



COLLEGE OF OPTOMETRISTS OF BRITISH COLUMBIA

Board Meeting September 13, 2009

Approved December 6, 2009

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1. CALL TO ORDER AND INTRODUCTIONS

Present:

Dr. Gerald S. Komarnicky, Chair
Dr. Dale Dergousoff, Inquiry Committee Chair
Dr. Mario Pozza, Registration Committee Chair
Dr. Rebecca Counts, Quality Assurance Chair
Dr. Michael Dennis, Discipline Committee Chair
Dr. Murray Hurlbert (arrived at 10:30)
Mr. David MacPherson, Public Member
Mr. Thomas Beasley, Public Member, Patient Committee Chair
Ms. Barbara Buchanan, Public member
Dr. Lawrence MacAulay, Registrar
Stanka Jovicevic, CAO/Assistant to the Registrar

- Dr. Tanya Flood joined by telephone conference call.
- The Chair, Dr. G. Komarnicky called the meeting to order at 9:00am.
- A quorum was present, and the meeting, having been duly convened, was ready to proceed with business.
- Chair reminded the Board members that special rules were adopted that limit discussion to 3 minutes per person during the first round of discussion and to 2 minutes per person during the second round.
- Duty of the College is to be fair, objective, unbiased and transparent in all of our considerations. We make policies to serve the regulatory functions of the College and act in the public interest. The Board works in courteous spirit and majority prevails, we speak with one voice and all discussions are directed towards the Chair.

1.1 CONFIRMATION OF AGENDA

It was moved, seconded and carried that:

The Board adds the following items to the Agenda:

- Legal opinion on disclosure of information regarding the previous discipline case
- Distribution and timing of the Agenda
- Motion for the point of privilege

The Agenda was approved with the noted additions.

1.2 APPROVAL OF MINUTES

It was moved that:

The Board of the College accepts the following amendments for the May 24, 2009 meeting:

- Under 4.10 to strike "a person" and insert "the Registrar."
- There are two 4.40, that the second one becomes 4.41.

It was moved, seconded and carried that:

The Board of the College accepts the May 24, 2009 Minutes with amendments as noted.

2. CORRESPONDENCE RECEIVED

2.1 It was moved and carried that:

The Board of the College accepts the correspondence as received.

3. CAO/ASSISTANT TO THE REGISTRAR, Stanka Jovicevic

3.1 It was moved and carried that:

The Board accepts the CAO's report as presented.



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Chair added a moment of gratitude for Stanka's continued work towards the functions of the College.

4. CHAIR, Dr. Gerald Komarnicky

4.1 It was moved and carried that:

The Board accepts the Chair's report as presented.

4.2 CONSENT AGENDA

4.2.1 It was moved and carried that:

Amanda Eggins, staff member be removed from Quality Assurance committee, and Stanka Jovicevic, staff member be added to PharmaNet Advisory group.

4.2.2 It was moved and carried that:

All Chairpersons, immediately after a conference call or meeting, will email the College office and cc all participants a memo stating:

- Date of meeting / conference call
- Length of meeting / conference call
- Participants names
- Billing notes (what participants will be billing for a meeting)
- The chair person will also remind the participants to fill out their expense form accurately and in a timely fashion

4.3 ACTION ITEMS

4.3.1 Policies of the College

Moved and carried that,

Dr. Flood is allowed to address the board via telephone conference call for the purposes of discussing Policies.

Moved and carried that:

The Board of the College adopts the Policies of the College revised September 13, 2009.

Dr. G. Komarnicky acknowledged and thanked Dr. Flood for her enormous amount of work through the years in developing these policies.

4.3.2 It was moved that:

The Board of the College accepts the Standards, Limits and Conditions (SLCs) as presented.

Amendment to the motion:

It was moved that under item 7 of the draft of Treatment With Pharmaceuticals Glaucoma & Ocular Hypertension to strike the word "Registrar" and insert the word "Board."

Motion failed

Second amendment to the motion:

We insert "under direction from the Board"

Amended motion moved and carried that:

The College, under direction from the board, may waive item 6 above (co-management), if the Registrant can provide proof to the Registrar that the Registrant has diagnosed, consulted with an ophthalmologist and treated for at least one year, five patients with primary open angle glaucoma.

It was moved and carried that:

The Board approves the SLCs for Therapeutics Practice with the noted amendment.



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4.3.3 It was moved and carried that:

We invite a representative from ARBO to address the board of the college to determine if OE tracker had a place in our efforts to computerise CE tracking for registrants.

4.3.4 It was moved and carried that:

Instead of pro-rated fees that the annual registration fees paid to the College are:

- The prescribed fee as set in schedule E when registration occurs between November 1 and May 31 of any year, and
- Half of the prescribed fee as set in schedule E when registration occurs between June 1 and October 31 of any year.

4.3.5 It was moved and carried that:

Temporary Application Registration fee be the same as in all registration classes.

4.3.6 It was moved that:

"Good Character" means that a person is reliable, trustworthy, and not likely to deceive the public. An applicant who is refused a registration because of a lack of good moral character is entitled to receive notice of the reasons and to have a hearing on the issues.

Amendment to the motion:

To strike "and to have a hearing on the issues" and insert "having an appeal to the board" and strike "moral."

It was moved and carried that:

The Board of the College accepts the motion with amendments as noted.

4.3.7 It was resolved:

by the Board of the College to amend Section 60(1) of the Bylaws of the College of Optometrists of BC to read: "Despite sections 53 and 54, an applicant who applies for registration under section 53 or 54 and who has not yet satisfied all the requirements of section 53 (a) to (c) and (f) or 54 (a) to (c), as applicable, may obtain temporary registration if, during the temporary registration period,

- (a) a registrant agrees to supervise the person in the practice of optometry, and
- (b) the supervising registrant agrees in writing to be ultimately responsible for the care of the person's patients.

4.3.8 It was resolved:

By the Board of the College to amend Section 60(2) of the Bylaws of the College of Optometrists of BC to read: A person applying for temporary registration may obtain registration for a period of up to three months.

4.39 In camera session: Reinstatement requirements of a registrant following disciplinary action, whose certificate of registration was terminated under section 30 of the Optometrists Act. Dr. M. Pozza and Dr. M. Hurlbert excused themselves.

4.40 It was moved and carried that:

"The Board of the College approves the amended requirements of the Registration Committee, that in addition to the requirements for reinstatement under Bylaw 66, as also outlined in the Registrar's letter of March 3, 2009, the former registrant is required to provide the following:

1. An authorization for a Criminal Record check for our jurisdiction.
2. An authorization for a Criminal Record check in all jurisdictions that he has ever practiced in.
3. Letters of good standing from any other jurisdiction that he has practiced in.



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4. Evidence of good character in the form of three letter of reference from varied sources.
5. Successful completion of a Skills Assessment from an institute acceptable to the Registration Committee (the Vision Institute in Toronto or Pacific College of Optometry in Portland).
6. In order to Satisfy the Registration Committee that his registration will not pose an undue risk to the public health or safety, or be otherwise contrary to the public interest, that he will undergo an assessment by an occupational psychologist, with an opinion report by this person to the Registration Committee.
7. Successful completion of an ethics examination (available through the College of Optometrists of Ontario).
8. Successful completion of all remediation requirements that were previously outlined in findings of Hearings of the Board or the College.
9. Agreement to undergo, at the cost of the College, an "examination in aid of execution before a court reporter" determining his ability to repay his current debt to the College.
10. Agreement that he understands that according to section 20(2.1) of the Health Professions Act that he must abide by the following conditions upon his return to practice:
 - a. Default of any payment or repayment of a fee, fine, levy or debt shall result in immediate de-registration;
 - b. There shall be an audit of all medical billings for a period of one year, and an audit of random medical billings for 5 years, by an auditor agreeable to both parties, at his expense, and that the College shall receive an authorized report of the audit findings;
 - c. The Quality Assurance Committee shall assign a coach/supervisor to oversee his practice for a period of one year. The committee will require monthly reporting by the coach/supervisor on professional competence;
 - d. The Quality Assurance Committee shall assign an assessor to review your ongoing; professional competence and carry out periodic professional performance assessments for a period of one year;
 - e. Any registrant that he either works for or with must understand these conditions and be agreeable to allowing the College to access the files and billing records which relate to his ongoing review;
 - f. An understanding that failure to meet any of these requirements shall result in his immediate de-registration, with no further consideration of reinstatement.

5. FINANCIAL REVIEW: Mr. David MacPherson

5.1 It was moved and carried that:

The Board of the College approves the revised proposed 2010 College Budget as presented.

5.2 It was moved and carried that:

The Board of the College approves that any deficit at the end of the 2010 fiscal year be covered from the College reserve fund

Mr. MacPherson thanked Dr. L. MacAulay for all the work he does behind the scenes and Ms. J. Vuksan for her superb job with the spreadsheet.

6. REGISTRAR, Dr. Lawrence MacAulay

6.1 It was moved and carried that:

The Board accepts the Registrar's report as presented.

6.2 It was resolved:

By the Board of the College to amend Section 18(b) of the Bylaws of the College of Optometrists of BC to be "recommending to the board a quality assurance program to promote high standards of practice



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among registrants, whose program will be administered by the college staff and the quality assurance committee."

6.3 It was resolved:

By the Board of the College to amend Section 18(h) of the Bylaws of the College of Optometrists of BC to be "recommending to the board changes required regarding all aspects of the management and conduct of BC Optometric Corporations to ensure their compliance, and compliance of their registrant shareholders, with the Act, the regulations, these bylaws and the policies of the college."

6.4 It was resolved:

By the board of the College to amend Section 50 of the Bylaws of the College of Optometrists of BC to be: "CSAO equivalent means examinations offered in other jurisdictions which, in the opinion of the registration committee, and approved by the board, are equivalent to the CSAO."

6.5 It was moved that:

The Board of the College amend **Bylaw 55(1)** to insert at the end of the motion of the Bylaw "with the exception of requiring 53(b)."

Amendment to the motion:

To strike the word "requiring" and add "section"

Amended motion moved that:

The Board approves the motion with amendment as noted.

Amended motion 6.5 failed.

6.6 It was moved that:

The Board of the College amends **Bylaw 56 (1) (b)** to insert at the end of the motion of the Bylaw "with the exception of requiring 53(b)."

Amendment to the motion:

To strike the word "requiring" and add "section"

Amended motion moved and carried:

The Board approves the motion with amendment as noted.

It was resolved:

By the board of the College to amend Section 56(1)(b) of the Bylaws of the College of the Optometrists of BC to be: is qualified for registration as a full registrant or academic registrant, with the exception of section 53(b).

6.7 It was resolved:

That the Board of the College amends Schedule E of the Bylaws of the College of Optometrists of BC to add to "Other Fees" the following:

Other Fees	
Copies requested under the FOI Act	\$0.30 per copy
Office staff time to provide FOI copies for time exceeding three hours	\$50.00 per hour

6.8 Moved and carried that,

Applicants applying for optometry registration/licensure for the first time in any jurisdiction must successfully complete the CSAO in order to qualify for registration with the College of Optometrists of BC.

6.9 Moved and carried that,

The Board of the College adopts that non-practising registrants applying for Full Registration and previously registered Full Registrants applying for re-instatement, who are not currently



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registered/licensed in another jurisdiction must provide proof of completion of no less than 500 hours of optometric practice in the 60 months immediately preceding their application in order to be eligible for registration.

6.10 Moved and carried that,

The board of the College directs the Registrar to immediately implement the following:

All Non-practising and Academic Registrants who apply to become Full Registrants must successfully complete the College's Jurisprudence Examination within 3 years of applying in order to be eligible for Full Registration.

Amendment to the motion:

To insert the word "have" before the word "successfully."

Amended motion was moved and carried that:

The Board approves the motion with amendment as noted.

6.11– In Camera session

It was moved and carried that:

The board of the College directs the Registrar to not disclose information or approve of the College's investigator, to provide information relating to the current registrant/complainant Disciplinary case, to complainant's legal counsel or any other applicant, as it does not find that it is in the public interest to do so.

6.12 Opticians offering and providing vision services that appear to be in contravention with the Opticians Regulations/Bylaws and Optometrists Regulation/Bylaws.

It was moved and carried that:

Dr. MacAulay writes a letter to the College of Opticians expecting response back within the deadline, otherwise the College will take actions on this issue.

7. REGISTRATION COMMITTEE CHAIR, Dr. Mario Pozza

7.1 It was moved and carried that:

The Board accepts the RC's Chair report as presented.

7.2 It was moved and carried that:

An initial application for registration expires one year from the date the application is received or the date of a third consecutive sitting of the CSAO, whichever ever comes first.

7.3 It was moved and carried that:

The registration application fee is non-refundable.

7.4 It was moved that:

Jurisprudence examination fee is 50% refundable if written notification by the applicant is received by the College prior to the registration application deadline for the next sitting of the Jurisprudence exam.

Amendment to the motion moved and carried:

To strike the word "notification by the applicant" and insert the word "request for refund."

Second amendment moved and carried:

To add at the end of the motion "if the application is withdrawn"

Amended motion moved and carried that:

Jurisprudence examination fee is 50% refundable if written request for refund is received by the College prior to the registration application deadline for the next sitting of the Jurisprudence exam if the application is withdrawn.



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7.5 It was moved and carried:

All applicants for registration in BC must pay the set fee with no allocation for pro-ration of the application fee.

7.6 It was moved and carried:

That we allow an applicant to extend the application beyond the "three consecutive sittings" of the CSAO given an applicant personal circumstances.

7.7 It was moved and carried that:

The College informs an applicant that may make application for registration in B.C. using the results from the NBE0 as an equivalent to the CSAO.

7.8 It was moved and carried:

That the Board of the College accepts the Registration Committee recommendations that it become the policy of the College to accept the NBE0 as equivalent to the CSAO for any applicant who has been registered in another jurisdiction for minimum of one year and that this policy be stated on our registration forms.

Amendment to the motion moved and carried:

To strike "and that this policy be stated on our registration form.

Amended motion moved and carried with noted amendment.

7.9 It was moved and carried:

That the Registration Committee recommend that the College inform an applicant for registration that the Registration Committee will review the application to B.C. only after there has been a resolution of the current complaint against an applicant in another jurisdiction. Motion withdrawn.

Action:

- Registrar to send letter to an applicant advising that the letter of good standing is mandatory requirement in order to register with the College.

8. QUALITY ASSURANCE COMMITTEE CHAIR, Dr. Rebecca Counts

8.1 Moved and carried that the QA Chair report be approved as presented.

8.2 It was moved and carried that;

The Board of the College insert the words "recommending and" in the beginning of the Bylaw 18(a).

8.3 It was moved that:

A new registrant who has practised or is practising optometry in another jurisdiction will have a professional performance assessment. Motion failed

8.4 It was moved and carried that:

The Board of the college amends Bylaw 73 (1) as follows: Full registrants must complete at least 70 hours of approved continuing education over 3 years cycle.

Action:

- Motion tabled to the next meeting as it requires further communication/consultation with the CAO of the College.

8.5 It was moved and carried that:

The Board of the College amends Bylaw 73(2) to read: No more than 30 of the 70 hours of continuing education programs referred to in subsection (1) may be on subjects other than ocular health.



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8.6 It was moved and carried that:

The Board of the College adopts new Bylaw 73(3) to read: No more than 30 of the 70 hours of continuing education programs referred to in subsection (1) may be obtained by long-distance or self-study delivery methods such as correspondence, video, computer or internet.

8.7 It was moved and carried that:

Bylaw 73(5) be deleted after implementation of the 3 year cycle.

8.8 It was moved and carried that,

The Bylaw 73 is tabled until the Quality Assurance Committee and the College staffs establish the date of implementation.

8.9 It was moved that:

The Board of the College adopts the new Bylaw 73(5) to read: Every registrant must participate in at least one Peer Review Circle once in a 3 years cycle. Motion failed

8.10 It was moved and carried that,

The Board of the College approves the Bylaw 71(2) to read: The quality assurance program consists of any continuing education courses approved by the quality assurance committee, and any other requirements recommended by the quality assurance committee and approved by the board.

8.11 It was moved and carried that,

The Board of the College extends the meeting from 4pm to 4:30pm.

9. INQUIRY COMMITTEE CHAIR, Dr. Dale Dergousoff

9.1 It was moved and carried that the IC Chair's report be approved as presented.

10. DISCIPLINE COMMITTEE CHAIR, Dr. Michael Dennis

10.1 It was moved and carried that the DC Chair's report be approved as presented.

11. DR. MURRAY HURLBERT

11.1 It was moved and carried that the Dr. Hurlbert's report be approved as presented.

11.2 It was moved that,

The Examiner editor send out an email 2 weeks after the most recent College meeting requesting submissions from committee chairs for the next issue of the Examiner. Subsequent to this, committee chairs will have two weeks to submit their reports. Late entries or any modifications to the submitted reports after the two week deadline will not be accepted. The Examiner shall then be edited by the

Newsletter editor and College staff and be ready for distribution two weeks from the deadline.

Motion withdrawn

11.3 It was moved and carried,

To have the Examiner published 4 times a year following Board meetings.

11.4 It was moved that,

A stenography company be hired a minimum of 6 weeks prior to our December 06, 2009, meeting to take minutes for that and future meetings. Motion failed

11.5 It was moved and carried that,

We extend the meeting until 4:45pm.



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11.6 Moved and carried that,

Dr. M. Hurlbert will receive the most recent and camera ready College logo within two weeks after the September 13, 2009, meeting.

Action:

- Dr. Hurlbert will attempt to construct a new heading, incorporating the original logo into it. A proof will be brought to the next College meeting for consideration by the Board. A maximum amount of \$250 would be spent on graphic design in attempting this.
- Dr. Hurlbert to check if the logo is registered.

12. PATIENT RELATIONS COMMITTEE CHAIR, Mr. Thomas Beasley

12.1 It was moved and carried that the PR Chair's report be approved as presented.

13. Ms. Barbara Buchanan

No report.

14. UNFINISHED BUSINESS

14.1 Registrar contract to be reviewed

14.2 Deputy Registrar interviews to be scheduled

14.3 Under Item 4.40, to clarify that not publishing the name is satisfactory to the registrant.

Action:

- Agenda for the Board meeting to be distributed 7 days prior to the meeting.

15. ANNOUNCEMENTS

Annual General Meeting scheduled, February 7, 2010 at Harrison Hot Springs.

The College Board meeting scheduled for February 6, 2010.

16. ADJOURNMENT

The meeting was adjourned at 4:45pm.