- ~~(1) All requests inviting a Council Member, Committee Member or an employee, contractor or other appointee of the College to represent the College must be provided in writing to the Registrar giving details of the date, time and place, the topic and anticipated length of the presentation.~~
- ~~(2) The Registrar in consultation with the President will accept or decline a request and determine the appropriate representative to address the topic.~~
- ~~(3) The contents of every engagement must be consistent with the approved policies and positions of the College and shall be reviewed in advance by the Registrar.~~
- ~~(4) No person in his or her capacity as a representative of the College shall receive any payment or benefit related to the engagement. If the payment or gift cannot in the circumstances be gracefully declined, it shall immediately be turned over to the Registrar for the benefit of the College.~~
- ~~(5) Any Council Member, Committee Member or an employee, contractor or other appointee of the College speaking or writing on a topic involving the practise of optometry in a personal capacity must include a disclaimer that they are not speaking/writing as a representative of the College.~~

PART 12 - REMUNERATION OF ELECTED COUNCIL MEMBERS

12.01 Remuneration Policy of the College

- (1) Elected Council Members ~~shall~~may be paid ~~a stipend and be reimbursed~~honoraria as determined by the College for travelling and other expenses reasonably incurred in relation to the performance of their duties as Council Members or Committee Members in accordance with the College's remuneration policy.

PART 13 - COUNCIL

13.01 Council Meetings

- (1) Council Meetings shall be held at the College or any other location determined by the Registrar.
- (2) The Registrar shall serve as Council's secretary.
- (3) At least four Council meetings shall be held in a calendar year. ~~Additional Council meetings may be called by:~~
 - (a) Resolution;
 - (b) the President; or
 - (c) the written request of a majority of Council Members.
- (4) A Council meeting may be held in any manner that allows all Members, along with any members of the public, to participate simultaneously and instantaneously.
- (5) Council meetings are open to the public. However, the public may be excluded from any meeting or part of a meeting in accordance with ~~S~~section 7 of the Code.
- (6) Notice of a Council Meeting shall:
 - (a) be communicated to Council Members as soon as practicable;
 - (b) be posted at least fourteen (14) days before the Council Meeting on the College's website;
 - (c) be published in English and French; and contain the following:
 - ~~(d) contain:~~
 - (i) the meeting agenda;

- (ii) the date, time and location of the meeting;
 - (iii) an address and telephone number at which further information about the meeting may be obtained; and
 - (iv) if the Registrar anticipates that the Council will exclude the public from any meeting or part of a meeting under subsection 7(2) of the Code, the grounds for doing so.
- (7) Briefing ~~books containing the information and documentation that~~materials will be provided to members of Council and shall be posted on the College's website at least three days before any Council meeting. ~~Information and documentation related to meetings or parts of meetings where the Registrar anticipates Council will exclude the public shall not be posted.~~ The failure to ~~give~~provide notice or ~~a~~briefing ~~book~~materials, ~~or, the~~or the non-receipt of any notice or briefing ~~book~~materials, shall not invalidate any actions taken by Council at a Council Meeting.
- (8) If Council decides to exclude the public from a meeting or a part of a meeting under subsection 7(2) of the Code, it may make orders it considers necessary to prevent the public disclosure of matters disclosed in the meeting, including banning publication or broadcasting of those matters.
- (9) Minutes shall be kept for every Council Meeting and shall:
- (a) include details of all motions, recommendations, decisions and the grounds for excluding the public from any meeting or part of a meeting;
 - (b) be circulated to Council Members following the Council Meeting; ~~be approved or amended at the next Council Meeting;~~
 - (c) be approved or amended at the next Council Meeting; and
 - ~~(d) — and once approved:~~
- ~~(i) — signed by the chair; and~~
 - ~~(e)~~(d) ~~provided to the Registrar by the chair to~~ be kept with the ~~College's~~College's records.

13.02 Meeting Agenda

- ~~(1) — During a Council Meeting, Council may only consider:~~
- ~~(a) — matters on the agenda; and~~

- ~~(b) any other matter that the majority of Council Members in attendance determine to be of an urgent nature.~~
- ~~(2) A Council Meeting agenda may include:~~
 - ~~(a) a discussion of any potential conflict of interest involving a Council Member;~~
 - ~~(b) the review for approval or amendment of the minutes of a previous Council Meeting;~~
 - ~~(c) review Committee reports and recommendations;~~
 - ~~(d) any matter requiring Council's decision or direction;~~
 - ~~(e) motions to be tabled at the meeting;~~
 - ~~(f) any other matters determined by the President.~~

~~13.03~~13.02 Chair

- ~~(1) The President or their appointee shall chair Council Meetings. However, Council may by Resolution appoint anyone else to preside as chair of a Council Meeting in lieu of the President, provided that, at all times, it does so in good faith and~~
- ~~(4) If the appointee is not a Council Member, then they shall not If the appointee is not in an effort to usurp the function of the President as the presumptive chair of Council Meetings.~~
- ~~(2) In the case of an appointed chair who is a not a Council Member, the chair:~~
- ~~(3) then they shall not participate in deliberations;~~
- ~~(4) may discussions and shall not vote; and~~
- ~~(5)(2) shall undertake to maintain confidentiality.~~

~~13.04~~13.03 Quorum

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

13.0513.04 Voting

- (1) Every motion shall, ~~depending on the circumstances,~~ be decided by Resolution unless these By-laws, the RHPA, the Regulations made under the Act, or the Corporations Act, require that the motion be decided by Special Resolution.
- (2) ~~If the votes cast result in a tie, the~~ The chair shall ~~not have a second~~ one vote and ~~the motion will be defeated, shall vote last.~~
- (3) Every vote at a Council meeting shall be by a show of hands, roll call, secret ballot or as the chair of the meeting shall otherwise determine. A vote held during a meeting conducted through telecommunications shall be by way of roll call.
- (4) In the event of a roll call vote, the Registrar shall record the votes of each Council Member in the minutes of the meeting.

13.0613.05 Written Resolutions

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

13.0713.06 Rules of Order of Council Meetings

- ~~(1) —~~ ***Conduct***
- ~~(2) —~~ Council Meetings shall be conducted in English.
- ~~(3) —~~ All attendees shall turn off communications devices during Council Meetings.
- ~~(4) —~~ Laptops shall only be used during Council Meetings to review materials related to the meeting and to take notes.
- ~~(5) —~~ No one shall speak out of turn.
- ~~(6) —~~ ***General Procedure***
- ~~(7) —~~ Council may ~~informally discuss a matter without the requirement of a motion.~~
- ~~(8)~~ (1) Council may and decide matters by consensus or ~~any other informal method.~~ However, a motion should be made if it is Council's intention to vote on a matter methods without the requirement of a motion.
- ~~(9) —~~ College staff and consultants with expertise in a matter before Council may be permitted by the chair to answer specific questions.
- ~~(10) —~~ Non-Council Members ~~are not permitted to~~ may only speak ~~at a Council Meeting without~~ with the ~~prior permission from~~ of the ~~President or chair.~~

~~(a)(2) However, the President or chair may at any time request a non-Council Member to speak.~~

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~~(1)(3)~~ **Motions**

- (a) Before a matter may be voted on:
 - (i) it must be introduced by a Council Member;
 - (ii) Council Members must have an opportunity to debate it; and
 - (iii) a motion regarding the matter must be ~~tabled~~made and seconded.
- (b) When a motion is being debated, no other motion can be ~~tabled~~made except to:
 - (i) amend it;
 - (ii) postpone it;
 - (iii) vote on it;
 - (iv) adjourn the debate or the Council meeting; or
 - (v) refer the motion to a Committee.
- (c) The chair shall put the motion to a vote when:
 - (i) the debate on a matter has concluded;
 - (ii) Council has passed a motion to vote on the motion; or
 - (iii) when the time allocated to the debate of the matter has concluded.

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~~(d)~~ —During a Council vote:

~~(e) —no further debate is permitted and no Council Member shall enter or leave the room; and~~

~~(i) —no further debate is permitted.~~

~~(f) —When a motion contains multiple matters that are distinct, any Council Member may revise the motion so that each matter is tabled separately.~~

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~~(d) —and~~

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~~(g)~~(e) After a motion has been decided upon, no Council Member may introduce the same or similar motion during the same session of Council unless the majority of Council agrees.

~~(h)~~(f) Whenever the chair is of the opinion that a motion ~~tabled~~made by a Council Member is contrary to these By-laws:

- (i) the chair shall rule the motion out of order;
- (ii) the chair shall give reasons for doing so; and
- (iii) the secretary shall record such reasons in the meeting minutes.

~~(12)~~ *Amendment of Motions*

~~(a)~~ A Council Member may only table a ~~(g)~~ A motion to amend a motion that has already been tabled (but not yet voted upon) if it:

- ~~(i)~~ is relevant to the motion that has already been tabled; and
- ~~(ii)~~ does not negate the purpose of the initial motion.

~~(b)~~ A motion to amend the initial motion shall ~~may~~ be debated and voted upon ~~made~~ before the initial motion ~~is~~has been voted upon.

~~When there is more than one motion to amend the initial motion, the motions shall be debated and voted upon in the reverse order in which they were tabled.~~

~~(13)~~(4) *Maintaining Order*

(a) The chair shall maintain order and decide questions of order. If a Council Member disagrees with the chair's ruling, the ruling may be appealed to Council.

(b) The chair may do the following:

- ~~(b)~~ limit:
 - (i) the number of times a Council Member may speak;
 - (ii) limit the length of time a Council Member may speak; and
 - (iii) impose any other reasonable restrictions to maintain order and efficiency.

~~(14)~~(5) *Other*

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

PART 14 - COMMITTEES

14.01 Committee Meetings

~~(1)~~ ~~Committee meetings shall be conducted in English.~~

~~(2)~~(1) Each Committee shall meet at the direction of the Committee ~~C~~hair or the majority of Committee Members.

~~(3)~~(2) The conduct of Committee Meetings shall be held in accordance with the most recent edition of *Robert's Rules of Order*.

~~(4)~~(3) A Committee Meeting may be held in any manner that allows all persons to participate simultaneously and instantaneously.

~~(5)~~(4) No formal notice is required for a Committee meeting. However, College staff designated to assist a Committee shall make reasonable efforts to provide notice of each meeting to Committee Members.

~~(6)~~(5) Every motion considered by a Committee shall be decided by a majority of the votes cast at the meeting. ~~If the votes cast result in a tie, the~~ The chair shall ~~not~~ have ~~a second~~one vote and ~~the motion will be defeated~~shall vote last.

~~(7)~~(6) Minutes shall be kept for every Committee Meeting and shall:

- (a) include details of all motions, recommendations and decisions;
- (b) be circulated to Committee Members following the Committee Meeting;
- (c) be approved or amended at the next Committee Meeting; and

~~(d)~~ ~~once approved:~~

~~(i)~~ ~~signed by~~be archived in the chair; and

~~(e)~~(d) ~~provided to the Registrar by the chair to be kept with the~~ College's~~College's~~ records.

~~(8)~~ ~~Committees shall provide Council with reports:~~

~~(a)~~ ~~annually;~~ and

~~(9)~~(7) when requested to do so by ~~either~~ the Executive Committee or Council.

14.02 Executive Committee

(1) The Executive Committee shall be composed of either three (3) or five (5) Council Members and shall include~~shall include~~:

~~(a) an odd number of persons;~~

~~(a) the President and Vice President; and~~

~~(b) one (1) more Elected Council Member than Appointed Council Members;~~

~~(2) The President is the Chair of the Executive Committee.~~

~~(3) The Registrar is the secretary of the Executive Committee, two of th~~

~~(c) no more than five Council members, including:~~

~~(i) the President; and~~

~~(ii) the Vice President.~~

~~(2)~~(4) The Executive Committee is directly accountable to Council and indirectly accountable to the government, the public and the profession for the effective governance of the College.

~~(3)~~(5) The Executive Committee's duties include:

(a) ~~exercise~~exercising the full powers of Council in all matters of administrative urgency ~~(including cases of unauthorized practice); and~~ reporting every action at the next meeting of Council;

~~(b) review and approve the agenda for Council meetings, as prepared by the Registrar in consultation with the President, for clarity and priority; identify items for which Council meetings may be closed to observers in accordance with s. 7(2) of the Health Professions Procedural Code and recommend closure, with rationale, to Council;~~

~~(c) review selected briefing materials for Council for clarity, comprehensiveness, and planning the appropriate approach for presentations;~~

~~(d) call special meetings of Council;~~

- ~~(e) provide feedback and support to committees and Council as requested;~~
- ~~(f) assist Council members, committees and the Registrar in resolving internal conflicts;~~
- ~~(g) monitor legislation of the federal and provincial government through facilitating College input to relevant legislation proposals and the assessment of relevant new legislation;~~
- ~~(h) coordinate an effective liaison with external government, private and non-profit sector bodies/agencies, including international, national and provincial optometric and health care organisations;~~
- ~~(i) coordinate an appropriate public relations program through the development of targeted public communication efforts;~~
- ~~(j) facilitate the development of protocol agreements with other agencies to maximize inter-agency cooperation to pursue College goals and strategic direction;~~
- ~~(k) provide guidance and support to the Registrar; and~~
- ~~(l) serve as an informal resource to the Registrar, at their request.~~

- ~~(i) Between Council Meetings, the Executive Committee has all the powers of Council with respect to any matter that, in the opinion of the Executive Committee, requires immediate attention. However, the Executive~~the~~ Committee does not have the power to make, amend or revoke a regulation or ~~by~~By-law.~~

~~(4)(1) The President is the chair of the Executive Committee.~~

~~(5)(1) The Registrar is the secretary of the Executive Committee.~~

- (6) Executive Committee meetings are closed to the public. —However, the Executive Committee may permit anyone to attend or participate in meetings.

14.03 Registration Committee

- (1) The Registration Committee shall be composed of a minimum of five (5) persons, including at least:
 - (a) ~~one~~ (1) Elected Council Member;
 - (b) two (2) Appointed Council Members; and
 - (c) two (2) Members who may or may not be Council Members.

- (2) A panel of the Registration Committee shall be composed of at least three (3) Committee Members, at least one of whom is an Appointed Council Member. ~~The Committee chair will select the panels and appoint the chair for each panel.~~

14.04 Inquiries, Complaints and Reports Committee

- (1) The ~~Inquiries, Complaints and Reports Committee~~ ("ICRC") shall be composed of at least ~~ten~~ (10) persons, including at least:
 - (a) ~~Four~~ (4) Appointed Council Members;
 - (b) one (1) Elected Council Member; and
 - (c) five (5) Members who may or may not be Council Members.
- (2) A panel of the ICRC shall be composed of at least three (3) Committee Members, at least one (1) of whom is an Appointed Council Member. ~~The Committee chair will select the panels and appoint the chair for each panel.~~

14.05 Discipline Committee

- (1) The Discipline Committee shall be composed of:
 - (a) all elected Council Members who are not members of the ICRC;
 - (b) all appointed Council Members; and
 - (c) at least five (5) Members who are not Council Members.
- (2) A panel of the Discipline Committee shall be composed of at least three (3) and no more than five (5) Committee Members, at least two (2) of whom are Appointed Council Members. ~~The Committee chair will select the panels and appoint the chair for each panel.~~

14.06 Fitness to Practise Committee

- (1) The Fitness to Practise Committee shall be composed of at least three (3) persons, including:
 - (a) one (1) Elected Council Member;
 - (b) one (1) Appointed Council Member; and
 - (c) one (1) Member who may or may not be a Council Member.

~~(2) — No person may be selected for a panel of the Fitness to Practise Committee who has taken part in an investigation or decision made by the ICRC that is to be the subject matter of the Fitness to Practise panel's hearing.~~

~~(3)~~(2) A panel of the Fitness to Practise Committee shall be composed of at least three (3) Committee Members, at least one (1) of whom is an Appointed Council Member. ~~The Committee chair will select the panels and appoint the chair for each panel.~~

14.07 Quality Assurance Committee

(1) The Quality Assurance Committee shall be composed of at least thirteen (13) persons, including:

- (a) ~~Two~~ (2) Elected Council Members;
- (b) ~~Three~~ (3) Appointed Council Members; and
- (c) ~~Eight~~ (8) Members who may or may not be Council Members.

(2) A panel of the Quality Assurance Committee shall be composed of at least three (3) Committee Members, at least one (1) of whom is an Appointed Council Member. ~~The Committee chair will select the panels and appoint the chair for each panel.~~

14.08 Patient Relations Committee

The Patient Relations Committee shall be composed of at least seven (7) persons, including:

- (a) ~~One~~ (1) Elected Council Member;
- (b) three (3) Appointed Council Members; and
- (c) three (3) Members who may or may not be Council Members.

14.09 Ad Hoc and Standing Committees

(1) Council may, by Resolution, appoint and fill such Ad Hoc and/or Standing Committees as it deems necessary.

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14.10 Committee Chairs and Panel Chairs

(1) The term of a Committee Chair is ~~one~~ (1) year.

~~(2) — With the exception of the President as chair of the Executive Committee, no person may serve as a Committee chair for more than 3 consecutive years.~~

- (2) The chairs of the Registration Committee, the ICRC and the Discipline Committee shall appoint their Committee Members to panels and a panel chair for each panel. For all other College Committees, the appointment to panels and of the panel chair shall be done by a Council-delegated Committee.
- (3) When a panel chair is not able to attend a meeting, hearing or proceeding of a panel, the remaining panel members shall designate a chair for the duration of the absence.

14.11 Quorum for Committees and Panels

- ~~(1)~~—The quorum for any:
- ~~(2)~~(1) Committee Meeting is a majority of that Committee's Members; ~~and,~~
- ~~(3)~~(2) The quorum for any panel of a Committee is ~~at least~~ three panel members, at least one of whom shall be an Appointed Council Member.
- ~~(4)~~(3) In determining whether or not a quorum has been met, the number of Committee Members or panel members shall be deemed not to be reduced as a result of any vacancy.

PART 15 - RULES, AND POLICIES ~~AND CODE OF ETHICS~~

15.01 Creating Rules and Policies

- (1) The College may create rules, policies and similar guiding documents to govern the College and the conduct of its Members, Council Members, Committees and panels.

~~15.02 Code of Ethics~~

- ~~(1) All Members shall act in accordance with the College's Code of Ethics.~~
- ~~(2) The College's Code of Ethics for all Members includes:~~
- ~~(a) General Responsibilities~~
- ~~(i) The first priority for a Member should be their patient's visual well-being and the provision of appropriate care for all of their patients.~~
- ~~(ii) Members shall:~~
- ~~(A) treat all patients with respect;~~
- ~~(B) practise optometry with competence;~~
- ~~(C) recognize their limitations;~~

~~(D) — when indicated, recommend that additional opinions and services be sought;~~

~~(E) — be prepared to collaborate with colleagues in the care of patients; and~~

~~(F) — engage in lifelong learning to maintain and improve their professional knowledge, skills and judgment.~~

~~(iii) — Members shall not:~~

~~(A) — exploit their patients for personal advantage; or~~

~~(B) — discriminate against any patient.~~

~~(b) — **Communication, Decision Making and Consent**~~

~~(i) — Members shall:~~

~~(A) — make reasonable efforts to inform their patients of the diagnosis, prognosis, choices of care and diagnostic and therapeutic procedures in a manner which allows them to make fully informed decisions concerning their care.~~

~~(B) — respect the informed decisions of their patients.~~

~~(c) — **Confidentiality**~~

~~(i) — Members shall:~~

~~(A) — whenever possible maintain all of their patients' personal information in confidence. In the rare circumstances, when a Member is required to breach this confidence, the Member shall promptly inform the patient.~~

~~(B) — when acting on behalf of a third party, take reasonable steps to ensure that the patient understands the nature of the Member's role.~~

~~(d) — **Clinical Research**~~

~~(i) — Members shall:~~

~~(A) — ensure that any research a Member conducts has been evaluated scientifically and ethically, is approved by a responsible committee and is sufficiently planned and supervised such that research subjects are unlikely to suffer disproportionate harm.~~

~~(B) fully inform the potential research subject about the purpose of the study, its source of funding, the risk and benefits, and the nature of the Member's participation.~~

~~(C) before proceeding with the study, obtain the informed consent of the subject and advise prospective subjects that they have the right to decline or withdraw from the study at any time, without prejudice to their ongoing care.~~

~~(e) **Responsibility to Society**~~

~~(i) Members shall:~~

~~(A) make efforts to provide persons in need with optometric care.~~

~~(B) share in the profession's responsibility to society in matters relating to public health, health education, environmental protection, and legislation affecting the health or well-being of the community.~~

~~(C) use health care resources prudently.~~

~~(f) **Responsibility to the Profession**~~

~~(i) Member's shall:~~

~~(A) avoid impugning the reputation of colleagues.~~

~~(B) attempt to resolve disputes with colleagues in a respectful way.~~

~~(g) **Responsibility of Oneself**~~

~~Members shall seek help for problems that may adversely affect service to patients.~~

PART 16 - INFORMATION PROVIDED BY MEMBERS

16.01 Member Obligations to Provide Information

- (1) Upon written request for information by the College, a Member shall respond in writing within the time provided.
- (2) A Member shall provide written notice of any change to information previously provided to the College within [fourteen \(14\)](#) days of the change.

16.02 Member Reports

- (1) A Member's certificate of registration must be renewed annually.
- (2) The College shall send a member report to each Member by mail or e-mail requesting any information required by the Registrar and provide the Members with at least thirty (30) days to respond.
- (3) The College may request:
 - ~~(a) the Member's birth date;~~
 - ~~(b) the Member's certificate of registration number;~~
 - ~~(c) the Member's e-mail address;~~
 - ~~(d) the address and telephone number of each Member's principal residence;~~
 - ~~(e) the name of each business where the Member practises optometry, including the address, telephone number, fax number and e-mail address;~~
 - ~~(f) the preferred address for receiving College communications;~~
 - ~~(g) information respecting the Member's participation in continuing professional development and other professional training;~~
 - ~~(h) whether the member is licenced or registered to practice another profession either inside or outside Ontario;~~
 - ~~(i) information about actions taken by other regulatory bodies against the Member;~~
 - ~~(j) information relating to a finding of professional negligence or malpractice made against the Member;~~
 - ~~(k) information related to findings of guilt for a federal, provincial or other offence;~~
 - ~~(l) information related to any current charges in respect of a federal, provincial or other offence;~~
 - ~~(m) information related to any current existing conditions, terms, orders, directions or agreements relating to the custody or release of the Member with respect to federal, provincial or other offences;~~
 - ~~(n) the nature of the Member's practise and services a Member may offer in their practise such as:
 - ~~(i) ADP Authorizer;~~~~

- ~~(ii) Automated Visual Fields;~~
- ~~(iii) Binocular Vision Training;~~
- ~~(iv) Contact Lens Therapy;~~
- ~~(v) Corneal Topography;~~
- ~~(vi) Digital Retinal Imaging;~~
- ~~(vii) Home Visits;~~
- ~~(viii) Infant Examinations (0 to 24 months);~~
- ~~(ix) Institution Visits;~~
- ~~(x) Low Vision Therapy;~~
- ~~(xi) Occupational Safety Eyewear;~~
- ~~(xii) Optical Coherence Tomography/Retinal Tomography;~~
- ~~(xiii) Orthokeratology;~~
- ~~(xiv) Pre-School Children (2 to 5 years);~~
- ~~(xv) Punctal Occlusion;~~
- ~~(xvi) Refractive Surgery Co-management;~~
- ~~(xvii) Spectacle Therapy;~~
- ~~(xviii) Sports Vision; and~~
- ~~(xix) Visual Perception Testing and Therapy;~~
- ~~(o) whether the Member prefers to communicate with the College in English or French;~~
- ~~(p) the Member's electoral district;~~
- ~~(q) the number of hours of direct patient care;~~
- ~~(+)(a) information that the College is required to maintain in the register;~~
- ~~(s) a copy of the declarations page from the Member's professional liability insurance policy setting out;~~

- (i) ~~the coverage amount;~~
- (ii) ~~the name of the insurer;~~
- (iii) ~~the policy term; and~~
- ~~(+)(b)~~ the policy number;
- ~~(+)(c)~~ information which allows the College to maintain statistics related to the College and the Member; and
- ~~(+)(d)~~ any other information the College requires.

- (4) If a Member fails to return a completed member report to the College within the time provided ~~(which shall be not less than 30 days);~~ the Registrar shall:
 - (a) notify the Member in writing of such failure; and
 - (b) provide the Member with a reasonable period to return a completed ~~member's~~member report to the College.
- (5) If the Member fails to rectify the failure within the time provided, the College may, without notice, suspend the Member's certificate of registration until a completed member report is returned.
- (6) ~~A Member must advise~~When the ~~Registrar in writing~~College receives notice of a change ~~to any~~in information required for the issuance of a certificate of registration ~~within 14 days of such change. The College, it may, depending on the change of information:~~
 - (a) issue a revised certificate of registration;
 - (b) decline to revise the existing certificate of registration; or
 - (c) revoke a certificate of registration.

PART 17 - ~~INFORMATION PROVIDED BY HEALTH PROFESSION~~PROFESSIONAL CORPORATIONS

17.01 ~~Obligation to Provide Information~~

- (1) Upon written request for information from the College, a health professional corporation shall respond in writing within the time provided.

17.0117.02 ~~Application of a Health Profession~~Corporation

- (1) A health ~~profession~~professional corporation is eligible to hold a certificate of authorization if:

- (a) the articles of the corporation provide that the corporation cannot carry on a business other than the practise of optometry and activities related to or ancillary to the practise of optometry;
 - (b) all of the issued and outstanding shares of the corporation are legally and beneficially owned, directly or indirectly, by one or more Members; and
 - (c) all the requirements set out in these By-laws, the *Ontario Business Corporations Act*, the RHPA, the Act and in ~~and~~ any other applicable statute or regulation, ~~and these By-laws~~ have been satisfied.
- (2) In order to obtain a certificate of authorization, a health ~~profession~~ professional corporation shall ~~apply~~ submit a completed application package to the College which shall include the following. ~~The application must include:~~
- ~~(a) the name of the health profession corporation;~~
 - ~~(b) all business names of the corporation, if any;~~
 - ~~(c) all phone numbers, fax numbers and addresses of all business locations along with the address of its head office;~~
 - ~~(d) the capital structure of the corporation and shareholdings of each shareholder;~~
 - ~~(e) the name, phone number, address, e-mail address and, when applicable, the College registration number of each shareholder;~~
 - ~~(f) the name, phone number, address, e-mail address and, when applicable, the College registration number of each director and officer;~~
 - ~~(g) a certified copy of the corporation's:~~
 - ~~(+)(a) articles of incorporation, continuance and/or amalgamation, as applicable; ~~and~~~~
 - ~~(i) by-laws;~~
 - ~~(+)(b) a corporation profile report that has been issued no more than thirty (30) days before submitting the application indicating that the corporation has not been dissolved;~~
 - ~~(+)(c) a statutory declaration of a director of the corporation, executed not more than fifteen (15) days before submitting the application, certifying that:~~

- (i) the corporation complies with ~~Section 3.2 of the Ontario Business Corporations Act, and its regulations~~ the relevant legislation;
- (ii) the corporation does not carry on, and does not plan to carry on, any business that is not the practise of optometry or practises related to or ancillary to the practise of optometry;
- (iii) there has been no change in the status of the corporation since the date of the ~~certificate of status~~ corporation profile report; and
- (iv) the information contained in the application is complete and accurate as of the date the statutory declaration is executed;

~~(k) any other information the College deems necessary; and~~

~~(d)~~ (d) the signature of all shareholders of the ~~health profession~~ optometry professional corporation; ~~and~~

17.02 Corporate Reports

~~(e) any other information the College deems necessary.~~

17.03 Renewal

~~(1)~~—A certificate of authorization must be renewed annually.

~~(2)~~ (1) The date of renewing a certificate of authorization shall be no more than 30 days ~~on or~~ before the anniversary ~~or renewal~~ of the certificate's date of issue.

~~(3)~~ (2) The College ~~shall send a corporate report to each health profession corporation by mail or e-mail requesting~~ will request any information required by the Registrar ~~from a health professional corporation by mail or e-mail~~ and provide the health ~~profession~~ professional corporation with at least ~~thirty~~ (30) days to respond.

~~(4)~~ (3) If a health ~~profession~~ professional corporation fails to ~~return a completed corporate report to the College~~ renew within the time provided, the Registrar may:

- (a) notify the health ~~profession~~ professional corporation in writing of such failure;
- (b) provide the health ~~profession~~ professional corporation with at least ~~sixty~~ (60) days to ~~return a completed corporate report~~

~~to provide the College; renewal documents and fee(s) to the College; and~~

- (c) advise the health ~~profession~~professional corporation that failure to ~~return a completed corporate report to the College; renew~~ will result in revocation of the health professional corporation's certificate of authorization.

~~(5)(4)~~ A health ~~profession~~professional corporation must advise the Registrar in writing of a change to any information required for issuance of a certificate of authorization within fourteen (14) days of such change. ~~The~~When the College ~~receives such a notice, it may, depending on the change of information:~~

- (a) issue a revised certificate of authorization;
- (b) decline to revise the existing certificate of authorization; or
- (c) revoke a certificate of authorization.

~~17.03 Health Profession Corporation Obligations to Provide Information~~

- ~~(1) Upon written request for information from the College, a health profession corporation shall respond in writing within the time provided.~~
- ~~(2) A health profession corporation shall provide written notice of any change to information previously provided to the College within 14 days of the change.~~

PART 18 - REGISTER

18.01 Maintaining the Register

The Registrar shall maintain a register on behalf of the College in an up-to-date manner.

18.02 ~~Information that the Code Requires be Kept in the~~ Content of Register Entries

~~Under~~ In addition to the information required under subsection 23(2) of the Code ~~and subject to certain exceptions contained in the Code, certain information must be contained in the register and must be available to the public.~~

- ~~(1) each Member's name, business address and business telephone number, and, if applicable, the name of every health profession corporation of which the member is a shareholder;~~
- ~~(2) where a member is deceased, the name of the deceased member and the date upon which the member died, if known to the Registrar;~~
- ~~(3) the name, business address and business telephone number of every health profession corporation;~~

- ~~(4) — the names of the shareholders of each health profession corporation who are Members;~~
- ~~(5) — the Member's class of registration and specialist status (specialist status not applicable to the College at this time);~~
- ~~(6) — the terms, conditions and limitations that are in effect on each Member's certificate of registration;~~
- ~~(7) — a notation of every caution that a member has received from a panel of the Inquiries, Complaints and Reports Committee under paragraph 3 of subsection 26 (1);~~
- ~~(8) — a notation of any specified continuing education or remedial programs required by a panel of the Inquiries, Complaints and Reports Committee using its powers under paragraph 4 of subsection 26 (1);~~
- ~~(9) — a notation of every matter that has been referred by the ICRC to the Discipline Committee under Section 26 of the Code and that has not been finally resolved, including the date of the referral and the status of the hearing before a panel of the Discipline Committee, until the matter has been resolved;~~
- ~~(10) — a copy of the specified allegations against a member for every matter that has been referred by the Inquiries, Complaints and Reports Committee to the Discipline Committee under section 26 and that has not been finally resolved;~~
- ~~(11) — the result of every disciplinary and incapacity proceeding;~~
- ~~(12) — a notation and synopsis of any acknowledgements and undertakings in relation to matters involving allegations of professional misconduct or incompetence before the Inquiries, Complaints and Reports Committee or the Discipline Committee that a member has entered into with the College and that are in effect;~~
- ~~(13) — a notation of every finding of professional negligence or malpractice, which may or may not relate to the Member's suitability to practise, made against the Member, unless the finding is reversed on appeal;~~
- ~~(14) — a notation of every revocation or suspension of a certificate of registration;~~
- ~~(15) — a notation of every revocation of a certificate of authorization;~~
- ~~(16) — information that a panel of the Registration Committee, Discipline Committee or Fitness to Practise Committee specifies shall be included in the register;~~

- ~~(17) — where findings of a panel of the Discipline Committee are appealed, a notation that they are under appeal, until the appeal is finally disposed of;~~
- ~~(18) — where, during or as a result of a proceeding under Section 25 of the Code, the Member has resigned and agreed never to practise again in Ontario, a notation of the resignation and agreement;~~
- ~~(19) — where the College is aware that the Member is currently licenced or registered to practise another profession inside or outside of Ontario, a notation of that fact;~~
- ~~(20) — where the College is aware that a finding of professional misconduct or incompetence or a similar finding has been made against a Member registered or licensed to practise a profession inside or outside of Ontario, and that finding has not been reversed on appeal,
 - ~~(a) — a notation of that fact;~~
 - ~~(b) — the name of the governing body that made the finding;~~
 - ~~(c) — the date the finding was made if available;~~
 - ~~(d) — a brief summary of the facts on which the finding was based if available;~~
 - ~~(e) — the order made if available; and~~
 - ~~(f) — information regarding any appeals of the finding or order if available;~~~~
- ~~(21) — where the College is aware that a finding of incapacity or similar finding has been made against a Member registered or licensed to practise a profession inside or outside of Ontario, and that finding has not been reversed on appeal,
 - ~~(a) — a notation of the finding;~~
 - ~~(b) — the name of the governing body that made the finding;~~
 - ~~(c) — the date the finding was made if available;~~
 - ~~(d) — a summary of any order made if available; and~~
 - ~~(e) — information regarding any appeals of the finding or order if available;~~~~
- ~~(22) — any existing conditions of release, of which the College is aware, following a charge for an offence under the *Criminal Code (Canada)* or *Controlled Drugs and Substances Act (Canada)* or subsequent to a finding of guilt and pending appeal or any variations to those conditions.~~

~~(23) any outstanding charge for an offence, of which the College is aware, under the *Criminal Code (Canada)* or the *Controlled Drug and Substances Act (Canada)* including the following information~~

~~(a) the fact and content of the charge; and~~

~~(b) the date and place of the charge;~~

~~(24.1) any findings of guilt, of which the College is aware, under the *Criminal Code (Canada)* or *Controlled Drugs and Substances Act (Canada)*, including the following information unless the conditions in subsection 24.2 apply:~~

~~(a) a summary of the finding;~~

~~(b) a summary of the sentence; and~~

~~(c) if the finding is under appeal, a notation that it is under appeal until the appeal is disposed of;~~

~~(24.2) the conditions where a finding of guilt referred to in subsection (24.1) shall not be entered on the register are as follows:~~

~~(a) The Parole Board has ordered a record suspension in respect of the conviction;~~

~~(b) A pardon in respect to the conviction has been obtained; or~~

~~(c) The conviction has been overturned on appeal.~~

~~(25) information that is required to be kept in the register in accordance with regulations made pursuant to clause 43 (1) (i) of the *Regulated Health Professions Act, 1991*; and~~

~~(26) any other information that is required to be kept in the register in accordance with these By-laws.~~

18.03 Additional Information that the College Requires Be Kept in the Register

For the purposes of paragraph 20 of subsection 23(2) of the Code, and subject to sections 18.05 and 18.06, the register shall contain the following information, which is designated by the College as public pursuant to subsection 23(5) of the Code:

- (1) the Member's gender;

- (2) the date that the Member first became a Member or, if the Member was licensed under the *Health Disciplines Act*, the date when the Member was first issued a licence by the College;
- (3) each Member's certificate of registration number and the date it was issued;
- (4) a description of the Member's degree in optometry (or equivalent academic achievement) ~~held by the Member~~ and the year the Member obtained ~~the degree (or equivalent academic achievement); it;~~
- (5) any language in which the Member is able to communicate and provide services to patients;
- (6) the name and address of any optometric practise for which the Member is an employee, contractor or otherwise;
- (7) if applicable, a notation concerning the authorization by the College to prescribe drugs, and the date on which the Member received such authorization;
- (8) ~~each~~^A Member's certificate of authorization, ~~if any,~~ including:
 - (a) the name of the corporation; and
 - (b) the date it was issued;
- (9) upon revision of a certificate of registration or certificate of authorization:
 - (a) details of the revision; and
 - (b) the effective date of the revision;
- (10) the effective date of resignation of the Member;
- (11) a summary of any current charges against a Member, other than those required by ~~Part 18.02~~^{the Code}, of which the College is aware in respect of a federal, provincial or other offence that the Registrar believes is relevant to the Member's suitability to practise;
- (12) a summary of any currently existing conditions, terms, orders, directions or agreements relating to the custody or release of the Member in provincial, federal or other offence processes, other than those required by ~~Part 18.02~~^{the Code}, of which the College is aware and that the Registrar believes is relevant to the Member's suitability to practise;
- (13) a summary of any findings of guilt, other than those required by ~~Part 18.02~~^{the Code}, of which the College is aware if made by a court after January 17, 2015,

- against a Member in respect of a federal, provincial or other offence that the Registrar believes is relevant to the Member's suitability to practice;
- (14) where the Member's certificate of registration is subject to any terms, conditions and limitations, the reason for them, the Committee that imposed them and the date they took effect;
 - (15) where terms, conditions or limitations on the Member's certificate of registration have been varied or removed, the effective date of the variance or removal ~~of those terms, conditions and limitations;~~
 - (16) where the Member's certificate of registration is subject to a suspension for failure to pay a fee, the reason for the suspension and the date of the suspension in addition to the fact of the suspension;
 - (17) where a suspension of the Member's certificate of registration is lifted or otherwise removed, the effective date of the lifting or removal of that suspension;
 - (18) where the Member's certificate of registration is reinstated, the effective date of the reinstatement;
 - (19) where a finding of professional negligence or malpractice is contained in the College's register, the following information;
 - (a) the date of the finding;
 - (b) the court and the court file number;
 - (c) a summary of the finding; and
 - (d) the status of any appeal respecting the finding made against the Member;
 - (20) where applicable, a summary of any restriction on the Member's right to practise:
 - (a) resulting from an undertaking given by the Member to the College or an agreement entered into between the Member and the College; or
 - (b) of which the College is aware and which has been imposed by a court or other lawful authority, in which event the summary of the restriction shall also include the source of the restriction;
 - (21) the following information regarding every caution that a member has received ~~on or after October 1, 2015,~~ from a panel of the ~~Inquiries, Complaints and~~

~~Reports Committee~~ICRC, from a panel of the ICRC under paragraph 3 of subsection 26 (1) of the Code;

- (a) a notation of that fact,
 - (b) a summary of the panel's decision, including a summary of the caution,
 - (c) the date of the panel's decision, and
 - (d) if applicable, a notation that the panel's decision is subject to review and therefore is not yet final, which notation shall be removed once the review is finally disposed of;
- (22) the following information regarding any specified continuing education or remediation program that has been required by the Inquiries, Complaints and Reports Committee on or after October 1, 2015 under paragraph (4) of subsection 26(1) of the Code,
- (a) a notation of that fact,
 - (b) a summary of the panel's decision, including a summary of the specified continuing education or remediation program,
 - (c) the date of the panel's decision, and
 - (d) if applicable, a notation that the panel's decision is subject to review and therefore is not yet final, which notation shall be removed once the review is finally disposed of.
- (23) the following information regarding any undertaking that the member has been directed to comply with by the Inquiries, Complaints and Reports Committee on or after October 1, 2015 under paragraph (4) of subsection 26(1) of the Code:
- (a) a notation of that fact;
 - (b) a summary of the panel's decision, including a summary of the undertaking; and
 - (c) the date of the undertaking and of the panel's decision;
- (24) where the Member's certificate of registration is subject to an interim order of the ICRC, a notation of that fact, the nature of that order and its effective date;
- (25) where an allegation of a Member's professional misconduct or incompetence has been referred to the Discipline Committee or where the Registrar has

referred an application for reinstatement to the Discipline Committee under section 73 of the Code and the matter is outstanding,

- (a) the date of the referral;
 - (b) a brief summary of each specified allegation, if applicable;
 - (c) the notice of hearing;
 - (d) the anticipated date of the hearing, if the hearing date has been set or, if the hearing has commenced, the next scheduled date for the continuation of the hearing ~~if the hearing has commenced;~~
 - (e) if the hearing is awaiting scheduling, a statement of that fact; and
 - (f) if the hearing of evidence and arguments is completed and the parties are awaiting a decision of the Discipline Committee, a statement of that fact;
- (26) where a decision of the Discipline Committee has been published by the College with the Member's name:
- (a) a notation of that fact; and
 - (b) identification of the specific publication of the College which contains the information;
- (27) the reasons for decision of every disciplinary proceeding:
- (a) in which a panel of the Discipline Committee makes a finding of professional misconduct or incompetence; and
 - (b) in which a panel of the Discipline Committee makes no finding with regard to the proceeding but the Member requests that the reasons be posted in the register;
- (28) where the question of a Member's capacity has been referred to the Fitness to Practise Committee or where the Registrar has referred an application for reinstatement to the Fitness to Practise Committee under section 73 of the Code and the matter is outstanding:
- (a) the date of the referral; and
 - (b) a notation of the referral.
- (29) where the College is aware that a pending allegation of professional misconduct or incompetence or a similar allegation has been referred to a

discipline type of hearing against a Member registered or licensed to practise a profession inside or outside of Ontario and the Registrar believes that it is relevant to the Member's suitability to practise,

- (a) a notation of that fact;
 - (b) the name of the governing body that made the referral;
 - (c) the date of the referral if available;
 - (d) a brief summary of each allegation if available; and
 - (e) the notice of hearing if available.
- (30) in respect of a former Member, any information that was in the register at the time the former Member's registration terminated, for a period of at least two (2) years after the termination of registration, except for any information related to discipline proceedings in Ontario, which shall be entered in the register for a period of fifty (50) years after the termination of registration; and
- (31) any other information not otherwise referred to in this section, which the College and the Member have agreed shall be available to the public.

18.0418.03 Designated Information for Safety Exception

- (1) All of the information required to be kept in the register under subsection 23(2) of the Code and ~~all of the information kept in the register~~ under 18.0302 of these By-laws is designated as information that may be withheld from the public pursuant to subsection 23(6) of the Code if the Registrar has reasonable grounds to believe that disclosure of that information may jeopardize the safety of an individual.

18.0518.04 Deletion of Information

- (1) Notwithstanding section 18.0302, where after a review the ICRC has been required to remove or vary the requirement to appear for a caution or to complete a specified continuing education or remediation program:
- (a) the Registrar may delete from the register any information which would otherwise have been required to be maintained under section 18.0302(23) or section 18.0302(24); and
 - (b) the Registrar may enter a summary of the process leading up to and the results of any variation of a caution or a specified continuing education or remediation program.

18.06 – Publication Ban and Disclosure

- ~~(1) Pursuant to Section 23(3) of the Code, no action shall be taken by the College with respect to information that would violate a publication ban.~~
- ~~(2) The Registrar may refuse to disclose or post on the College's website information that is otherwise required to be public if:
 - ~~(a) the Registrar has reasonable grounds to believe that such disclosure may jeopardize the safety of an individual; or~~
 - ~~(b) the Registrar has reasonable grounds to believe that the information is obsolete and no longer relevant to a Member's suitability to practise.~~~~
- ~~(3) The Registrar shall not disclose or post on the College's website information that is otherwise required to be public if it is personal health information, unless it is the personal health information of a Member and it is in the public interest that such information be disclosed. Any disclosure of a Member's personal health information shall be limited to not more than what is reasonably necessary. For the purposes these By-laws, "personal health information" means information that identifies an individual and that is referred to in clauses (a) through (g) of the definition of "personal health information" in subsection 4(1) of the *Personal Health Information Protection Act, 2004*.~~
- ~~(4) The Registrar shall refuse to disclose information regarding a Member relating to disciplinary or incapacity proceeding if:
 - ~~(a) a finding of professional misconduct was made against a Member and the order made was only a reprimand or only a fine, or a finding of incapacity was made against a Member;~~
 - ~~(b) more than 6 years have passed since the information was prepared or last updated;~~
 - ~~(c) the Member has made an application to the relevant Committee for the removal of the information from public access because the information is no longer relevant to the Member's suitability to practise, and if:
 - ~~(i) the relevant Committee believes that a refusal to disclose the information outweighs the desirability of public access to the information in the interest of any person affected or the public interest; and~~
 - ~~(ii) the relevant Committee has directed the Registrar to remove the information from public access; and~~~~~~

- ~~(d) the information does not relate to disciplinary proceedings concerning sexual abuse as defined in clause (a) or (b) of the definition of "sexual abuse" in Subsection 1(3) of the Code.~~
- ~~(5) The Registrar shall refuse to disclose to an individual or to post on the College's website information required by paragraph 11 of section 18.02 if~~
 - ~~(a) the result of a discipline proceeding was that no finding of professional misconduct or incompetence was made against the member; and~~
 - ~~(b) more than 90 days have passed since the information was prepared or last updated, unless before the expiry of the 90 days the member to whom the information relates specifically requests in writing that the Registrar continue to maintain public access to the information.~~

PART 19 - LIFE MEMBERS

- (1) A Member or a former Member may apply to the College to be designated as a Life Member by the College's Registrar;
- (2) A Member or a former Member is eligible to be a Life Member if ~~he or shethey~~:
 - (a) ~~holdshold~~ or ~~hashave~~ ever held a general certificate of registration or academic certificate of registration with the College for at least twenty five (25) years;
 - (b) ~~hashave~~ retired from practising optometry;
 - (c) ~~waswere~~ in good standing with the College when ~~he or shethey~~ resigned ~~his or hertheir~~ membership with the College;
 - (d) ~~isare~~ not a Council Member;
 - (e) after having been provided with an opportunity to rectify any failure of ~~his or hertheir~~ obligations to the College:
 - (i) ~~hashave~~ paid any fee, penalty or order for costs owing to the College;
 - (ii) ~~hashave~~ submitted to the College all required forms and documents; and
 - (iii) ~~isare~~ otherwise in good standing with the College;
 - (f) ~~hashave~~ not had ~~his or hertheir~~ certificate of registration suspended or revoked in the previous six (-6) years;

- (g) ~~has~~have not had ~~any exceptional~~ term, condition or limitation on their certificate of registration in the previous six (6) years ~~other than one that does not already apply to every Member who possesses that class of certificate;~~
 - (h) ~~is~~are not the subject of any disciplinary or incapacity proceedings; and
 - (i) ~~has~~have not otherwise acted in a manner that is inconsistent with an ongoing association with the College.
- (3) A Life Member shall not:
- (a) practise optometry;
 - (b) hold ~~himself or herself~~themselves out as qualified to practise optometry in Ontario; or
 - (c) be eligible for election to Council or vote in Council elections.
- (4) A Life Member's designation may be revoked by the Registrar if the Life Member:
- (a) is found by a panel of the Discipline Committee to be incompetent or to have committed an act of professional misconduct;
 - (b) acts in a manner that is inconsistent with an ongoing association with the College provided that, before making a determination, the Registrar first provides the Life Member with a reasonable opportunity to make written submissions; or
 - (c) after having been provided with an opportunity to rectify any failure in ~~his or her~~their obligations to the College:
 - (i) remains in default of any fee, charge or order for costs owing to the College,
 - (ii) fails to submit to the College all required forms and documents, or
 - (iii) ceases to otherwise be in good standing with the College.
- (5) A Life Member who wishes to re-obtain a general or academic certificate of registration must apply for one and meet the registration requirements in effect at the time of application.

Part 20 — FUNDING FOR THERAPY AND COUNSELLING

20.01 — Sexual Abuse Funding Program

- ~~(1) — The College shall establish funding for therapy and counselling for persons who, while patients of a Member, were sexually abused by the Member (the "Sexual Abuse Funding Program").~~
- ~~(2) — The definition of "sexual abuse" is set out in Section 1(3) of the Code.~~

20.02 — Role of Patient Relations Committee

The Patient Relations Committee shall:

- ~~(1) — administer the Sexual Abuse Funding Program;~~
- ~~(2) — determine the eligibility of an individual for funding based on whether:
 - ~~(a) — it is alleged, in a complaint or report, that the person was sexually abused by a Member while the person was a patient of the Member;~~
 - ~~(b) — the individual confirms that the therapy will be at least partially related to the sexual abuse committed by the Member. However, the individual is not required to undergo a psychological or other assessment before receiving funding;~~
 - ~~(c) — the funding will only be used by the individual for therapy or counselling. The College may request signed receipts from the therapist or counsellor, and all payments for therapy or counselling shall be made by the College directly to the therapist or counsellor; and~~
 - ~~(d) — the individual's therapist or counsellor;
 - ~~(i) — does not have a family relationship with the individual; and~~
 - ~~(ii) — is not a person who has, at any time or in any jurisdiction, been found guilty of professional misconduct of a sexual nature, or been found civilly or criminally liable for an act of a similar nature; and~~~~
 - ~~(e) — the application for funding is made within the time prescribed under Ontario Regulation 59/94 ("Funding for Therapy or Counselling for Patients Sexually Abused by Members").~~~~

20.03 — Application Process

- ~~(1) — To obtain funding, the individual must apply in writing to the College. As part of the application, the College may require that the individual provide the College with:~~

- ~~(i) details of the therapist or counsellor's training, experience and contact information;~~
 - ~~(ii) written confirmation that the individual has no family relation to the therapist or counsellor;~~
 - ~~(iii) if requested by the College to do so, a document acknowledging that the therapist or counsellor is not a member of a regulated professional and therefore not subject to professional discipline; and~~
 - ~~(iv) any other information the College deems necessary.~~
- ~~(2) The maximum amount the College shall fund an individual's therapy or counselling shall be governed by Ontario Regulation 59/94 and Section 85.7(11) of the Code.~~
- ~~(3) Any decision, including reasons, of the Patient Relations Committee to approve or deny funding shall be provided in writing to the individual.~~

~~Part 21~~ **PART 20 - PROFESSIONAL LIABILITY INSURANCE**

~~21.01~~ **20.01 Mandatory Insurance for Members**

- (1) No Member shall engage in the practise of optometry unless ~~he or she is~~they are personally insured against professional liability under a professional liability insurance policy that provides coverage based on when an "occurrence" allegedly took place.
- (2) The professional liability insurance policy must ~~provide~~include the following:
 - ~~(a) at a minimum,~~ coverage in the amount of:
 - ~~(i) \$2,000,000 per occurrence; and~~
 - ~~(b)(a) \$5,000,000 in the~~ aggregate per year; and
 - ~~(e)(b) a deductible of not more than \$5,000.~~
- (3) A Member must, at all times, keep a copy of ~~the Member's~~their professional liability insurance policy at all of ~~his or her~~their places of business.

~~Part 22~~ **PART 21 - FEES AND PENALTIES**

~~22.01~~ **21.01 Setting and Imposing Fees and Penalties**

- (1) The College shall maintain, as a schedule to these By-laws, a list of all fees and penalties which may be charged or imposed by the College. Council may, without amending these By-laws, adjust the amount of any fees or penalties set

out in the schedule to reflect annual changes to the Consumer Price Index (Canada) plus up to 2%.

- (2) Where no fee or penalty has been set out in the schedule, a Member or person shall pay to the College the fee or penalty set by the College.

22-0221.02 Obligation to Pay Fees and Penalties

- (1) A Member's obligation to pay a fee or penalty continues regardless of whether: the College has failed to send notice of it to the Member or the Member has not received the notice.
 - (a) ~~the College fails to send notice; or~~
 - (b) ~~the Member fails to receive notice;~~of a fee or penalty.
- (2) The College may waive all or a portion of any fee or penalty.

22-0321.03 Consequences for Failure to Pay Fees and Penalties

- (1) Any fee or penalty charged or imposed by the College not paid by a Member shall be included as part of a Member's next annual membership fee.
- (2) If a Member fails to pay a fee or penalty or part thereof: the Registrar may suspend the Member's certificate of registration within thirty (30) days of having given the Member notice that they intend to do so.
 - (a) ~~the Registrar must give the Member notice if the College intends to suspend the Member; and~~
 - (b) ~~may suspend the Member's certificate of registration for failure to pay the fee or penalty within 30 days after notice is given.~~

~~ENACTED the 3rd day of August 2012~~

~~Revised the 4th day of September 2012~~

~~Revised the 16th day of January 2015~~

~~Revised the 8th day of April 2015~~

~~Revised the 30th day of September 2015~~

~~Revised the 20th day of January 2016~~

~~Fee Schedule Effective the 20th day of April 2016~~
~~Fee Schedule Effective the 16th day of January 2017~~
~~Revised the 22nd day of June 2017~~
~~Revised the 19th of September 2017~~
~~Revised the 21st of June 2018~~
~~Revised the 27th of September 2019~~
~~Fee Schedule Effective the 1st day of January 2020~~

Schedule of Fees and Penalties – effective January 1, 2020
All of the following fees are in Canadian funds and subject to 13% HST.

	Fee
Application Fee including Jurisprudence Seminar and Exam Fee	\$420.00
Jurisprudence Reassessment Fee	\$184.00
Certificate Fee upon completion of all College registration requirements	\$26.00
Duplicate Certificate fee:	
• when ordered at the same time as the initial certificate	\$11.00
• when ordered some time after ordering the initial certificate	\$26.00
Annual Membership Fee (non-refundable)	\$945.00
Annual Non-Practising Membership Fee (non-refundable)	\$472.50
Late Penalty Fee (application, membership renewal, Certificate of Authorization renewal)	\$105.00
Reinstatement Fee (membership)	\$210.00
Certificate of Authorization (Incorporation) Application Fee	\$440.00
Certificate of Authorization (Incorporation) Certificate Fee	\$26.00
Certificate of Authorization (Incorporation) Revision	\$220.00
Certificate of Authorization (Incorporation) Annual Renewal Fee	\$220.00
Quality Assurance Practice Assessment Fee (CRA)	\$2,400.00
Quality Assurance Short Record Assessment Fee (for CE deficient hours):	
• Deficient by 5 hours or less (5 records)	\$1,000.00
• Deficient by more than 5 hours (25 records)	\$5,000.00
Incorrectly Underreported CE Hours Audit Fee	\$350.00
Quality Assurance Evaluation Fee	\$3,176.00
Certificate of Standing	\$105.00
Address Labels:	
For members and other professionals on profession-related business (e.g., referrals)	\$32.00
For continuing education providers (e.g., UWSO, Vision Institute, University of Toronto)	\$95.00
For any commercial organization	\$315.00
NSF Cheques	\$42.00
Fee for Copying and Providing any Requested Documentation	Actual costs to the College of providing the copies

BRIEFING NOTE - REGISTRATION COMMITTEE

Council Meeting – June 25, 2020

Subject

Registration Regulation Amendment – Adding an inactive certificate of registration for non-practising registrants

Background

The College has been working on amendments to its Registration Regulation for some time. In April 2018, the College made a comprehensive regulation amendment submission intended to ensure that the Registration Committee had the tools it needed to set standards of conduct for applicants that were consistent with the standards of conduct for registrants.

These submissions were made partly in response to a 2016 Health Professions Appeal and Review Board (HPARB) decision to confirm the Registration Committee decision to refuse a certificate of registration to an applicant. In its decision, the Board recommended that “the College take immediate steps to ensure that the College is provided the regulatory tools to properly ensure the public interest and attainment of its legislative objectives. This would include setting standards of conduct for applicants that mirror the standards of conduct for registrants.”

Following the submission of the draft amendments to the Regulation in 2018, the Ministry asked the College to make additional amendments relating to non-practising registrants.

Additional Amendments

The proposed amendments ensure that registered members who are non-practising have a certificate of registration. In reviewing an earlier draft of the proposed amendments, the Ministry expressed support for the concept of accommodating the regulatory realities for non-practising registrants (e.g., they would have different quality assurance requirements). However, the Ministry requested that the wording of the regulation provide a separate category of registration for non-practising registrants (as opposed to a non-practising status within the general certificate category). The Ministry felt that this drafting approach would be clearer to the reader and would also be more similar to the approach taken by other regulated health colleges. While the drafting approach suggested by the Ministry involves a more significant re-writing of the Registration Regulation, it achieves the same goals accepted by the Council when it approved the previous proposed amendments.

The proposed amendments have been drafted by legal counsel.

Next Steps

Once approved by Council, the amendments will be submitted to government. The regulation amendment process can be lengthy. Once submitted to government, the proposed amendments to regulations are reviewed by legislative drafters.

Decision for Council

To approve the proposed further amendments to the Registration Regulation.

Supporting Materials

- Proposed further amendments to the Registration Regulation draft amendments are attached.
 - Green highlights: Proposed further amendments relating to non-practising registrants. For approval today.
 - Grey highlights: Draft amendments already submitted to the Ministry in 2018. For information only.

Contact

Hanan Jibry, Assistant Registrar

Optometry Act, 1991
Loi de 1991 sur les optométristes

ONTARIO REGULATION 837/93
REGISTRATION

Consolidation Period: From September 14, 2012 to the [e-Laws currency date](#).

Last amendment: O. Reg. 279/12.

This Regulation is made in English only.

CLASSES OF CERTIFICATES OF REGISTRATION

0.1 In this regulation

“direct optometric care” includes optometric care provided by an individual through a corporation or other entity, and

“possesses the professionalism that would be expected of a member holding a general or academic certificate of registration” means that the member meets the characteristics set out in paragraphs 2(1)5.1 or 5(1)6.1 as the case may be.

“inactive status” means a standing assigned to a member of any class of registration by the Registrar under section 5 of this regulation where the member is restricted from providing direct optometric care to patients in Ontario, from using any title or designation relating to the profession of optometry without putting “(non-practising)” after the title or designation and from supervising the provision of direct optometric care to patients in Ontario.

1. The following classes of certificates of registration are prescribed:
 1. General certificate of registration.
 2. Academic certificate of registration. O. Reg. 837/93, s. 1.

1. Non-practising certificate of registration

GENERAL CERTIFICATES OF REGISTRATION

2. (1) The requirements and qualifications for the issuing of a general certificate of registration to an applicant are:
 1. The applicant must have completed an application for a general certificate of registration including the results of a criminal background check in the manner and form requested by the Registrar.
 2. The applicant must have one of the following academic qualifications:
 - i. A degree in optometry,
 - A. awarded by the School of Optometry and Vision Science of the University of Waterloo, or
 - B. awarded by an educational institution as a result of the successful completion of a program that has been accredited by the Accreditation Council on Optometric Education or another accrediting body approved by the Council at the time the applicant successfully completed the program, or
 - ii. A degree together with any further education or training, or combination of education and training, as specified by a panel of the Registration Committee that when taken together evidences, in the opinion of the panel, completion of a program that is substantially equivalent to a program the completion of which would result in the awarding of the degree referred to in sub-subparagraph i A.
 3. The applicant must be able to speak and write in the English or French language with reasonable fluency.
 4. Where the applicant has previously practised optometry, there must not be any finding of, or of any current proceeding involving an allegation of, professional misconduct, incompetence or incapacity or any like finding or proceeding against the applicant.
 5. The applicant must not have been found guilty in relation to a criminal offence in any jurisdiction. For the purposes of this paragraph, a “criminal offence” includes, without being limited to, an offence under the *Criminal Code* (Canada), the *Controlled Drugs and Substances Act* (Canada) and the *Food and Drugs Act* (Canada).

5.1 The applicant’s past and present conduct afford reasonable grounds for belief that the applicant,

(a) is mentally competent to practise optometry;

(b) will practise optometry with decency, integrity and honesty and in accordance with the law; and

6. The applicant must have Canadian citizenship, permanent residency or authorization under the *Immigration and Refugee Protection Act* (Canada) to engage in the practice of optometry.
7. The applicant must meet the criteria set out in one of the following subparagraphs:
 - i. successful completion, not more than three years before applying for registration, of the standards assessment examinations set or approved by the College,
 - ii. successful completion, more than three years before applying for registration, of the standards assessment examinations set or approved by the College and proof, satisfactory to the Registration Committee,
 - A. of having provided at least 750 hours of direct optometric care to patients during the 36-month period immediately prior to applying for a general certificate of registration from the College, and of being competent to practise in accordance with the standards of practice on the basis of an assessment by the Registration Committee of any records that the applicant would have been required to maintain pursuant to the regulations, if the applicant had been a member of the College, or
 - B. of being competent to practise in accordance with the standards of practice on the basis of an evaluation of the applicant's knowledge, skills and judgment by the Registration Committee,
 - iii., iv. REVOKED: O. Reg. 279/12, s. 1 (4).
- 7.1 The applicant has successfully completed an examination in jurisprudence set or approved by the College within the following time period:
 - i. If the applicant is relying on the requirements described in subparagraph 2 ii in making his or her application, within one year of the applicant satisfying the requirements set out in that paragraph.
 - ii. In all other cases, within one year after applying for registration.
- 7.2 If the applicant is required to undergo an assessment or an evaluation by the Registration Committee pursuant to paragraph 7, the applicant must pay in advance the required fee set out in the by-laws of the College.
- 7.3 REVOKED: O. Reg. 224/03, s. 1 (3).
8. The applicant must pay the application, examination and certificate of registration fees. O. Reg. 837/93, s. 2 (1); O. Reg. 249/99, s. 1 (1, 2); O. Reg. 224/03, s. 1 (1-3); O. Reg. 279/12, s. 1 (1-6).
 - (1.1) If the applicant is relying on the requirements set out in subparagraph 2 ii of subsection (1) in making his or her application for a general certificate of registration, the applicant is required to submit his or her application before he or she commences the education or training, or combination of education and training, referred to in that subparagraph. O. Reg. 279/12, s. 1 (7)
 - (2) An applicant shall be deemed not to have satisfied the requirements for a certificate of registration if the applicant made a false or misleading statement or representation in his or her application. O. Reg. 837/93, s. 2 (2).
 - (3) Where an assessment or evaluation is performed by the Registration Committee pursuant to paragraph 7 of subsection (1), the Registration Committee shall provide a report to the Registrar, who shall provide a copy of it to the applicant. O. Reg. 224/03, s. 1 (5); O. Reg. 279/12, s. 1 (8).
 - (4) REVOKED: O. Reg. 224/03, s. 1 (5).
- 2.1** (1) Where section 22.18 of the Health Professions Procedural Code applies to an applicant for a general certificate of registration, the applicant is deemed to have met the requirements of paragraphs 2 and 7 of subsection 2 (1) of this Regulation. O. Reg. 279/12, s. 2.
 - (2) It is a non-exemptible registration requirement that an applicant referred to in subsection (1) provide a certificate, letter or other evidence satisfactory to the Registrar or a panel of the Registration Committee confirming that the applicant is in good standing as an optometrist in every jurisdiction where the applicant holds an out-of-province certificate. O. Reg. 279/12, s. 2.
 - (3) Without in any way limiting the generality of subsection (2), "good standing" shall include the fact that,
 - (a) the applicant is not the subject of any discipline or fitness to practise order or of any proceeding or ongoing investigation or of any interim order or agreement as a result of a complaint, investigation or proceeding; and
 - (b) the applicant has complied with the continuing competency and quality assurance requirements of the regulatory authority that issued the applicant that out-of-province certificate as an optometrist. O. Reg. 279/12, s. 2.
 - (4) Where an applicant referred to in subsection (1) is unable to satisfy the Registrar or a panel of the Registration Committee that the applicant practised the profession of optometry to the extent that would be permitted by a general

certificate of registration at any time in the three years immediately before the date of that applicant's application, the applicant must meet any further requirement to undertake, obtain or undergo material additional training, experience, examinations or assessments that may be specified by a panel of the Registration Committee. O. Reg. 279/12, s. 2.

(5) An applicant referred to in subsection (1) is deemed to have met the requirements of paragraph 3 of subsection 2 (1) where the requirements for the issuance of the applicant's out-of-province certificate included language proficiency requirements equivalent to those required by that paragraph. O. Reg. 279/12, s. 2.

(6) Despite subsection (1), an applicant is not deemed to have met a requirement if that requirement is described in subsection 22.18 (3) of the Health Professions Procedural Code. O. Reg. 279/12, s. 2.

3. It is a condition of a general certificate of registration that the member shall provide the College with details of either of the following that relate to the member and that occur or arise after the member is registered:

1. Where the member is or has been registered or licensed to practise optometry in another jurisdiction, a finding of professional misconduct, incompetence or incapacity or any like finding against the member.
2. A finding of guilt in relation to an offence in any jurisdiction. O. Reg. 224/03, s. 2; O. Reg. 279/12, s. 3.
4. A general certificate of registration terminates if the member ceases to be a Canadian citizen or no longer has permanent resident status or authorization under the *Immigration and Refugee Protection Act* (Canada) to engage in the practice of optometry. O. Reg. 837/93, s. 4; O. Reg. 279/12, s. 4.

ACADEMIC CERTIFICATES OF REGISTRATION

5. (1) The requirements and qualifications for issuing an academic certificate of registration are:

1. The applicant must have completed an application for an academic certificate of registration including the results of a criminal background check in the manner and form requested by the Registrar.
2. The applicant must hold an appointment as a professor, lecturer, resident, supervising clinician or graduate student at the School of Optometry and Vision Science of the University of Waterloo, or another university or optometric educational facility in Ontario approved by the Council.
3. The applicant must have one of the following academic qualifications:

- i. successful completion of a course in optometry at a university, if the course, at the time the applicant commenced it, was accredited by the Accreditation Council on Optometric Education or another accrediting body approved by the Council, together with the award of a degree of doctor of optometry from that university, or
- ii. successful completion of a course in optometry at a university in the United Kingdom, together with the award of a degree from that university, and current or past membership in the British College of Optometrists.
- iii. A degree together with any further education or training, or combination of education and training, as specified by a panel of the Registration Committee that when taken together evidences, in the opinion of the panel, completion of a program that is substantially equivalent to a program the completion of which would result in the awarding of the degree referred to in sub-subparagraph i A of s. 2.(1) 2. successful completion of a course outside of Ontario, other than one mentioned in subparagraphs i or ii that the Registration Committee, having considered the rest of the applicant's qualifications, determines is acceptable; and,

of being competent to practise in accordance with the standards of practice on the basis of an independent evaluation of the applicant's knowledge, skills and judgment.

4. The applicant must be able to speak and write in either English or French with reasonable fluency.
5. Where the applicant has previously been registered or licensed as an optometrist in any jurisdiction, or has previously practised optometry, there must not be any finding of, or current proceeding involving an allegation of, professional misconduct, incompetence, incapacity or any like finding or proceeding against the applicant.
6. The applicant must not have been found guilty in relation to a criminal offence in any jurisdiction. For the purposes of this paragraph, a "criminal offence" includes, without being limited to, an offence under the *Criminal Code* (Canada), the *Controlled Drugs and Substances Act* (Canada) and the *Food and Drugs Act* (Canada).

6.1 The applicant's past and present conduct afford reasonable grounds for belief that the applicant

(a) is mentally competent to practise optometry;

(b) will practise optometry with decency, integrity and honesty and in accordance with the law; and

(c) can communicate effectively and will display professional behaviour.

7. The applicant must have Canadian citizenship, permanent residency or authorization under the *Immigration and Refugee Protection Act* (Canada) permitting the applicant to engage in the practice of optometry authorized by the academic certificate.

8. The applicant must successfully complete the jurisprudence examination set or approved by the College at the time of the application.
9. The applicant must pay the applicable fees. O. Reg. 224/03, s. 3; O. Reg. 279/12, s. 6.

(2) An applicant shall be deemed not to have satisfied the requirements for a certificate of registration if the applicant made a false or misleading statement or representation in his or her application. O. Reg. 837/93, s. 5 (2).

5.1 (1) Where section 22.18 of the Health Professions Procedural Code applies to an applicant for an academic certificate of registration, the applicant is deemed to have met the requirements of paragraph 3 of subsection 5 (1) of this Regulation. O. Reg. 279/12, s. 7.

(2) It is a non-exemptible registration requirement that an applicant referred to in subsection (1) provide a certificate, letter or other evidence satisfactory to the Registrar or a panel of the Registration Committee confirming that the applicant is in good standing as an optometrist in every jurisdiction where the applicant holds an out-of-province certificate. O. Reg. 279/12, s. 7.

(3) Without in any way limiting the generality of subsection (2), “good standing” shall include the fact that,

- (a) the applicant is not the subject of any discipline or fitness to practise order or of any proceeding or ongoing investigation or of any interim order or agreement as a result of a complaint, investigation or proceeding; and
- (b) the applicant has complied with the continuing competency and quality assurance requirements of the regulatory authority that issued the applicant that out-of-province certificate as an optometrist. O. Reg. 279/12, s. 7.

(4) Where an applicant referred to in subsection (1) is unable to satisfy the Registrar or a panel of the Registration Committee that the applicant practised the profession of optometry to the extent that would be permitted by an academic certificate of registration at any time in the three years immediately before the date of that applicant’s application, the applicant must meet any further requirement to undertake, obtain or undergo material additional training, experience, examinations or assessments that may be specified by a panel of the Registration Committee. O. Reg. 279/12, s. 7.

(5) An applicant referred to in subsection (1) is deemed to have met the requirements of paragraph 4 of subsection 5 (1) where the requirements for the issuance of the applicant’s out-of-province certificate included language proficiency requirements equivalent to those required by that paragraph. O. Reg. 279/12, s. 7.

(6) Despite subsection (1), an applicant is not deemed to have met a requirement if that requirement is described in subsection 22.18 (3) of the Health Professions Procedural Code. O. Reg. 279/12, s. 7.

6. An academic certificate of registration is subject to the following terms, conditions and limitations:

1. The certificate is automatically revoked if,
 - i. the member ceases to hold an appointment mentioned in paragraph 2 of subsection 5 (1), or
 - ii. the member ceases to be a Canadian citizen or permanent resident of Canada or to have authorization under the *Immigration and Refugee Protection Act* (Canada) permitting the member to engage in the practice of optometry as authorized by the academic certificate.
2. The member may engage in the practice of optometry only at the School of Optometry and Vision Science of the University of Waterloo or at another university or optometric educational facility in Ontario approved by the Council, or a facility formally associated with the School of Optometry, university or optometric educational facility, as the case may be.
3. The member must provide the College with details of either of the following that relate to the member and that occur or arise after the member is registered:
 - i. where the member is or has previously been registered or licensed as an optometrist in another jurisdiction, a finding of professional misconduct, incompetence, incapacity or any like finding or proceeding against the member, or
 - ii. a finding of guilt in relation to an offence in any jurisdiction. O. Reg. 224/03, s. 4; O. Reg. 279/12, s. 8.

6.1 REVOKED: O. Reg. 224/03, s. 4.

7. (1) Subject to subsections (2) and (3), it is a condition of a general or academic certificate of registration of any class that the member,

(a) unless a member has inactive status, provide at least 750 hours of direct optometric care to patients in Canada in every three year period following the year in which the member is first registered; and

(ab) provide an annual report to the Registrar, at a time set by the Registrar, detailing the member’s participation in the mandatory continuing education program of the quality assurance program- (O. Reg. 224/03, s. 4.); and

(b) unless a member has inactive status, provide at least 750 hours of direct optometric care to patients in Canada in every three-year period following the year in which the member is first registered unless the member is exempted under

~~subsection (2) or the member cooperates fully with the Quality Assurance Committee under subsection (3) and immediately fulfils all recommendations or requirements issued by the Committee.~~

(2) Subject to subsection (3), the Registration Committee may exempt a member holding a ~~general or academic~~ certificate of registration ~~of any class~~ who holds an appointment at the School of Optometry ~~and Vision Science~~ of the University of Waterloo or other optometric educational facility in Ontario approved by the Council from the requirement in clause (1) ~~(ab)~~ if the member makes a written request to the Registration Committee and satisfies the Registration Committee that the member's academic duties prevented the member from meeting the requirement. O. Reg. 224/03, s. 4.

(3) ~~Unless a member holds a non-practising certificate of registration, has inactive status,~~ The Registrar shall refer ~~a~~ the member to the Quality Assurance Committee for a practice assessment under the College's quality assurance program,

- (a) if a member has failed to meet any of the conditions of a certificate of registration set out in subsection (1) or to meet the published minimum requirements of the mandatory continuing education program of the quality assurance program; or
- (b) if the member was granted an exemption under subsection (2) for the three-year period immediately preceding the member's ceasing to hold the appointment mentioned in subsection (2), unless the member can establish to the satisfaction of the Registrar that he or she did provide at least 750 hours of direct optometric care to patients in Canada during that period. O. Reg. 224/03, s. 4.

(4) A member who obtains an exemption pursuant to subsection (2) shall immediately advise the Registrar in writing if the member ceases to hold the appointment mentioned in that subsection. O. Reg. 224/03, s. 4.

~~8. (1) A The Registrar shall assign inactive status to a member where~~

~~(a) the member provides no direct optometric care to patients in Canada during a three-year period following the year in which the member was first registered; or~~

~~(b) the member's request for inactive status is accepted by the Registrar and the member has had active status for a period of at least twelve consecutive months since first registering with the College.~~

~~(2) A certificate of registration of a member who is assigned inactive status is subject to the additional terms, conditions and limitations that the member shall~~

~~(a) not provide direct optometric care to patients in Ontario;~~

~~(b) use the qualification of "(non-practising)" after the term, title or designation "optometrist" or "doctor of optometry" referred to in paragraph 19 of section 4 of Ontario Regulation 119/04; or~~

~~(c) not supervise the provision of direct optometric care to patients in Ontario.~~

~~(3) The Registrar may re-assign active status to a member who has inactive status if the member~~

~~(a) applies in writing to the Registrar to have assigned active status;~~

~~(b) pays any fee, penalty or other amount owed to the College;~~

~~(c) provides the College with any information that it has required of the member;~~

~~(d) successfully completes an appraisal of the member's current knowledge, skill and judgment relating to the practice of the profession directed by a panel of the Registration Committee; and~~

~~(e) satisfies a panel of the Registration Committee that he or she possesses the current knowledge, skill and judgment relating to the practice of the profession that would be expected of a member holding an active general or academic certificate of registration as the case may be.~~

~~who held an academic certificate of registration on April 26, 1999, shall be issued a general certificate of registration if the following requirements are met:~~

~~1. The member files an application for the certificate with the College on or before December 31, 2012;~~

~~2. The member satisfies the Registration Committee that on the date of filing the application, the member has held the academic certificate of registration for five or more consecutive years and had provided at least 400 hours of direct optometric care to patients in Canada during each of those years;~~

~~3. The member satisfies the Registration Committee that on the date of filing the application the member is a Canadian citizen or permanent resident or is authorized under the Immigration and Refugee Protection Act (Canada) to engage in the practice of optometry;~~

~~4. The member pays the applicable fees (O. Reg. 224/03 + C.O. Reg. 270/12 + 9).~~

9. (1) All qualifications or requirements for the issuing of a general certificate of registration are non-exemptible, other than requirements listed in paragraph 3, 4 or 5 of subsection 2 (1). O. Reg. 224/03, s. 4.

(2) All qualifications or requirements for the issuing of an academic certificate of registration are non-exemptible, other than requirements listed in paragraph 4, 5 or 6 of subsection 5 (1). O. Reg. 224/03, s. 4.

NON-PRACTISING CERTIFICATES OF REGISTRATION

10. (1) The Registrar shall terminate a general or an academic certificate of registration and issue a non-practising certificate of registration where:

(i) the member has not satisfied the Registrar that the member has provided direct optometric care to patients in Canada during a three year period following the year in which the member was first registered;

(ii) the member's request for a non-practising certificate of registration is accepted by the Registrar and the member has held a general or academic certificate of registration for a period of at least twelve months since first registering with the College.

(2) A non-practising certificate of registration is subject to the following conditions:

a. The member shall:

i. not provide direct optometric care to patients in Ontario;

ii. use the qualification of "non-practising" after the term, title or designation "optometrist" or "doctor of optometry" referred to in paragraph 19 of section 1 of Ontario Regulation 119/04;

iii. not supervise the provision of direct optometric care to patients in Ontario;

iv. not hold shares in a professional health corporation; and

v. deliver their general or academic certificate of registration to the Registrar when requesting a non-practising certificate of registration or within 30 days of being issued a non-practising certificate of registration without a making a request.

(3) A member who holds a non-practising certificate of registration may be reissued the certificate of registration previously held by the member if the member:

(a) applies in writing to the Registrar for reinstatement;

(b) pays any fee, penalty or other amount owed to the College;

(c) provides the College with any information that it has required of the member;

(d) successfully completes any assessment or evaluation of the member's current knowledge, skill and judgment relating to the practice of the profession directed by a panel of the Registration Committee; and

(e) satisfies a panel of the Registration Committee that he or she possesses the current knowledge, skill and judgment relating to the practice of the profession and possesses the professionalism that would be expected of a member holding a general or academic certificate of registration as the case may be.

GENERAL PROVISIONS~~40. Amended O. Reg. 224/03, s. 4~~

11. (1) Subject to subsection (2), the name of the member entered in the register and used on the certificate of registration shall be the same as the name of the member in the documentary evidence of the member's degree in optometry or of a degree that is equivalent to a degree in optometry. O. Reg. 837/93, s. 11 (1).

(2) The Registrar shall issue a certificate of registration using a name other than the name of the member which appears in the documentary evidence referred to in subsection (1) or direct the entry in the register of such a name if,

(a) in the case of an applicant for a first certificate of registration, the applicant deposits with the Registrar the following information,

(i) a certified copy of an order of a court of competent jurisdiction changing the name of the applicant or member,

(ii) a certified copy of a valid certificate of marriage or of a decree absolute of divorce from a court with respect to the applicant or member,

(iii) documentary evidence as to the use of the name requested, or

¹ Please note that, with the proposed drafting, the non-practising class is structured as an alternative to general and academic members. They can still stay in their other classes and face the requirements of section 7, including a referral to the QAC. If you wish to remove the option found in section 7 we will need to reword section 7.

² This language allows the Registration Committee to develop policies as to what kinds of evidence is generally necessary to demonstrate currency but still allow flexibility for special cases.

- (iv) any combination of material referred to in subclause (i), (ii) or (iii) and satisfies the Registrar that the use of the name requested is not for any improper purpose; or
- (b) in the case of a member to whom a certificate of registration has already been issued, the member,
 - (i) applies for the change of name to the Registrar,
 - (ii) returns the member's current certificate of registration, and
 - (iii) deposits with the Registrar the information described in clause (a). O. Reg. 837/93, s. 11 (2).

12., 13. REVOKED: O. Reg. 57/00, s. 1.

14. (1) At least thirty days before the date the annual fees are payable, the Registrar shall mail to each member a notice requesting,

- (a) completion of the annual report;
- (b) completion of the continuing education report; and
- (c) filing of the certificate of proof of professional liability (malpractice) insurance. O. Reg. 837/93, s. 14 (1).

(2) Upon receipt of the annual report and of the certificate of proof of professional liability (malpractice) insurance, the Registrar shall issue a receipt to the member. O. Reg. 837/93, s. 14 (2).

15. (1) A member whose certificate of registration was suspended by the Registrar may apply for reinstatement if,

- (a) the application is made within two years of the date of the suspension; and
- (b) the suspension was for,
 - (i) non-payment of fees,
 - (ii) failure to complete and return the annual report and continuing education report, or
 - (iii) failure to provide proof of professional liability insurance. O. Reg. 837/93, s. 15 (1).

(2) The Registrar shall reinstate a member who applies under subsection (1) if the member pays the reinstatement fee set out in the by-laws of the College and,

- (a) where the suspension was due in whole or in part to the non-payment of fees, pays those fees as well as any other money owed to the College;
- (b) where the suspension was due in whole or in part to a failure to complete and return the annual report or the continuing education report, completes and returns the required reports; or
- (c) where the suspension was due in whole or in part to a failure to provide proof of professional liability insurance, provides proof of such insurance. O. Reg. 57/00, s. 2.

(3) Where the Registrar has suspended a member's certificate for any of the reasons mentioned in clause 15 (1) (b) and more than two years have passed since the date of the suspension, the certificate is automatically revoked. O. Reg. 121/94, s. 2.

(4) A member whose certificate of registration was revoked under subsection (3) and who applies to be reinstated must satisfy the requirements for the class of certificate for which reinstatement is sought and pay the application fee and the annual fee payable for the year in which the member wishes to be reinstated. O. Reg. 121/94, s. 2.

Consequential By-law Amendments

~~Section 18.03 of the By-laws is amended by inserting a new section 18.03(3.1) as follows:~~

~~(3.1) whether the Member has active status or inactive status;~~

~~Sections 6.04(1)(a), 6.05(1)(b), 8.01(1), 9.01(g) and 19(2)(g) are amended by replacing the phrase "every Member who possesses that class of certificate" with the phrase "every Member who possesses that class of certificate with either active or inactive status".~~

³ Please note that under section 18.03(9) (revisions to a certificate of registration) changes in the class of registration and their effective dates can be shown on the register.

⁴ This is on the assumption that inactive status members are to be eligible to be elected to serve on committees. Most, but not all, other Colleges with non-practising certificates of registration allow them to vote and run for election. Also presume that you want a member to hold a general or academic

Section 6.02(a) is amended by moving the word "or" from after section (i) and to after section (ii) and inserting the following:

(ii) a non-practising certificate of registration.

Section 6.04(1)(a) is amended by moving the word "or" from after section (A) to after section (B) and inserting the following:

(C) a non-practising certificate of registration.

Section 6.05(1)(b) is amended by moving the word "or" from after section (i) and to after section (ii) and inserting the following:

(ii) a non-practising certificate of registration.

9.01(1)(e) is is amended by moving the word "or" from after section (i) and to after section (ii) and inserting the following:

(ii) a non-practising certificate of registration.

The Schedule of Fees and Penalties to the By-laws is amended by replacing the Annual Membership Fee (non-refundable) with the following:

Annual Membership Fee for a general or academic certificate of registration with active status (non-refundable)	\$945
Annual Membership Fee for a non-practising certificate of registration with inactive status (non-refundable)	\$472

certificate of registration for 25 years (even if they are now non-practising) to be eligible for Life Membership.

⁵ Please note that if the fee was increased under the automatic fee increase provision since 2014, that needs to be reflected in the proposed amendment. Also please note that the other fees (e.g., late payment fee, reinstatement fee) are the same for all classes of registration.

6-10 / OTHER MATTERS

6. Strategic Planning Committee: Strategic Plan Presentation and Approval
7. In Camera Session:
Council will go in camera under: Section 7(2)(d) of the *Health Professions Procedural Code*, which is Schedule 2 to the Regulated Health Professions Act, 1991 whereby personnel matters will be discussed.
8. List of Acronyms
9. Dates of Upcoming Council Meetings
 - a. Friday Sept. 25, 2020
 - b. Friday Dec. 4, 2020
10. Adjournment (approx. 12:15 p.m.)

BRIEFING NOTE - STRATEGIC PLANNING COMMITTEE

Council Meeting – June 25, 2020

Subject

2020-2023 Strategic Plan – FOR APPROVAL

Issue

A new strategic plan for 2020-2023 has been developed based on multiple strategic planning sessions, and refined by incorporating feedback from Council, the Strategic Planning Committee (SPC) and staff. Council is asked to approve the strategic plan as presented.

Background

In anticipation of the strategic planning process, the College engaged Shenda Tanchak to undertake an environmental scan. Through a combination of research, stakeholder interviews and both public and registrant surveys, information was gathered about external and internal factors related to the College's organizational strengths, weaknesses, opportunities and threats. The review involved a broad range of stakeholder perspectives, identified as a key component to ensuring the College's new strategic plan was focused on the right priorities and reflected an understanding of the evolving regulatory environment.

The College then partnered with OPTIMUS | SBR from November 2019 through June 2020 to develop a clear, concise and implementable strategic plan. Working with the SPC, OPTIMUS|SBR facilitated a comprehensive strategic planning process focused on developing the College's new mission, vision, values and strategic priorities through two working sessions with Council:

- Council Session 1 (January 16, 2020) focused on reviewing stakeholder feedback and developing the framework for the College's mission, vision, values and strategic priorities.
- Council Session 2 (April 20, 2020) focused on reviewing and refining the critical mission, vision, values and strategic priorities while discussing strategic initiatives and key performance indicators (KPIs) that could help accomplish these goals.

Throughout, the consultants engaged with the SPC and staff to confirm wording and direction and begin action planning. In June, a survey was circulated to Council to provide feedback specifically on the mission and vision statements to ensure consensus.

Considerations

The College's new strategic plan includes a new mission, vision, values and strategic priorities. This plan is intended to guide Council, committees and staff moving forward and communicate the right message to optometrists, the public and relevant stakeholders.

The new strategic plan is being proposed for three years, from 2020 to 2023. The plan will be reconfirmed annually by Council to guide corporate planning for that year.

The proposed components of the new plan include:

Vision

A vision statement defines what the desired future state will be, look like, feel like, and ultimately what the organization will achieve. The vision is "what we want to be recognized for."

The proposed vision: ***A leading regulator focused on safe eye care and progressive practice.*** This new vision reflects the Council's focus today, what the College aspires to be, and how to inspire optometrists for the future.

Values

The values represent the culture, norms, and attitudes Council wants to see reflected throughout the College. They are the behaviours that support the College in accomplishing its vision and mission.

The proposed values are:

- **Integrity;**
- **Accountability;**
- **Transparency;**
- **Approachable; and**
- **Collaborative.**

Strategic Priorities

Strategic priorities are the high-level elements that need to be in place for the College to achieve the mission. They help to guide the strategic initiatives and action planning for staff.

There are four proposed strategic priorities outlined below:

Strategic Priority	Rationale
Quality Professional Care	To achieve Quality Professional Care, the College will: <ul style="list-style-type: none">• Actively monitor developments in and ensure professional standards appropriately reflect emerging delivery models and technologies;• Confirm the entry-to-practice examination ensures safe and competent practitioners;

	<ul style="list-style-type: none"> • Develop a renewed quality assurance program; • Guide and support optometrists to maintain practice requirements in Ontario; • Actively investigate and prepare for specialization to achieve high-quality patient care; and • Promote meaningful continuing education, professionalism, and excellent clinical care.
Risk Focus	<p>To achieve a Risk Focus, the College will:</p> <ul style="list-style-type: none"> • Develop an enterprise risk framework and improve processes to better allocate attention and resources to areas commensurate with the risks they present; • Gather data to identify and categorize risks; • Make data-informed and evidence-based decisions; and • Actively adopt knowledge, techniques and good risk management practices from others.
Organizational Excellence	<p>To achieve Organizational Excellence the College will:</p> <ul style="list-style-type: none"> • Increase efficiency of key regulatory and financial processes; • Improve our IT infrastructure; • Enable Staff and Council with appropriate training and resources; • Foster a culture of continuous improvement; and • Encourage collaborative decision-making.
Engagement and Partnerships	<p>To pursue Engagement and Partnerships, the College will:</p> <ul style="list-style-type: none"> • Actively consult with and inform the public, while considering the needs of diverse populations; • Ensure optometrists understand what is expected from them; • Develop communications that are clear and accessible to all; • Actively collaborate with local, provincial, national and international partners; • Articulate meaningful relationship plans for new and existing stakeholders; and • Communicate, learn from and share expertise with others.

Decision(s) for Council

To approve the College's 2020-2023 strategic plan

Supporting Materials

- Draft 2020-2023 Strategic Plan

Next Steps

Following Council's approval, the strategic plan will be published on the College's website and communicated to the public, registrants and stakeholders. Staff will use the plan to revise action planning and update the ongoing corporate plan.

Contact

- Dr. Marta Witer, Strategic Planning Committee Chair
- Ms. Maureen Boon, Registrar | CEO



COLLEGE OF
Optometrists
OF ONTARIO

College of Optometrists of Ontario

→ DRAFT Strategic Plan 2020-2023

This Version: June 18, 2020

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1.0 Context

1.1 About the College of Optometrists of Ontario

The College of Optometrists of Ontario (hereafter “the College”) is the professional regulatory authority responsible for registering (licensing) and governing optometrists in Ontario. The College’s authority can be found in legislation including the *Regulated Health Professions Act* and the *Optometry Act*.

The College’s legislated duty is to protect the public interest. There are a number of ways we ensure that optometrists provide quality patient care that meets the standards of practice, including:

- setting the qualifications required to enter practice;
- setting the conditions to maintain registration;
- developing quality assurance programs to promote clinical excellence;
- promoting safe and ethical practice by our members;
- developing professional and ethical standards and guidelines; and
- responding openly, fairly, and with authority when complaints arise.

1.2 The Imperatives of Our Changing Environment

The College performs these duties in a rapidly changing environment.

For a start, Ontarians are aging, and with age comes increased risk of vision loss, often due to comorbid conditions. Ontario is also growing ever more diverse, which accentuates the need to ensure equitable access to safe eye care.

Public expectations are changing as well. The public expects to be a partner in its health care, not a passive recipient. Increasingly, patients expect to access health care, eye care, and their health records virtually and be assured their privacy is respected and protected. Regulators are being asked to demonstrate value and be more transparent about their work.

Service delivery models are changing too, often as a result of technological change. Online markets have emerged for prescription eyewear, consistent with public expectations. Meanwhile, a broad array of technologies and supports enable optometrists to provide more and better diagnoses, treatment, and customer service. They also enable the profession to reach more diverse populations – for instance, via telehealth tools – and spend more time with patients, promoting deeper patient interactions.

Such tools also influence the scale at which optometrists and optometric practices operate. As a result, optometrists increasingly work in a variety of settings, requiring more collaboration with other professionals.

As optometric practice changes, the College will need to ensure it anticipates change and sets expectations for the public and practitioners. For us, the following imperatives stand out:

- The College will need to ensure it anticipates changing service delivery models and technologies, monitoring developments, and setting standards and expectations accordingly.
- Both optometrists and the College will need to move beyond communicating to starting conversations with the public, taking advantage of opportunities to engage the public, and listen to feedback about the role of the College.
- The College will need to enhance its stakeholder relationships with bodies that represent other parts of the health system and other health professionals, among others.

These imperatives inform much of this Strategic Plan.

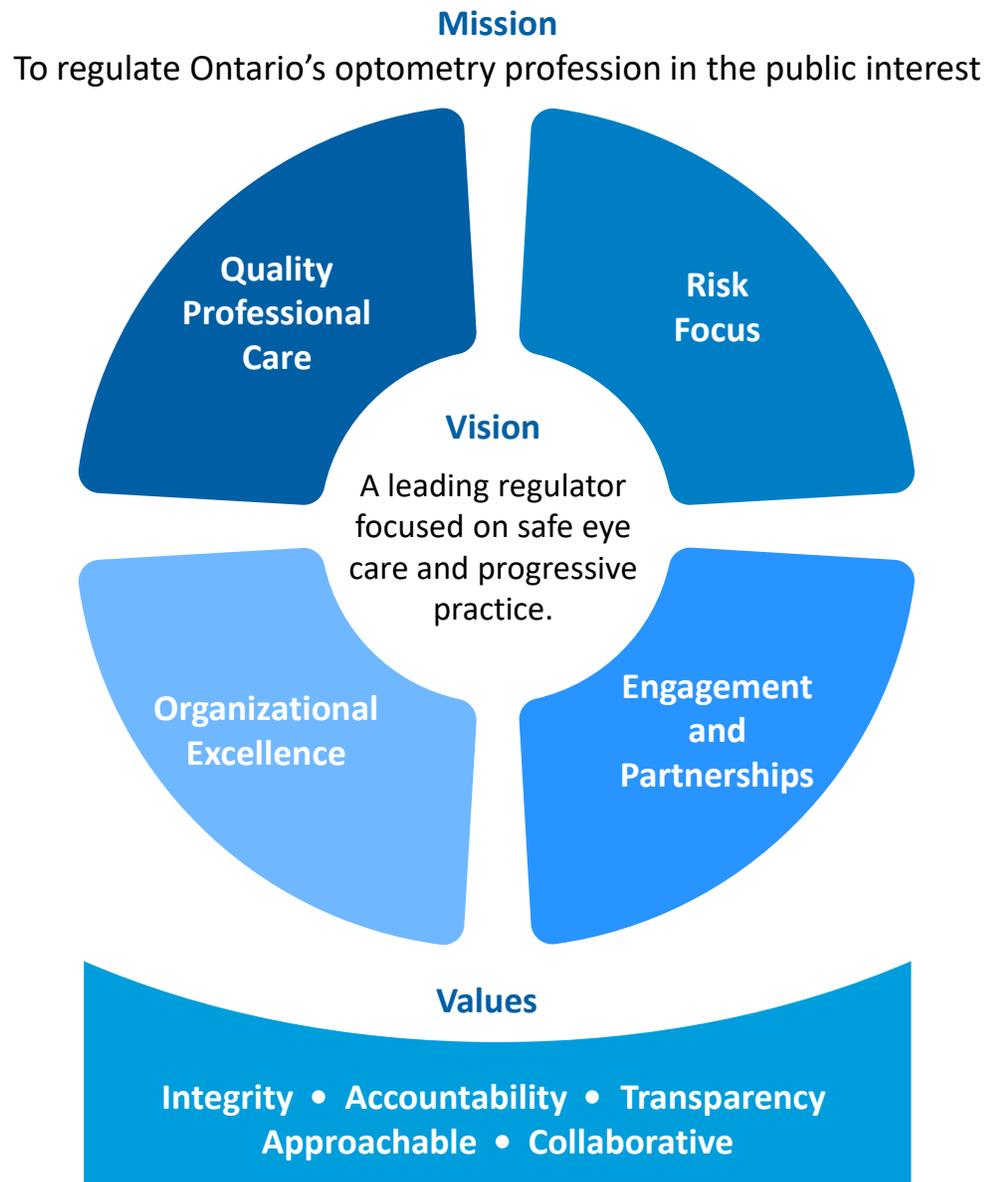
Finally, while monitoring the environment and reevaluating priorities will be critical for eye care in Ontario generally, the COVID-19 pandemic continues as this plan is published and may increase the urgency of these activities over the life of the plan. The pandemic has already taught us lessons that are in line with the direction we have laid out – in particular, that collaboration is key, that we can move quickly when we should, and that regulatory priorities need to be clear, even more so in a crisis.

With the above in mind, we are pleased to present our 2020-2023 Strategic Plan in the pages that follow.

2.0 Our 2020-2023 Strategic Plan

2.1 Strategic Plan on a Page

To respond to the imperatives described above, we have developed our 2020-2023 Strategic Plan summarized below.



The Mission, Vision, and Values outlined above ground us and push us forward. Embedded in them through the “quadrants” are the strategic priorities that our organization will focus on to fulfill our Mission and achieve our Vision. We discuss each of these in turn below.

2.2 Mission, Vision, and Values

2.2.1 Mission

To regulate Ontario’s optometry profession in the public interest.

Our Mission summarizes our legislated mandate and reflects our commitment to ensuring that the public interest comes first in regulating the profession.

2.2.2 Vision

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

Our new Vision reflects our focus today, what our organization aspires to be, and how we want to inspire optometrists for the future.

With the changing delivery and technology landscape, we envision the College being more responsive, gathering more and better data, and taking advantage of the most advanced regulatory tools and techniques to fulfill its mission. Being “a leading regulator” in these and other respects is therefore an aspiration for the College going forward.

At the same time, we recognize that much of our day-to-day role as a regulator concerns safety. This will always remain a focus.

Looking to the future, the same tools that focus our attention on safety – qualification, quality performance, standards, and others – also give us the means to promote progressive practice and excellence in eye care across Ontario.

2.2.3 Values

Integrity • Accountability • Transparency

Approachable • Collaborative

Our Values represent the culture, norms, and attitudes we want to see reflected throughout our organization. Our mandate demands that we act with *integrity* and that we hold ourselves and others *accountable* for meeting expectations and duties. *Transparency* helps our stakeholders ensure that we are acting according to these values.

Regulators are given certain powers to act in the public interest. At the same time, they need to be open to feedback from others, whether they be members of the public, optometrists, or other stakeholders. With this in mind, we are committed to being *approachable* and *collaborative* in dealing with our many stakeholders.

2.3 Our Strategic Priorities

While our Mission and Vision guide all the work that we do, the strategic priorities below describe the work that needs to be done over the next three years to accomplish our goals. As our plan suggests, they are interlinked and support one another; the order in which they are presented does not reflect the relative importance of the priorities. Below, we define what they mean in more detail.

2.3.1 Quality Professional Care

Providing a regulatory framework that promotes quality professional care is at the core of what we do. With new delivery models and technologies on the horizon, we will actively monitor developments and ensure that our frameworks, standards, and other activities keep pace.

For the College, **Quality Professional Care** means:

- Actively monitoring developments in and ensuring professional standards appropriately reflect emerging delivery models and technologies
- Confirming the entry-to-practice examination ensures safe and competent practitioners
- Developing a renewed quality assurance program
- Guiding and supporting optometrists to maintain practice requirements in Ontario
- Actively investigating and preparing for specialization to achieve high-quality patient care
- Promoting meaningful continuing education, professionalism, and excellent clinical care

2.3.2 Risk Focus

Leading regulators focus their activities on the areas of highest risk. One of our four strategic priorities is therefore a focus on risk. Although this is already a natural part of what we do, over the next three years we will be focusing on improving the frameworks and data we use to think about risk. This will permit us to take a more data-informed and evidence-based approach in modernizing regulation and day-to-day decision-making.

Our **Risk Focus** means:

- Developing an enterprise risk framework and improving processes to better allocate attention and resources to areas commensurate with the risks they present
- Gathering data to identify and categorize risks
- Making data-informed and evidence-based decisions
- Actively adopting knowledge, techniques and good risk management practices from others

2.3.3 Organizational Excellence

From an operational perspective, we will ensure that internal processes are effective and efficient to support both our daily activities and the execution of our other strategic priorities.

We want to focus on training and empowering our staff and council to create a culture of continuous improvement.

Organizational Excellence means:

- Increasing efficiency of key regulatory and financial processes
- Improving our IT infrastructure
- Enabling Staff and Council with appropriate training and resources
- Fostering a culture of continuous improvement
- Encouraging collaborative decision-making

2.3.4 Engagement and Partnerships

Given that our environment is always changing, we want to proactively adapt to change and build meaningful partnerships with other organizations and regulators to learn from one another. We will also engage effectively with the public, particularly with diverse populations, to continue to understand the public's needs and expectations as they evolve over time.

Engagement and Partnerships means:

- Actively consulting with and informing the public, while considering the needs of diverse populations
- Ensuring optometrists understand what is expected from them
- Developing communications that are clear and accessible to all
- Actively collaborating with local, provincial, national and international partners
- Articulating meaningful relationship plans for new and existing stakeholders
- Communicating, learning from and sharing expertise with others

3.0 Conclusion

The optometry profession is changing quickly. In recognition of this fact, we believe we have put forward a transformative strategic plan to monitor and navigate these changes in the profession for the public's benefit. We look forward to engaging with you as we go on this journey.

Appendix: Council Membership

This Strategic Plan was approved on [insert date] by the College's Council consisting of the following members:

Council Membership Arising From	Name
Eastern Electoral District	Dr. Lindy Mackey
GTA Electoral District	Dr. Linda Chan Dr. Camy Grewal
Northern Electoral District	Dr. William Ulakovic
Western Electoral District	Dr. Richard Kniaziew, Vice-President
Provincial Electoral District	Dr. Annie Micucci Dr. Christopher Nicol Dr. Patrick Quaid, President Dr. Marta Witer
Faculty of University of Waterloo School of Optometry and Vision Science Electoral District	Dr. Lisa Christian
Appointment by Lieutenant Governor in Council	Ms. Suzanne Allen Ms. Kathryn Biondi Mr. Ravnit Dhaliwal Ms. Winona Hutchinson Mr. Howard Kennedy Mr. Bashar Kassir Mr. Hsien Ping (Albert) Liang Mr. Narendra Shah

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

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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

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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

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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

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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

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