APPENDIX A
Referral Letter

Office of the Minister
Bureau du Ministre

Ministry of Health
Ministère de la Santé

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RECEIVED
JAN 27 1994

JAN 26 1994

Ms Christie Jefferson
Chair
Health Professions Regulatory
Advisory Council
700 Bay Street, 14th Floor
Toronto, Ontario
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Dear Ms Jefferson:

I am writing to you concerning two referrals to the Health Professions Regulatory Advisory Council under section 12 of the Regulated Health Professions Act, 1991 (RHPA).

1. Under the Optometry Act, 1991 the scope of practice and authorized acts provisions state as follows:

   3. The practice of optometry is the assessment of the eye and vision system and the diagnosis, treatment and prevention of,

   (a) disorders of refraction;

   (b) sensory and oculomotor disorders and dysfunctions of the eye and vision system; and

   (c) prescribed diseases.

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4. In the course of engaging in the practice of optometry, a member is authorized, subject to the terms, conditions and limitations imposed on his or her certificate of registration, to perform the following:

1. Communicating a diagnosis identifying, as the cause of a person's symptoms, a disorder of refraction, a sensory or oculomotor disorder of the eye or vision system or a prescribed disease.

2. Applying a prescribed form of energy.

3. Prescribing or dispensing, for vision or eye problems, subnormal vision devices, contact lenses or eye glasses.

In the development of regulations under the Optometry Act, 1991 an issue has arisen that needs immediate resolution. The College of Optometrists of Ontario has indicated to me that it may have difficulty governing the profession if the matter remains unresolved for long. As you know, the College has the authority to make regulations setting out what constitutes "prescribed diseases" for the purpose of sections 3 and 4 of the Optometry Act, 1991. It is the Ministry's position that this regulation (or regulations, since it may be possible to consider a regulation related to the scope of practice statement and another related to the authorized act of diagnosis) should specifically set out in some manner, such as a list, which diseases are "prescribed". The College has rejected this approach, favouring a broad statement which would, it argues, be more flexible and responsive to the actual practice of the profession.

The terms of reference respecting this issue are as follows:

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Considering the protection of the public interest, the statutory language within the Optometry Act, 1991, the historical context and current professional practice respecting the diseases that Optometrists now diagnose, treat and prevent, how should a regulation(s) respecting "prescribed diseases" be framed, in form and content.

In your deliberations, I ask you to consider the following:

i. correspondence between the Ministry and the College on this matter during the past year (this information will be provided by the Professional Relations Branch)

ii. the work of the Health Professions Legislation Review with respect to the scope of practice of optometry

iii. records of debate (if any) on the issue during the legislative process prior to passage of the Regulated Health Professions Act and the Optometry Act

iv. consumer needs

v. the views of other regulated or unregulated professions

vi. any other directly relevant research/opinion available to the Council.

I would like you to advise me on this matter as soon as possible, no later than May 31, 1994.

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Once I have the Council's advice on the issue of "prescribed diseases", I may seek further advice on the regulation that restricts the drugs that a member may use in practice under the Optometry Act, 1991. If such a referral is necessary, I will consider whether this should be dealt with in conjunction with the drug proposal included in the recent Social Contract agreement concluded between the Ministry of Health and the Ontario Association of Optometrists. Regardless, you will receive the therapeutic drug referral resulting from the agreement in due course, in accord with the terms of the agreement.

2. The second issue is one of much longer standing. During the RHPA legislative process, certain decisions and commitments were made with respect to the profession of naturopathy. Specifically, the Government wishes to consider introducing a Naturopathy Act under the Regulated Health Professions Act, 1991. However, this cannot be done until the scope of practice of the profession can be determined.

The terms of reference respecting this issue are as follows:

(i) how should the scope of practice of naturopathy be defined;

(ii) what controlled act(s), if any, should members of the profession be authorized to perform.

I would like the Council's recommendation as soon as it has completed its task, with an interim report by the end of December 1994 if the work has not been finished.

Thank you for your consideration of these requests.

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Should any clarification be necessary, I have asked the staff of the Professional Relations Branch to provide you with such information and assistance as is appropriate. You will also note that I have fulfilled the circulation requirement for referrals via a copy of this letter to the president and registrar of all of the RHPA's professional colleges and transitional councils, and have hereby notified them to make submissions to you, should they so choose, in accordance with section 13 of the RHPA.

I look forward to receiving the Health Professions Regulatory Advisory Council's advice on these important matters. Again, thank you for your efforts, and all the best to you, to council members, and to staff for a happy, productive 1994.

Yours sincerely,

Ruth Grier
Minister

cc: President & Registrar
College of Optometrists of Ontario

President
Ontario Association of Optometrists

Chair
Board of Directors
of Drugless Therapy - Naturopathy

President
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Ministry of Health

1. The College of Optometrists (COO1) (March 14, 1994)
2. The College of Physicians and Surgeons of Ontario (CPSO1) (May 19, 1994)
3. The School of Optometry, University of Waterloo (SoO) (April 15, 1994)
4. The Opticians Association of Canada (OAC) (May 12, 1994)
5. The Ontario College of Family Physicians (OCFP) (June 6, 1994)
6. The Ontario Association of Optometrists (OAO1) (May 13, 1994)
7. The Vision Council of Canada (VCC) (May 13, 1994)
8. The Vision Institute of Canada (VIC1) (May 13, 1994)
9. The Ontario Medical Association, Ophthalmology Section (OMA1) (May 1994)
10. Dr. Bruce Hawkins (Hawkins) (May 12, 1994)
11. The Chinese Medicine and Acupuncture Association of Canada (CMAAC1) (April 14, 1994)
12. The Union of Ontario Indians (UOI) (June 6, 1994)
13. The College of Optometrists (COO2) (April 18, 1994)
14. Transcript of Public Meeting: Optometry: prescribed diseases (June 28, 1994)

Second round

1. The College of Optometrists (COO3) (July 20,1994)
2. The College of Physicians and Surgeons of Ontario (CPSO2) (June 29, 1994)
3. The Ontario Medical Association—Section on Ophthalmology (OMA2) (July 1994)
4. The Ontario Association of Optometrists (OAO2) (August 1994)
5. The Vision Institute of Canada (VIC2) (July 26, 1994)
6. Ministry of Health (MOH) (September 14, 1994)

Third round

1. The College of Optometrists (COO4) (October 14,1994)
2. The Ontario Association of Optometrists (OAO3) (October 31, 1994)
3. The Vision Institute of Canada (VIC3) (October 26, 1994)
4. The Ontario Medical Association-Section on Ophthalmology (OMA3) (October 1994)
5. The Chinese Medicine and Acupuncture Association of Canada (CMAAC) (October 12, 1994)