



Province of Alberta

HEALTH PROFESSIONS ACT

# **OPTOMETRISTS PROFESSION REGULATION**

**Alberta Regulation 83/2003**

With amendments up to and including Alberta Regulation 103/2015

Office Consolidation

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(Consolidated up to 103/2015)

**ALBERTA REGULATION 83/2003**

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**Definitions****1** In this Regulation,

- (a) “active practice” means practising as an optometrist for at least the number of days approved by the Council in each period of 3 consecutive years;
- (b) “College” means The Alberta College of Optometrists;
- (c) “Competence Committee” means the competence committee of the College;
- (c.1) “competency period” means a period of 3 consecutive years of active practice;
- (d) “Complaints Director” means the complaints director of the College;
- (e) “Council” means the council of the College;
- (f) “courtesy register” means the courtesy register category of the regulated members register;

- (g) “general register” means the general register category of the regulated members register;
- (h) “Hearing Tribunal” means the hearing tribunal of the College;
- (i) “Hearings Director” means the hearings director of the College;
- (j) “Registrar” means the registrar of the College;
- (k) “Registration Committee” means the registration committee of the College;
- (l) “Schedule 1 drugs” means Schedule 1 drugs within the meaning of the “*Pharmacy and Drug Act*”;
- (m) “Schedule 2 drugs” means Schedule 2 drugs within the meaning of the “*Pharmacy and Drug Act*”.

AR 83/2003 s1;103/2015

**Register categories**

**2** The regulated members register established by the Council under section 33(1)(a) of the Act has the following categories:

- (a) general register;
- (b) courtesy register.

**Registration****General register education and exam requirements**

**3(1)** An applicant for registration as a regulated member on the general register must

- (a) have a degree of doctor of optometry from a program approved by the Council,
- (b) have successfully completed a registration examination approved by the Council, and
- (c) have successfully completed a jurisprudence examination approved by the Council.

**(2)** An applicant under subsection (1) must have completed the requirements set out in this section within the 3 years immediately preceding the date of submitting a complete application or have been in active practice as an optometrist in the 3 years prior to the date of submitting a complete application for registration.

(3) An applicant who does not meet the requirements of subsection (2) must successfully complete a refresher education program approved by the Council prior to being registered.

#### **Equivalent jurisdiction**

4 A person currently registered in good standing in another jurisdiction recognized by the Council under section 28(2)(b) of the Act as having substantially equivalent registration requirements may be registered on the appropriate category of the regulated members register.

#### **Equivalent competence**

5(1) An applicant who does not meet the requirements under section 3 or 4 but whose qualifications have been determined by the Registrar to be substantially equivalent to the competence requirements set out in section 3 or 4 may be registered on the appropriate category of the regulated members register.

(2) In determining whether or not an applicant's qualifications are substantially equivalent under subsection (1), the Registrar may require the applicant to undergo an examination, testing and assessment activity to assist with the determination.

(3) The Registrar may direct the applicant to undergo any education or training activities the Registrar may consider necessary in order for the applicant to be registered.

#### **Courtesy register applications**

6 A person who is registered as an optometrist in good standing in another jurisdiction and who requires registration in Alberta on a temporary basis for a specified purpose approved by the Registrar and who satisfies the Registrar of the person's competence to provide the services related to the specified purposes is eligible to be registered on the courtesy register for up to one year.

#### **Resuscitation certificate**

7 All applicants for registration as regulated members must have successfully completed a course that provides the level of certification in cardiopulmonary resuscitation approved by the Council".

AR 83/2003 s7;103/2015

#### **Liability insurance**

8 All applicants for registration as regulated members must provide evidence of having the type and amount of professional liability insurance required by the Council.

**Good character and reputation**

**9(1)** An applicant for registration as a regulated member must provide evidence satisfactory to the Registrar of having good character and reputation.

**(2)** To comply with subsection (1), an applicant must submit one or more of the following, on the request of the Registrar:

- (a) a written statement by the applicant as to whether the applicant is currently undergoing an investigation or is subject to an unprofessional conduct process or has previously been disciplined by another regulatory body responsible for the regulation of optometrists or of another profession;
- (b) a written statement by the applicant as to whether an application for registration as a health professional by the applicant in any other jurisdiction was ever previously rejected;
- (c) the results of a current criminal records check;
- (d) a written statement by the applicant as to whether the applicant has ever been charged, pleaded guilty or has been found guilty of a criminal offence in Canada or an offence of a similar nature in a jurisdiction outside Canada for which the applicant has not been pardoned;
- (e) a written statement by the applicant as to whether the applicant's hospital privileges or the applicant's privileges to any other related facility are currently or have previously been voluntarily or involuntarily limited, suspended or revoked;
- (f) a written statement by the applicant as to whether there has ever been a judgment against the applicant's practice in a civil suit;
- (g) any other relevant evidence as required by the Registrar.

**(3)** If an applicant has engaged in an activity that has, in the opinion of the Registrar, undermined the applicant's good character and reputation in the past, the applicant may provide evidence satisfactory to the Registrar of rehabilitation.

(4) The Registrar may consider information other than that provided by the applicant in determining whether the applicant is of good character and reputation, but if the Registrar considers that information, the Registrar must give the applicant sufficient particulars of that information to allow the applicant to respond to that information.

AR 83/2003 s9;103/2015

#### **Fitness to practise**

**9.1** An applicant for registration as a regulated member must, on the request of the Registrar, submit evidence satisfactory to the Registrar confirming the member's fitness to practise.

AR 103/2015 s5

### **Titles and Abbreviations**

#### **Authorization to use titles, etc.**

**10(1)** All regulated members may use

- (a) the titles
  - (i) optometrist, and
  - (ii) optometric contact lens practitioner,
- (b) the initials O.D., and
- (c) the word registered, in combination with the titles referred to in clause (a).

(2) In connection with providing optometric health services all regulated members may use the title doctor and Dr.

### **Restricted Activities**

#### **Authorized restricted activities**

**11(1)** A regulated member may, within the practice of optometry, and in accordance with the standards of practice adopted by the Council, perform the following restricted activities, within the meaning of Schedule 7.1 to the *Government Organization Act*:

- (a) dispense corrective lenses;
- (b) prescribe corrective lenses;
- (c) prescribe a topical or oral Schedule 1 drug;
- (d) dispense, provide for sale or sell, incidental to the practice of optometry, a Schedule 1 drug or Schedule 2 drug;

- (e) perform surgical procedures on body tissue below the dermis or the mucous membrane or in or below the surface of the cornea in the removal of superficial foreign bodies from the eye;
- (f) order or apply non-ionizing radiation in the form of ultrasound imaging.

(2) A regulated member may perform the restricted activities listed in section 11(1)(c), (d), (e) and (f) if the member has

- (a) graduated from a program approved by the Council, or
- (b) successfully completed a certification course approved by the Council.

AR 83/2003 s11;103/2015

**12** Repealed AR 103/2015 s7.

#### **Restriction**

**13(1)** Despite any authorization to perform restricted activities, a regulated member must perform only those restricted activities that the regulated member is competent to perform and that are appropriate to the clinical circumstances and the regulated member's area of practice.

(2) A regulated member who performs a restricted activity must do so in accordance with the standards of practice.

AR 83/2003 s13;103/2015

#### **Supervision of students, employees, regulated members**

**14(1)** A student who is enrolled in a program of optometry approved by the Council may perform the restricted activities specified in section 11 under the supervision of a regulated member.

(2) A person employed as an optometrist's assistant, or a person not otherwise authorized to dispense corrective lenses or to apply ultrasound, may dispense corrective lenses and apply ultrasound under the supervision of a regulated member.

(3) A regulated member who is learning to perform a restricted activity referred to in section 11 is permitted to perform the restricted activity under the supervision of a regulated member.

(4) A regulated member who consents to supervise under subsections (1) to (3) must

- (a) be authorized to perform the restricted activity that is being supervised, including meeting the requirements of section 11(2) where applicable,
- (b) be readily available for consultation by the person being supervised, and
- (c) comply with the standards of practice governing the provision of supervision by regulated members of persons performing restricted activities pursuant to section 4(1)(b) of Schedule 7.1 of the *Government Organization Act*.

AR 83/2003 s14;103/2015

### **Continuing Competence**

#### **Continuing competence generally**

**15(1)** For the purposes of section 50 of the Act, a continuing competence program is established, and the terms and requirements of the program are those set out in this section and sections 16, 17, 18, 19 and 20.

**(2)** All regulated members must obtain the minimum number, or greater, of Continuing Education Credits in each competency period in a manner, type and number as directed by the Council.

**(3)** During each competency period all regulated members must practise

- (a) in the manner directed by the Council, and
- (b) at least the minimum amount of time directed by the Council.

**(4)** As part of the continuing competence program, regulated members must submit within each competency period a list of continuing competence activities undertaken and supporting documentation.

AR 83/2003 s15;103/2015

#### **Continuing competence program rules**

**16(1)** The Registrar or Competence Committee may recommend to the Council

- (a) rules governing the program credits that may be earned for each professional activity,
- (b) rules governing the type and category of professional activities that a regulated member must undertake,

- (c) rules limiting the number of professional development activities within a specific category for which a member may earn credits, and
  - (d) any other rules, as required, governing the continuing competence program.
- (2) The rules recommended under subsection (1) and any recommended amendments to those rules must be distributed by the Registrar to all regulated members for their review.
- (3) The Council may approve rules and amendments to the rules reviewed under subsection (2).

AR 83/2003 s16;103/2015

**Rule distribution**

**17** The rules and any amendments to the rules approved under section 16 must be made available by the Registrar to the public, the Minister, regional health authorities and any person who requests them.

**Evaluation of regulated members**

**18** The Registrar or Competence Committee must periodically select regulated members in accordance with criteria established by the Council for a review and evaluation of all or part of the member's continuing competence program.

**Practice visits**

**19(1)** The Competence Committee is authorized to carry out practice visits and may, for the purposes of assessing continuing competence, select individual regulated members or groups of regulated members for a practice visit.

(2) The criteria for selecting members for review must be developed by the Competence Committee and approved by the Council.

**Actions to be taken**

**20** If the results of a practice visit are unsatisfactory, the Competence Committee may direct a regulated member or a group of regulated members to undertake one or more of the following actions within the time period, if any, specified by the Competence Committee:

- (a) completion of specific continuing competence requirements or professional development activities;

- (b) completion of any examinations, testing, assessment, training, education or counselling to enhance competence in a specified area or areas;
- (c) a requirement to practice under the supervision of another regulated member;
- (d) limitation of practice to specified procedures or practice settings;
- (e) reporting to the committee on specified matters on specified dates;
- (f) prohibition from supervising other regulated members or students;
- (g) correction of any problems identified in the practice visit;
- (h) demonstration of competence gained in a specific area.

### **Practice Permit Renewal**

#### **Application**

**21** A regulated member applying to renew a practice permit must provide evidence of

- (a) having met the requirements of the continuing competence program approved by the Council under section 16,
- (b) continuing to meet the requirements set out in section 15, and
- (c) having the type and amount of liability insurance required by the Council.

AR 83/2003 s21;103/2015

### **Alternative Complaint Resolution**

#### **Process conductor**

**22** When a complainant and an investigated person have agreed to enter into an alternative complaint resolution process, the Complaints Director must appoint an individual to conduct the alternative complaint resolution process.

#### **Agreement**

**23** The person conducting the alternative complaint resolution process must, in consultation with the complainant and the investigated person, establish the procedures for and objectives of

the alternative complaint resolution process, which must be set out in writing and signed by the complainant, the investigated person and the representative of the College.

**Confidentiality**

**24** The complainant and the investigated person must, subject to section 59 of the Act, agree to treat all information shared during the process as confidential.

**Leaving the process**

**25** The complainant and the investigated person may withdraw from the alternative complaint resolution process at any time.

**Reinstatement****Reinstatement application**

**26(1)** A person whose registration and practice permit have been cancelled under Part 4 of the Act may apply in writing to the Registrar to have the registration and practice permit reinstated.

**(2)** An application under subsection (1) may not be made earlier than

- (a) 5 years after the cancellation, or
- (b) one year after the refusal of an application under clause (a).

**(3)** An applicant under subsection (1) must provide evidence to the Registration Committee of qualifications for registration.

**Review of application**

**27(1)** An application under section 26 must be reviewed by the Registration Committee in accordance with the application for registration process set out in sections 28 to 30 of the Act.

**(2)** On reviewing an application in accordance with subsection (1), the Registration Committee must

- (a) consider
  - (i) the record of the hearing at which the applicant's registration and practice permit were cancelled, and
  - (ii) the evidence presented at the hearing,

and

- (b) be satisfied that
  - (i) the applicant meets the current requirements for registration,
  - (ii) any conditions imposed at the time the applicant's permit and registration were cancelled have been met, and
  - (iii) the applicant is fit to practice optometry and does not pose a risk to public safety.

**(3)** The Registration Committee on reviewing an application may make one or more of the following orders:

- (a) an order denying the application;
- (b) an order directing the Registrar to reinstate the person's registration and practice permit;
- (c) an order directing the Registrar to impose specified terms and conditions on the person's practice permit.

#### **Application for review**

**28** An applicant whose application is denied or on whose practice permit terms and conditions have been imposed under section 27, may apply to the Council for a review of the decision of the Registration Committee in accordance with the process set out in sections 31 and 32 of the Act.

#### **Access to decision**

**29(1)** The Registration Committee may order that its decision be publicized in a manner it considers appropriate.

**(2)** The College must make the decision of the Registration Committee available for 5 years to the public on request.

### **Information**

#### **Providing information**

**30(1)** A regulated member must, when there is a change to the information or at the request of the Registrar, provide the following information in addition to that required under section 33(3) of the Act:

- (a) home and business mailing address, e-mail address, phone numbers and fax numbers;

- (b) full name and previous names as applicable;
- (c) initial year of registration;
- (d) degrees, residency certifications, certification courses, specialization certifications and other qualifications;
- (e) school of graduation;
- (f) year of graduation;
- (g) date of birth and gender;
- (h) employer's name or place of business, including business names;
- (i) job title and position description;
- (j) date of employment;
- (k) names of other jurisdictions in which the member is registered;
- (l) any other colleges of a profession that provides health services in which the member is registered and whether the member is a practising member of that college.

(2) Subject to section 34(1) of the Act, the College may release the information collected under subsection (1) only

- (a) with the consent of the regulated member whose information it is, or
- (b) in a summarized or statistical form so that it is not possible to relate the information to any particular identifiable person.

AR 83/2003 s30;103/2015

#### **Correcting information**

**31** The Registrar may correct or remove any information in the register if the Registrar determines it is incorrect or inaccurate.

#### **Section 119 information**

**32** The Council must provide the information referred to in section 119(4) of the Act as follows:

- (a) in the case of a cancellation of practice permit, the information must be available for 5 years after the cancellation came into effect;

- (b) in the case of a condition imposed on a practice permit, including suspensions, the information must be available while the condition is in effect;
- (c) records of hearings, including decisions, must be available for 5 years after the decision is made;
- (d) information on the date a hearing is scheduled or held must be available until the hearing is completed.

### **Transition Provisions, Repeal and Coming into Force**

#### **Transitional provisions**

**33** On the coming into force of this Regulation, a person described in section 7(1) or (2) of Schedule 17 to the Act is deemed to be entered on the regulated member register in the register category that the Registrar considers appropriate.

#### **Repeal**

**34** The following Regulations are repealed:

- (a) *Optometry Profession General Regulation* (AR 388/85);
- (b) *Optometry Profession Standards of Practice Regulation* (AR 389/85).

#### **Coming into force**

**35** This Regulation comes into force on the coming into force of Schedule 17 to the *Health Professions Act*.









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