



Dear Regulator:

Re: Cumulative Risk Rating for the College of Optometrists of Ontario

As you are aware, in April 2021, the Office of the Fairness Commissioner (OFC) launched its new Risk-Informed Compliance Framework (RICF), which fully comes into effect on April 1, 2022. This framework will rely both on the regulator's historical performance, and a series of forward-looking risk factors that could impact a regulator's ability to achieve better registration outcomes for applicants.

Our office has chosen to implement this initiative in a staged fashion, to include a 12-month transition period to allow regulators to migrate to the new system and to comply with any outstanding OFC recommendations. During this transition period, which began on April 1, 2021, OFC compliance analysts reviewed each regulator's historical performance, the steps taken to implement any outstanding recommendations, and how the regulator has addressed each of our office's forward-looking risk factors. Our office gathered the necessary information through virtual meetings and the administration of a risk-assessment questionnaire.

As the compliance analyst responsible for the College of Optometrists of Ontario (COOP), I then initiated an analysis of both the COOP's historical performance, and impact of the forward-looking risk factors, to identify an appropriate cumulative risk rating for the COOP. In undertaking this work, I also consulted with the Fairness Commissioner and OFC management.

As you know the OFC has established three cumulative risk categories, which have been categorized as low risk, moderately low risk and moderate to high risk. Following a review of the relevant considerations, which I will outline more fully below, I have determined that the COOP should be placed in the low-risk category for the April 1, 2022 to March 31, 2023 assessment period. My analysis follows.

*Historical Compliance*

I will start with my assessment of the COOP's historical performance. The RICE outlines five indicators that our office takes into account to assess the historical performance of a regulator. These are:

- The nature and extent of material compliance recommendations that the OFC has issued to the regulator in the last compliance cycle.



- The extent to which the regulator has complied with these recommendations and avoided new issues.
- The regulator's observed motivation to work with the OFC on defined compliance objectives.
- The content of decisions issued by the courts or tribunals that discuss the regulator's registration practices.
- The degree to which the regulator's registration processes exhibit the attributes of transparency, objectivity, impartiality and fairness, as demonstrated, for example, by the number of OFC recognized "commendable practices" and/or other best practices and innovations that the regulator has instituted over time.

Under this scheme, a regulator can be placed into one of three *compliance* categories: full compliance with the objectives of the legislation, substantial compliance with the objectives of the legislation and performance that falls short of compliance with the objectives of the legislation.

In undertaking this analysis, I would note that the OFC issued compliance recommendations to the COOP during the last assessment cycle, which took place in May 2017, and placed the COOP into the provisional substantial compliance category. The assigned provisional compliance category was based on the non-completion of the two recommendations, which were:

- Addressing the difficulty that internationally trained applicants have to the Therapeutic Pharmaceutical Agents (TPA) certification as the Therapeutics Prescribing Assessment for Optometry (TPAO) must be written in person.
- To be able to deliver the objective structured clinical examination (OSCE) virtually as well as delivered in person.

The COOP's two outstanding recommendations were reviewed in two meetings with the OFC, and in the OFC's letter to COOP dated February 16, 2022. In this letter, the OFC re-assigned the COOP to the full compliance category on the basis that:

- the TPAO examination is currently a component of the Internationally Graduated Optometrist Evaluation Examination (IGOEE), and now is conducted online; and,
- the delivery of the OSCE will continue in person as no suitable alternative for evaluating the underlying competencies currently exists.



I would also note that the COOP has shown a willingness to work constructively with our office on defined compliance objectives and has taken innovative steps to enhance the transparency, objectivity, impartiality, and fairness of its processes. I would like to commend the College for exploring the delivery of the OSCE exam virtually to provide accessibility to candidates from different geographical areas, noting that these attempts were unsuccessful due to significant technical difficulties relating to capacity on the exam-delivery platform.

Based on the assessment of the above noted considerations, I would place the COOP in the category of full compliance. Hence, COOP is not subject to any outstanding recommendations at this time.

### *Forward-looking Risk Factors*

The OFC has also identified five forward-looking risk factors to help determine a regulator's risk profile. These risk factors identify the existing and potential risks posed to fair registration access for Canadians and internationally trained individuals. The considerations involve:

- Organizational capacity.
- The overall control that a regulator exerts over its assessment and registration processes.
- The regulator's response to emergency situations, such as the Covid-19 pandemic.
- An over-reliance on Canadian experience requirements.
- Public policy considerations.

Once these factors are considered, the OFC will then perform a traditional risk assessment that considers both the probability that a risk will occur and the significance of the consequences.

The final step in the risk assessment process is to determine a cumulative risk category for the regulator. The policy indicates that OFC will do so by aggregating the derived risk profile of a regulator with its historical performance assessment.

I have undertaken this analysis and have concluded that the COOP falls into the low risk category for the 2022-23 period. I have reached this conclusion as I have identified that there is no potential risk to access to fair registration after reviewing the COOP's information provided in response to the forward-looking risk factors.



As a low-risk regulator, the tools that the OFC may utilize to continue to work with you include annual meetings and sharing of best practices and educational resources.

I want to thank you again for your patience as the OFC transitioned to our new framework and look forward to continuing to support your organization.

Sincerely,

Mercy Barzallo, Compliance Analyst at the Office of the Fairness Commissioner

c.c.: Irwin Glasberg, Commissioner

c.c.: Hilary Forgie-Resnick , Director

c.c.: Stephanie Mah, Business and Operation Manager