



February 20, 2024

Sent via e-mail

Dear Regulator,

RE: Risk Rating for the College of Optometrists of Ontario

The purpose of this letter is to communicate the 2023 / 24 provisional risk rating for the College of Optometrists of Ontario (the college). This letter includes background information on the risk assessment process, describes both positive practices and risks that the Office of the Fairness Commissioner (OFC) identified for your college, and articulates next steps.

Background:

In November 2023, the OFC implemented the second iteration of its [Risk-informed Compliance Framework](#) (RICF). Under this framework, the OFC assesses each regulator's operations against five risk factors that may impede the regulator's ability to apply fair registration practices for the licensure of domestic and internationally trained applicants.

The risk assessment process may produce one of three risk ratings: low, moderately low, and moderate to high. The OFC tailors its compliance strategy according to the risk rating obtained so that we can work with regulators to address the most significant risks and barriers to fair registration practices.

For the 2023 / 24 risk assessment cycle, the five risk factors are set out below:

1. Organizational capacity.
2. The overall control that a regulator exerts over its assessment and registration processes.
3. The impact of major changes to registration practices and relations with third-party service providers.
4. The ability of the regulator to comply with newly introduced legislative and / or regulatory obligations.

5. Public policy considerations:

- i. Addressing labour market shortages.
- ii. The ability to promote inclusion and address anti-racism concerns in registration processes.

Further detail on indicators associated with these risk factors can be found in the OFC's [Risk-informed Compliance Framework and Policy](#).

Positive Initiatives Adopted by College of Optometrists of Ontario:

Before providing an analysis of these risk factors as they apply to the college, the OFC would like to highlight several positive initiatives that it has undertaken to improve registration outcomes for applicants to your profession. More particularly, the college has:

- Proactively collaborated with the Federation of Optometric Regulatory Authorities of Canada (FORAC) to make modifications to its language proficiency testing requirements, to align with recent amendments to the *Regulated Health Professions Act, 1991* (RHPA).
- Enhanced the level of technical support that it provides to candidates who write their jurisprudence examinations via remote proctoring.
- Established an emergency registration class, allowing applicants who have satisfied specific requirements to work under supervision in the event of an emergency that interrupts normal registration processes.
- Through its newly formed Diversity, Equity and Inclusion (DEI) Working Group, created a comprehensive 2022-2025 DEI plan, and compiled related resources for members, which are available on the college's internet site.

The OFC wishes to commend the college for undertaking these important initiatives.

Risk Assessment of the College's Registration Practices:

In undertaking a risk analysis for the college, your OFC Compliance Analyst, Anna Eisner, has carefully examined the college's 2022 Fair Registration Practices Report and supplementary 2023 RICF questionnaire responses. Anna also discussed her key findings with the Fairness Commissioner and OFC management.

The OFC's analysis has identified the following risk factors associated with your organization:

- The overall control that a regulator exerts over its assessment and registration processes, and its relations with third-party service providers.

- Addressing labour market shortages.

For each of the risks identified above, the OFC has assessed both the probability that the risk will occur and the significance of the consequences.

The overall control that a regulator exerts over its assessment and registration processes, and its relations with third-party service providers:

Under the RICF policy, a regulator may be subject to this risk if it lacks effective processes to monitor and evaluate the work of third-party service providers (TPSPs) and / or cannot demonstrate that it holds them accountable to ensure that the delegated responsibility is undertaken in a way that is transparent, objective, impartial and fair.

Two factors to consider in determining the likelihood that the risk will occur involve the materiality of the outsourced activity and how effectively the regulator is overseeing the work of its third-party service providers.

The college has delegated its candidate assessment process to the Federation of Optometric Regulatory Authorities of Canada (FORAC). This is a national body which provides assessment-related services for regulators of optometry across Canada.

Under the policies that FORAC has adopted, international optometry graduates (IOGs) who have not completed an education program endorsed by the Accreditation Council on Optometric Education (ACOE) or by another accrediting body approved by a provincial authority must write the Internationally Graduated Optometrist Evaluating Examination (IGOEE).

Based on discussions with the college and FORAC, the OFC understands that only about 10% of applicants who complete this test are granted exceptional standing such that they can immediately sit for the Optometry Examining Board of Canada's (OEBC's) entry-to-practice exam.

The remaining 90% of candidates must then complete the Advanced Standing Optometry Preparatory (bridging) Program (ASOPP) and the final two years of the Doctor of Optometry program at the University of Waterloo (the university). The ASOPP runs from April to August (five months) in each year. The entire process would take an IOG at least two and a half years to complete, which would serve as a material barrier to licensure into the profession.

To add to this concern, the university only makes available six spots per year to IOG candidates who have not been granted exceptional standing. This means that the great majority of these applicants could wait several more years before they can write the national licensure examination.

Significantly, the college promotes the option of seeking advanced standing in the United States. In any case, candidates in the non-exceptional category will be subject to high tuition and a lengthy trajectory to obtain their career goals.

The OFC is concerned that this restrictive assessment process is creating arbitrary and unnecessary barriers for competent IOGs who wish to practice their profession in Ontario. To address this situation, we recommend that the college pursue further discussions with both FORAC and the university to find ways to either relax these assessment practices, increase the number of university spaces available and / or explore other ways that candidates can obtain licensure in the profession.

Other health regulatory colleges have taken significant steps to remove these sorts of impediments and the OFC would be pleased to discuss these with the college.

Addressing labour market shortages:

Under the RICF policy, a regulator may be subject to this risk if its registration processes are not helping to address critical labour shortages in its occupational sphere. A factor to consider in determining the likelihood that the risk will occur includes evidence of material labour shortages within the profession coupled with inefficient, slow and / or unduly restrictive registration processes.

Based on the Canadian Occupational Projection System (COPS), the projected supply and demand situation for the profession of optometry between 2022 to 2031 is described as "shortage."¹ To amplify this point, the [Distribution of ODs in Ontario by the College's Electoral Districts \(as of May 30, 2022\)](#), which the college has incorporated into its website by virtue of the data provided by the Canadian Association of Optometrists, shows that this shortage is most pronounced in rural and remote parts of the province.

To address this situation, the OFC encourages the college to actively engage with Canada's two schools of optometry at the University of Waterloo and the University of Montréal, the Ontario and Canadian Associations of Optometrists and other stakeholders to discuss ways to increase the supply of domestic and internationally-trained optometrists in the province.

Risk Assessment and Next Steps

Following a review of these two risk factors, the OFC has determined that the college should be placed in the moderately-low risk category for the period April 1, 2024, to March 31, 2026.

¹ The [Canadian Occupational Projection System \(COPS\)](#) is a suite of models developed by Employment and Social Development Canada (ESDC) to project labour demand and labour supply, and identify labour market imbalances (shortage/surplus) for 293 occupational groupings at the national level, covering the entire workforce for the 2022-2031 period.

As a moderately-low risk regulator, the RICF policy specifies that the regulated health college must complete a compliance action plan and meet with the OFC on a quarterly basis to review the progress made. The plan should address the following priorities identified through the risk assessment process:

- *Engaging FORAC and the university sector to discuss potential alternatives to the requirement for most IOGs to complete both the ASOPP five-month bridging program and the final two years of the University of Waterloo's Doctor of Optometry Program.* This could involve, for example, revisiting the threshold score for applicants to proceed to the licensing exam and / or exploring the need for an education equivalency stage in the assessment process and / or offering more streamlined course options for individuals with discrete knowledge gaps.
- *Engage relevant stakeholders, including post-secondary partners and associations, to discuss strategies to address a potential shortage of optometrists and their distribution within the province.* Areas of exploration could include options for increasing the capacity in existing optometry programs and developing more streamlined assessment and bridging pathways for IOGs.

Under the RICF Policy and Framework, where the OFC determines that a regulator should be placed in either of the higher-risk categories, and to support procedural fairness, the OFC is offering the college an opportunity to provide comments and / or additional information in response to your provisional risk rating. This may include recent actions that would mitigate the identified risks or otherwise address the identified priorities.

Should you wish to provide further information in writing, or arrange a meeting, please contact your Compliance Analyst, Anna Eisner, at anna.eisner@ontario.ca.

We look forward to continuing to work with you to advance fair registration practices for optometrists in Ontario.

Sincerely,

Ming-Young Tam
Director, Office of Fairness Commissioner

cc. Irwin Glasberg, Fairness Commissioner for Ontario
Tanya Chute-Molina, Manager of Business and Operational Planning
Anna Eisner, Compliance Analyst