



COLLEGE OF OPTOMETRISTS OF BRITISH COLUMBIA

Bylaws

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DEFINITIONS (SECTION 1)

1.

In these bylaws:

“**academic registrant**” means a registrant who is a member of the class established by section 51(1)(d);

“**Act**” means the *Health Professions Act*;

“**annual report**” means the annual report of the college under section 18(2) of the Act;

“**appointed board member**” means a person appointed to the board under section 17(3)(b) of the Act;

“**BC optometric corporation**” means a corporation incorporated under the *Business Corporations Act* to which a permit has been issued by the board under section 43 of the Act;

“**board**” means the board of the college;

“**board member**” means an appointed board member or an elected board member;

“**business address**” means the address provided to the college by a registrant as his or her primary place of business;

“**chair**” means the chair of the board elected under section 13;

“**college**” means the College of Optometrists of British Columbia established by regulation;

“**committee**” means a committee established under section 17(1);

“**deliver**”, with reference to a notice or other document, includes mail to or leave with a person, or deposit in a person’s mailbox or receptacle at the person’s residence or business, or transmit to the most recent electronic mail address provided to the college by a registrant for the purposes of delivery;

“**elected board member**” means a person elected to the board under section 17(3)(a) of the Act;

“**fiscal year**” means the fiscal year established by section 31;

“**full registrant**” means:

- (a) a therapeutic qualified registrant who is a member of the class established by section 51(1)(a);
- (b) a non-therapeutic qualified registrant who is a member of the class established by section 51(1)(b); or
- (c) a limited registrant who is a member of the class established by section 51(1)(c);

“**general meeting**” means an annual or special general meeting of the college;

“**in good standing**” means, in respect of

- (i) a registrant, that his or her registration is not suspended, cancelled or otherwise restricted or limited by section 20(2.1) or (3), 32.2(4)(b), 32.3(3)(b), 33(2), 35, 36, 37.1, 39 or 39.1 of the Act, and
- (ii) a BC optometric corporation, that it has been issued a permit which has not been revoked under section 44 of the Act;

“**limited registrant**” means a registrant who is a member of the class established by section 51(1)(c);

“**non-practising registrant**” means a registrant who is a member of the class established by section 51(1)(e);

“**non-therapeutic qualified registrant**” means a registrant who is a member of the class established by section 51(1)(b);

“**optometric services**” means those services a registrant is authorized to provide under the Act and bylaws;

“personal information” means “personal information” as defined in Schedule 1 of the *Freedom of Information and Protection of Privacy Act*;

“place of practice” means a clinic, office or other premises which is used, in whole or in part, by a registrant in British Columbia to provide optometric services;

“policy” means a policy adopted by the board;

“public representative” means

- (a) a person appointed under section 17.1(1) who is not a registrant or former registrant, and
- (b) has no close family or business relationship with a registrant or former registrant;

“record” means a “record” as defined in Schedule 1 of the *Freedom of Information and Protection of Privacy Act*;

“registrant class” means the registrant class established by section 51;

“Regulation” means the Optometrists Regulation deposited under B.C. Reg. 200/2012;

“special resolution” means a resolution that requires a three-quarters vote of the persons present and eligible to vote at a meeting;

“therapeutic qualified registrant” means a registrant who is a member of the class established by section 51(1)(a);

“vice-chair” means the vice-chair of the board elected under section 13.

“voter” means a registrant eligible to vote under section 5.

PART 1 – COLLEGE BOARD, COMMITTEES AND PANELS (SECTIONS 2 TO 26)

Definitions

2. Repealed.

Composition of the board

3. The board consists of six elected board members and at least two appointed board members.

Eligibility for election to the board

4. (1) Only registrants in the following classes of registration who are in good standing are eligible to be elected to the board:
 - (a) therapeutic qualified registrants; and
 - (b) non-therapeutic qualified registrants.
- (2) At the time of election and during the term, if elected,
 - (a) the registrant may not be a director or officer of the BC Doctors of Optometry (British Columbia Association of Optometrists) or the Canadian Association of Optometrists, and
 - (b) the registrant may not hold a position which would cause the registrant, if elected, to have a conflict of interest by virtue of having competing fiduciary obligations to both the College and another organization.
- (3) An elected board member who ceases to hold office pursuant to section 11 of the bylaws is not eligible to be elected to the board for one year.

Voters

5. Only registrants in the following classes of registration who are in good standing may vote in an election of board members:
 - (a) therapeutic qualified registrants; and
 - (b) non-therapeutic qualified registrants.

Notice of election

6. The registrar must give notice of an election to every registrant who is eligible to vote by delivering a notice in Form 1 no later than December 15 preceding the date of the election.

Nomination procedure

7. (1) A candidate for election to the board must be nominated by three voters.
- (2) A candidate for election must consent to nomination in writing in Form 1 no later than January 15 preceding the date of the election.
- (3) A candidate may be nominated for only one position at a time.
- (4) If the number of nominated candidates is less than or equal to the number of positions to be elected at the close of nominations, the registrar must declare the nominees to be acclaimed and must so notify all registrants.
- (5) If the number of nominated candidates is greater than the number of positions to be elected at the close of nominations, the registrar must conduct an election in accordance with these bylaws.

Election procedure

8. (1) No later than February 15 preceding the election, the registrar must prepare and deliver to each registrant eligible to vote under section 5
 - (a) an election ballot, and
 - (b) a notice of
 - (i) the time and date by which the ballot must be received by the college, and
 - (ii) the procedure for completing and delivering the ballot.

- (2) Each registrant eligible to vote under section 5 is entitled to one election ballot and may vote in favour of one candidate for each vacant or impending vacant board member position that is to be elected on such ballot.
- (3) The registrar must not count the vote of a registrant under subsection (2) unless the registrant's election ballot is
 - (a) received by the registrar no later than March 15 preceding the date of the election, and
 - (b) cast using the procedure for completing and delivering a ballot specified in the notice under subsection (1)(b).

Election

9. (1) An election under section 17(3)(a) of the Act must take place no later than April 15 of each year in which the term of office for one or more board members comes to an end.
- (2) The candidate who receives the most votes is elected.
- (3) If there is more than one vacancy, candidates are elected according to the number of votes they received.
- (4) In the case of a tie, the registrar must select the successful candidate by random draw.
- (5) The registrar must certify newly elected board members pursuant to section 17.1(1) of the Act in Form 5.

Term of office

10. (1) The term of office of an elected board member is three years effective April 16 following the date of the election.
- (2) No board member may serve more than three consecutive terms of office.
- (3) Despite subsection (1), the term of office for every elected board member who holds office on the date this subsection comes into force is extended for one year.

Resignation or removal of elected board members

11. An elected board member ceases to hold office if the member:
 - (a) resigns by written notice delivered to the registrar,
 - (b) ceases to be a registrant eligible for election to the board,
 - (c) is absent from three consecutive board meetings unless previously excused by the board, or
 - (d) is removed by special resolution of the board.

First elections

11.1 Repealed

Vacancy

12. (1) If an elected board member ceases to hold office before the end of the member's term, the remaining board members may appoint, as the member's replacement, any registrant eligible under section 4 for the remainder of the term of that position.
- (2) If the member's term of office under subsection (1) ends before December 15 of the calendar year in which the member ceases to hold office, an election must be held to fill this position at the next scheduled board election.
- (3) If the remainder of the member's term of office under subsection (1) ends after December 15 in the calendar year of the calendar year in which the member ceases to hold office, an election must be held to fill this position at the board election for which notice is provided no later than December 15 in the following calendar year.
- (4) Despite a vacancy, the remaining board members may perform all duties and exercise all powers of the board under the Act and bylaws.

Chair and vice-chair

13. (1) At the first meeting of the board following an election under section 17(3)(a) of the Act, the board members must elect a chair and a vice-chair by majority vote for a term of one year.

- (1.1) Despite subsection (1), the board members must elect a chair and a vice-chair by majority vote for a term ending at the start of the first meeting of the board following the first election referred to in section 17(2)(a) of the Act.
- (2) The chair must
 - (a) preside at general meetings and board meetings,
 - (b) sign all certificates, diplomas and other instruments executed on behalf of the college as required, and
 - (c) sign the minutes of each board meeting after they are approved by the board.
- (3) The vice-chair must perform the duties of the chair in the chair's absence.
- (4) In the absence of both the chair and the vice-chair, an acting chair may be elected by a majority vote of the board members present.
- (5) The board may remove the chair or the vice-chair by special resolution.
- (6) A removed chair or vice-chair remains as a board member.

Resolutions and policies

14. (1) The board may do those things provided for in s. 19(1)(k), (l) and (z) of the Act by adopting a resolution or a policy.
- (2) If the board acts under subsection (1) by adopting a policy, the board must publish the policy on the college's web site or in another manner accessible to registrants and the public.

Board meetings

15. (1) The board must meet at least four times in each fiscal year and must provide reasonable notice of each board meeting to board members, registrants and the public.
- (2) The accidental omission to deliver notice of a board meeting to, or the non-receipt of a notice by, any person entitled to receive notice under subsection (1) does not invalidate proceedings at that meeting.
- (3) Board meetings must be called by the registrar at the request of the chair or any three board members.
- (4) A majority of the board constitutes a quorum.
- (5) Meetings of the board must be open to registrants and to the public.
- (6) The registrar must provide to members of the public on request the following information in electronic or written form:
 - (a) notice of the place, day and time of an upcoming board meeting,
 - (b) a copy of the agenda for that meeting, and
 - (c) a copy of the minutes of any previous board meeting.
- (7) Despite subsection (5), the board may exclude any person from any part of a meeting and conduct a meeting or part of a meeting in private if one or more of the following matters will be discussed:
 - (a) financial or personal or other matters may be disclosed of such a nature that the desirability of avoiding public disclosure of them in the interest of any person affected or in the public interest in avoiding public disclosure of those matters outweighs the public interest in board desirability of adhering to the principle that meetings be open to the public,
 - (b) information concerning an application by any individual for registration under section 20 of the Act, the disclosure of which would be an unreasonable invasion of the applicant's personal privacy,
 - (c) information concerning a complaint against, or an investigation of, any individual under Part 3 of the Act, the disclosure of which would be an unreasonable invasion of the individual's personal privacy,
 - (d) information the disclosure of which may prejudice the interests of any person involved in
 - (i) a proceeding under the Act, including a disciplinary proceeding under Part 3 of the Act or a review under Part 4.2 of the Act, or
 - (ii) any other person involved in a criminal proceeding, civil suit, or administrative proceeding may be prejudiced,

- (e) personnel matters,
 - (f) property acquisitions or disposals,
 - (g) the contents of examinations,
 - (h) communications with the Office of the Ombudsperson,
 - (i) instructions to or opinions from legal counsel, or any other matter that is subject to solicitor client privilege for the college, the board, or committees,
 - (j) information that the college would be required or authorized to refuse to disclose to an applicant making a request for records under Part 2 of the *Freedom of Information and Protection of Privacy Act*,
 - (k) information that the college is otherwise required by law to keep confidential.
- (8) If the board conducts a meeting or part of a meeting in private, it must record its reasons for doing so in the minutes.
 - (9) The registrar must retain minutes of each board meeting on file and must publish them on the college website.
 - (10) No resolution proposed at a board meeting need be seconded.
 - (11) The chair of the meeting may move or propose a resolution.
 - (12) In the case of an equality of votes the chair does not have a casting or second vote and the proposed resolution does not pass.
 - (13) The board may meet and conduct business by videoconference, teleconference or similar methods.

Extraordinary board meetings

- 16. Despite section 15(1), the registrar or the board chair may call a board meeting without providing notice to registrants and the public if necessary to conduct urgent business.
- 16.1
 - (1) The college must hold annual general meetings.
 - (2) Annual general meetings must be held in British Columbia.
 - (3) An annual general meeting must be held at least once every calendar year and not more than 15 months after the last annual general meeting.
 - (4) The following matters must be considered at an annual general meeting:
 - (a) the audited financial statements of the college; and
 - (b) the annual report.

Special general meetings

- 16.2
 - (1) The college may hold special general meetings.
 - (2) The board must convene a special general meeting within 90 days after the registrar receives a request for such a meeting signed by at least 20% of eligible voting registrants at the time the request is received.

Notice of annual general and special general meetings

- 16.3
 - (1) The registrar must deliver notice of each annual general or special general meeting in Form 6 to all board members and registrants at least 60 days before the meeting.
 - (2) Notice of an annual general or special general meeting must include
 - (a) the place, day and time of the meeting,
 - (b) the general nature of the business to be considered at the meeting,
 - (c) any resolutions proposed by the board, and
 - (d) any resolutions proposed by voters and delivered to the registrar prior to publication of the notice of meeting.
 - (3) The accidental omission to deliver notice of a general or special general meeting to, or the non-receipt of a notice by, any person entitled to receive notice under subsection (1) does not invalidate proceedings at that meeting.
 - (4) Annual general and special general meetings are open to the public.

- (5) The registrar must provide reasonable notice of each meeting to members of the public in electronic or written form.

Resolutions proposed by voters

- 16.4 (1) A voter may propose a resolution for debate at an annual general meeting by delivering a copy of the resolution, signed by at least ten voters, to the registrar at least 45 days before an annual general meeting.
- (2) Upon receiving a resolution under subsection (1), the registrar must deliver a copy of the resolution to all registrants and board members at least 45 days before the annual general meeting.

Procedure at annual general meetings

- 16.5 (1) A quorum for an annual general meeting is 15 voters.
- (2) If there is no quorum, no business may be conducted.
- (3) If at any time during the course of an annual general meeting there ceases to be a quorum, business then in progress must be suspended until there is a quorum.
- (4) An annual general meeting may be adjourned from time to time and from place to place, but no business may be transacted at an adjourned annual general meeting other than the business left unfinished at the time of the adjournment.
- (5) Annual general meetings must be chaired by the chair of the board or, in the chair's absence, by the vice-chair.
- (6) If both the chair and the vice-chair are absent from an annual general meeting, an acting chair must be elected by majority vote of the voters present.
- (7) The chair, the vice-chair or any acting chair may propose a resolution.
- (8) No motion proposed at an annual general meeting need be seconded.
- (9) Voting at an annual general meeting is by voting card.
- (10) In the event of a tie vote at an annual general meeting, the chair does not have an additional deciding vote and the resolution does not pass.

Procedure at special general meetings

- 16.6 (1) A quorum for a special general meeting is 10 voters.
- (2) If there is no quorum, no business may be conducted.
- (3) If at any time there ceases to be a quorum, business then in progress must be suspended until there is a quorum.
- (4) If there is no quorum within 30 minutes from the time scheduled for the commencement of a special general meeting, then the meeting must be cancelled and no further action may be taken in respect of the request under s. 16.2(2) for that meeting.
- (5) Special general meetings must be chaired by the chair of the board or, in the chair's absence, the vice-chair.
- (6) If both the chair and the vice-chair are absent from a special general meeting, an acting chair must be elected by majority vote of the voters present.
- (7) The chair, the vice-chair or any acting chair may propose a resolution.
- (8) No motion proposed at a special general meeting need be seconded.
- (9) Voting at a special general meeting is by voting card.
- (10) In the event of a tie vote at a special general meeting, the chair does not have an additional deciding vote and the resolution does not pass.

Voters at annual general and special general meetings

- 16.7 (1) Only therapeutic qualified and non-therapeutic qualified registrants in good standing as of the date of an annual general or special general meeting may vote in that meeting.
- (2) Each voter has one vote.

Notice to public representatives

- 16.8 Every notice delivered to the general membership of the college must also be provided to each appointed board member and each public representative who is serving on a committee.

Committees

17. (1) The board must appoint committee members.
- (2) The board may appoint up to five public representatives to sit on committees.
- (3) The board may from time to time establish special committees, the membership and purpose of which are determined by the board.
- (4) A person appointed to a committee, other than ex officio members and public representatives:
- (a) must serve a term not exceeding one year, and
 - (b) is eligible for reappointment but may not serve more than three consecutive terms.
- (5) A person appointed to a committee as a public representative:
- (a) must serve a term not exceeding three years;
 - (b) is eligible for reappointment but may not serve more than three consecutive terms;
 - (c) ceases to hold office if he or she ceases to meet the requirements in section 1; and
 - (d) may be removed from office by special resolution of the board.
- (6) A committee member may resign from the committee by providing written notice of resignation to the registrar.
- (7) If a committee position becomes vacant, the board may appoint a new member to the committee.
- (8) The board must appoint a committee chair and committee vice-chair from the members of the committee other than the committee's ex officio members.
- (9) A majority of the committee constitutes a quorum.
- (10) The chair of the board and the registrar are ex officio non-voting members of every committee.
- (11) Subject to subsection (8), a person may not simultaneously be a member of the inquiry committee and a member of the discipline committee.

Registration Committee

- 17.1 (1) The registration committee is established consisting of:
- (a) at least six persons appointed by the board with at least one appointed board member and one public representative, and
 - (b) ex officio members.

Inquiry Committee

- 17.2 (1) The inquiry committee is established consisting of:
- (a) at least six persons appointed by the board with at least one appointed board member and one public representative, and
 - (b) ex officio members.
- (2) The responsibilities of the inquiry committee are, in addition to those set out in the Act, to provide information to the public regarding the college's complaint and disciplinary process.

Discipline Committee

- 17.3 (1) The discipline committee is established consisting of:
- (a) at least six persons appointed by the board with at least one appointed board member and one public representative, and
 - (b) ex officio members.

Quality assurance committee

18. (1) The quality assurance committee is established consisting of:
- (a) at least six persons appointed by the board with at least one appointed board member and one public representative, and
 - (b) ex officio members.

- (2) The quality assurance committee is responsible for:
- (a) recommending to the board standards of practice to enhance the quality of practice and to reduce incompetent, impaired or unethical practice among registrants, and reviewing the standards of practice periodically,
 - (b) recommending to the board a quality assurance program to promote high standards of practice among registrants, and administering the quality assurance program established by the board,
 - (c) assessing the professional performance of registrants,
 - (d) recommending mandatory continuing optometric education to the board,
 - (e) assessing the clinical ability of registrants,
 - (f) collecting information from registrants in furtherance of the objects of this section,
 - (g) establishing remedial procedures to assist registrants in identifying and correcting deficiencies in their clinical abilities or places of practice, and
 - (h) recommending to the board changes to policies or bylaws in relation to all aspects of the management and conduct of BC optometric corporations to ensure their compliance, and the compliance of their registrant shareholders, with the Act, the regulations, these bylaws and the policies of the college.

Patient relations committee

19. (1) The patient relations committee is established consisting of:
- (a) at least six persons appointed by the board with at least one appointed board member and one public representative, and
 - (b) ex officio members.
- (2) The patient relations committee is responsible for:
- (a) establishing and maintaining procedures by which the college deals with complaints of professional misconduct of a sexual nature,
 - (b) monitoring and periodically evaluating the operation of procedures established under paragraph (a),
 - (c) establishing a patient relations program to prevent professional misconduct, including professional misconduct of a sexual nature,
 - (d) developing and recommending guidelines for the conduct of registrants with their patients, and
 - (e) providing information to the public regarding the college's complaint and disciplinary process.
- (3) For the purpose of this section, "professional misconduct of a sexual nature" means
- (a) sexual intercourse or other forms of physical sexual relations between the registrant and the patient,
 - (b) touching, of a sexual nature, of the patient by the registrant, or
 - (c) behaviour or remarks of a sexual nature by the registrant towards the patient,
- but does not include touching, behaviour and remarks by the registrant towards the patient that are of a clinical nature appropriate to the service being provided.

Pharmaceutical advisory committee

20. (1) The pharmaceutical advisory committee is established consisting of seven persons appointed by the board as follows:
- (a) four therapeutic qualified registrants,
 - (b) one medical practitioner confirmed by the College of Physicians and Surgeons of British Columbia as suitable for membership on the committee,
 - (c) one pharmacist confirmed by the College of Pharmacists of British Columbia as suitable for membership on the committee, and
 - (d) one person nominated by the Ministry of Health Services.

- (2) The pharmaceutical advisory committee must develop and recommend to the board standards, Limits and conditions on the prescribing, dispensing and administering of therapeutic pharmaceutical agents by registrants in accordance with the regulations and bylaws.
- (3) The pharmaceutical advisory committee may consult, as it considers necessary or appropriate, with registrants or others who have expertise relevant to the prescribing, dispensing and administering of therapeutic pharmaceutical agents.

Committee members

21. Repealed.

Committee reports

22. Committees must submit reports of their activities to the board annually prior to the annual general meeting of the college.

Panels

23. (1) Any committee established under section 17.1, 17.2, 17.3, 18 and 19 may appoint panels.
- (2) A panel consists of at least three members who may conduct the business of the committee.
- (3) A chair of the panel is designated by the chair of the committee.
- (4) At least one member of each panel must be an appointed board member or public representative.
- (5) A panel of a committee may exercise any power, duty or function of that committee.
- (6) *Ex officio* members of a committee must not be appointed to panels of any committee.

Meetings of committees and panels

24. (1) A majority of members of the committee constitutes a quorum for a meeting of the committee.
- (2) All panel members constitute a quorum for a meeting of the panel.

Remuneration and reimbursement

25. (1) The board must fix an honorarium to be paid to board and committee members once per year.
- (2) Board and committee members will be remunerated equally.
- (3) Board and committee members will be reimbursed by the college for reasonable expenses necessarily incurred in connection with the business of the college.

Robert's Rules of Order

26. Subject to the Act and bylaws, all board and committee meetings are to be governed by *Robert's Rules of Order*.

PART 2 – COLLEGE ADMINISTRATION (SECTIONS 27 TO 43)

Definition

27. In this Part, “voter” means a full registrant.

College seal

28. (1) A seal for the college must be approved by the board.
(2) The seal of college must be affixed, by those persons designated by the board, to certificates of registration and such other documents as the board may direct by resolution.

Annual report

29. The registrar must prepare the annual report for the board.

Deputy registrar

30. If a deputy registrar is appointed by the board,
(a) the deputy registrar is authorized to perform all duties and exercise all powers of the registrar, subject to the direction of the registrar, and
(b) if the registrar is absent or unable for any reason to act, the deputy registrar is authorized to perform all duties and exercise all powers of the registrar.

Fiscal year

31. The fiscal year of the college begins on January 1 and ends on December 31 of each year.

Bank accounts

32. The board or, at its discretion, the registrar, may establish and maintain such accounts with a chartered bank, trust company or credit union as the board determines necessary from time to time.

Budget

33. (1) The board
(a) must each year approve an operating and capital budget for the following fiscal year,
(b) must periodically review the interim operating statements, balance sheets, summary of variances and forecasted excess or deficiency of revenue over expense for the current fiscal year,
(c) may amend the approved budget, and
(d) may establish criteria for disbursements to be made by the registrar from a contingency reserve fund.
(2) The registrar
(a) may authorize the payment of any item approved within the budget without further approval from the board, and
(b) may authorize the payment of any item exceeding the approved budget without further approval from the board provided that the registrar reports to the board at the earliest opportunity the amount by which the payments are forecasted to exceed the budgeted amount.

Expenditures

34. Repealed.

Investments

35. Subject to sections 15.1 and 15.2 of the *Trustee Act*, the board or, at its discretion, the registrar may, in the name of the college
(a) invest funds of the college in any investments, and
(b) change those investments

Auditor

36. (1) The board must each year appoint a chartered accountant or a certified general accountant to be the auditor.
- (2) The registrar must submit the financial statement to the auditor within 60 days of the end of the fiscal year.
- (3) A copy of the auditor's report must be included in the annual report.

Legal representation

37. The college may retain legal counsel for the purpose of assisting in carrying out any power or duty under the Act, the regulation, the bylaws or any other law.

General meetings

38. Repealed.

Voters at general meetings

39. Repealed.

Notice of general meetings

40. Repealed.

Resolutions proposed by voters

41. Repealed.

Procedure at general meetings

42. Repealed.

Notice to public representatives

43. Repealed.

PART 3 – COLLEGE RECORDS (SECTIONS 44 TO 49)

Freedom of Information and Protection of Privacy Act

44. (1) The registrar is the head of the college for the purposes of the *Freedom of Information and Protection of Privacy Act*.
- (2) The registrar may authorize the deputy registrar, a person employed by the college, or a person contracted to perform services for the college to perform any duty or exercise any function of the registrar that arises under the *Freedom of Information and Protection of Privacy Act*.
- (3) The board is responsible for ensuring that the registrar fulfils his or her duties under the *Freedom of Information and Protection of Privacy Act*.
- (4) The registrar must report to the board annually on the steps he or she has taken to fulfil his or her duties under the *Freedom of Information and Protection of Privacy Act*.

Fee for information requests

45. Subject to section 75 of the *Freedom of Information and Protection of Privacy Act*, an applicant who requests access to a college record under section 5 of the *Freedom of Information and Protection of Privacy Act* must pay the fees set out in Schedule E for services required to comply with the request.

Protection of personal information

46. (1) The board must take all reasonable measures to ensure that the collection, use and disclosure of personal information occurs in accordance with the *Freedom of Information and Protection of Privacy Act*.
- (2) The board must take reasonable measures to ensure that, if personal information is sent to any person or service organization for processing, storage or destruction, a contract is made with that person or organization which includes an undertaking by the person or organization that confidentiality will be maintained.

Annual report to be published

47. The registrar must make each annual report under section 18(2) of the Act available electronically and free of charge on the college web site, must notify registrants that the report is available, and must provide a paper copy of the report to any person on request upon payment of the fee set out in Schedule E.

Inquiries about registration status

48. (1) If an inquiry about the registration status of a registrant is received by the college, the registrar must disclose, in addition to the matters required by section 22 of the Act,
- (a) whether the discipline committee has ever made an order relating to the person under section 39 of the Act and the details of that order,
 - (b) whether the person has ever consented to an order under section 37.1 of the Act and the details of that order, and
 - (c) whether the person has ever given an undertaking and consent order under section 36 of the Act in relation to a serious matter as defined in section 26 of the Act, and the details of such an undertaking and consent order.
- (2) When acting under subsection (1), the registrar must not release the name of, or information which might enable a person to identify,
- (a) a patient, or
 - (b) another person, other than the registrant, affected by the matter, except with the consent of the patient or the other person.

Inquiries about BC optometric corporation permits

- 48.1 If an inquiry about the status of a BC optometric corporation permit is received by the college, the registrar must disclose whether the BC optometric corporation permit has been revoked under s. 44 of the Act.

Manner of disposal of college records containing personal information

49. The board must ensure that a college record containing personal information is disposed of only by
- (a) effectively destroying a physical record by using a shredder or by complete burning,
 - (b) erasing information recorded or stored by electronic methods on drives, disks, tapes, cassettes or other storage media in a manner that ensures that the information cannot be reconstructed,
 - (c) returning the record to the person the information pertains to, or
 - (d) returning the record to the registrant who compiled the information.

PART 4 – REGISTRATION (SECTIONS 50 TO 70)

Definitions

50. In this Part and in Schedule H:

“national qualifying examination” means the entry to practice examination administered by the Canadian Examiners in Optometry from time to time;

“national qualifying examination equivalent” means examinations offered in other jurisdictions which are equivalent to the national qualifying examination in the opinion of the registration committee;

“jurisprudence examination” means the jurisprudence examination approved by the registration committee;

“recognized jurisdiction” means a jurisdiction recognized by the board under section 69 and specified in Schedule G;

“recognized school of optometry” means a program recognized by the board under section 68 and specified in Schedule F;

“therapeutic pharmaceutical agents” means therapeutic pharmaceutical agents as defined in the Regulation.

Registrant classes

51. (1) The following registrant classes are established:

- (a) therapeutic qualified registrants;
- (b) non-therapeutic qualified registrants;
- (c) limited registrants;
- (d) academic registrants;
- (e) non-practising registrants.

(2) Only therapeutic qualified registrants may prescribe, dispense or administer therapeutic pharmaceutical agents.

(3) Despite subsection (2), academic registrants may administer therapeutic pharmaceutical agents when doing so for educational purposes in an instructional setting.

Application for registration

52. (1) A person applying for registration in any registrant class must deliver to the registrar

- (a) a registration application in Form 7 including all documents required by that form,
- (b) an authorization for a criminal record check in the form required by the *Criminal Records Review Act*,
- (c) proof that he or she is a Canadian citizen or a permanent resident of Canada or otherwise authorized to work in Canada in a health care profession,
- (d) in the case of applicants who have practised optometry or another health profession in another jurisdiction, an authorization for a criminal record check in that jurisdiction or a criminal record report in a form satisfactory to the Registrar,
- (e) the registration application fee set out in Schedule E, and
- (f) any other fee, fine, levy or debt owed to the college or to the former board of examiners under the *Optometrists Act*.

(2) An applicant for registration who has practised or is practising optometry in another jurisdiction, or who has practiced or is practising another health profession in British Columbia or another jurisdiction, must deliver to the registrar:

- (a) a letter from each regulatory body that has registered, licensed, certified or otherwise authorized the person to practise optometry or another health profession, confirming the person's good standing in the other jurisdiction at the time he or she ceased practising in the other jurisdiction or ceased practising the other health profession or both, as applicable, and confirming the person's good standing in any health profession in which he or she is currently practising, and
 - (b) a statement from the applicant that lists all outstanding complaints, claims, actions, inquiries or proceedings against him or her in British Columbia, or in any other jurisdiction, or
 - (c) both as the case may be, in relation to the practice of a health profession.
- (3) Despite sections 53(1)(c), 54(1) and 55(1), a person applying for registration who has not successfully completed the national qualifying examination or the national qualifying examination equivalent on up to three attempts may be granted registration in the registrant class to which the person applies if that person:
- (a) successfully completes a supplementary examination as directed by the registration committee, and
 - (b) completes retraining as specified by the registration committee.
- (4) A person who fails a supplementary examination three times will not be granted registration in any registrant class.

Therapeutic qualified registration

53. (1) For the purposes of section 20(2) of the Act, a person applying for registration as a therapeutic qualified registrant must satisfy the registration committee that he or she
- (a) has graduated from a recognized school of optometry,
 - (b) has passed the jurisprudence examination,
 - (c) has passed the national qualifying examination or national qualifying examination equivalent,
 - (d) is a person of good character suitable for registration as a member of the college, and
 - (e) is qualified, through meeting the requirements set out in Schedule H, to prescribe, dispense and administer therapeutic pharmaceutical agents as set out in the Regulation.
- (2) Despite subsection (1), an applicant who is currently authorized to practice optometry in a recognized jurisdiction at the time of submitting his or her application must only satisfy the registration committee that he or she
- (a) meets the requirements of section 52,
 - (b) has passed the jurisprudence examination, and
 - (c) is a person of good character suitable for registration as a registrant of the college.
- (3) Despite subsection (1)(a) and (c), the registration committee has discretion in satisfying itself under section 20 of the Act that the applicant meets the conditions or requirements for registration as a member of the college, to consider whether the applicant's knowledge, skills and abilities are substantially equivalent to the standards of academic or technical achievement and the competencies or other qualifications established in subsection (1), and to grant registration on that basis.

Non-therapeutic qualified registration

54. (1) For the purposes of section 20(2) of the Act and subject to subsection (2), a person applying for registration as a non-therapeutic qualified registrant must satisfy the registration committee that he or she meets all of the requirements for therapeutic qualified registration as set out in section 53.
- (2) A person who is qualified for registration under section 53 must not be granted registration as a non-therapeutic registrant unless he or she

- (a) practised optometry in British Columbia or another jurisdiction prior to April 1, 2009, and
 - (b) was not eligible to prescribe pharmaceutical agents in the course of his or her previous practice of optometry.
- (3) Despite subsection (1), an applicant who is currently authorized to practice optometry in a recognized jurisdiction at the time of submitting his or her application must only satisfy the registration committee that he or she
- (a) meets the requirements of section 52,
 - (b) has passed the jurisprudence examination, and
 - (c) is a person of good character suitable for registration as a registrant of the college
- (4) Despite subsection (1), the registration committee has discretion in satisfying itself under section 20 of the Act that the applicant meets the conditions or requirements for registration as a member of the college, to consider whether the applicant's knowledge, skills and abilities are substantially equivalent to the standards of academic or technical achievement and the competencies or other qualifications established in subsection (1), and to grant registration on that basis.

Academic registration

55. (1) For the purposes of section 20(2) of the Act, a person applying for registration as an academic registrant must meet all the requirements for therapeutic qualified registration as set out in section 53.
- (2) An academic registrant must not provide optometric services in British Columbia except for educational purposes in an instructional setting.

Non-practising registration

56. (1) For the purposes of section 20(2) of the Act, a person applying for registration as a non-practising registrant must satisfy the registration committee that he or she
- (a) is currently registered as a full registrant or academic registrant, or is qualified for registration as a full registrant or academic registrant, and
 - (b) has passed the jurisprudence examination, and deliver to the registration committee a statutory declaration in Form 8 confirming that he or she will not provide optometric services in British Columbia while registered under this section.
- (2) A person may only be granted non-practising registration for a limit of three consecutive years subject to the discretion of the registration committee.

Registration for applicants currently practising in a recognized jurisdiction

57. Repealed.

Registration for applicants with equivalent qualifications

58. Repealed.

Eligibility for full B registration

59. Repealed.

Limited registration

60. (1) The registration committee may grant limited registration to any applicant who does not meet the requirements established in section 53 or 54 for a period of up to one year where the applicant
- (a) may, in the opinion of the registration committee, be reasonably expected to satisfy the requirements set out in sections 53(1)(a) and (c), within the period of limited registration,
 - (b) may, in the opinion of the registration committee, practice as a limited registrant without any risk to public health and safety,
 - (c) provides a signed application for limited registration in a form approved by the registration committee;
 - (d) pays the application fee set out in Schedule E,

- (e) pays any other fee, fine, levy or debt owed to the college or to the former board of examiners under the *Optometrists Act*.
- (2) Limited registration under this section may be renewed once for a period of up to one year.
- (3) A person who has been granted limited registration under subsection (1) may only perform the services of a full registrant under the supervision of a practitioner and upon any limits or conditions set by the registration committee.
- (4) Full registration may be granted by the registration committee to a person who has been granted limited registration under subsection (1) who completes the period of supervised practice and meets the requirements of section 53 or 54 as applicable.

Insurance requirement

- 61. (1) Each full registrant or academic registrant must obtain and at all times maintain professional liability insurance with a limit of liability not less than \$2,000,000 per occurrence insuring against liability arising from an error, omission or negligent act of the registrant.
- (2) Each full registrant or academic registrant must obtain and at all times maintain professional liability insurance with a limit of liability not less than \$2,000,000 per occurrence insuring against liability arising from an error, omission or negligent act of an employee of the registrant.
- (3) Each full registrant or academic registrant must provide written proof of professional liability insurance to the registrar on request.

Certificate of registration

- 62. (1) The registrar must issue a certificate in Form 9 to any person granted full or academic registration.
- (2) The certificate must state the registrant's class and the certificate's date of issue.
- (3) A certificate issued under this section is valid until the following December 1.

Registration renewal

- 63. (1) A registrant seeking renewal of his or her registration must deliver to the registrar
 - (a) a registration renewal application in Form 10,
 - (b) the registration renewal fee set out in Schedule E,
 - (c) any other outstanding fee, fine, levy or debt owed to the college or to the former board of examiners under the *Optometrists Act*,
 - (d) proof of completion of all applicable requirements of the quality assurance program under Part 5, and
 - (e) in the case of application for renewal as a full registrant or academic registrant, proof of professional liability insurance.
- (2) A registrant seeking renewal of registration under this section must ensure that the documents and monies required under subsection (1) are received by the registrar on or before October 31 in each year.
- (3) A registrant whose documents or monies described in subsection (1) are received by the registrar in whole or in part after October 31 in a year must ensure that the late fee set out in Schedule E is received by the registrar on or before November 30 in the year.
- (4) The registrar must renew the registration of each registrant in good standing who complies with the requirements of this section and must issue to the registrant a receipt in Form 11.
- (5) Registration renewed under this section expires on December 1 in the following year.
- (6) A registrant whose registration is not renewed under this section on or before November 30 in a year ceases to be registered.
- (7) The registrar must deliver notice of the renewal and late fees referred to in this section, together with a copy of Form 10, to each registrant no later than October 1 in each year.

Reinstatement

- 64. (1) A former registrant or a non-practising registrant whose registration is not suspended or cancelled under section 39 of the Act and who has been out of practice for less than one year may be restored

- to the full register by the registration committee where the registrant
- (a) provides a signed application for reinstatement in Form 12,
 - (b) provides proof of completion of all applicable requirements of the quality assurance program under Part 5, as though he or she had not ceased to be registered,
 - (c) pays the registration renewal fee set out in Schedule E, and
 - (d) pays any other fee, fine, levy or debt owed to the college or to the former board of examiners under the *Optometrists Act*.
- (2) A former registrant or non-practising registrant whose registration is not suspended or cancelled under section 39 of the Act and who has been out of practice for more than one year but less than three years may be restored to the full register by the registration committee where the registrant
- (a) provides a signed application for reinstatement in Form 12,
 - (b) successfully completes an examination which may be required by the registration committee in its discretion,
 - (c) provides proof of completion of all applicable requirements of the quality assurance program under Part 5,
 - (d) pays the registration renewal fee set out in Schedule E, and
 - (e) pays any other fee, fine, levy or debt owed to the college or to the former board of examiners under the *Optometrists Act*.
- (3) A former registrant or non-practising registrant whose registration is not suspended or cancelled under section 39 of the Act and who has been out of practice for more than three years may be granted limited registration by the registration committee where the registrant:
- (a) provides a signed application for reinstatement in Form 12,
 - (b) successfully completes an examination required by the registration committee,
 - (c) provides proof of completion of all applicable requirements of the quality assurance program under Part 5,
 - (d) in the opinion of the registration committee may practice as a limited registrant without any risk to public health and safety,
 - (e) pays the registration renewal fee set out in Schedule E, and
 - (f) pays any other fee, fine, levy or debt owed to the college or to the former board of examiners under the *Optometrists Act*.
- (4) The registration of a person who has been granted limited registration under subsection (3) may be renewed for a further period of up to one year by the registration committee.
- (5) A person who has been granted limited registration under subsection (3) may only perform the services of a full registrant under the supervision of a full registrant.
- (6) A person who has been granted limited registration under subsection (3) and who was formerly a full registrant may be restored or reinstated to the full register upon completion of a one year period of supervised practice.

Reinstatement after two months

65. Repealed.

Reinstatement following disciplinary action

66. (1) In this section, “disciplined person” means
- (a) a former registrant whose registration was suspended or cancelled under section 32.2, 32.3, 33, 35, 36, 37.1, 38, 39 or 39.1 of the Act, or
 - (b) a person whose certificate of registration was suspended or cancelled under section 30 of the *Optometrists Act*,
- and who is eligible to apply for reinstatement of registration.
- (2) The registration of a disciplined person must, subject to sections 20 and 39 of the Act and section 54(2), be reinstated by the registration committee if the disciplined person
- (a) is not in contravention of the Act, the regulations and these bylaws,

- (b) delivers to the registrar
 - (i) a registration reinstatement application in Form 12,
 - (ii) an authorization for a criminal record check in the form required by the *Criminal Records Review Act*,
 - (iii) in the case of an applicant who has practised optometry or another health profession in another jurisdiction, an authorization for a criminal record check in that jurisdiction,
 - (iv) in the case of an application for reinstatement as a full registrant, proof of completion of all requirements of section 73 as though he or she had been a full registrant for the period in which he or she was out of practice,
 - (v) the registration reinstatement fee set out in Schedule E,
 - (vi) any other fee, fine, levy or debt owed to the college or to the former board of examiners under the *Optometrists Act*,
 - (vii) evidence satisfactory to the registration committee that he or she is a person of good character suitable for registration as a member of the college, and
 - (viii) a letter from each regulatory body that has previously registered, licensed, certified or otherwise authorized the person to practice optometry or another health profession, confirming the person's good standing in the other jurisdiction, the other health profession, or both as applicable.
- (c) successfully completes an assessment of optometry at the discretion of the registration committee, and
- (d) satisfies the registration committee that his or her registration will not
 - (i) pose an undue risk to public health or safety, or
 - (ii) otherwise be contrary to the public interest.

Jurisprudence examination

67. The registration committee must approve a jurisprudence examination for applicants for registration under this Part which may be scheduled at the discretion of the registrar.

Recognition of schools of optometry

68. (1) The registration committee may review an optometry program in a Canadian province or another jurisdiction for the purpose of making a recommendation to the board that the program be a recognized school of optometry for the purposes of this Part.
- (2) The board may, upon recommendation from the registration committee under subsection (1), recognize an optometry program in a Canadian province or another jurisdiction as a recognized school of optometry for the purposes of this Part.
- (3) The board must publish and maintain a list of all recognized programs of optometry as Schedule F to these bylaws.

Recognition of other jurisdictions

69. (1) The registration committee may review the practice and regulation of optometry in a Canadian province or another jurisdiction for the purpose of making a recommendation to the board that the jurisdiction be a recognized jurisdiction for the purposes of this Part.
- (2) The board may, upon recommendation from the registration committee under subsection (1), recognize a jurisdiction as a recognized jurisdiction for the purposes of this Part.
- (3) The board must publish and maintain a list of all recognized jurisdictions as Schedule G to these bylaws.

Change of registrant information

70. Repealed.

PART 5 – QUALITY ASSURANCE (SECTIONS 71 TO 74)

Quality assurance program

71. (1) Registrants must fulfil the requirements of the quality assurance program established by this Part.
- (2) The quality assurance program consists of any continuing education courses and any other requirements approved by the quality assurance committee.
- (3) The quality assurance committee may approve different courses and requirements for different classes of registration.

Assessing professional performance

72. (1) The quality assurance committee or an assessor appointed by the committee may assess the professional performance of a registrant, including assessment of a registrant’s clinical ability, record-keeping and place of practice.
- (2) If the quality assurance committee is required to notify the inquiry committee pursuant to section 26.2(3) of the Act, the quality assurance committee must deliver notice in writing with a copy to the registrar.

Continuing education requirements

73. (1) Full registrants and non-practising registrants must each year complete the minimum number of continuing education program hours specified by the quality assurance committee.
- (2) No more than 50% of the minimum number of continuing education program hours referred to in subsection (1) may be on subjects other than ocular health.
- (3) Full registrants must complete a CPR certification course at least once every three years and must hold a certification that is no more than three years old when renewing their registration under section 63.

Standards and competence audits

74. (1) In this section, “professional competence” means the ability to perform an optometric examination, diagnosis and disposition of a patient in the manner and with the skill ordinarily expected of optometrists in British Columbia.
- (2) The registrar must ensure that an audit of a sample of registrants is conducted annually, or at any other interval determined by the quality assurance committee, to verify compliance with the bylaws and policies of the college concerning standards of practice and professional competence.
- (3) Registrants must comply and cooperate with audits conducted under this section.

PART 6 – INSPECTIONS, INQUIRIES AND DISCIPLINE (SECTIONS 75 TO 84)

Inspections

75. An inspector must not observe a registrant while the registrant is providing a service to a patient except where:
- (a) the consent of the patient being treated has been obtained in advance, or
 - (b) the service is being provided in a public setting.

Complaints

76. (1) The inquiry committee must notify a registrant who is the subject of an investigation and any complainant of the disposition of the investigation and any action taken under section 33(6) of the Act.
- (2) Before agreeing to accept an undertaking or consent under sections 36 or 37.1 of the Act, the inquiry committee may review any previous complaints and disciplinary matters involving the registrant to be satisfied that the proposed undertaking or consent is appropriate in the circumstances.

Investigation process

- 76.1 (1) The inquiry committee must carry out an investigation of a matter referred to it under section 33 of the Act.
- (2) When the inquiry committee conducts an investigation, the registrar, or any other person designated to assist with the investigation, may
- (a) require the registrant who is the subject of the complaint to reply promptly to written requests for information relevant to the matter under investigation, and to submit any practice records relevant to the matter under investigation;
 - (b) request a written report or any other information from any registrant or other person that the registrar or designate considers may be of assistance in reviewing the matter under investigation,
 - (c) meet with the complainant, the registrant who is the subject of the complaint and any other person the registrar or designate may consider necessary, to discuss the matter under investigation, and
 - (d) attempt to resolve the complaint through alternative dispute resolution.

Mediation

77. (1) The inquiry committee may recommend under section 33(6)(b) of the Act that a complaint be mediated where:
- (a) the inquiry committee determines that the issuance of citation under section 37 of the Act is not warranted, and
 - (b) the complainant and the registrant agree to mediation.
- (2) Following a recommendation under subsection (1), the inquiry committee must appoint a mediator who is acceptable to the complainant and the registrant.
- (3) The mediator must conduct the mediation process in accordance with the terms of a written mediation agreement executed by the complainant and the registrant.
- (4) Where an agreement between the complainant and the registrant is reached through mediation, the terms of the agreement must be approved by the inquiry committee.
- (5) Where the term of an agreement between the complainant and the registrant reached through mediation requires the registrant to undertake or consent to an action referred to in section 36, the inquiry committee may request the registrant to make such an undertaking or consent where the inquiry committee considers the undertaking or consent to be appropriate in the circumstances.
- (6) Where an agreement is approved by the inquiry committee under subsection (4), the inquiry committee must retain a copy of the agreement on file.

- (7) Where an agreement is not reached through mediation, the mediator must refer the matter back to the inquiry committee.

Citations

78. (1) Citations must be in Form 13.
- (2) On the direction of the inquiry committee or the discipline committee, the registrar may join one or more complaints or other matters which are to be the subject of a discipline hearing in one citation as appropriate in the circumstances.
- (3) On the direction of the inquiry committee or the discipline committee, the registrar may sever one or more complaints or other matters which are to be the subject of a discipline hearing as appropriate in the circumstances.
- (4) On the direction of the inquiry committee or the discipline committee, the registrar may amend a citation issued under section 37 of the Act.
- (5) If the citation is amended under this section before a discipline hearing begins, the amended citation must be delivered to the registrant against whom the citation is issued at least 30 days before the hearing.

Discipline committee proceedings

79. (1) No member of the discipline committee may hear a matter under section 38 of the Act in which he or she has had any prior involvement, including as a member of the inquiry committee.
- (2) Information about the date, time and subject matter of the hearing must be provided to any person on request.
- (3) The discipline committee must provide notice in Form 14, by registered mail or personal service, together with a copy of the citation, to any person required to attend a hearing under section 38(6) of the Act.
- (4) All discipline hearings must be recorded and any person may obtain, at his or her expense, a transcript of any part of the hearing which he or she was entitled to attend.
- (5) No proceeding before the discipline committee must be invalidated nor any decision be set aside by reason of a failure fully to record the hearing or provide a transcript of it.

Notice to regulatory bodies

80. If an order is made against a registrant under section 39(2) of the Act which
 - (a) imposes limits or conditions on the registrant's practice,
 - (b) suspends the registrant's registration, or
 - (c) cancels the registrant's registration,the registrar must notify
 - (d) the body responsible for the regulation of the profession of optometry in every other Canadian jurisdiction, and
 - (e) on request, anybody responsible for the regulation of the profession of optometry outside Canada.

Conduct during suspension

81. (1) A registrant whose registration is suspended must not, for the duration of the suspension,
 - (a) practise optometry,
 - (b) hold himself or herself out as entitled to practise optometry,
 - (c) hold office in the college,
 - (d) make appointments for patients or prospective patients, or
 - (e) contact or communicate with patients or prospective patients except for the purpose of advising them of the fact and duration of the suspension or referring them to a registrant in good standing.
- (2) A registrant whose registration is suspended must
 - (a) surrender his or her certificate of registration to the registrar for the duration of the

- suspension,
 - (b) remove from the registrant's place of practice his or her name,
 - (c) prominently display, in an area approved by the registrar, a notice of suspension in Form 14A, and
 - (d) unless he or she resigns as a registrant, pay any fees or assessments due to the college as if he or she were not suspended.
- (3) A registrant whose registration is suspended is not entitled to a refund of any fees or assessments he or she paid before being suspended.
- (4) During the suspension, a suspended registrant may permit another registrant in good standing to practise within the suspended registrant's office, provided that the suspended registrant complies with the provisions of this section.

Fines

82. The maximum fine that may be ordered by the discipline committee under section 39(2)(f) of the Act is \$100,000.00.

Costs

83. (1) The tariff of costs set out in Schedule C to partially indemnify the college for investigations under section 33 of the Act is established.
- (2) The tariff of costs set out in Schedule D to partially indemnify parties for their expenses incurred in the preparation for and conduct of disciplinary hearings under section 38 of the Act is established.

Committee records

84. (1) Records of the inquiry committee must be retained for not less than seven years following the conclusion of an investigation and records of the discipline committee must be retained for not less than seven years following the date a decision is rendered.
- (2) Despite subsection (1), decisions and reasons documents of the inquiry and discipline committees relating to actions taken under sections 32, 32.2, 32.3, 33(6)(c) or (d), 35, 36, 37.1, 38, 39, 39.1 or 44 of the Act must be kept on permanent record at the office of the college.

PART 7 – REGISTRANTS' RECORDS (SECTIONS 85 TO 105)

Definitions

85. For the purposes of this Part, "patient representative" means

- (a) a committee of the patient under the *Patient's Property Act*,
- (b) the parent or guardian of a patient who is under 19 years of age,
- (c) a representative authorized by a representation agreement under the *Representation Agreement Act* to make or help in making decisions on behalf of a patient,
- (d) a decision maker or guardian appointed under section 10 of the *Adult Guardianship Act*, and
- (e) a temporary substitute decision maker chosen under section 16 of the *Health Care (Consent) and Care Facility (Admission) Act*.

Purpose for which personal information may be collected

86. No registrant may collect personal information regarding a patient unless

- (a) the information relates directly to and is necessary for providing optometric services to the patient or for related administrative purposes, or
- (b) the collection of that information is expressly authorized by or under an enactment.

Source of personal information

87. (1) A registrant must collect personal information about a patient directly from the patient.

- (2) Despite subsection (1), a registrant may collect personal information from another person if the registrant has reasonable grounds to believe
 - (a) that the patient has been made aware of the matters set out in section 88 and has authorized collection of the personal information from another person,
 - (b) that the patient is unable to give his or her authority and the registrant, having made the patient's representative aware of the matters set out in section 88, collects the information from the representative or the representative authorizes collection from another person,
 - (c) that compliance with subsection (1) would
 - (i) prejudice the best interests of the patient,
 - (ii) defeat the purpose or prejudice the use for which the information is collected, or
 - (iii) prejudice the safety of any person,
 - (d) that compliance with subsection (1) is not reasonably practicable in the circumstances of the particular case,
 - (e) that the collection is for the purpose of assembling a family or genetic history of a person and is collected directly from that person,
 - (f) that the information is publicly available information,
 - (g) that the information
 - (i) will not be used in a form in which the patient concerned is identified, or
 - (ii) will be used for statistical or research purposes and will not be published in a form that could reasonably be expected to identify the patient, or
 - (h) that non-compliance with subsection 1 is necessary if the information is about law enforcement or anything referred to in sections 15(1) or (2) of the *Freedom of Information and Protection of Privacy Act*.

Collection of personal information

88. (1) If a registrant collects personal information directly from the patient, or from the patient's representative, the registrant must take such steps as are, in the circumstances, reasonable to ensure that the patient or patient's representative is aware of
- (a) the fact that the personal information is being collected,
 - (b) the purpose for which the personal information is being collected,
 - (c) the intended recipients of the personal information,

- (d) whether or not the supply of the personal information is voluntary or mandatory and, if mandatory, the legal authority for collecting the personal information,
 - (e) the consequences, if any, for that patient if all or any Part of the requested personal information is not provided,
 - (f) the rights of access to personal information provided in section 102.
- (2) The steps referred to in subsection (1) must be taken before the personal information is collected or, if that is not practicable, as soon as practicable after the personal information is collected.
 - (3) A registrant is not required to take the steps referred to in subsection (1) in relation to the collection of personal information from a patient, or the patient's representative, if the registrant has taken those steps in relation to the collection, from the patient or patient's representative, of the same information or information of the same kind for the same or a related purpose, on a recent previous occasion.
 - (4) A registrant is not required to comply with subsection (1) if the registrant believes on reasonable grounds
 - (a) that non-compliance is authorised by the patient concerned,
 - (b) that compliance would
 - (i) prejudice the interests of the patient concerned, or
 - (ii) defeat the purpose or prejudice the use for which the information is collected,
 - (c) that compliance is not reasonably practicable in the circumstances of the particular case, or
 - (d) that the information is about law enforcement or anything referred to in sections 15(1) or (2) of the *Freedom of Information and Protection of Privacy Act*.

Manner of collection of personal information

89. Personal information must not be collected by a registrant

- (a) by unlawful means, or
- (b) by means that, in the circumstances of the case, are unfair or intrude to an unreasonable extent upon the personal affairs of the patient concerned.

Duty to maintain and protect personal information

89.1 A registrant must at all times protect and maintain the confidentiality of personal information collected under sections 87, 88 and 89.

Accuracy of personal information

90. A registrant must make every reasonable effort to ensure that personal information he or she collects or holds is current and is legibly, accurately and completely recorded.

Right to request correction of personal information

- 91. (1) A person who believes there is an error or omission in a record containing his or her personal information may request that the registrant having the record in his or her custody or control correct the information.
- (2) If after receiving a request for correction under subsection (1), the registrant disagrees that there is an error or omission in the record, the registrant must note the request in the record with particulars of the correction that was sought.

Use of personal information by a registrant

- 92. A registrant may use personal information only
 - (a) for the purpose of providing optometric services to the patient or related administrative purpose,
 - (b) for a use or disclosure consistent with a purpose specified in paragraph (a),
 - (c) if the patient has consented to the use, or
 - (d) for a purpose for which that information may be disclosed by the registrant under the Act, the regulation, or these bylaws.

Disclosure of personal information by a registrant

93. (1) A registrant must maintain confidentiality of personal information and may disclose relevant personal information only
- (a) if the patient concerned has consented to the disclosure,
 - (b) for the purpose of providing optometric services to the patient or related administrative purpose or for a disclosure consistent with either purpose,
 - (c) for the purpose of complying with an enactment of British Columbia or Canada, or an arrangement or agreement made under such an enactment,
 - (d) for the purpose of complying with a subpoena, warrant or order issued or made by a court, person or body with jurisdiction to compel the production of information,
 - (e) to an employee of, or contractor providing services to, the registrant, if the information is necessary for the performance of the duties of, or for the protection of the health or safety of, the employee or contractor,
 - (f) to a lawyer acting for the registrant, for use in civil or criminal proceedings involving the registrant,
 - (g) if necessary to comply with the *Coroners Act*,
 - (h) if necessary to comply with the *Ombudsman Act*,
 - (i) for the purposes of collecting a debt or fine owing by a patient to the registrant or making a payment owing by the patient to a registrant,
 - (j) to an auditor, the college or any other person or body authorized by law, for audit purposes,
 - (k) if the registrant believes on reasonable grounds that there is a risk of significant harm to the health or safety of any person and that the use or disclosure of the information would reduce that risk,
 - (l) so that the next of kin or a friend of an injured, ill or deceased individual may be contacted,
 - (m) in accordance with the Act, the regulations or these bylaws, or
 - (n) as otherwise required by law.
- (2) No registrant may, for commercial purposes, release or permit the release of information or an abstract of information, obtained from a prescription, which would permit the identity of the registrant or the patient to be determined.

Consistent purpose

94. A use or disclosure of personal information is consistent with the purposes of providing optometric services to a patient or related administrative purposes under sections 92 and 93(1) if the use or disclosure has a reasonable and direct connection to either purpose.

Disclosure for research and statistical purposes

95. A registrant may disclose personal information for a research purpose, including statistical research, only if
- (a) the research purpose cannot reasonably be accomplished unless that information is provided in individually identifiable form or the research purpose has been approved by the board,
 - (b) any record linkage is not harmful to the individuals concerned and the benefits to be derived from the record linkage are clearly in the public interest,
 - (c) the head of the public body concerned has approved conditions relating to:
 - (i) security and confidentiality,
 - (ii) the removal or destruction of individual identifiers at the earliest reasonable time, and
 - (iii) the prohibition of any subsequent use or disclosure of that information in individually identifiable form without the express authorization of the board, and
 - (d) the person to whom that information is disclosed has signed an agreement to comply with the approved conditions, these bylaws and any of policies and procedures required by the board relating to the confidentiality of personal information.

Storage and retention of personal information

96. (1) A registrant must ensure that all records
 - (a) pertaining to his or her practice, and
 - (b) containing personal informationare safely and securely stored.
- (2) Records stored under this section must be accessible only to the registrant, his or her staff, and persons who have signed a confidentiality agreement with the registrant.
- (3) Personal information of a minor must be retained for a period of ten years after the minor reaches the age of 19, and all other personal information must be retained for a period of ten years.

Disposal or transfer of records

97. (1) A registrant must ensure that records containing personal information are disposed of or transferred only by:
 - (a) transferring the records to another registrant in good standing or BC optometric corporation in good standing for the purposes of ongoing optometric care,
 - (b) transferring the records to the patient,
 - (c) transferring the records to any third party with the written consent of the patient,
 - (d) effectively destroying those records by utilizing a shredder or by complete burning, or
 - (e) erasing information recorded or stored by electronic methods on memory devices, disks, tapes, or other media in a manner that ensures that the information cannot be reconstructed.
- (2) A registrant who transfers records pursuant to subsection (1)(a) has a right to review them for a period of ten years after transferring them.
- (3) A registrant who transfers records pursuant to subsection (1)(a) may, subject to these bylaws, transfer copies of the records and retain the originals.
- (4) A registrant who receives personal information transferred in accordance with this section must notify any patient concerned of the transfer.

Registrant ceasing to practise

98. (1) A registrant who ceases to practice in British Columbia for any reason or moves to another place of practice in British Columbia, or a registrant or former registrant who moves to another jurisdiction must:
 - (a) dispose of or transfer records containing personal information in accordance with this Part,
 - (b) notify the college within five business days of ceasing to practice, moving to another place of practice in British Columbia, or moving to another jurisdiction, and
 - (c) provide the college with a written summary of the steps he or she has taken to dispose of or transfer the records containing personal information and provide the name of the registrant who will be assuming responsibility for continuing patient care.
- (2) A registrant must make appropriate arrangements to ensure that, in the event the registrant dies or becomes unable to practice for any reason and is unable to dispose of or transfer records containing personal information, the personal information will be safely and securely transferred to another registrant in good standing or BC optometric corporation in good standing.
- (3) In the event that a registrant ceases to practice and fails to transfer, dispose of or make arrangements to dispose of personal information as required by this Part, the board may appoint another registrant to receive the records containing personal information.
- (4) A registrant who receives personal information transferred in accordance with this section must notify any patient concerned of the transfer.
- (5) For the purpose of this section, a registrant who is temporarily suspended for no more than six months does not cease to practice.

Protection of personal information

99. (1) A registrant must protect personal information by making reasonable security arrangements

against such risks as unauthorized access, collection, use, disclosure or disposal.

- (2) A registrant must take reasonable measures to ensure that a third party, including a volunteer, employee of or contractor of the registrant or a health professions corporation or a student practitioner under the supervision of the registrant, does not access, collect, use, disclose, store or dispose of personal information except in accordance with the requirements of this Part.

Contracts for handling personal information

100. A registrant must ensure that, if personal information is transferred to any person or service organization for processing, storage or disposal, a contract is made with that person which includes an undertaking by the recipient that confidentiality and physical security will be maintained.

Remedying a security breach

101. A registrant must take appropriate measures to remedy any unauthorized access, use, disclosure or disposal of personal information as soon as possible after the breach is discovered, including
 - (a) taking steps to recover the personal information or to ensure its disposal if it cannot be recovered,
 - (b) taking steps to ensure that any remaining personal information is secured,
 - (c) notifying
 - (i) anyone affected by the unauthorized access including patients and other health care providers,
 - (ii) the college, and
 - (iii) law enforcement officials, if criminal action may have contributed to the unauthorized action, and
 - (d) modifying existing security arrangements to prevent a re-occurrence of the unauthorized access.

Patient access to personal information

102. (1) For the purposes of this section, "access to" means the opportunity to examine or make copies of the original record.
- (2) If a patient or a patient representative makes a request for access to personal information about the patient, the registrant must comply as soon as practicable but not more than 45 days following the request by
 - (a) providing access to the patient or patient's representative,
 - (b) providing access to the remainder of the personal information if that information excepted from disclosure under subsection (3) can reasonably be severed, or
 - (c) providing written reasons for the refusal of access to the personal information or to any portion of the records.
- (3) The registrant may refuse to disclose personal information to a patient or patient representative
 - (a) if there is a significant likelihood of a substantial adverse effect on the physical, mental or emotional health of the patient,
 - (b) if there is a significant likelihood of harm to a third party, or
 - (c) if the disclosure could reasonably be expected to disclose personal information regarding another individual.
- (4) If a registrant provides access and the patient or patient representative requests a copy of the personal information, a copy must be provided if it can reasonably be reproduced.
- (5) A registrant may charge a reasonable fee for the reproduction of personal information which does not exceed the fee set out in Schedule E.
- (6) Subject to subsection (3), a patient under 19 years of age may have access to a record if, in the opinion of the registrant, the patient is capable of understanding the subject matter of the record.
- (7) Except if authorized by the patient, a registrant must not provide access to the records of a patient who is under 19 years of age to the guardian or parent of the patient if the subject matter of the record is health care which was provided without the consent of a parent or guardian in accordance with the requirements of section 17 of the *Infants Act*.

Ownership of records

103. (1) A registrant must ensure that all records containing personal information of his or her patients are owned by
- (a) the registrant,
 - (b) another registrant by whom the registrant is employed or for whom the registrant is a contractor, or
 - (c) a BC optometric corporation.
- (2) If a registrant employs or is employed by another registrant, or is employed by a BC optometric corporation, the registrant must secure a written agreement with the other registrant or BC optometric corporation establishing which of them owns the records referred to in subsection (1).

Practice management records

104. A registrant must retain any records to which section 96 does not apply for at least seven years.

Movement of records

105. A registrant or former registrant must notify the registrar in writing within five business days upon moving records from the registrant's or former registrant's place of practice or other storage location to a new location.

PART 8 – BC OPTOMETRIC CORPORATIONS (SECTIONS 106 TO 113)

Application for BC optometric corporation permit

106. (1) A corporation incorporated under the *Business Corporations Act* (BC) may apply to the board for a permit to carry on the business of providing optometric services to the public by delivering to the board
- (a) a completed permit application in Form 15,
 - (b) a true copy of the corporation's certificate of incorporation,
 - (c) a permit fee in the amount set out in Schedule E.
- (2) A corporation applying for a permit under subsection (1) must advise the registrar in writing within five business days of any change to the information contained in its permit application.

Issuance of BC optometric corporation permit

107. (1) A permit issued under section 43 of the Act and this Part must be issued in Form 16.
- (2) A permit is valid from the issue date shown until the next December 1.

Insurance Requirement

- 107.1 (1) A BC optometric corporation must obtain and at all times maintain professional liability insurance with a limit of liability no less than \$2,000,000 per occurrence insuring against liability from error, omission or negligent act of an employee of the BC optometric corporation.
- (2) A BC optometric corporation must provide written proof of professional liability insurance to the registrar on request.

Renewal of BC optometric corporation permit

108. (1) A BC optometric corporation may apply to the board for renewal of its permit by delivering to the registrar
- (a) a permit renewal application in Form 15A,
 - (b) a permit renewal fee in the amount set out in Schedule E, and
 - (c) all outstanding fees, levies, fines or debts owed to the college and all renewal documents required by this Part and Form 15A.
- (2) A renewal permit is valid until the next December 1.
- (3) A corporation applying for renewal of a permit under this section must advise the registrar in writing within five business days of any change to the information contained in its permit renewal application.
- (4) An optometric corporation seeking renewal of a permit under this section must ensure that the documents and monies required under subsection (1) are received by the registrar on or before October 31 in each year.
- (5) An optometric corporation whose documents or monies described in subsection (1) are received by the registrar in whole or in part after October 31 in a year must ensure that the late fee set out in Schedule E is received by the registrar on or before November 30 in the year.
- (6) The registrar must renew the permit of a BC optometric corporation that complies with the requirements of this section and must issue a receipt in Form 16.
- (7) A BC optometric corporation whose permit is not renewed under this section on or before November 30 in a year ceases to be an optometric corporation and a new permit must be applied for under section 106.

BC optometric corporation name

109. (1) The name of a BC optometric corporation must end with the words "Optometric Corporation" and include:
- (a) the registrant's surname and first name, or
 - (b) the registrant's surname and initials of the registrant's first and middle names.
- (2) A BC optometric corporation must not use a name which

- (a) is identical to that under which another BC optometric corporation holds a valid permit issued under this Part,
- (b) so closely resembles the name of another BC optometric corporation which holds a valid permit issued under this Part that it is likely to confuse or mislead the public, or
- (c) contravenes Part 11 of these bylaws.

Change of BC optometric corporation name

110. (1) A BC optometric corporation which intends to change its name must apply in writing to the board for permission to use the new name.
- (2) Section 109 applies to an application under this section.
- (3) The board must issue a new permit to a BC optometric corporation which
- (a) has received permission of the board to use a new name, and
 - (b) delivers to the board a true copy of the certificate of the Registrar of Companies showing the change of name and the date it is effective.
- (4) A permit issued under this section is valid until the date on which the permit it replaces would have expired.

BC optometric corporation advertising

111. A BC optometric corporation which carries on the business of providing the services of optometry to the public must disclose on all letterhead and business cards, and in all other advertisements, that the services of optometry are being provided by a BC optometric corporation.

Disposition of shares

112. The articles of a BC optometric corporation must provide for the disposition of the shares of a shareholder who dies, ceases to be a registrant or who ceases to be qualified to practise optometry.

Permit revocation hearings

113. (1) In this section “respondent” means a BC optometric corporation named in a notice of permit revocation hearing.
- (2) The powers and duties of the board set out in section 44 of the Act are delegated to the discipline committee.
- (3) A permit revocation hearing may be consolidated with a hearing conducted under section 38 of the Act if the discipline committee considers that there is a sufficient similarity of subject matter between the two hearings.
- (4) The discipline committee may conduct an oral hearing or hearing by written submission to determine whether or not a BC optometric corporation permit should be revoked.
- (5) The discipline committee may conduct a permit revocation hearing on the receipt of a written complaint or on its own motion.
- (6) The registrar must provide notice of a permit revocation hearing in Form 17 by personal service or by registered mail to the registered office of the BC optometric corporation at least 30 days before the date of the hearing.
- (7) The notice of permit revocation hearing must
- (a) name the BC optometric corporation as respondent,
 - (b) describe the matter that is to be the subject of the hearing, including the particulars of any evidence in support of that subject matter,
 - (c) if the hearing is to be an oral hearing
 - (i) specify the time, date and place of the hearing,
 - (ii) advise the respondent that the discipline committee is entitled to proceed with the hearing in the absence of representatives of the BC optometric corporation, and
 - (iii) advise the respondent that the respondent and the college may appear as parties and with counsel at a hearing,
 - (d) if the hearing will be conducted by written submission,

- (i) specify the date of the hearing,
 - (ii) advise the respondent that it is entitled to submit a written submission no later than 14 days before the date of the hearing.
- (8) At an oral permit revocation hearing by the discipline committee
 - (a) the testimony of witnesses must be taken on oath, which may be administered by any member of the discipline committee, and
 - (b) there is a full right to cross-examine witnesses and call evidence in defence and reply.
- (9) If the respondent does not attend, the discipline committee may
 - (a) proceed with the hearing in the respondent's absence on proof of delivery of the notice of the hearing, and
 - (b) without further notice to the respondent, take any action authorized under the Act, the regulations or these bylaws.
- (10) The discipline committee may order any person to attend an oral permit revocation hearing to give evidence and to produce records in the possession of or under the control of that person.
- (11) The discipline committee must provide notice by registered mail or by personal service to a person required to attend an oral permit revocation hearing under this section in Form 18.
- (12) The discipline committee must provide written reasons for its decision to the respondent and, if the permit revocation hearing was prompted by the receipt of a written complaint, to the complainant.

PART 9 – DELEGATION (SECTION 114)

Delegation

114. (1) In this section, “restricted activity” means a restricted activity set out in section 5 of the Regulation.
- (2) A registrant must not delegate the following restricted activities:
- (a) the making of a diagnosis identifying, as the cause of signs or symptoms of an individual,
 - (i) a disorder of refraction,
 - (ii) a sensory or ocular motor disorder, or
 - (iii) a disease or disorder of an eye or an anatomical structure directly related to the vision system;
 - (b) for the purpose of removing a superficial foreign body from an eye, the performing of a procedure on tissue
 - (i) below the dermis,
 - (ii) below the surface of a mucous membrane, or
 - (iii) in or below the surface of the cornea;
 - (c) the administering of a substance by irrigation for the purpose of treating a disorder of a tear duct;
 - (d) the prescribing of a therapeutic pharmaceutical agent;
 - (e) the dispensing of a diagnostic drug or therapeutic pharmaceutical agent;
 - (f) the administering topically of a therapeutic pharmaceutical agent;
 - (g) the prescribing of a visual appliance.
- (3) Subject to subsection (4), a registrant may delegate the following restricted activities:
- (a) the administering topically of a diagnostic drug;
 - (b) the verifying of a corrective eyeglass lens or contact lens;
 - (c) the fitting of a contact lens.
- (4) A registrant must only delegate a restricted activity under subsection (3) if the registrant
- (a) is satisfied that the person to whom the restricted activity is delegated is competent to perform the restricted activity safely,
 - (b) is provided with and retains the original or a copy of any examination record arising from the delegated activity,
 - (c) personally reviews each examination record arising from the delegated activity,
 - (d) is the sole provider of the diagnosis, if any, of the patient’s visual and ocular health,
 - (e) is the sole provider of the prescription of therapy for the patient’s visual and ocular health, and
 - (f) ensures either that any indicated follow-up action is provided to the patient or that the patient is notified of the need to seek follow-up.
- (5) A registrant may delegate any aspect of practice that does not involve the performing of a restricted activity.
- (6) In any case in which a registrant delegates any aspect of practice, the registrant is ultimately responsible for the patient’s visual and ocular health.

PART 10 – PLACES OF PRACTICE (SECTIONS 115 TO 122)

Physical requirements

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.

Practice name

- 115.1 (1) Each place of practice must have a name approved in writing by the registrar.
- (2) A registrant seeking approval for a name under subsection (1) must deliver a completed place of practice application in Form 19 to the registrar.
 - (3) The name approved under subsection (1) must not be transferred to another person, used at another place of practice, or changed without the prior written approval of the registrar.
 - (4) The name for a place of practice must include the word "optometrist" or a derivative of that word and must not include the reserved title for any other college unless that college has expressly authorized its use in the place of practice name.
 - (5) Two or more places of practice must not, unless they are affiliated with each other, have a name which is identical to another place of practice, or so closely resembles the name of another place of practice that it is likely to confuse or mislead the public.
 - (6) The name of a place of practice, together with the registrant's name and address, must appear on the registrant's letterhead, prescription pads and electronic communications.

Place of Practice

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 each registrant who practises there,
 - (d) prominently display signage visible from the exterior of each place of practice containing the name of each registrant who practices there,

- (e) prominently display the BC optometric corporation's permit if the place of practice is operated by or through a BC optometric corporation, and
 - (f) not display the name of any registrant at any place of practice who does not personally provide optometric services at that location.
- (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.

Responsibility for Patient Care

117. A registrant who examines a patient, or who supervises the examination of a patient, is responsible for that patient's care.

Responsibility of practice owners

118. (1) The registrant who owns or has an interest in a place of practice is responsible for the care of all patients at that place of practice.
- (2) Subsection (1) applies whether or not the registrant has personally provided optometric services to a given patient.
- (3) Nothing in this section precludes or diminishes the ultimate responsibility for a patient's care of the registrant or registrants who examine that patient.

More than four places of practice

119. (1) For each place of practice in which a registrant is affiliated, that registrant must inform the registrar in writing of the name of the registrant at that place of practice who will have custody or control of clinical records and who will be responsible for ensuring:
- (a) the compliance of that place of practice with Part 10 of the bylaws, and
 - (b) the maintenance and implementation of patient care policies, including patient follow-up, at that place of practice.
- (2) Nothing in this section precludes or diminishes the ultimate responsibility for a patient's care of a registrant who examines that patient.

Mode of practice irrelevant

120. A registrant's obligations under this Part are not affected by the fact that the registrant practises optometry as
- (a) an employee or volunteer of another person, or
 - (b) a contractor.

Practice address

121. Registrants must advise the registrar in writing of the address of each of their places of practice.

Exemptions for rural or mobile practices

122. (1) Upon application, the board may exempt a registrant from any provision of this Part if it determines that an exemption is reasonable because
- (a) the registrant's place of practice or intended place of practice is in a rural location, or
 - (b) the registrant's place of practice or intended place of practice is a mobile clinic.
- (2) A registrant must submit a written application to the registrar for an exemption from any provision of this Part.
- (3) The registrar may grant an exemption for such period, and on such terms or conditions, as the registrar considers appropriate.

PART 11 – ADVERTISING AND MARKETING (SECTIONS 123 TO 129)

Definitions

123. In this Part,
“advertisement” means a notice or announcement used for advertising,
“advertising” means the use of space or time in a public medium, or the use of a commercial publication such as a brochure or handbill, to communicate with the general public, or a segment of it, for the purpose of promoting optometric services or enhancing the image of the advertiser, and
“marketing” includes
- (a) advertising and advertisements,
 - (b) a publication or communication in any medium with any patient, prospective patient or the public generally, in the nature of an advertisement, promotional activity or material, a listing in a directory, a public appearance or any other means by which professional services are promoted, and
 - (c) any contact with a prospective patient initiated by or under the direction of a registrant.

Regulation of marketing

124. (1) Marketing conducted or authorized by a registrant must not be
- (a) false,
 - (b) inaccurate,
 - (c) unverifiable,
 - (d) misleading,
 - (e) misrepresentative of the effectiveness of any procedure, instrument or ophthalmic device,
 - (f) undignified, offensive or in bad taste, or
 - (g) contrary to the standards of practice or the Code of Ethics of the college.
- (2) Without limiting the generality of subsection (1), marketing must not
- (a) be calculated or likely to take advantage of a weakened physical, mental or emotional state of the recipient or intended recipient,
 - (b) be likely to create in the mind of the recipient or intended recipient an unjustified expectation of the results the registrant can achieve,
 - (c) imply that the registrant can obtain results not achievable by other registrants,
 - (d) imply that the registrant can obtain results by improper means, or
 - (e) compare the quality of services provided by the registrant with those provided by another registrant, a person authorized to provide optometric services under another enactment, or another health profession.
- (3) A registrant must, when called upon by the registrar, the inquiry committee, the discipline committee or the board to do so, verify the statements made in his or her marketing.

Regulation of advertisements

125. (1) An advertisement which includes a statement of fees for a specified service must be sufficiently accurate and detailed to enable the recipient or intended recipient to understand the nature and extent of services to be provided and the cost to the patient.
- (3) An advertisement which includes a statement of fees for a specified service must not compare those fees to those charged by another registrant.
- (4) A registrant must retain for one year after the date of publication or broadcast of any advertisement, and must provide to the board upon request, a copy of the advertisement and a written record of when and where it appeared.
- (5) If an advertisement made by anyone includes the name, address, telephone number, place of practice or other identifier of a registrant, the registrant is presumed to have authorized that advertisement unless it is proved otherwise.

Practice name

126. Repealed.

Endorsements

127. A registrant must not endorse or lend himself or herself as an optometrist to the advertisement of any property, investment or service for sale to the public unless such property, investment or service relates directly to the provision of optometric services by the registrant.

No specialists

128. (1) A registrant must not advertise or otherwise hold out to the public that he or she is a specialist in a particular aspect of the practice of optometry.
- (2) Nothing in this section prohibits a registrant from advertising that the registrant restricts his or her practice to specified aspects of the practice of optometry.
- (3) Nothing in this section prohibits a registrant from advertising the registrant's professional qualifications.

Title

129. A registrant must not use, imply or assume with respect to the registrant's practice of optometry any title other than "Optometrist" or "Doctor of Optometry".

PART 12 – ETHICS, CONDUCT AND STANDARDS OF PRACTICE (SECTIONS 130 TO 135)

Code of Ethics and Conflict of Interest

130. Registrants, board members and officers of the college must conduct themselves in accordance with the Code of Ethics and Conflicts of Interest in Schedule A.

Honour, integrity and reputation

131. Registrants must, at all times, in both their professional and private affairs, conduct themselves in a manner that upholds the honour, integrity and reputation of the profession and is conducive to public respect for the profession, the college and its registrants.

Conflicts of interest

132. (1) In all matters concerning the registrant’s practice of optometry, including business relations, working conditions and professional judgment, the best interests of the patient must be the primary consideration.
- (2) A registrant must not practice optometry in a conflict of interest, as defined in the standards for the avoidance of conflicts of interest established by the board.

Fee discounts

133. (1) In this section, “professional fees” means fees charged by a full registrant for eye examinations, contact lens fittings, supplementary testing, vision therapy, low vision examinations, surgical co-management and other services for which the registrant applies his or her professional knowledge or skill.
- (2) A registrant must not discount professional fees unless doing so does not
- (a) impede his or her professional judgment,
 - (b) degrade or jeopardize the quality of treatment a patient receives, or
 - (c) conflict with
 - (i) the Act,
 - (ii) the regulations,
 - (iii) these bylaws, or
 - (iv) the policies of the college.

Mode of practice

134. A registrant must not enter a business relationship which
- (a) impedes his or her professional judgment,
 - (b) degrades or jeopardizes the quality of treatment a patient receives, or
 - (c) conflicts with
 - (i) the Act,
 - (ii) the regulations,
 - (iii) these bylaws, or
 - (iv) the policies of the college.

Standards of practice

135. Registrants must in all cases appraise the oculo-visual status of their patients and record the results in accordance with the policies of the college.

PART 13 – GENERAL (SECTIONS 136 TO 144)

Special levy

136. (1) The board may, by special resolution, establish a special levy to be paid by registrants.
- (2) When acting under subsection (1), the board may provide that full registrants are liable for a greater amount than other registrants.

Forms

137. The board establishes the forms set out in Schedule B for the purposes of these bylaws.

Fees

138. The board establishes the fees set out in Schedule E payable to the college by registrants.

Waiver of fees

139. The board may, in its discretion, waive any fee payable under these bylaws on compassionate grounds.

Interest

140. Interest accrues on all fees, fines or other amounts due to the College from registrants and BC optometric corporations at the prejudgment interest rate established by the *Court Order Interest Act*.

Prescription pads

141. (1) A registrant must not allow another person to write a prescription on or otherwise use his or her prescription pad.
- (2) Registrants must keep their prescription pads securely stored when not in use.
- (3) A registrant's prescription pad must bear his or her name, place of practice and address.

Public appearances and statements

142. (1) A registrant must not state publicly that he or she speaks on behalf of the college unless previously authorized by the board to do so.
- (2) Registrants speaking publicly on optometric issues must make clear that their views are their own.

Grants from college funds

143. (1) In this section, "grantees" means the following bodies:
 - (a) the Association of Regulatory Boards of Optometry;
 - (b) the Canadian Examiners in Optometry;
 - (c) the Canadian Optometric Regulatory Authorities;
 - (d) the International Optometric Bridging Program;
 - (e) the University of Montreal; and
 - (f) the University of Waterloo.
- (2) The board may make grants out of the college's funds to grantees to assist in regulatory matters consistent with the duties and objects of the college set out in section 16 of the Act.
- (3) The board may attach any conditions on grants made under this section which, in its view, are needed to ensure that the grantee spends the grant funds consistently with the duties and objects of the college set out in section 16 of the Act.

Change of Registrant information and practice address

144. A registrant must notify the registrar in writing of any change of name, address of place of practice, and/or business contact information within five business days of the change.

SCHEDULE A – CODE OF ETHICS

- 1 (1) Registrants must act with integrity, honesty, respect and fairness in all dealings with patients, other registrants and the college.
- (2) Registrants must keep the health and visual welfare of the patient uppermost at all times and exemplify the high standards of health and visual welfare for humankind.
- (3) Registrants must comply with the *Health Professions Act*, the *Optometrists Regulation* and the bylaws of the college, as well as any other laws applicable to the practice of the profession.
- (4) Registrants must not provide any advice or treatment for which they do not possess the necessary degree of training, skill, knowledge and experience to provide in a safe manner, or for which there is no reasonable prospect of benefit for the patient.
- (5) Registrants must seek continuing development of educational and technical proficiency such that their patients receive the full benefit of all acknowledged improvements in health and vision care.
- (6) Registrants must ensure that patients are properly informed about the potential benefits and risks and effectiveness of any treatment before such treatment is provided, unless the condition of the patient makes it impossible to do so and the need for consent is otherwise addressed.
- (7) Registrants must provide optometric services with equal diligence to all patients.
- (8) Registrants must consult freely with registrants of the college and with registrants of other health professions whenever such consultations are in the best interests of the patient and refer patients for further professional care when advisable.
- (9) Registrants must hold in professional confidence all information concerning a patient and use that information only for the benefit of the patient.
- (10) Registrants must maintain complete and accurate patient records.
- (11) Registrants must maintain their place(s) of practice in accordance with professional standards.
- (12) Registrants must respond promptly to all communications from the college where a response is requested or otherwise required and cooperate with all inquiries by the college.
- (13) Registrants must maintain at all times the dignity, honour and integrity of the profession and conduct themselves as exemplary citizens.

Conflicts of Interest

- 2 (1) Registrants must always act in the best interests of the patient in all matters concerning the practice of optometry.
- (2) Registrants, board members, and officers of the college must avoid any situation that may give rise to a conflict of interest or to an appearance of conflict of interest, and must not exploit any relationship established in those capacities to further their own physical, emotional, financial, political, or business interests.
- (3) A conflict of interest is deemed to arise where a registrant, board member or officer of the college has personal interests in a matter that may be reasonably seen to influence their professional advice and conduct
 - (a) in the case of a board member, in relation to a patient, the college or its registrants, or
 - (b) in the case of an officer, in relation to the college or its registrants, or
 - (c) in the case of a registrant, in relation to a patient.
- (4) For the purposes of subsection (3), “personal interests” includes, but is not limited to, financial, professional, family and other personal relationships, and includes those situations in which a family member or associate of the registrant has a significant interest in a matter.
- (5) If a registrant discovers that he is she is in a conflict of interest, he or she must take immediate steps to remove the conflict of interest.
- (6) If a board member or officer of the college discovers that he or she is in a conflict of interest, he or she must:
 - (a) disclose the conflict of interest to the board and the registrar,
 - (b) refrain from voting and exercising his or her college duties in regard to the area of conflict of interest, and
 - (c) take immediate steps to remove the conflict of interest.

SCHEDULE B – FORMS

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FORM 1: NOTICE OF COLLEGE ELECTION OF BOARD MEMBERS

Date of Election:

Eligibility: Only therapeutic qualified and non-therapeutic qualified registrants, who are in good standing, and, at the time of election and during the term, if elected, are not a director or officer of the BC Doctors of Optometry (British Columbia Association of Optometrists) or the Canadian Association of Optometrists, and do not hold a position which would cause the registrant to have a conflict of interest by virtue of having competing fiduciary obligations to both the College and another organization are eligible to be elected to the board in an election under section 17 (3) of the Health Professions Act. An elected board member who ceases to hold office pursuant to section 11 of the bylaws is not eligible to be elected to the board for one year.

Voters: Only therapeutic qualified and non-therapeutic qualified registrants in good standing may vote in an election under section 17(3) of the Health Professions Act.

Nomination Procedure:

1. A candidate for election to the board must be nominated by three voters.
2. A candidate for election must consent to nomination in writing in Form 1 at least 90 days before the expiry of the term of office.
3. A candidate may only be nominated for one position at a time.
4. If the number of nominated candidates is less than or equal to the number of positions to be elected at the close of nominations, the registrar must declare the nominees to be acclaimed and must so notify all registrants.
5. If the number of nominated candidates is greater than the number of positions to be elected at the close of nominations, the registrar must conduct an election in accordance with the Bylaws of the College of Optometrists.

NOMINATION FOR COLLEGE BOARD MEMBER

I, _____,
Print Name of Candidate for Election

being a registrant of the College of Optometrists of BC, and being eligible to be elected as a College board member, hereby consent to being nominated for a one year_____, or two year_____, or three year _____ term, by the following registrants, who are all either therapeutic qualified or non-therapeutic qualified registrants in good standing of the College. Check **only one** of the above terms.

Print Name of Nominator 1

Signature of Nominator 1

Print Name of Nominator 2

Signature of Nominator 2

Print Name of Nominator 3

Signature of Nominator 3

Signature of Candidate for Election

FORM 2: VOTING BALLOT

Place an X beside only two names in each category. You will be voting for two persons for each of the three terms of office. You should only have a maximum of six X's on this ballot!

1. One Year Term Position Board Member candidates

Place an X beside up to two candidates in each term position below

Place X here

Place X here

Place X here

Place X here

2. Two Year Term Position Board Member Candidates:

Place X here

Place X here

Place X here

Place X here

3. Three Year Term Position Board Member Candidates:

Place X here

Place X here

Place X here

Place X here

FORM 3: VOTING INSTRUCTIONS

1. Place an X beside up to two Candidates in each term position (one, two, or three year) on the Voting Ballot (Form 2).
2. Place your folded Ballot in the “voting envelope” which is provided for you.
3. Print your name and Registration Number on the voting envelope and sign your name on the outside of the envelope in the space provided.
4. Place the voting envelope in your own envelope and mail it to the College office at:

Attention: Registrar
College of Optometrists of BC
906 – 938 Howe Street
Vancouver, BC V6Z 1N9

5. The completed Ballot must be received by the Registrar no later than March 15 [Year]...
6. The election will take place on Date.
7. The results of the election will be announced by email to the Registrants and on the website on approximately Date.

FORM 4: VOTING ENVELOPE

**COLLEGE OF OPTOMETRISTS OF BC
VOTING ENVELOPE**

Voting Registrant's Name: _____
Please print full name

Voting Registrant's Registration Number: _____

Voting Registrant's Signature: X _____

FORM 5: CERTIFICATE OF ELECTION

This is to certify that the following persons have been elected to serve a three year term on the board of the College of Optometrists of British Columbia:

[Name of elected candidate and date the candidate’s term of office begins and ends]

[Name of elected candidate and date the candidate’s term of office begins and ends]

Registrar

Date

FORM 6: NOTICE OF [ANNUAL or SPECIAL] GENERAL MEETING

For annual general meetings:

The annual general meeting of the College of Optometrists of British Columbia will take place at [time] on [date] at [place].

The business to be considered at the meeting is as follows:

[indicate agenda items]

The following resolutions have been proposed by the board:

[indicate resolutions if any]

The following resolutions have been proposed by registrants:

[indicate resolutions if any]

Registrar

Date

For special general meetings:

A special general meeting of the College of Optometrists of British Columbia will take place at [time] on [date] at [place].

The business to be considered at the meeting is as follows:

[indicate agenda items]

The following resolutions have been proposed by the board:

[indicate resolutions if any]

The following resolutions have been proposed by therapeutic qualified and non-therapeutic qualified registrants:

[indicate resolutions if any]

No other agenda items will be considered at this meeting.

Registrar

Date

FORM 7: REGISTRATION APPLICATION

Applicants for registration with the College of Optometrists of British Columbia must complete this form in ink.

NAME

First Name

Middle Name(s) if any

Last name

OTHER NAMES USED OR HAVE USED: (e.g., maiden name, birth name or previous married name)

First Name

Middle Name(s) if any

Last name

CONTACT INFORMATION

Please provide your telephone numbers, fax number (if any) and e-mail address.

Home Phone: _____

Cell Phone: _____

Work Phone: _____

Email: _____

Please provide your home address, work address (if any) and mailing address (if different from your home address).

Home: _____

Work: _____

Mailing: _____

PERSONAL INFORMATION

Date of birth: _____ / _____ / _____
 day month year

Mother's maiden name _____
(for security purposes)

REGISTRATION CLASS

Please indicate which registration class you are applying for (check one):

Therapeutic qualified **Non-therapeutic qualified** **Non-practising*** **Academic****

*Applicants for the non-practising registration class must complete a statutory declaration in Form 8, to be provided by the college.

**Applicants for the academic registration class must complete a statutory declaration in Form 8A, to be provided by the college.

EDUCATION

Please describe your educational credentials (from university onwards).

| Institution | Period of attendance | Degree or qualification |
|-------------|----------------------|-------------------------|
|-------------|----------------------|-------------------------|

| Institution | Period of attendance | Degree or qualification |
|-------------|----------------------|-------------------------|
|-------------|----------------------|-------------------------|

| Institution | Period of attendance | Degree or qualification |
|-------------|----------------------|-------------------------|
|-------------|----------------------|-------------------------|

Please indicate which of the following (if any) you have successfully completed. You must provide copies of academic transcripts showing the results of all examinations you have successfully completed.

OT Yes No **100 hour TMOD course & exam** Yes No

TMOD Yes No **Upgrade TMOD course** Yes No

DOCUMENTS

Please provide or arrange to provide the following original documents to the college registrar:

- Authorization for a criminal record check (for applicants who have resided in another jurisdiction, an authorization for a criminal record check in that jurisdiction or a criminal record report in a form satisfactory to the registrar)
- A passport photo, to be taken within 6 months of completion of this application.
- Proof of Canadian citizenship or permanent resident status in Canada or authority to work in Canada in a health care profession.
- Letter of good standing from each previous regulatory authority that has registered, licensed, certified or otherwise authorized the applicant to practice optometry or another health profession (applicant who has practised or is practising optometry or another health profession in another jurisdiction or who has practised or is practising in another health profession in British Columbia or another jurisdiction, **to be delivered to the registrar by the issuing regulatory authority**. The letter should confirm the applicant's good standing in the other jurisdiction at the time he or she ceased practising in the other jurisdiction or ceased practising in the other health profession or both, as applicable, and confirming the person's good standing in any health profession in which he or she is currently practising.
- Proof of continuing education credits obtained within two years of completion of this application.

For an applicant who has practised or is practising optometry in another jurisdiction or who has practiced or is practicing in another health profession in British Columbia or another jurisdiction, please provide a statement that lists any outstanding complaints, claims, actions, inquiries or proceedings against the applicant in British Columbia and/or any other jurisdiction in relation to the practice of a health profession.

Please arrange to have the following documents sent directly to the registrar by the issuing authority:

- Academic transcript from the recognized school of optometry you attended. The transcript must indicate that the course leads to a Doctor of Optometry degree.
- National qualifying examination or national qualifying examination equivalent transcript.

PRACTICE IN OTHER HEALTH PROFESSION/JURISDICTIONS

Have you ever practised or been registered or licensed to practise optometry or any other health profession in

- (a) another province of Canada? [] Yes [] No
- (b) a US state? [] Yes [] No
- (c) any other country or jurisdiction? [] Yes [] No

If Yes, where and what health profession(s)? _____

DISCIPLINE HISTORY

Have you ever been subject to a disciplinary action or been prohibited from practising optometry in another jurisdiction or subject to a disciplinary action or prohibited from practising any other health profession in British Columbia or another jurisdiction? [] Yes [] No

If Yes, please state when and under what circumstances.

STATUTORY DECLARATION

Please complete the following declaration before a lawyer, notary or other commissioner for taking oaths.

I, _____, solemnly declare that

- (a) I am legally entitled to live and work in Canada,
- (b) I am 19 years of age or older,
- (c) the information contained in this registration application, including all accompanying documentation, is true and accurate to the best of my knowledge,

and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same legal force and effect as if made under oath.

Declared before me at _____)

)

_____)

)

this ____ day of _____, 20____)

)

Signature of applicant

Name: _____)

)

Address: _____

[] A commissioner for taking affidavits in British Columbia

[] A notary public in and for British Columbia

[] A commissioner authorized to administer oaths in the courts of justice of

Jurisdiction

PROFESSIONAL LIABILITY INSURANCE: I understand that it is my responsibility to obtain and at all times maintain professional liability insurance with a limit of liability not less than \$2,000,000 per occurrence.

NOTICE OF RIGHT TO REVIEW: Applicants for registration with the College of Optometrists of British Columbia may apply in writing to the Health Professions Review Board for a review of a registration decision within 30 days of the day on which you received written notice of the decision. For more information, see Part 4.2 of the *Health Professions Act*.

CHANGES IN YOUR REGISTRATION INFORMATION: Please advise the College of Optometrists of British Columbia as soon as possible if any of the information set out in this Registration Application changes.

For office use only:

Registration No.: _____ Date: _____

FORM 8: STATUTORY DECLARATION FOR NON-PRACTISING REGISTRATION

I, _____, solemnly declare that I will not provide the services of the profession of optometry in British Columbia while registered in the college as a non-practising registrant, and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same legal force and effect as if made under oath.

Declared before me at _____)
_____)
this ____ day of _____, 20____)

Signature of applicant for non-practising registration

Name: _____

Address: _____

- [] A commissioner for taking affidavits in British Columbia
- [] A notary public in and for British Columbia
- [] A commissioner authorized to administer oaths in the courts of justice of

Jurisdiction

FORM 8A: STATUTORY DECLARATION FOR ACADEMIC REGISTRATION

I, _____ , solemnly declare that I will not provide optometric services in British Columbia while registered with the college as an academic registrant except for educational purposes in an instructional settings, and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same legal force and effect as if made under oath.

Declared before me at _____)
_____)
_____)
this ____ day of _____, 20____)
_____)

Signature of applicant for academic registration

Name: _____

Address: _____

- A commissioner for taking affidavits in British Columbia
- A notary public in and for British Columbia
- A commissioner authorized to administer oaths in the courts of justice of

Jurisdiction

FORM 9: CERTIFICATE OF REGISTRATION

[This form consists of a certificate to be prepared by the College and bearing the following text in a format to be determined by the College:]

This is to certify that [name], Registration No. [number] has met the requirements for registration set out in the Health Professions Act and is hereby admitted as a [Registration Class] registrant of the College of Optometrists of British Columbia. In testimony whereof we have set our signatures and the seal of the College. Issued at Vancouver, British Columbia, this [day] day of [month], 20[].

In testimony whereof we have set out signatures and seal of the College.

Registrar

Chair

FORM 10: REGISTRATION RENEWAL APPLICATION

Please complete this form in **ink** and BLOCK LETTERS.

NAME INFORMATION AND REGISTRATION

First Name _____ Middle name _____ Last name _____ Registration number _____

Indicate your registration class: Therapeutic qualified Non-therapeutic qualified Non-practising* Academic**

If you are renewing registration as a therapeutic qualified or non-therapeutic qualified registrant:

- Have you provided optometric services during the past year? Yes [] No []
- If you have not provided optometric services during the past year, when did you last provide optometric services?

_____ day/month/year

If you are renewing registration as a non-practising or academic registrant, when were you granted registration in this class?

_____ day/month/year

CONTACT INFORMATION

Home Phone: (____) ____-____ Home Fax: (____) ____-____ Cell: (____) ____-____

Email: _____

MAILING ADDRESS

Suite: _____ Building Name/Clinic Name _____

Street Address: _____ City: _____

Province: _____ Postal Code: _____ Country: _____

PERSONAL INFORMATION

Gender: M F

Date of birth: _____
Day Month Year

LANGUAGE FLUENCIES

PLACE OF PRACTICE INFORMATION

Please provide the name, address, telephone and fax numbers for each of your places of practice and indicate your mode of practice at each location and which days of the week you practise there.

Location 1 (Clinic Name): _____

Address: _____ City: _____

Province: _____ Postal Code: _____ Country: _____ Effective Date: _____

Telephone: (____)____ - _____ Extension: _____ Fax: (____)____ - _____ Email/Website: _____

Practice days: S M T W Th F S

Mode of practice (circle one): Sole owner Co-owner Employee Contractor

Location 2 (Clinic Name) _____

Address: _____ City: _____

Province: _____ Postal Code: _____ Country: _____ Effective Date: _____

Telephone: (____)____ - _____ Extension: _____ Fax: (____)____ - _____ Email/Website: _____

Practice days: S M T W Th F S

Mode of practice (circle one): Sole owner Co-owner Employee Contractor

Location 3 (Clinic Name): _____

Address: _____ City: _____

Province: _____ Postal Code: _____ Country: _____ Effective Date: _____

Telephone: (____)____ - _____ Extension: _____ Fax: (____)____ - _____ Email/Website: _____

Practice days: S M T W Th F S

Mode of practice (circle one): Sole owner Co-owner Employee Contractor

Location 4 (Clinic Name): _____

Address: _____ City: _____

Province: _____ Postal Code: _____ Country: _____ Effective Date: _____

Telephone: (____)____ - _____ Extension: _____ Fax: (____)____ - _____ Email/Website: _____

Practice days: S M T W Th F S

Mode of practice (circle one): Sole owner Co-owner Employee Contractor

Please continue on a separate page if necessary.

CRIMINAL RECORD CHECK DECLARATION

It is mandatory that you declare: (1) criminal records to the college on the annual renewal form, and (2) criminal records any time during the current registration year should a criminal record arise in which case you must provide a new authorization for a criminal record check. Criminal record checks are also required every five years.

Have any charges and/or convictions for criminal offenses occurred since your last criminal check: Yes No

CONTINUING EDUCATION DECLARATION

I have completed the requirements of the quality assurance program as set out in part 5 of the bylaws: Yes No

CPR DECLARATION

As a condition of annual registration in the province of BC you are required to have a valid CPR level of certification by October 31.

I have completed a CPR course or CPR re-certification within the last 3 years: Yes No

PRACTISE IN OTHER JURISDICTION(S) DECLARATION

If you are registered or licensed to practise optometry in any other jurisdiction, indicate which jurisdiction(s) and confirm that you are in good standing in those jurisdictions.

Jurisdiction: _____ In good standing? Yes No

Jurisdiction: _____ In good standing? Yes No

INSURANCE DECLARATION

Section 61 of the Bylaws provides:

- (1) Each full registrant or academic registrant must obtain and at all times maintain professional liability insurance with a limit of liability not less than \$2,000,000 per occurrence insuring against liability arising from an error, omission or negligent act of the registrant.

I have professional liability insurance in accordance with section 61? Yes No

NON-PRACTISING REGISTRANT DECLARATION

If you are renewing as a non-practising registrant, do you acknowledge your declaration that you will not provide the services of the profession of optometry in British Columbia while registered in the college as a non-practising registrant? Yes No

ACADEMIC REGISTRANT DECLARATION

If you are renewing as an academic registrant, do you acknowledge your declaration that you will not provide optometric services in British Columbia except for educational purposes in an instructional setting? Yes No

I, _____, solemnly declare that the information contained in this form, including all accompanying documentation, is true, accurate and complete to the best of my knowledge,

Signature

Date

FORM 11: REGISTRATION RENEWAL RECEIPT

The registration with the College of Optometrists of British Columbia for [registrant name] as a [therapeutic qualified/ non-therapeutic qualified/academic/non-practising] class registrant is hereby renewed until 30 November [year].

Registrar

Date

FORM 12: REINSTATEMENT APPLICATION

Please complete this form in ink.

NAME AND REGISTRATION NUMBER

Name (first, middle, last)

Previous registration number

OTHER NAMES USED OR HAVE USED: (e.g. maiden name, birth name or previous married name)

First name

Middle name(s), if any

Last name

CONTACT INFORMATION

Please provide your telephone numbers, fax number (if any) and e-mail address.

Home Phone: _____

Cell Phone: _____

Work Phone: _____

Email: _____

Please provide your home address, work address (if any) and mailing address (if different from your home address).

Home: _____

Work: _____

Mailing: _____

PERSONAL INFORMATION

Date of birth: ____/____/____
 day month year

Mother's maiden name _____
(for security purposes)

REGISTRATION CLASS

Please indicate which registration class you are applying to be reinstated to (check one):

Therapeutic qualified [] **Non-therapeutic qualified** [] **Non-practising*** [] **Academic**** []

*Applicants for the non-practising registration class must complete a statutory declaration in Form 8.

**Applicants for the academic registration class must complete a statutory declaration in Form 8A.

If you are applying for reinstatement as a therapeutic qualified or non-therapeutic qualified registrant:

- Have you provided optometric services during the past year? Yes [], No []
- If you have not provided optometric services during the past year, when did you last provide optometric services?

 Day/month/year

If you are applying for reinstatement as a non-practising or academic registrant, when were you granted registration in this class?

 Day/month/year

REINSTATEMENT INFORMATION

When did you leave practice or otherwise become unregistered with the College of Optometrists?

 Day/month/year

Why? _____

PRACTISE IN OTHER JURISDICTIONS

Have you ever practised or been registered or licensed to practise optometry or any other health profession in

- (a) another province or territory? [] Yes [] No
- (b) a US state? [] Yes [] No
- (c) any other country? [] Yes [] No

If Yes, where? _____

If you have previously practised optometry or any other health profession in another jurisdiction or another health profession in British Columbia, you must provide a letter of good standing from each previous regulatory authority, to be delivered to the registrar by the issuing regulatory authority.

Have you ever been subject to a disciplinary action or been prohibited from practising optometry or any other health profession in British Columbia or another jurisdiction?

[] Yes [] No

If Yes, please state when and under what circumstances.

PLACES OF PRACTICE

If you are reinstated, where will you practice? Please give the name, address, telephone and fax numbers, email address and web site (if any) for each of your places of practice and indicate your intended mode of practice at each location. Continue on a separate page if necessary.

Location 1: _____

Address: _____ City: _____

Province: _____ Postal Code: _____ Country: _____ Effective Date: _____

Telephone: (____)____ - _____ Extension: _____ Fax: (____)____ - _____ Email/Website: _____

Practice days: S M T W Th F S

Mode of practice (circle one): Sole practitioner [] Contractor [] Employee [] Co-owner []

If you would not be a sole practitioner at this location, please name the person(s) or BC optometric corporation(s) with whom you would practice:

Location 1: _____

Address: _____

Telephone: _____ Fax: _____ Email/Web: _____

Mode of practice (check one): Sole practitioner [] Contractor [] Employee [] Co-owner []

If you would not be a sole practitioner at this location, please name the person(s) or BC optometric corporation(s) with whom you would practice:

Please give the name and address of any other places of practice or optometric corporations in which you have an ownership interest.

DOCUMENTS

Please provide or arrange to provide the following original documents to the college registrar:

- Authorization for a criminal record check (for applicants who have resided in another jurisdiction, an authorization for a criminal record check in that jurisdiction or a criminal record report in a form satisfactory to the registrar)
- A passport photo, to be taken within 6 months of completion of this application.
- Proof of Canadian citizenship or permanent resident status in Canada or authority to work in Canada in a health care profession.
- Letter of good standing from each previous regulatory authority that has registered, licensed, certified or otherwise authorized the applicant to practice optometry or another health profession (applicant who has practised or is practising in another jurisdiction or who has practiced or is practising in another health profession in British Columbia or another jurisdiction, **to be delivered to the registrar by the issuing regulatory authority**. The letter of good standing should confirm the applicant’s good standing in the other jurisdiction at the time he or she ceased practising in the other jurisdiction or ceased practising the other health profession or both, as applicable, and confirming the person’s good standing in any health profession in which he or she is currently practising.
- Proof of continuing education credits obtained within two years of completion of this application.

STATUTORY DECLARATION

I, _____, declare that the information in this form including all accompanying documentation, is true, accurate and complete and that during the preceding year I have completed the requirements of the quality assurance program as set out in Part 5 of the bylaws.

I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same legal force and effect as if made under oath.

Declared before me at _____)

this ____ day of _____, 20____)

Name: _____)

Address: _____)

Signature of applicant

[] A commissioner for taking affidavits in British Columbia

[] A notary public in and for British Columbia

[] A commissioner authorized to administer oaths in the courts of justice of

Jurisdiction

PROFESSIONAL LIABILITY INSURANCE: I understand that it is my responsibility to obtain and at all times maintain professional liability insurance with a limit of liability not less than \$2,000,000 per occurrence.

NOTICE OF RIGHT TO REVIEW: Applicants for registration with the College of Optometrists of British Columbia may apply in writing to the Health Professions Review Board for a review of a registration decision within 30 days of the day on which you received written notice of the decision. For more information, see Part 4.2 of the *Health Professions Act*.

CHANGES IN YOUR REGISTRATION INFORMATION: Please advise the College of Optometrists of British Columbia as soon as possible if any of the information set out in this Registration Application changes.

For office use only

Registration No.

Date

FORM 13: CITATION

To: [name of person cited]

Please be advised that you have been named as the respondent in a hearing of the discipline committee of the College of Optometrists of British Columbia.

Subject of the hearing

The subject of the hearing is as follows:

[describe here the nature of the complaint against the respondent or, if the hearing is not based on a complaint, the other matter that is the subject of the hearing.]

[Include here any allegations of

- failure to comply with the *Health Professions Act*, the regulations or the bylaws;
- professional misconduct, including sexual misconduct;
- incompetence;
- conviction for an indictable offence; and/or
- physical or mental ailment, emotional disturbance or addiction to alcohol or drugs impairing the registrant's ability to practise optometry.]

Date, time and place

The hearing of the discipline committee will take place at [time] on [date] at [place].

Your attendance

Both you and the college are entitled to be represented by a lawyer at this hearing.

If you do not attend the hearing, the discipline committee is entitled to proceed with the hearing in your absence and may, without further notice to you, take any action that it is authorized to take under the *Health Professions Act*, the regulations or the bylaws.

Evidence

Please note that under the *Health Professions Act*, special rules of evidence apply to hearings before the discipline committee. You or your legal counsel may wish to review the *Health Professions Act*, the regulations and/or the bylaws in advance of the hearing.

Powers of the discipline committee

The discipline committee is empowered by section 39 of the *Health Professions Act* to do one or more of the following:

- (a) dismiss the matter;
- (b) reprimand you;
- (c) impose limits or conditions on your practice of optometry;
- (d) suspend your registration;
- (e) cancel your registration;
- (f) fine you in an amount not exceeding \$100,000;
- (g) assess costs or part of the costs of the hearing against you.

Adjournments

Due to the need to assemble discipline committee members from throughout British Columbia, and having regard for the convenience of witnesses who may be ordered to appear at the hearing, adjournments of the hearing date will not often be granted.

If you require an adjournment of the date set for your hearing, please make your request as soon as possible by contacting [contact person, e.g. college's lawyer].

Registrar

Date

FORM 14: ORDER TO ATTEND DISCIPLINARY HEARING

To: [person ordered to attend]

Under section 38(6) of the *Health Professions Act*, the discipline committee of the College of Optometrists of British Columbia orders you to attend at a hearing to give evidence and to produce records in your possession or under your control relating to the enclosed citation.

The hearing starts at [time] on [date] at [location].

You are required to bring with you all documents you have in your possession or under your control relating to the citation. For more information, please contact the college registrar at the address given above.

Please note that if you fail to attend or to produce records as required by this order you are liable to be committed for contempt as if you were in breach of an order or judgment of the Supreme Court of British Columbia.

[Name]
Chair, Discipline Committee
College of Optometrists of British Columbia

Date

FORM 14A: NOTICE OF SUSPENSION

The registration of Dr. _____ in the College of Optometrists of British Columbia has been suspended.

The duration of the suspension is _____.

The reason for the suspension is as follows:

Section 81(1) of the Bylaws of the College of Optometrists of British Columbia states in part that a registrant whose registration is suspended must not practise optometry for the duration of the suspension.

Section 81(4) of the Bylaws states in part that, during the suspension, a suspended registrant may permit another registrant in good standing to practise within the suspended registrant's office.

[Name]
Chair, Discipline Committee
College of Optometrists of British Columbia

Date

FORM 15: BC OPTOMETRIC CORPORATION PERMIT APPLICATION

PART A

Applicant Name: _____ Reg. #: _____

Current Mailing Address: _____

Current Telephone/Fax: _____

Email: _____

Applicant Name: _____ Reg. #: _____

Current Mailing Address: _____

Current Telephone/Fax: _____

Email: _____

Applicant Name: _____ Reg. #: _____

Current Mailing Address: _____

Current Telephone/Fax: _____

Email: _____

If you require more space, please add another page

PART B

Choose **one** of the following:

I/We, the applicant(s), apply:

- to incorporate a new optometric corporation¹
- to continue an optometric corporation Incorporated under the laws of another province²
- to continue an optometric corporation incorporated under the laws of another province and extra-provincially registered in British Columbia³
- to form an optometric corporation by way of an amalgamation⁴
- to change the name of an optometric corporation⁵
- to join an optometric corporation⁶
- for restoration of an optometric corporation permit following revocation or dissolution of a former permit⁷

1. Proposed name of new optometric corporation

Hereinafter referred to as the "Corporation"

2. Name of original corporation

Original province of incorporation

Proposed name of corporation in British Columbia

Hereinafter referred to as the "Corporation"

3. Name of original corporation

Original province of incorporation

Name of corporation extra-provincially registered in BC

Proposed name of corporation in British Columbia

Hereinafter referred to as the "Corporation"

4. Names of corporations to be amalgamated

Proposed name of amalgamated corporation

Hereinafter referred to as the "Corporation"

5. Name of optometric corporation to be changed

Proposed new name of corporation

Hereinafter referred to as the "Corporation"

6. Name of existing optometric corporation to be joined

Hereinafter referred to as the "Corporation"

7. Name of optometric corporation

Reason for revocation or dissolution of original permit

Hereinafter referred to as the "Corporation"

INTENDED PLACE OF PRACTICE:

EXISTING PLACE/S OF PRACTICE FOR WHICH APPROVAL HAS PREVIOUSLY BEEN GIVEN TO THIS APPLICANT:

I am/We are applying under the *Health Professions Act* (the “Act”) to the College of Optometrists of British Columbia for my/our optometric corporation permit so that the Corporation may carry on the business of providing optometric services to the public.

PART C

I/WE DECLARE THAT:

1. **Registration:** I am a registrant/We are registrants in good standing of the College of Optometrists of British Columbia.
2. **Voting shares:** All of the issued voting shares of the corporation are/will be legally and beneficially owned by individuals who are qualified to own such shares pursuant to section 43 of the Act.
3. **Non-Voting shares:** All of the issued non-voting shares of the corporation are/will be legally and beneficially owned by individuals who are qualified to own such shares pursuant to section 43(1) (d) of the Act.
4. **Shareholders:** The proposed shareholders of the corporation are/will be :

Full Name: _____

Current Mailing Address: _____

Shares (number and class) _____

Voting/Non-Voting _____

If Voting – College Reg. # _____

If Non-Voting – relationship to applicant _____

Full Name: _____

Current Mailing Address: _____

Shares (number and class) _____

Voting/Non-Voting _____

If Voting – College Reg. # _____

If Non-Voting – relationship to applicant _____

Full Name: _____

Current Mailing Address: _____

Shares (number and class) _____

Voting/Non-Voting _____

If Voting – College Reg. # _____

If Non-Voting – relationship to applicant _____

Full Name: _____

Current Mailing Address: _____

Shares (number and class) _____

Voting/Non-Voting _____

If Voting – College Reg. # _____

If Non-Voting – relationship to applicant _____

If you require more space, please add another page

5. Directors And Officers

The proposed directors of the optometric corporation are/will be registrants of the college and are qualified to be a director pursuant to Section 43 of the Act. The directors and officers are as follows:

Directors: _____

Officers: _____

6. Individuals practicing

The only individuals who intend to practice optometry on behalf of the Corporation are the following registrants of the College of Optometrists of British Columbia.

Name _____ College Reg. #: _____

****Please note that you are required to complete the declaration required in items 4, 5 and 6. If in doubt, please contact your lawyer as College staff cannot assist you nor provide you with the answers****

- 7. **Activities of the Corporation:** The Corporation will not carry on any activities, other than the provision of optometric services or services that are directly associated with the provision of optometric services, that would, for the purposes of the Income Tax Act (Canada), give rise to income from business.
- 8. **Voting agreement:** None of the shareholders of the Optometric Corporation will enter into a voting trust agreement, proxy or any other type of agreement that vests in another person, who is not a registrant qualified to hold shares in the corporation, the authority to exercise the voting rights attached to any or all of the shares.
- 9. **Insurance:** The Optometric Corporation has arranged/ will arrange to provide liability insurance of at least \$2,000,000 per occurrence per year for each registrant practicing on behalf of the corporation.
- 10. **Accuracy of application:** I/We have personal knowledge of the declarations contained in this application and of the information I/We have added in completing this form, and I/we declare that the declarations and information are accurate and complete.

AUTHORIZATION AND CERTIFICATION OF APPLICANT(S)

- 1. I/We have read, understood and met the provisions of Part 4 of the Health Professions Act and Part 8 of the Bylaws of the College of Optometrists of British Columbia, and agree that I/We and the Corporation, and any related holding company and any related trust, will comply with and be bound by the provisions established therein.
- 2. I/We confirm that there are no outstanding fines, fees, debts, levies, costs or penalties owed to the College at the time of this application.
- 3. I/We confirm that I/We have authorized my/our solicitor, whose details are set out in the Schedule B, to provide as part of this application all requisite documentation required under Part 4 of the Act and Part 8 of the Bylaws. If, following the issuance of a permit, there is any change to the information provided by my solicitor to complete this application, I will inform the College immediately with full details of such change.
- 4. In the event that I have no solicitor acting on my/our behalf in this matter, I shall provide as part of this application all requisite documentation required under Part 4 of the Act and Part 8 of the Bylaws. If, following the issuance of a permit, there is any change to the information provided by me/us to complete this application, I/We will inform the College immediately with full details of such change
- 5. I/We authorize the College to make such enquiries as it considers appropriate in connection with this application.
- 6. I/We authorize the College to revoke any permit issued to the Corporation if it subsequently appears that I/We have, by omission or commission, given false or misleading information in respect of any question on this application form or have failed to notify the College prior or subsequent to the permit being granted of any change in the information provided.

Date

Applicant's signature

Date

Applicant's signature

Date

Applicant's signature

Date

Applicant's signature

Date

Applicant's signature

If you require additional signature(s)/date(s) lines, please add another page

OFFICE USE ONLY

[] Application is approved

[] Application is denied

Date

SCHEDULE A – ACKNOWLEDGEMENT

IMPORTANT: This schedule is to be completed by every registrant who is a voting shareholder of the Corporation or a holding company that directly or indirectly owns a legal or beneficial interest in any voting share of the Corporation, as defined under Section 43 of the Act.

Corporation: _____

Holding Company: _____
(if applicable)

Under the Health Professions Act the liability for professional negligence is not affected by the fact that a registrant is practicing optometry as an employee of a health profession corporation.

The fact that I/We will be practicing on behalf of a corporation does not in any way affect, modify or diminish the application of the Health Professions Act, Optometrists Regulation, or Bylaws issued by the College.

The president of the optometric corporation, or his or her designate, must advise the College promptly in writing of any changes to the information contained in this permit application.

I/We confirm that I/we have personal liability coverage or protection as required by Bylaws.

| Last Name | First Name | College Reg. # | Signature | Date |
|-----------|------------|----------------|-----------|-------|
| _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ |

SCHEDULE B – CERTIFICATE OF SOLICITOR

I/We, _____, confirm that I/we act as the registered and records office of a company to be incorporated under the name _____ ("the Corporation")

and that upon organization of the Corporation, but before the Corporation commences business, I/we will deliver to the College of Optometrists of British Columbia all documents and information required by the College for the purpose of this application.

I/We confirm that, to the best of my/our knowledge and belief, the Corporation, any related holding company and any related trust will be in compliance with the provisions of Part 4 of the Act and Part 8 of the Bylaws, and that the Articles of the Corporation and any related holding company will contain a provision that the company is subject to Part 4 of the Act and Part 8 of the Bylaws.

I/We will report to the College any changes to the Information contained herein, attached or subsequently provided to complete this application, or while I/we am/are retained to act for the Corporation.

Signature

Date

Full Name if applicable, authorized to sign on behalf of:

Name of Company/Law Corporation

MAILING ADDRESS:

Seal*

***Notary Seal is required for processing**

SCHEDULE C – CERTIFICATE OF APPLICANT

I/We, _____, confirm that I/we will act as the registered and records office of a company to be incorporated under the name _____ ("the Corporation") and that upon organization of the Corporation, but before the Corporation commences business, I/we will deliver to the College of Optometrists of British Columbia all documents and information required by the College for the purpose of this application.

I/We confirm that, to the best of my/our knowledge and belief, the Corporation, any related holding company and any related trust will be in compliance with the provisions of Part 4 of the Act and Part 8 of the Bylaws, and that the Articles of the Corporation and any related holding company will contain a provision that the company is subject to Part 4 of the Act and Part 8 of the Bylaws.

I/We will report to the College any changes to the Information contained herein, attached or subsequently provided to complete this application, or while I/we am/are retained to act for the Corporation.

Signature

Date

Full Name

MAILING ADDRESS OF THE REGISTERED AND RECORDS OFFICE:

FORM 15A: BC OPTOMETRIC CORPORATION PERMIT RENEWAL APPLICATION

Please complete this form in **ink and BLOCK LETTERS**.

Legal Name of Corporation _____

(from Certificate of Incorporation)

Incorporation Date: _____

Day/Month/Year

BC Optometric Corporation Permit Number:

Primary Registrant Shareholder of the Company: Each Corporation must designate one primary registrant shareholder of the company for the purposes of renewal. I/We confirm that the primary registrant shareholder of the corporation is:

Name of Primary Registrant Shareholder: _____

Registration Number: _____

I am/we are applying under the Health Professions Act to the College of Optometrists of British Columbia ("the College") for my/our BC optometric corporation permit's renewal so that the corporation may carry on the business of providing optometric services to the public.

I/WE DECLARE THAT:

circle yes or no

- | | | | |
|----|--|-----|----|
| 1. | Registration: I am/We are registrant(s) in good standing of the College. | Yes | No |
| 2. | Incorporation: My/Our BC optometric corporation is incorporated under the <i>BC Business Corporations Act</i> . | Yes | No |
| 3. | Good Standing: My/Our BC optometric corporation is in good standing with the Registrar of Companies. | Yes | No |
| 4. | Voting shares: All voting shares of my/our BC optometric corporation are in compliance with the Part 4 of the Health Professions Act. | Yes | No |
| 5. | Non-Voting Shares: All non-voting shares of my/our BC optometric corporation are in compliance with Part 4 of the Health Professions Act. | Yes | No |
| 6. | Directors: All the directors of my/our BC optometric corporation are registrants of the College. | Yes | No |
| 7. | Services: All of the persons who will be providing services on behalf of my/our BC Optometric Corporation are registrants of the College or are under the supervision of a registrant of the College. | Yes | No |
| 8. | Optometrists Regulation: My/Our BC optometric corporation is in compliance with the Optometrists Regulation of BC. | Yes | No |
| 9. | Bylaws: All of the requirements in Part 8 of the Bylaws have been met. | Yes | No |

- | | | | |
|-----|--|-----|----|
| 10. | Insurance: Section 107.1 of the Bylaws provides: a BC optometric corporation must obtain and at all times maintain professional liability insurance with a limit of liability no less than \$2,000,000 per occurrence insuring against liability arising from error, omission or negligent act of an employee of the BC optometric corporation. I/We have professional liability in accordance with section 107.1 | Yes | No |
| 11. | Changes: Section 108(3) of the Bylaws provides: a corporation applying for or granted a renewal of a permit under this section must promptly advise the Registrar in writing of any change to the information contained in its permit application. I will notify the Registrar promptly in writing of any changes to the information contained in this permit renewal. | Yes | No |
| 12. | Accuracy of Application: I/We _____ solemnly declare that the information contained in this form, including all accompanying documentation, is true, accurate and complete to the best of my/our knowledge. | Yes | No |

FORM 16: BC OPTOMETRIC CORPORATION PERMIT

The College of Optometrists of British Columbia hereby authorizes

[name of optometric corporation]

Permit No.

to operate as a BC Optometric Corporation and carry on the business of providing optometric services to the public in accordance with the *Health Professions Act*, all applicable regulations made under that Act, and the bylaws of the College.

Issued at Vancouver, British Columbia, this [day] day of [month], 20[].

Registrar

Chair

FORM 16A: BC OPTOMETRIC CORPORATION PERMIT RENEWAL RECEIPT

The authorization of

[name of optometric corporation]

Permit No.

to operate as a BC Optometric Corporation and carry on the business of providing optometric services to the public in accordance with the *Health Professions Act*, all applicable regulations made under that Act, and the bylaws of the college is hereby renewed until 30 November [year].

[Name]
(For the Registrar)

Date

FORM 17: NOTICE OF PERMIT REVOCATION HEARING

To: [name of BC optometric corporation]

Please be advised that the above-noted BC optometric corporation has been named as the respondent in a permit revocation hearing of the discipline committee of the College of Optometrists of British Columbia.

Subject of the hearing

The subject of the hearing is as follows:

[describe here the nature of the complaint against the respondent or, if the hearing is not based on a complaint, the other matter that is the subject of the hearing.]

[Include here the particulars of any evidence in support of the subject matter.]

If the hearing is an oral hearing:

Date, time and place

The hearing of the discipline committee will be an oral hearing and will take place at [time] on [date] at [place].

Both the respondent and the college are entitled to be represented by a lawyer at this hearing.

If representatives of the respondent do not attend the hearing, the discipline committee is entitled to proceed with the hearing in their absence and may, without further notice, take any action that it is authorized to take under the *Health Professions Act*, the regulations or the bylaws.

If the hearing is in writing:

Date

The hearing of the discipline committee will be by written submission and will take place on [date].

The respondent is entitled to submit a written submission no later than 14 days before the date of the hearing.

Powers of the discipline committee

The discipline committee is empowered by section 44 of the *Health Professions Act* to revoke the respondent's BC optometric corporation permit if

- (a) in the course of providing services the respondent, its officers, employees or agents does anything that, if done by a registrant, would be professional misconduct,
- (b) the respondent ceases to comply with a requirement or condition referred to in section 43(1) of the Act, or
- (c) the respondent contravenes section 45 of the Act.

As alternatives to revoking a permit, the discipline committee may

- (a) reprimand one or more shareholders of the corporation who are registrants, or
- (b) impose a fine on the corporation in an amount not exceeding \$10,000.

Adjournments

Due to the need to assemble discipline committee members from throughout British Columbia, and having regard for the convenience of witnesses who may be ordered to appear at the hearing, adjournments of the hearing date will not often be granted.

If you require an adjournment of the date set for this hearing, please make your request as soon as possible by contacting [contact person, e.g. college's lawyer].

Registrar

Date

FORM 18: ORDER TO ATTEND PERMIT REVOCATION HEARING

To: [person ordered to attend]

Under the bylaws of the College of Optometrists of British Columbia, the discipline committee of the college orders you to attend at a hearing to give evidence and to produce records in your possession or under your control relating to [name of optometric corporation].

The subject of the hearing is as follows:

[describe here the nature of the complaint against the optometric corporation or, if the hearing is not based on a complaint, the other matter that is the subject of the hearing.]

[Include here the particulars of any evidence in support of the subject matter.]

The hearing starts at [time] on [date] at [location].

You are required to bring with you all documents you have in your possession or under your control relating to the hearing. For more information, please contact the college registrar at the address given above.

[Name]

Chair, Discipline Committee

College of Optometrists of British Columbia

Date

FORM 19: APPLICATION FOR APPROVAL OF PLACE OF PRACTICE NAME

PLEASE PRINT

SECTION A: REGISTRANT(S) HAVING A CONTROLLING INTEREST

Section A: Registrant having controlling interest is the registrant who "owns" or has the majority "ownership" of the place of practice name and is responsible for compliance with the Bylaws for the place of optometric practice. More than one registrant may have controlling interest (e.g. an equal partnership).

| | |
|--|--|
| <p>(1)</p> <p>..... Last Name First Name</p> <p>..... Reg. # Signature</p> <p>..... / / Month Day Year</p> | <p>(2)</p> <p>..... Last Name First Name</p> <p>..... Reg. # Signature</p> <p>..... / / Month Day Year</p> |
|--|--|

SECTION B: PLACE OF PRACTICE

Section B: This is the requested place of optometric practice name and must be unique unless the place of practice is affiliated with another BC place of optometric practice. In order to register your place of practice name with the College, your place of practice must include the word "optometrist" or a derivative of that word which conveys to the public that it is a place of optometric practice. Two or more places of practice names may not be similar, unless they are affiliated with each other.

Place of Practice Name :

.....
Address City Province Postal Code

Telephone Number () Fax Number ()

Is this place of practice affiliated with another optometric place of practice: YES NO
If yes, please provide consent letter from all other affiliates.

SECTION C: RESPONSIBLE REGISTRANT

Section C: Each place of optometric practice must have a registrant who is responsible for clinical care and compliance with the Bylaws regarding place of practice and a registrant may not assume these responsibilities for more than four places of practice. If the registrant owns more than four places of practice, he/she must appoint another registrant who will accept those responsibilities and has not already assumed responsibilities for four places of practice.

a) Same as per section A(1) b) Same as per section A(2) or c) Complete the section below.

.....
Last Name First Name Reg. #

.....
Signature Month Day Year

SECTION D: RECORDS – RESPONSIBLE OWNER

Section D: A registrant must ensure that all records containing the personal information of patients, at his/her place of practice, are owned in accordance with the Bylaws. Registrant must declare the responsible owner of these records at their place of practice.

a) Same as per section A(1) b) Same as per section A(2) or c) Complete the section below.

| | |
|---|--|
| <p>Registrant:</p> <p>..... Last Name First Name Reg. #</p> <p>..... Signature</p> | <p>BC Optometric Corporation: OC Permit #.....</p> <p>..... Optometric Corporation Name</p> <p>..... Authorized Signature(s)</p> |
|---|--|

Other: (Ophthalmologist, Hospital or Armed Forces) – please provide information on separate sheet

FOR OFFICE USE ONLY

.....
Signature Month Day Year

- Approval of your place of practice name request may take up to 20 working days.
- A separate form must be completed for each place of practice.
- All sections must be completed.

FORM 19A: REQUEST TO CHANGE PLACE OF PRACTICE NAME

(PLEASE PRINT)

SECTION A: REGISTRANT(S) HAVING A CONTROLLING INTEREST

Section A: Registrant having controlling interest is the registrant who “owns” or has the majority “ownership” of the place of practice name and is responsible for compliance with the Bylaws for the place of optometric practice. More than one registrant may have controlling interest (e.g. an equal partnership).

| | |
|---|---|
| (1) Last Name First Name Reg. # Signature | (2) Last Name First Name Reg. # Signature |
| / / Month Day Year | / / Month Day Year |

SECTION B: CURRENT PLACE OF PRACTICE

Section B: This is the requested place of optometric practice name and must be unique unless the place of practice is affiliated with another BC place of optometric practice. In order to register your place of practice name with the College, your place of practice must include the word “optometrist” or a derivative of that word which conveys to the public that it is a place of optometric practice. Two or more places of practice names may not be similar, unless they are affiliated with each other.

My (our) current place of practice name

Address City Province Postal Code

Tel () Fax () Website

NEW PLACE OF PRACTICE

New place of practice name

Address City Province Postal Code

Tel () Fax () Website

Is this place of practice affiliated with another optometric place of practice: YES NO

If yes, please provide consent letter from all other affiliates.

SECTION C: RESPONSIBLE REGISTRANT INFORMATION

Section C: Each place of optometric practice must have a registrant who is responsible for clinical care and compliance with the Bylaws regarding place of practice and a registrant may not assume these responsibilities for more than four places of practice. If the registrant owns more than four places of practice, he/she must appoint another registrant who will accept those responsibilities and has not already assumed responsibilities for four places of practice.

a) Same as per section A(1) b) Same as per section A(2) or c) Complete the section below.

Last Name First Name Reg. #

Signature Month / Day / Year

SECTION D: RECORDS – RESPONSIBLE OWNER

Section D: A registrant must ensure that all records containing the personal information of patients, at his/her place of practice, are owned in accordance with the Bylaws. Registrant must declare the responsible owner of these records at their place of practice.

a) Same as per section A(1) b) Same as per section A(2) or c) Complete the section below.

| | |
|--|---|
| Registrant: Last Name First Name Reg. # Signature | BC Optometric Corporation: OC Permit # Optometric Corporation Name Authorized Signature(s) |
|--|---|

Other: (Ophthalmologist, Hospital or Armed Forces) – please provide information on separate sheet

FOR OFFICE USE ONLY

Signature Day / Month / Year

- Approval of your place of practice name change may take up to 20 working days.
- A separate form must be completed for each place of practice.
- All sections must be completed.

SCHEDULE C – INVESTIGATIONS TARIFF

| Expense | Rate of indemnity |
|--|------------------------------|
| For any legal services contracted by the college for the purposes of the investigation | 60% of actual legal fees |
| For any other professional services contracted by the college for the purposes of the investigation | 80% of actual fees |
| For any disbursements arising from the need to rent facilities (e.g., meeting rooms) for the purposes of the investigation | 100% of actual disbursements |

SCHEDULE D – DISCIPLINARY HEARINGS TARIFF

| Expense | Rate of indemnity |
|---|------------------------------|
| Legal fees for each day of hearing preparation* | 60% of actual legal fees |
| Legal fees for each day of the hearing | 60% of actual legal fees |
| Expert witness fees | 80% of actual fees |
| All other disbursements | 100% of actual disbursements |

* Maximum of three days preparation for each scheduled day of hearing.

SCHEDULE E – FEES

Fees provided for in the bylaws

| Fee (section) | Amount (\$) |
|--|-------------|
| Personal information requests fee (sections 45 and 102) | 100 |
| Assessment of registration application fee (section 52) | 475 |
| Annual registration / registration renewal fee (section 63) | |
| • Full registrants | 1,390 |
| • Academic registrants | 1,390 |
| • Non-practising registrants | 1,390 |
| • Limited registrants | 1,390 |
| Late fee for registration renewal (section 63) | 500 |
| Reinstatement fee (sections 64, 65 and 66) | 500 |
| Optometric corporation permit fee (section 106) | 525 |
| Optometric corporation permit renewal fee (section 108) | 200 |

Other fees

| Fee | Amount (\$) |
|--|------------------|
| Jurisprudence orientation and examination fee | 200 |
| Certificate of registration (small format) | 50 |
| Certificate of registration (large hand-lettered format) | 100 |
| Optometric Corporation permit | 50 |
| Change of registration class | 300 |
| Printed copy of college bylaws | 75 |
| Printed copy of college policies | 75 |
| Printed copy of college annual report | 75 |
| Letter of good standing | 50 |
| BC College of Optometrists roster | 50 |
| Quality assurance assessment fee | To be determined |
| NSF cheque fee | 50 |
| Verification of OD | 150 |

SCHEDULE F – RECOGNIZED SCHOOLS OF OPTOMETRY

The optometry programs of the following institutions are recognized schools of optometry for the purposes of Part 4 of the bylaws:

CANADA

École d'Optométrie, University of Montreal

University of Waterloo School of Optometry and Vision Science

UNITED STATES

Ferris State University Michigan College of Optometry

Illinois College of Optometry

Indiana University School of Optometry

Inter American University of Puerto Rico School of Optometry

MCPHS University School of Optometry

Midwestern University Arizona College of Optometry

New England College of Optometry

Northeastern State University Oklahoma College of Optometry

Nova Southeastern University College of Optometry

Ohio State University College of Optometry

Pacific University College of Optometry

Pennsylvania College of Optometry at Salus University

Southern California College of Optometry at Marshall B. Ketchum University

Southern College of Optometry

State University of New York, State College of Optometry

University of Alabama at Birmingham School of Optometry

University of California, Berkeley, School of Optometry

University of Houston, College of Optometry

University of Missouri - St. Louis, School of Optometry

University of the Incarnate Word Rosenberg School of Optometry

Western University of Health Sciences College of Optometry

SCHEDULE G – RECOGNIZED JURISDICTIONS

The following jurisdictions are recognized for the purposes of Part 4 of the bylaws:

- Alberta
- Manitoba
- New Brunswick
- Newfoundland and Labrador
- Northwest Territories
- Nova Scotia
- Nunavut
- Ontario
- Prince Edward Island
- Quebec
- Saskatchewan
- Yukon Territory

SCHEDULE H – TPA REQUIREMENTS FOR THERAPEUTIC QUALIFIED REGISTRATION

For the purpose of meeting the requirement in section 53(f), a person applying for registration as a therapeutic qualified registrant under section 53 must satisfy the registration committee that one of the following applies:

1. he or she has, within ten years of applying for therapeutic qualified registration, graduated from a recognized school of optometry;
2. he or she has
 - (a) at any time, graduated from a recognized school of optometry,
 - (b) within ten years of applying for therapeutic qualified registration, practised optometry in a Canadian or American jurisdiction in which he or she was authorized to prescribe, dispense and administer therapeutic pharmaceutical agents, and
 - (c) completed, in the jurisdiction referred to in subparagraph (b), the required continuing education and the minimum practice hours required in that jurisdiction, to retain his or her authorization to prescribe, dispense and administer therapeutic pharmaceutical agents;
3. he or she has, within ten years of applying for therapeutic qualified registration, successfully completed the ocular therapeutics section of the national qualifying examination;
4. he or she has, within ten years of applying for therapeutic qualified registration, successfully completed the Treatment and Management of Ocular Disease section of the National Board of Examiners in Optometry;
5. he or she has, within five years of applying for therapeutic qualified registration, successfully completed a 100 hour course in ocular therapeutics;
6. he or she has successfully completed a 20 hour therapeutic pharmaceutical agent updating course given at any time after January 1, 2004 and has also successfully completed one of the following:
 - (a) a 100 hour course in ocular therapeutics;
 - (b) the Treatment and Management of Ocular Disease section of the National Board of Examiners in Optometry;
 - (c) the ocular therapeutics section of the national qualifying examination.