

INTERPROFESSIONAL COLLABORATION IN EYE CARE

OPTICIANRY JURISDICTIONAL REVIEW: ONTARIO

4: Records

5: Refraction

NOVEMBER, 2009

Note to Reader

Unless otherwise specified, the material in this review was accessed between September and November 2009. The material that was retrieved from websites is accurate as of the date it was accessed and cannot be guaranteed accurate when accessed at a later date.

This review includes statutory and regulatory materials that form the key regulatory frameworks for the professions of Optometry in Ontario and that are relevant for the scope of HPRAC's review. This review does not reference all legislation (and regulation) that is relevant to the practices of Optometry in Ontario.

REGULATORY FRAMEWORK	RECORDS	REFRACTION	LEGISLATIVE AND RESOURCE REFERENCES
<p>A self-regulating profession under the <i>Regulated Health Professions Act, 1991</i> and the <i>Opticianry Act, 1991</i>.</p> <p>Objects of the College:</p> <ol style="list-style-type: none"> 1. To regulate the practice of the profession and to govern the members in accordance with the health profession Act, this Code and the <i>Regulated Health Professions Act, 1991</i> and the regulations and by-laws. 2. To develop, establish and maintain standards of qualification for persons to be issued certificates of registration. 3. To develop, establish and maintain programs and standards of practice to assure the quality of the practice 	<p>REGULATION 828/93 provides that:</p> <p>PROFESSIONAL MISCONDUCT</p> <ol style="list-style-type: none"> 1. The following are acts of professional misconduct for the purposes of clause 51 (1) (c) of the Health Professions Procedural Code: <ul style="list-style-type: none"> 20. Failing to maintain records as required by the regulations. 21. Falsifying a record relating to the member's practice. 22. Failing, without reasonable cause, to provide a report or certificate relating to an examination or treatment performed by the member, within a reasonable time, to the patient or his or her authorized representative, after a patient or his or her authorized representative has requested such a report or certificate. 23. Signing or issuing, in the member's professional capacity, a document that the member knows or ought to know contains a false or misleading statement. <p>The College of Opticians of Ontario Standards of Practice provide that:</p> <p>Standard 3: Fitting of Appropriate Optical Devices</p> <p>The Optician shall fit, prepare and dispense appropriate optical devices.</p>	<p>In May, 2008, the College of Opticians of Ontario approved a Standards of Practice for Refraction (available at http://www.coptont.org/docs/Refraction%20SOP/coo_sop_refracti on.pdf, accessed on October 21, 2009) and provided “refraction status” to approximately 36 registered opticians. The standard of practice provides the following conditions to obtain this status:</p> <ol style="list-style-type: none"> 1. An optician must have successfully completed a training program, which includes an examination component that meets the most current refracting competencies established by College of Opticians of Ontario (COO). The respective training program will not be included within the general curriculum of the opticianry program, but will be available as a postgraduate course. COO will provide a list of all accredited education programs. 2. Each optician intending to refract must first apply to COO for ‘refracting designation’ through a process established by COO. Each optician who receives refracting designation will be issued a seal by the COO that is to be affixed to the optician's certificate of registration. 3. An optician who has obtained refracting designation must also submit to COO at least eight (8) College-approved continuing education credits that are <i>specific to refraction</i> and which are to be submitted <i>in addition</i> to the credits required for the optician’s existing Quality Assurance cycle in order to retain his or her refracting designation. 4. Each refracting optician must complete the Patient Acknowledgment Form attached to this Standard of Practice for 	<p><i>Regulated Health Professions Act, 1991</i></p> <p>http://www.e-laws.gov.on.ca/html/statutes/english/ela ws_statutes_91r18_e.htm</p> <p>ONTARIO REGULATION 828/93</p> <p>http://www.canlii.org/en/on/laws/regu/o-reg-828-93/latest/o-reg-828-93.html</p> <p>Professional Standards of Practice for Opticians in the Province of Ontario</p> <p>http://www.coptont.org/docs/Legislation/SOP.pdf</p> <p>College of Opticians of Ontario Standards of Practice for Refraction</p> <p>http://www.coptont.org/docs/Refraction%20SOP/coo_sop_refraction.pdf</p>

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<p>of the profession.</p> <p>4. To develop, establish and maintain standards of knowledge and skill and programs to promote continuing evaluation, competence and improvement among the members.</p> <p>5. To develop, establish and maintain standards of professional ethics for the members.</p> <p>6. To develop, establish and maintain programs to assist individuals to exercise their rights under this Code and the <i>Regulated Health Professions Act, 1991</i>.</p> <p>7. To administer the health profession Act, this Code and the <i>Regulated Health Professions Act, 1991</i> as it relates to the profession and to perform the other duties and exercise the</p>	<p>Criteria:</p> <p>Optical Appliances</p> <p>1. PATIENT EVALUATION THE PRESCRIPTION (Rx)</p> <p>(iii) The optician will retain a copy of the prescription for a period of 6 years. The optician will make available the original or copy of the prescription, when requested to do so, provided it includes the prescriber name and date of examination.</p> <p>Standard 6: Records</p> <p>The Optician shall ensure that documentation is clear and accurate, satisfying patient care and legal requirements.</p> <p>Criteria: The following must be recorded in the patient file:</p> <ul style="list-style-type: none"> a) Complete details of a patient’s prescription, including the name of the prescriber, and the date of examination; b) If a prescription is received and confirmed via telephone/ fax, from the prescriber or other health care professional, this must be recorded c) If eye glasses were duplicated from those currently worn by the patient, this must be recorded. d) Final measurements for eyeglasses will include pupillary distance multifocal height (if applicable), distance optical 	<p>each patient and send a copy/facsimile of all completed forms to the COO on a quarterly basis.</p> <p>5. An optician must ensure that he or she has the appropriate equipment to perform refraction such as, but not necessarily limited to, automated refraction equipment, phoropter, trial lenses, retinoscope and visual acuity charts.</p> <p>6. An optician must not prepare and dispense vision devices based on the results of the refraction performed without a prescription, as set out in clause 7.</p> <p>7. An optician may dispense vision devices when the optician has a prescription from an authorized prescriber. Dispensing may occur under three generic scenarios:</p> <p>(a) The patient has seen an authorized prescriber for a full oculo visual assessment within the last 365 days. The authorized prescriber has issued a written prescription for the patient indicating that the patient requires an optical appliance subject to determination of the refractive error of the eye by an optician. In this circumstance, the optician may perform refraction and dispense the appropriate eyewear based on the results of the refraction. The results of the refraction and information on the optical appliance dispensed must be provided to the authorized prescriber as soon as possible, but no later than 30 days from the date that the refraction was conducted.</p> <p>(b) The patient has seen an authorized prescriber for a full oculo visual assessment within the last 365 days. Pursuant to the patient's health status meeting a set of predetermined conditions, the</p>	

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<p>other powers that are imposed or conferred on the College.</p> <p>8. To promote and enhance relations between the College and its members, other health profession colleges, key stakeholders, and the public.</p> <p>9. To promote inter-professional collaboration with other health profession colleges.</p> <p>10. To develop, establish, and maintain standards and programs to promote the ability of members to respond to changes in practice environments, advances in technology and other emerging issues.</p> <p>11. Any other objects relating to human health care that the Council considers</p>	<p>centre location, fitting vertex distance and pantoscopic tilt, as necessary. Each measurement must be recorded in clear, legible form.</p> <p>e) Final measurements for contact lenses will include date of fitting or evaluation, keratometry measurements and corrected visual acuity.</p> <p>f) The patient file must include the name or identity of the Optician who fit, verified and dispensed the optical appliance.</p> <p>PATIENT HISTORY A patient history shall be kept in the patient file and must contain all of the information indicated in Standard 6 herein. This will assist an optician in giving the best advice and in helping select the product appropriate to patient needs.</p> <p>Questions about occupation and avocation(s) are a mandatory component of the pre-fit evaluation. Special or diversified working distances, environmental conditions, patient sensitivities, and product performance expectations all play a role in the design of eye glasses, contact lenses and sub-normal vision devices.</p> <p>All information obtained from the patient must remain confidential and must not be disclosed to a third person except as may be authorized or required by law.</p> <p>An Optician must have a system designed to contact patients who neglect to return in accordance with the program or schedule established. This system might include telephone calls and/ or letters or both together, at fixed, pre-established times, to remind</p>	<p>prescriber has authorized the optician to dispense an optical appliance based on the optician's determination of the refractive status of the eye and on any other information the prescriber may have provided. In this circumstance, the authorized prescriber has determined that the health of a patient satisfies certain predetermined health standards, where the prescriber has then authorized the optician to perform the refraction and dispense the appropriate eyewear based on the results of that refraction and any other additional information that the prescriber has provided. The results of the refractive error determination and information on the optical appliance dispensed must be provided to the authorized prescriber as soon as possible, but no later than 30 days from the date that the refraction was conducted.</p> <p>(c) The patient has seen an authorized prescriber for a full oculo visual assessment within the last 365 days. The optician receives a referral from a prescriber to perform a refraction on a patient in order to assist the prescriber in preparing a prescription. In this circumstance, the optician may perform the refraction and must provide the results of that refraction to the referring practitioner as soon as possible. The optician may subsequently receive a prescription from the authorized prescriber reflecting the results of the refraction, whereupon the optician may dispense appropriate eyewear to the patient.</p> <p>8. An optician must use her or his knowledge, skills and judgment to refer to a physician or optometrist any indication or complications in the patient's visual or general health that comes to the attention of the optician as a result of performing the refraction.</p> <p>9. In addition to the patient's file, the refraction health record for</p>	

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<p>desirable.</p> <p>Source: HEALTH PROFESSIONS PROCEDURAL CODE, available at http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_91r18_e.htm#BK47, accessed on October 21, 2009.</p> <p>In addition to statutes, the profession is framed by standards of practice, regulations, policy statements by the College and an ethical code.</p>	<p>the patient of the schedule and the importance of adhering to it.</p> <p>Should a patient fail to attend and/ or respond to notifications, it must be noted in the patient file.</p> <p>An optician must have a means of identifying in the patient file all details of lens design including source, manufacturer, trade name of the product, type of lens material, whether single vision or multifocal, tint, surface treatment, coating or colour applied, base curves, segment dimensions, and adaptations to the prescription made because of working distance and, fitting vertex distance.</p> <p>Patient files must be maintained in the dispensary for a minimum of six years from the date of last entry.</p> <p>An optician must meet the requirements of all applicable privacy legislation.</p> <p>Standard 7: Patient Relations</p> <p>Communications</p> <p>Standard: The Optician shall take reasonable steps to ensure patient comprehension of any process.</p> <p>Criteria:</p> <ol style="list-style-type: none"> 1. The Optician will provide complete, accurate information concerning the steps of procedures to be taken in terms the patient can be reasonably expected to understand. 2. The College recognizes that consent is implied when the patient attends for the purpose of assessment, and that the nature of any treatment plan must be disclosed to the patient prior to implementation. 	<p><i>every patient</i> upon whom an optician has performed a refraction must contain:</p> <ol style="list-style-type: none"> (a) The date of the refraction, (b) Name of optician performing refraction and College registration number, (c) Patient Acknowledgment Form (one completed copy per patient must be provided to the College by mail or facsimile on March 31, June 30, Sept 30 and Dec 31 of each year), (d) Results of the refraction, (e) Name of the prescriber, date and details of the prescription, as well as any other instructions. <p>10 The optician must expend her or his best efforts, in conjunction with the authorized prescriber, to ensure that the Canadian Ophthalmological Society evidence-based Clinical Practice Guidelines for periodic eye examinations in adults in Canada are adhered to.</p> <p>11. An optician is prohibited from performing refractions other than in accordance with the provisions of this standard of practice.</p> <p>In a letter dated July 16, 2009, available at http://www.coptont.org/docs/Ministry-July16-2009.pdf, (accessed on October 21, 2009), the College received direction from the Minister of Health and Long-Term Care to comply with the following instructions:</p>	

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	<p>Confidentiality</p> <p>Standard: The Optician shall ensure that patient confidentiality is maintained at all times.</p> <p>Criteria:</p> <ol style="list-style-type: none"> 1. An Optician is not permitted to reveal any confidential information about a patient to anyone, except insofar as it is required for the treatment of the patient, and then only to those who have a need to know and only with the consent of the patient as required by applicable legislation. 2. Case discussion, consultation, examination and treatment that could reasonably be expected to raise an expectation of privacy should be carried out in private. 3. The Optician must seek permission from the patient for any individuals, including students, not directly involved in the patient care to be present during assessment or treatment. 4. The patient record is regarded as confidential and should be secured appropriately when not in use (see Records). 5. Except as may be required or authorized by law, an optician will not allow any person to examine or copy any information from the patient health record nor release any information from the patient health record to any person. 	<ul style="list-style-type: none"> • The College accepts no further applications from its members as of the date of this letter for approval as a "refracting optician" (refraction status) to enable the performance of refractometry and the altering or generation of a prescription. • No further members are accorded refraction status by the College as of the date of this letter. • The College post on its website within 10 days of the date of this letter, a message from the President and Executive Committee to all members of the College indicating that the College will no longer accept applications for refraction status to enable a member to perform refractometry until further notice and agreement by the ministry. • The College inform in writing, within 10 days of the date of this letter, those members with applications in progress that their applications are no longer being considered. <p>Opticians who had received approval to refract up to July 16, 2009 were authorized to continue to perform refractions. The Minister directed the President of the College to provide Dr. Joshua Tepper, Assistant Deputy Minister of the Health Human Resources Strategy Division, within 30 days of the July 16th 2009 letter, with a list of the names of all members who had been granted refraction status by the College, including their business addresses and the date refraction status was granted.</p> <p>The College was instructed to indicate whether or not these members were performing refractions. If they were performing refractions, the Minister instructed the College to indicate the steps it was taking to ensure that the procedure is being performed in accordance with the <i>Regulated Health Professions Act, 1991</i>.</p>	

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	<p>6. Telephone conversations regarding information that could reasonably be expected to raise an expectation of privacy should be carried out in private.</p>	<p>The Minister further instructed that the administrative hold on approving any further members as a "refracting optician" would remain in place until the ministry has had the opportunity to review advice from the Health Professions Regulatory Advisory Council regarding eye care professionals, and has determined the appropriate next steps. The Minister indicated he expected these instructions to be communicated to the College's membership immediately.</p> <p>The <i>Opticianry Act, 1991</i> states:</p> <p>Scope of practice</p> <p><u>3.</u> The practice of opticianry is the provision, fitting and adjustment of subnormal vision devices, contact lenses or eye glasses.</p> <p>Authorized acts</p> <p><u>4.</u> In the course of engaging in the practice of opticianry, a member is authorized, subject to the terms, conditions and limitations imposed on his or her certificate of registration, to dispense subnormal vision devices, contact lenses or eye glasses.</p> <p>Additional requirements for authorized acts</p> <p><u>5. (1)</u> A member shall not dispense subnormal vision devices, contact lenses or eye glasses under the authority of section 4 except upon the prescription of an optometrist or physician.</p>	

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