



COLLEGE OF
Optometrists
OF ONTARIO

COUNCIL MEETING

**THURSDAY, JUNE 11, 2020
AT 3:00 P.M.**

(PUBLIC INVITED TO ATTEND)

VIRTUAL MEETING

COUNCIL AGENDA

Thursday, June 11, 2020 | 3:00 p.m.

Teleconference

Item	Item Lead	Time (mins)	Action Required
1. Call to Order/Attendance	P. Quaid	1	Decision
2. Approval of the Agenda	P. Quaid	1	Decision
3. In Camera Session Council will go in camera under: · Section 7(2)(e) of the Health Professions Procedural Code, which is Schedule 2 to the Regulated Health Professions Act, 1991		30	Discussion
4. Job Action Policy	P. Quaid	20	Decision
5. Dates of Upcoming Council Meetings a. Thursday June 25, 2020 b. Friday Sept. 25, 2020 c. Friday December 4, 2020		1	Receive for Information
6. Adjournment (approx. 4:00 p.m.)	P. Quaid		Decision

COUNCIL BRIEFING NOTE

Council – June 11, 2020

SUBJECT: Job Action Policy

Issue

The Executive Committee has developed a draft policy that sets out requirements for optometrists during periods of job action. Council is asked to review and approve this policy for release to the profession and stakeholders.

Background

In March 2010, the previous agreement between the Ontario Association of Optometrists (OAO) and the Ontario government expired. The [schedule of benefits](#) has remained unchanged since 2010, and various proposals from the OAO for fee increases or billing reform have not been accepted by government. The coverage available to OHIP eligible patients include:

- Periodic oculo-visual assessment for:
 - patients age 19 or less (V404)
 - patient age 65 or more (V406)
 - patient between age 20 to 64 who are recipients under Ontario Disability Support Program Act (V450) or Ontario Works Act (V541);
- Major eye examination for patients age 20 to 64 with either a defined medical condition or valid requisition from a physician or registered nurse (V409);
- Oculo-visual minor assessment for patients age 19 or less or 65 or more (V402) OR age 20-64 within 12 months of a V409 examination (V408); and
- Automated fields assessment in certain circumstances (V410).

The OAO, whose members constitute ~70% of the practicing optometrists in Ontario, has been considering possible job action for some time. On May 26, the OAO held a Town Hall, which focused on the OAO's return to work document as well as its planned job action strategy. No date was associated with the job action at that time. However, it seems clear that this may occur relatively soon. The proposed job action centers on redirecting some OHIP patients to other care providers, although specific details are not yet clear.

The Policy

At the beginning of 2020, in anticipation of potential job action from the OAO, a job action policy was drafted and approved by the Executive Committee. 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 the time, that the OAO intended to proceed

with job action. Given the possibility of action ahead of the June Council date, the policy is being presented at this time for approval.

The draft policy outlines the requirements of optometrists should they proceed with a job action and withdraw services. The intention is for the policy to be general and set out expectations regarding optometric services while participating in such an action.

The draft policy emphasizes the responsibilities of optometrists to consider the best interests of patients and the public with a focus on ensuring that urgent care or any treatment needed to prevent harm continue to be provided.

The draft policy is intended to set out general principles for optometrists. It is not intended to provide direction or guidance on the appropriateness of particular actions. The draft policy is also intended to apply to *any* proposed job action, not just the one that is being considered today.

Considerations

Job actions amongst health professionals are designed to disrupt care patterns in order to raise awareness and ultimately renegotiate existing agreements. However, such actions have implications for patients and the public, ranging from inconvenience to delays in treatment and potential risk of harm. Patients come to optometrists for safe, ethical and quality eye care, and such action may compromise optometrists' professional responsibility to their patients. It can also negatively impact the public's trust in the profession.

The mandate of the College is to protect the public. The mandate of the OAO is to advocate for the interests of its members. There are issues, such as job action, where the College's legislated mandate prevents alignment, notwithstanding a positive relationship and ongoing information sharing with the OAO.

As with any complaint the College receives, matters related to a job action that are raised will be investigated. A panel of the College's Inquiries, Complaints and Report Committee, consisting of both optometrists and publicly appointed members, will consider the conduct or care in accordance with this policy as well as professional standards, ethical requirements and the College's mandate to serve and protect the public interest.

Next Steps

Should Council approve the draft policy, it will be released to the profession and public on Friday, June 12. It will be accompanied by a public communication document regarding the implications of the policy as it relates to the anticipated job action. Further communications will be developed depending on how the situation unfolds.

Decision

Does Council approve the draft College policy *Optometric Services During Job Actions*?

Contact

Patrick Quaid, President

Maureen Boon, Registrar | CEO

Date: June 9, 2020

Attachments

1. Draft College Policy – *Optometric Services During Job Actions*

Policy

Type:	College of Optometrists of Ontario		
Name:	Optometric Services During Job Actions		
Status:	Draft – Executive (Pending Council Approval)	Version:	0.6
Date Approved:		Date Revised:	June 4, 2020

Purpose

This policy outlines the expectations upon an optometrist when considering or undertaking a job action.

Overview

Optometrists are expected to fulfill their professional responsibilities and ensure patients' visual well-being and the provision of appropriate care for all patients during job actions.

Optometrists should consider alternate approaches to resolve their concerns before undertaking a job action. If an optometrist decides to take job action, they are expected to consider patients' best interests, the ramifications of depriving optometric care and the risk of harm when withdrawing any or all services.

Requirements

Upon consideration, if an optometrist proceeds to withdraw services, they must take steps to mitigate any adverse effects on patients and public. A refusal to treat or a referral that results in a delayed treatment is not in patients' best interests.

As such, any referral to another regulated health professional must align with the professional standard in the [Optometric Practice Reference](#). In situations where there is intention to discontinue care permanently, an optometrist must meet the requirements outlined under both the [Ontario Regulation 119/94](#) and the College's [Discontinuation of Services](#) policy.

Decisions to accept patient(s) must not be discriminatory or a practice that would be considered disgraceful, dishonourable, unprofessional and/or unethical by the public and/or other optometrists. The [Human Rights Code](#), 1990 prohibits actions that discriminate against people based on 'protected grounds' including, but not limited to, age, ancestry, colour, race, citizenship, ethnic origin, creed, disability, sex, and sexual orientation. Patients with a valid OHIP card are entitled to access insured health services at no charge. As such, a refusal may also be inconsistent with the *Commitment to the Future of Medicare Act*, 2004.

Urgent Care

An optometrist must continue to provide urgent care, or any treatment needed to prevent harm, suffering and/or deterioration during a job action. If an optometrist is unable to provide care, alternate care must be arranged for the patient within an appropriate timeline. In determining urgent care, an optometrist must use their clinical judgement and consider their professional responsibility to ensure a patient's well-being when assessing that patient's individual needs.

DRAFT