Appendix B

The Minister's March 1994 Referral Letter

Ontario

Office of the Minister
Bureau du Ministre

Ministry of Health
Ministère de la Santé

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Queen's Park
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Queen's Park
Toronto (Ontario)
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March 10, 1994

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Health Professions Regulatory Advisory Council

Ms Christie Jefferson
Chair
Health Professions Regulatory
Advisory Council
700 Bay Street, 14th Floor
Toronto, Ontario
M5G 1Z6

Dear Ms Jefferson:

This letter is a referral to you on the issue of the use of therapeutic pharmaceutical agents by optometrists.

TERMS OF REFERRAL:

The referral is made in accordance with section 12 of the Regulated Health Professions Act, 1991 (RHPA).

The referral is made in accordance as well with the terms of clause 9: Review of Use of Therapeutic Pharmaceutical Agents by Optometrists in the Memorandum of Understanding on the Social Contract Optometry Local Agreement which was concluded in 1993 between the Government of Ontario and the Ontario Association of Optometrists. Enclosed with this letter is a copy of Appendix A referred to in the aforementioned clause 9, as well as relevant correspondence between the Ministry and the Association regarding the transmittal of that document.

Considering the protection of the public interest, the statutory language within the Optometry Act, 1991 and the regulations thereunder, the education and clinical training of optometrists with respect to the use of relevant drugs, as well as the historical context and current professional practice respecting the diseases, disorders, and/or dysfunctions that optometrists now diagnose, treat, and prevent, should optometrists be given the privilege of using therapeutic pharmaceutical agents in their scope of practice?

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MAR 10 1994

Ms Christie Jefferson

Further, I am asking you to provide me with your advice on what, if any, restrictions should be placed on the use of therapeutic pharmaceutical agents by optometrists, if you do recommend that it is in the public interest to give optometrists this privilege. This would include a recommendation on what therapeutic agents should be permitted, as well as any necessary conditions that should apply to their use by optometrists.

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

i) Appendix A to the Memorandum of Understanding on the Social Contract, Optometry Local Agreement: "Review of Use of Therapeutic Pharmaceutical Agents by Optometrists", as provided to me by the Ontario Association of Optometrists (copy attached).

ii) The context of the Association's request, as reflected in the Memorandum of Understanding on the Social Contract, Optometry Local Agreement (copy attached).

iii) What constitutes "prescribed diseases" for the purposes of sections 3 and 4 of the Optometry Act, 1991? This matter was referred to you by me on January 26, 1994 and your advice was requested by May 31, 1994.

iv) The practice respecting the use of therapeutic pharmaceutical agents within the profession in other jurisdictions across Canada and the U.S.

v) The work of the Health Professions Legislation Review with respect to the scope of practice of optometry and in particular any submissions to the Review on the public record with respect to the use of therapeutic pharmaceutical agents.

vi) 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 and relevant submissions (if any) made to the Standing Committee on Social Development in 1991.

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MAR 10 1994

vii) Consumer needs.

viii) The views of other regulated or unregulated professions, with particular attention to the views of the Ontario College of Optometrists, the other "eye care" professions, and the profession of pharmacy.

ix) The possible impact of this proposal and of any recommendations you may make on access to eye care services in Ontario, the cost of eye care services, and the quality of eye care services.

x) Any other directly relevant research/opinions available to the Council.

OTHER CONSIDERATIONS:

In my optometry "prescribed diseases" referral to you of January 26, 1994, I stated that "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."

I have concluded that it would be inappropriate for me to refer to you the Ontario College of Optometrists' proposed diagnostic drug regulation, referenced above, until the "prescribed diseases" issue has been addressed by you and I have your recommendations. Similarly, it would appear to be inappropriate for me to require your recommendation on the use of therapeutic drugs by optometrists until you have dealt with the issue of "prescribed diseases".

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Ms Christie Jefferson

TIMEFRAME:

The agreement with the Association requires me to ask for your advice as soon as possible. Given the above considerations, my knowledge of other important referrals already before the Council, as well as your limited resources, I would not expect your advice on this referral until sometime after May 31, 1994.

If you are unable to provide your final recommendations on this referral by December 31, 1994, please provide me with an interim report as of that date and an indication of when I may expect to receive your final recommendations.

I have circulated this referral via a copy of this letter to the President and Registrar of all the professional Colleges, asking 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 this important matter.

Yours sincerely,

Ruth Grier
Minister

Attachments

cc: President, Ontario Association of Optometrists

Presidents and Registrars of all Colleges under RHPA & governing bodies under the Drugless Practitioners Act

Presidents of provincial voluntary associations of all professions regulated under RHPA

ATTACHMENT 1

MEMORANDUM OF UNDERSTANDING ON THE SOCIAL CONTRACT
OPTOMETRY LOCAL AGREEMENT

This Local Agreement has been reached after discussions between representatives of the Ontario Association of Optometrists (hereinafter referred to as the Association) and representatives of the Government of Ontario, pursuant to the *Social Contract Act, 1993*.

The parties to this agreement have read and considered the *Independent Health Practitioners Memorandum of Understanding on the Social Contract Sectoral Framework*. The parties hereby endorse and adopt the *Independent Health Practitioners Memorandum of Understanding on the Social Contract Sectoral Framework* in its entirety.

1. Total Amount to be Paid

The total amount to be paid for optometry under the *Health Insurance Act* in the 1993-94, 1994-95, 1995-96 fiscal years will be $83,200,000. Any overexpenditures will be recovered as outlined in sections 2,3 and 4 below.

2. Reduction of Payments

If the Minister of Health considers that the total amount to be paid may be exceeded in 1993-94, 1994-95 or 1995-96, the Minister may cause payments for any insured services to be reduced at such time and in such manner as in the Minister's opinion will ensure that the total amount to be paid will not be exceeded that year. Such reductions may be retroactive to April 1st of the year in question.

3. Consultation

Where the Minister intends to reduce payments, the Minister shall serve notice on the Association on or before February 1st of each year and the Association shall begin consultations with the Minister for the purpose of reaching an agreement as to the most appropriate method of ensuring that the total amount to be paid will not be exceeded for the year.

4. Where No Agreement is Reached

If no agreement is reached within 30 days after the day the Minister serves notice under section 3 the Minister may proceed under section 2.

5. No Reduction of Payments at School of Optometry and Vision Institute

The parties agree that there will be no reduction of payments in respect of optometric services rendered at the University of Waterloo School of Optometry Clinic or at the Vision Institute of Canada Clinic. These payments remain in the total amount to be paid.

6. Review of Payment Mechanisms

The parties, along with the University of Waterloo School of Optometry Clinic and the Vision Institute of Canada Clinic, will review the method of funding these clinics.

7. Third Party Services

The parties agree to review the regulation under the *Health Insurance Act* pertaining to third party services with a view to determining if it should be amended to make specific reference to third party services provided by optometrists. Irrespective of the outcome of this review, the Ministry of Health, in conjunction with the Association, shall develop a publicity campaign to make optometrists and their patients aware of the limits of insured services. For example, it would state that eye examinations for the purposes of obtaining a driver's or pilot's license is not an insured service. This campaign shall at a minimum consist of OHIP Bulletins for optometrists and of posters and pamphlets designed for use in optometrists' offices. The review shall be completed no later than October 1, 1993 and the publicity campaign ready no later than December 1, 1993.

8. Tripartite Committee on Record Audit Criteria

The Ministry of Health, the Association and the College of Optometrists of Ontario will establish a tripartite committee to make recommendations to the Minister about the criteria used to determine which optometrists should be referred to the Optometry Review Committee under the Health Insurance Act.

9. Review of Use of Therapeutic Pharmaceutical Agents by Optometrists

The Minister of Health will, within 30 days of the proclamation of section 12 of the *Regulated Health Professions Act*, refer the request of the Association, attached hereto as Appendix A, to the Health Professions Regulatory Advisory Council, to authorize the use of therapeutic pharmaceutical agents by optometrists, and to make recommendations to the Minister as soon as possible.

10. Health Human Resources Committee

The parties will establish a committee to make recommendations to the Minister about optometric health human resources.

11. Compensation of New Licensees

The Ministry of Health will, subject to the consent of the Association, determine compensation of new licensees in a manner consistent with and no more restrictive than is the case with physicians.

Provided that this agreement shall not be binding upon the Association unless it is ratified by the Board of Directors of the Association on or before August 10, 1993.

Government of Ontario

Ontario Association of Optometrists

ATTACHMENT 2

Ontario

Ministry of Health
Ministère de la Santé

Negotiations Secretariat
11th Floor, Hepburn Block
Queen's Park
Toronto, Ontario
M7A 1R3

Secretariat des Negotiations
11eme Etage, Edifice Hepburn
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February 14, 1994

Dr. Mira Acs
President
Ontario Association of Optometrists
290 Lawrence Avenue West
Toronto, Ontario M5M 1B3

Dear Dr. Acs:

I acknowledge with thanks your letter of February 10, 1994 and the attached *Review of Use of Therapeutic Pharmaceutical Agents by Optometrists*. The Ministry will be referring this to the Health Professions Regulatory Advisory Council within the next thirty days.

This matter will be handled by Mr. Alan Burrows, Director, Professional Relations Branch and any enquiries may be directed to him.

Yours sincerely,

J. Paul Gardner
Director

Ontario
Association
of Optometrists

ATTACHMENT 2

Fax (416) 256-9881 290 Lawrence Avenue West, Toronto, Ontario M5M 1B3 Telephone (416) 256-4411

Delivered By Hand

February 10, 1994

Paul Gardner, Director
Negotiations Secretariat
Health Strategies Group
Ministry of Health
11th Floor, Hepburn Block
80 Grosvenor Street
Toronto, Ontario
M7A 1R2

Dear Paul:

Attached to this letter is Appendix A, referred to in the Memorandum of Understanding on the Social Contract Optometry Local Agreement, clause 9: Review of Use of Therapeutic Pharmaceutical Agents by Optometrists.

We anticipate that the Minister of Health will refer this request of the Association to the Health Professions Regulatory Advisory Council, within thirty days of its receipt.

Thank you for your assistance in this matter.

Sincerely,

Mira Acs, B.Sc., O.D., F.A.A.O.
President

MA\wm
cc. Christie Jefferson, Chair
Patricia Bishop, Special Adviser - Policy
Al Burrows, Director, Professional Relations
College of Optometrists of Ontario