



The EXAMINER

THE COLLEGE OF OPTOMETRISTS OF BC

APRIL 2010

As per section 16 of the HPA, the duty and objects of the College at all times is to serve and protect the public and to exercise its powers and discharge its responsibilities under all enactments in the public interest.

VISION STATEMENT

The College of Optometrists of British Columbia is committed to serving and protecting the public interest by guiding the profession of optometry in British Columbia.

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MESSAGE FROM THE REGISTRAR

Dr. Lawrence MacAulay

I am pleased to have been part of the first general annual meeting of the College of Optometrists of BC. I was very proud of the fact that our College has been operating at an above average level in the completion of all of its required committees under the HPA and the Bylaws of the College. I did note some constructive criticism comments from some registrants at the AGM and we always do our best to answer questions you may have at any time and to attend to any issues that you may have.

For this newsletter, I have included a "hot topic" that was recently addressed by the Quality Assurance Committee and the College Board. That is the ownership of examination records and the release of examination records and optical prescriptions.

Ownership of Records. As per section 103 of the Bylaws, it is a requirement for optometrists to own their examination records. Please review that bylaw. Also please understand that physicians refer to their examination records as medical records. We should think of our examination records as our exam charts, referral letters, surgical reports, lab tests, and any other personal information gathered on that patient as "examination records".

You are responsible for controlling and protecting the personal information contained within the examination records while you are practising at any location. If you leave that location you are responsible for transferring the records to another registrant (see Bylaw 98), and for informing the College about who you transferred the care of the records to in case your patients wish to access their personal information at a later time.

Examination Records and Optical Prescriptions Release

There has been concern by ophthalmologists and other stakeholders about the examination records being in the control of an optician in the case of optometrists working within optical stores. Please be aware that an optician cannot own your examination records as per section 103 of the Bylaws.

The Quality Assurance Committee of the College has recently recommended some new policies to address the issue of release of examination records and release of optical prescriptions. Please review these new policies carefully. I have listed them below and they are on the College website as well. Here are the important ones:

Part 2 – PATIENT RECORDS

Release of Examination Records: Registrants must only release copies of examination records to the patient, the patient representative, a registrant of a recognized optometry college, a registered optometric corporation, a qualified medical practitioner, or other as defined in Bylaw 93, and only with the express consent of the patient or patient representative as defined in Bylaw 85.

Part 3 – PRESCRIPTIONS

Consent: Except as provided by the Optometrists Regulation and Bylaw 93, registrants must only release personal patient information, including but not limited to a prescription, to a third party, with the express consent of the patient or patient representative as defined in Bylaw 85.

Release of Prescriptions: Registrants must only release copies of prescriptions to the patient, the patient representative as defined in Bylaw 85, a registrant of a recognized optometry, optician or pharmacy college, a registered optometric corporation, a qualified medical practitioner, or other as defined by Bylaw 93."

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These new policies mean that optometrists may now only release copies of examination records to optometrists or medical practitioners and not to opticians. Optometrists may however release optical prescriptions to opticians, with the patients consent.

“Hasta la Vista, Baby”: I have had to make a difficult decision recently. The College has progressed to the point where it requires a Registrar who can work in the College office more days per month than I am able to provide. I have therefore resigned as Registrar as of April 18, 2010. I would like to thank all the registrants, the College Board and Committee members, the College office staff, my very understanding wife Donna, and especially Dr. Gerald Komarnicky, Stanka and Jela for their support and understanding while I was Registrar. I have learned much about the regulation of optometry while I was Registrar, and I think I have accomplished a lot for optometry regulation in BC. I also would like to publicly acknowledge the admiration and respect I have come to have for Stanka and Dr. Komarnicky. Stanka “runs” our College office and activities with outstanding competence and passion- we are lucky to have her there. Dr. Komarnicky is personally responsible for huge strides in the scope of optometry in BC and the inter-professional relationships with other regulatory bodies and government. He has provided all of us with unparalleled leadership. I told him I was expecting great things from him when he joined the College (Board), and he certainly has created a huge improvement for optometrists and optometry patients with his dedicated and competent work as a College Board member and Chair.

MESSAGE FROM THE CHAIR

Dr. Gerald S. Komarnicky

Please accept my thanks for allowing me to serve on the board of the College these last 3 ½ years. The college is functioning under the HPA in all of its required capacities and it is well positioned to move forward after the first elections have taken place. I am honoured to have served on a board with such dedicated and hard working people. My sincere thanks and appreciation goes out to Stanka, Jela, Dr. MacAulay, both the elected and public members of the board, Ms. Angela Westmacott and all of the public representatives and volunteers serving on committees who made this an excellent experience.

A big thanks to all of you who came to establish a quorum at the first AGM. The three hour meeting was a resounding success with great interaction and dialogue from the assembly.

If we are willing, we all have a set of skills we can contribute. I was asked to serve on the board in order to facilitate a smooth transition from being the Board of Examiners to becoming the College of Optometrists. As I said at the AGM, we (this board) were the lucky ones – we got to carry the ball over the line after so many before us marched the ball up the field. I have every confidence that the next and future boards will carry on with the tasks of this most wonderful self regulating profession.

In closing, please take the time to acknowledge Dr. Lawrence MacAulay as he steps down as registrar from the college. In all of my years in optometry, I have never met a more measured, honest, collegial professional. We should all have nothing but praise for his work and dedication. Dr. MacAulay has my complete respect.

As we move on we should look back at these days as some of the best days in our lives. I am – as being on this board has allowed me to find long lost energies and drive that laid dormant for too many years.

THE DECISION TO ALLOW THE NBEO TO BE ACCEPTED AS EQUIVALENT TO THE CSAO

The mandate of the college is to protect the public. The board of the college makes decisions that serve the public interest in a way that is fair registration. The HPA requires a college to be fair, objective, transparent and unbiased in all of its considerations.

Policy decisions are not made by the Registrar, the college Chair or committees of the college. Committees recommend a policy to the board and the board discusses the merit of any proposal. The board then votes on a motion and the board speaks with one voice following a decision.

Part 4 of the Bylaws allows for 1) the CSAO or its successor and 2) the discretion to have a CSAO equivalent examination. Although controversial, the board has decided to accept the NBEO as a reasonable assessment of competence for an optometrist graduating from a North American Accredited college of optometry.

The CSAO, which was originally based on the NBEO, is developed by practicing optometrists

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with the exclusion of academics while the NBEO was developed by both academics and optometrists. The CEO website describes the CSAO as one which "assesses competence" while the ARBO website describes its examination as "a further assurance of competence". Recent changes to the NBEO have made it more clinically relevant. Although different, each exam has its own merit and the public is not put at risk by our accepting either examination.

We understand the argument that Canada is a sovereign country and should have its own examination for competency. However, the decision to accept more than just the Canadian examination was based only on fairness and public protection. If the sovereign country argument is to prevail then it should stand to reason that our Canadian schools need not be accredited by the American based Accreditation Council on Optometric Education.

Our board can only contemplate policies which affect those optometrists who are registered in BC. With this policy we do not believe that a registrant who is educated at a North American college of optometry - a college which is accredited by a common body throughout North America - who passes one of the two major competency evaluations offered in North America, who decides to move to BC while in Canada under the AIT, who is in good standing with their college and who can pass a criminal record check puts the people of BC at undue risk because of the decision to have registered that person with either the CSAO or the NBEO as their examination of competence.

As it stands, Canadian educated students who wish to do a residency in the United States must first pass the NBEO while they are studying in Canada. Wouldn't it be wonderful if US jurisdictions accepted the Canadian assessment of competence so that there would be no need to put Canadian educated students through two costly and stressful processes.

We know the position of the board in BC is not a popular position. We understand the desire to have a "Canadian made" national competency examination. We acknowledge the two examinations are not the same and do not test the same thing. The question should not be is one examination better than the other, the only question should be, is the public protected when a regulatory body accepts either of these standardized assessments as a measure of knowledge and competence before registration.

REGISTRATION COMMITTEE CHAIR

Dr. Mario Pozza

With the transition of the Board of Examiners to a College under the Health Protections Act there has been more work to get this committee functioning under our new bylaws. The requirements of the HPA have led to a larger committee and more meetings and consultation on issues regarding registration.

Since the inception of the College to our year end of Dec. 31st, 2009, we have welcomed 41 new registrants giving our Province 498 Full A registrants, 34 Full B registrants and 65 non-practicing and academic registrant for a total of 579 registrants.

The purpose of the Committee is to review issues regarding registration and registration renewals that have come forth due to our new bylaws. We then draft policies to address those issues and they are then taken to the College Board for consideration. These policies are designed to help guide our hard working College staff on those issues.

This year specifically, the bylaws have changed the deadline dates for registration to October 31st and, with the implementation of our new software program, the importance of getting your continuing education requirements, registration renewal forms and fees to the College office on time has become extremely important. If the documents were not present in the College office by the deadline date, the software program automatically starts a process of notification to be carried out by the College staff. This process involves registered letters and significant work on the part of the staff. As a result, there is a late fee to help offset some of the time and monies spent. The College staff is very happy to receive any of your CE verification forms at any time during the year. Early submission allows the staff to input your CE hours and then you can check your CE status by simply viewing your profile on line ensuring that you have enough credits for registration renewal. Early submission also allows extra time should there be any issues with the mail system or addresses. If an item is returned to you by the mail system the early submission would allow enough time to resubmit the forms or verification slips. If there is an honest mistake on the registrants' part, the costs incurred by the College with a late submission are still present and a late fee will be issued. In addition, the new on-line program does allow for fees to be easily paid by credit card by the applicable dates.

Another issue the Registration Committee has been dealing with is portability of licensure. With the implementation of the federal governments Agreement on Internal Trade (AIT), any practitioner who is in good standing in their Canadian jurisdiction may apply to another Canadian jurisdiction without having to write a competency exam. You would still have to provide a letter of good standing, fill out the appropriate registration forms, submit fees and write some form of local jurisprudence exam prior to being accepted. This Registration Committee has been working with other Provincial regulators to provide information to the other Provincial regulators regarding the registrant who is moving.

On the topic of new registrants there have also been some policy changes. The mandate of the College is public protection. With regard to application for registration by new graduates it is the obligation of the Registration Committee and the College to ensure that the applicant is competent. To this end the College has accepted the Canadian Standards Assessment in Optometry (CSAO) as the test of that ability. In reviewing other available tests of competency the College has decided to also accept the National Board Exams in Optometry (NBEO) as being a comparable, albeit somewhat different, test of competency. The Registration Committee has also dealt with issues of re-registration of members who have been disciplined as well as issues of registration that do not fall in the normal scenarios. We attempt to come up with fair compromises and solutions to the problems for the benefit of all while protecting the public.

With the first year under the HPA the Registration Committee is hopeful that the second year will be easier for you, our current registrants, and any new incoming registrants.

On a personal note, after having the opportunity to serve on the College Board over the last 5 years I will be stepping down to allow other members of our profession to serve the public in this Province. I thank you, the registrants, for this gift that has allowed me to grow as a practitioner and a person. The interactions with others, both in the profession and from other walks of life, have been invigorating, enjoyable and educational. I would encourage all members to become active in this great profession to give back even a little for all the things the profession has done for you.

INQUIRY COMMITTEE CHAIR

Dr. Dale Dergousoff

The past year has been very active for the Inquiry Committee. The Inquiry Committee has worked hard assisting the College in its duty of public protection by ensuring the College addresses concerns and issues regarding misconduct and incompetence in a fair, independent and objective manner.

I would like to take this chance to thank the committee members who have been wonderful to work with:

Registrants: Dr. Nina Gill, Dr. Sally Donaldson, Dr. Tom Adamack.

Public Member: Barbara Buchanan

Public Representative: Brian Newlands.

CAO of the College: Stanka Jovicevic.

Legal Counsel: Angela Westmacott.

Ex-Officio: Dr. Lawrence MacAulay, Dr. Gerry Komarnicky, Dr. Bart McRoberts.

We have held seven inquiry meetings since the Inquiry Committee was created last year, approximately every six weeks. Over that time, there were 38 complaints that were sent to the IC. Though we have dealt with a reasonably large volume of complaints, the severity of the complaints for the most part has been low. In addition, I am very pleased to inform everyone that not one complaint was made with respect to our new therapeutic privileges. Most commonly, the complaints that have been before the IC were related to financial or interpersonal disputes. We have dealt with a few complaints that were related to competence.

The committee will continue to work hard to fulfill its mandate under the HPA. On behalf of the Inquiry Committee, it has been our pleasure to perform our duties for the College of Optometrists here in British Columbia.

QUALITY ASSURANCE COMMITTEE CHAIR

Dr. Rebecca Counts

The mandate of the Quality Assurance (QA) committee is defined in Bylaw 18 of the College of Optometrists of BC and empowered by Sections 26.1 and 26.2 of the Health Profession Act. QA works towards the promotion a high standard of practice by BC optometrists by 1) recommending policy on Continuing Education requirements and 2) developing and administering a programme to assess various aspects of registrants' professional practice and suggest remediation as required.

This first year has been one of reflection, housekeeping, and planning for the QA Committee. At the request of the Board, we have reviewed proposed Policies related to QA and offered recommendations for changes. We have worked with the Registrar to develop a formal set of criteria to assess eligibility of proposed courses and other vehicles for Continuing Education credit. In addition, the Committee has reviewed several submissions by registrants requesting changes to policies governing CE eligibility or requesting CE credit for activities that fall outside the usual guidelines. Registrants can now receive CE credit for unpaid work under the guidance of an ophthalmologist and for participation in outreach eyecare missions to the developing world.

Work continues on the development of a comprehensive assessment programme for optometrists in BC. A review of the 2008 pilot on-site Practice Assessment programme was undertaken, and follow-ups to those assessments have been completed. A second round of assessments are underway at this time, with modifications to the assessment form and protocol to focus on the physical plant and administrative procedures at the place of practice rather than the practitioner, and to streamline the reporting and follow-up processes.

We have also reviewed the results of a comprehensive research project on QA programmes that was undertaken by the Board of Examiners in 2006-2007 following significant registrant resistance to the one that was proposed in 2005. One of the key findings of that research was that QA programmes are much more effective if there is significant registrant input during the development process. The QA Committee is committed to obtaining that input, and a first step towards achieving that goal was taken during the AGM weekend, when over 20 registrants participated in a 2 hour peer circle session on quality assurance. Participants were asked to consider how one measures quality in optometric practice and the relative merits of different types of assessment tools, and, drawing on that discussion, what the components of a comprehensive QA programme should be. It was an excellent session, yielding a great deal of useful input for the QA Committee's future deliberations. We will be working to develop a programme that combines elements of self-assessment, remote records review, and on-site assessments. The "Alberta Model" was put forth as one that we could/should emulate at least in part, and we will be exploring the feasibility of that approach.

Our goal is to develop a comprehensive assessment program that is fair, effective, affordable, and flexible; one that offers a range of assessment tools, provides a positive experience for participating registrants, and will help us all to reflect on and improve our practice of optometry.

It has been my honour to serve on the QA Committee with a group of very dedicated and thoughtful optometrists and public representatives. Although I will not be serving on the Board of the College after the upcoming elections, and therefore will be stepping down as the QA Chair, I do hope to continue in this work for the protection of the public and the good of the profession.

WORKING IN AN OPTICAL STORE OR OTHER COMMERCIAL LOCATION

When a registrant is practising optometry within an optical store or other commercial location, he or she must do so under the provisions of the Bylaws (in particular Bylaw 115-117) of the College of Optometrists of BC as any other registrant.

115 (1) A place of practice must

- (a) be accessible to the public,*
 - (b) be accessible at all times to any registrant who practices there,*
 - (c) include examination areas located so that the patient's privacy and confidentiality are protected,*
 - (d) include examination areas equipped with, or with ready access to, sinks and disposal facilities sufficient to ensure infection control to the standards of the British Columbia Centre for Disease Control.*
 - (e) have independent, direct and private telephone, fax and email services,*
 - (f) have a private and secure mail delivery address,*
 - (g) have a secure area for the storage of prescription pads and therapeutic pharmaceutical agents, and*
 - (h) have a secure area, accessible only to the registrants who practise there and persons they have authorized, for storing personal information and records consistently with these bylaws and all applicable laws relating to the protection of patient privacy.*
- (2) Despite subsection (1)(e), a place of practice may have shared telephone, fax and email services if all registrants sharing those services conclude confidentiality agreements satisfactory to the board with all persons with whom they are shared.*

(3) Despite subsection (1)(f), a place of practice may have a shared mail delivery address if all registrants sharing that address conclude confidentiality agreements satisfactory to the board with all persons with whom it is shared.

Professional requirements

116 (1) A place of practice must

(a) be under the control and supervision of a full registrant in good standing or a BC optometric corporation in good standing,

(b) be sufficiently and appropriately equipped to provide optometric services to patients consistent with the Act, the regulations, these bylaws, and the standards of practice and other policies of the college,

(c) prominently display the name and certificate of registration of all registrants who practise there and not display the name of any registrant who does not personally provide optometric services there, and

(d) if the place of practice is operated by or through a BC optometric corporation, prominently display the BC optometric corporation's permit.

(2) Despite subsection (1), a place of practice may display the name of a former registrant who has retired from practice for up to five years after the registrant's date of retirement.

Ultimate responsibility

117 A registrant who examines a patient is ultimately responsible for that patient's care.

In addition, patients' records must be safeguarded for privacy. Patient records may only be owned and accessed by a registrant. The registrant is responsible for records made by him/her at all times.

Section 96 and 97 of the Bylaws deal specifically with the confidentiality of the patient records.

The College must be advised of ALL practice location changes in writing within 7 business days.

IMPORTANT NOTE

The College reminds registrants that they may not prescribe topical cyclosporin 0.05% as immunomodulators are not a classification of drugs found on the Schedule of pharmaceuticals in the Regulation.

COLLEGE POLICIES

The College Board occasionally approves new College policies or amends current College policies. The following are some recently approved College policies.

Certificate of Registration: Registrants who are no longer registered with the College must return their Certificate of Registration.

Certificate of Registration: Registrants who change their registration classes must surrender their previous Certificate of Registration in exchange for their new Certificate of Registration.

Jurisprudence Examination: All Non-Practicing and Academic Registrants who apply to become Full Registrants must successfully complete the College's Jurisprudence examination within three years of applying in order to be eligible for Full Registration.

IMPORTANT DATES

College Board Meeting: April 18, 2010, 9:00 am,
Metropolitan Hotel, Vancouver, Connaught Room

All College meetings are open to registrants and the public.

College Reception: The College of Optometrists of BC will host a reception on June 11, 2010 at 5:00pm, (Metropolitan Hotel, Vancouver Room, 2nd Floor, 645 Howe Street, Vancouver) for new graduates and optometrists who are new to BC. If you are looking for associates or for opportunities to sell your practice, you are invited to join us. This reception is \$50 per person (includes appetizers and one drink), **payable to the College of Optometrists of BC**. Please RSVP to Ina at the College office by mail, **no later than May 25th**.

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BOARD OF THE COLLEGE

Elected Members:

Dr. Gerald S. Komarnicky, Vancouver
Dr. Dale Dergousoff, Prince George
Dr. Mario Pozza, Kamloops
Dr. Rebecca Counts, Terrace
Dr. Michael Dennis, Prince George
Dr. Murray Hurlbert, Maple Ridge

Public Members:

Mr. Thomas F. Beasley, Vancouver
Mr. David MacPherson, Victoria
Ms. Barbara Buchanan, Burnaby

COLLEGE STAFF

Registrar:

Dr. Lawrence MacAulay

Deputy Registrar:

Dr. Bart McRoberts

CAO/Assistant to the Registrar:

Stanka Jovicevic

Administrative Assistant

Jela Vuksan

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