

## BRIEFING NOTE

**TO:** Board of Directors

**FROM:** Registration Committee

**DATE:** June 5, 2023

**SUBJECT:** 8.3 Reinstatement and Changing from Inactive to Active Practice Policy

For Decision

For Information

Monitoring Report

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### **Purpose:**

To review and approve the new proposed Reinstatement and Changing from Inactive to Active Practice Policy

### **Background:**

The College of Opticians of Ontario (the “College”) is currently seeking amendments to the Registration Regulation under the *Opticianry Act, 1991*. The [proposed amendments](#) were submitted to the Ministry of Health in June 2017 following extensive consultation with registrants, opticianry associations, educators, and industry stakeholders and are currently awaiting final approval.

Under the new regulation, the College will introduce an inactive class of registration, which is intended for opticians who are not actively practising the profession but still wish to maintain their registration with the College. With the inactive class in place, registrants will no longer be permitted to maintain their suspended status indefinitely and will have their certificate of registration revoked after three consecutive years of suspension.

The above-noted changes to the suspension status and the establishment of a new class of registration identified the need to create a process for registrants wishing to reinstate their certificate of registration and/or return to active practice, as well as to set out a transitional path for opticians whose certificate of registration has been suspended for a period of more than three years.

The proposed new Reinstatement and Changing from Inactive to Active Practice Policy covers all circumstances where an optician is seeking to return to practice after they have been out of practice for a period of time. The College is taking steps to ensure that the policy is ready by August 31, 2023, which is when the amendments to the Registration Regulation may be approved by the Ontario Government.

### **For Consideration:**

The following materials have been appended for the Board’s review and consideration:

1. A draft of the proposed Reinstatement and Changing from Inactive to Active Practice Policy – **Appendix A**

2. Stakeholder feedback received by the College – **Appendix B**

The new proposed Reinstatement and Returning from Inactive to Active Practice Policy sets out the process for:

- Registrants who wish to reinstate their certificate of registration after it has been suspended for an administrative reason, such as non-renewal.
- Registrants who wish to change from Inactive to Registered Optician class.

The policy outlines what steps opticians need to take to resume active practice, including:

- The information they will need to submit to the College;
- Any required forms and fees;
- How to demonstrate that their opticianry skills and knowledge are up to date.

The policy also sets out steps for opticians whose certificate of registration has been suspended for over three years if:

- They wish to remain in the Registered Optician class after reinstatement; or
- They wish to immediately transfer to the Inactive class.

The Registration Committee proposes that opticians who have been suspended for a long period (over 3 years) be given until January 1, 2025 to reinstate their certificate of registration to avoid revocation.

In its deliberations, the Registration Committee considered the stakeholder feedback regarding the proposed policy. A brief summary is provided below.

#### *Stakeholder Feedback*

The draft Reinstatement and Changing from Inactive to Active Practice Policy was circulated via e-blast to registrants on April 14, 2023. Individuals were also invited to participate in the survey via social media. Links to the proposed amendment, background information, and survey were posted on the College's website. Individuals were invited to provide feedback or comments.

A separate invitation was sent to the Ontario Opticians Association and the office of the Ontario Fairness Commissioner.

The survey closed on May 14, 2023, and received 42 responses. Of those responses:

- 35 (83.33%) indicated that the process for reinstating a certificate of registration that has been suspended for non-renewal set out in the proposed policy was clear.
- 4 (9.52%) indicated that the process for reinstating a certificate of registration that has been suspended for non-renewal set out in the proposed policy was unclear.
- 3 (7.14%) were neutral, undecided, or their position was not clear

Of 42 respondents who participated in the survey:

- 35 (83.33%) indicated that the process for changing class from the Inactive to the Registered Optician class was clear.
- 3 (7.14%) indicated that the process for changing class from the Inactive to the Registered Optician class was unclear.
- 3 (7.14%) were neutral, undecided, or their position was not clear
- 1 (2.38%) respondent skipped the questions

#### *Committee Consideration*

On review, the Committee fine-tuned the reinstatement process for opticians whose certificate of registration was suspended for non-payment of fees over three years ago. The Committee also identified a transitional period until January 1, 2025 for these opticians to reinstate their certificate of registration in order to avoid revocation. The Committee also ensured that the qualifying activities listed under the practice hours are in alignment with the proposed Currency of Practice Policy.

#### **Public Interest Considerations**

It is necessary for the College to have a process in place for opticians who wish to return to active practice following a period of inactivity. The proposed policy sets different requirements depending on how long an optician has been out of practice, in order to account for the fact that skills may decline after a prolonged absence from the profession. The proposed policy will also protect the public by striking a balance between the need for opticianry services and ensuring that opticians will practise safely and in accordance with the Standards of Practice.

#### **Diversity, Equity and Inclusion Considerations**

The Registration Committee considered a concern raised by stakeholders regarding the challenges opticians may encounter when striving to meet the reinstatement criteria after taking time-off for childcare or medical reasons. The Committee noted that the introduction of the new inactive class will provide a more flexible option for opticians who take short term leaves than are currently available. The Committee will continue to monitor the way that registration processes and policies impact opticians who take leaves from practice.

#### **Recommendation/Action Required:**

The Registration Committee recommends that the Board approve the proposed Reinstatement and Changing from Inactive to Active Practice Policy, as set out in Appendix A,

## REGISTRATION POLICY

### Reinstatement and Changing from Inactive to Active Practice

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This policy applies to all registrants who wish to reinstate a certificate of registration that has been suspended for non-payment of fees (non-renewal), or to change their status from Inactive to Registered Optician.

#### Reinstatement

Reinstatement refers to the process for re-issuing a certificate of registration that has been suspended for non-payment of fees/non-renewal.

The process for reinstatement of a certificate of registration that has been suspended for non-payment of fees is outlined below. It is important to note the following:

- **Registrants must meet all requirements and pay fees:** For reinstatement to occur, registrants must meet the requirements for reinstatement outlined below and pay any required fees. This includes demonstrating that their knowledge and skills are current. A refresher program is available for registrants who are not able to demonstrate the minimum number of recent practice hours.
- **Reinstatement must be to the same class as before:** A registrant may only be re-issued the same certificate that they held prior to being suspended. In other words, a registrant who held a certificate of registration in the Registered Optician class must be reinstated into the Registered Optician class and a registrant who held a certificate of registration in the Inactive class must be reinstated into the Inactive class. Once reinstated, registrants will be permitted to change into a different registration class.
- **Certificates suspended for more than 3 years will be revoked:** Under the Registration Regulation, opticians whose certificates of registration have been suspended for non-payment of fees have a three-year window in which they can apply for reinstatement. Opticians who do not reinstate their registration within the three-year period will have their certificate of registration revoked and will be required to re-apply for registration and go through the same process as new applicants.

#### *Registered Optician certificate suspended for non-payment of fees (under 3 years)*

This section applies to registrants who held a certificate of registration as a **Registered Optician** and that certificate was suspended for non-payment of fees/non-renewal within the last 3 years.

Registrants in this category are only eligible to reinstate back into the Registered Optician class. Opticians wishing to transfer to the Inactive class may do so after they reinstate their certificate of registration as a Registered Optician.

In order to have the suspension lifted, Registered Opticians whose certificate of registration has been suspended for less than three years must:

1. Submit a completed application form to the College.
2. Be in compliance with any outstanding orders of the College's Committees or Board of Directors.
3. Provide proof of professional liability insurance.
4. Provide any outstanding information and pay any outstanding fees to the College.
5. Pay the reinstatement fee and the registration fee for the Registered Optician class of registration.

*Inactive Class certificate suspended for non-payment (under 3 years)*

This section applies to registrants who held a certificate of registration as an **Inactive Optician** and that certificate was suspended for non-payment of fees/non-renewal within the last 3 years.

Registrants in this category are only eligible to reinstate back into the Inactive registration class. Once their Inactive certificate is re-issued, any opticians wishing to transition to the certificate of registration as a Registered Optician may follow the process outlined below for returning to active practice from Inactive to Registered Optician class.

In order to have the suspension lifted, Inactive Class registrants whose certificate of registration has been suspended for less than three years must:

1. Submit a completed application form to the College.
2. Be in compliance with any outstanding orders of the College's Committees or Board of Directors.
3. Provide any outstanding information and pay outstanding fees to the College.
4. Pay the reinstatement fee and the registration fee for the Inactive class of registration.

*Registered Optician certificate Suspended for non-payment of fees (over 3 years) - TRANSITION POLICY*

This section applies to registrants who held a certificate of registration as a **Registered Optician** and that certificate was suspended for non-payment of fees/non-renewal more than 3 years ago.

Under the Registration Regulation, opticians whose certificate of registration has been suspended for non-payment of fees may remain suspended for a maximum of three years. Opticians who do not reinstate their registration will have their certificate of registration revoked at the end of the three-year period.

As a transitional provision, the College will accept applications for reinstatement from individuals whose certificate of registration was suspended more than 3 years ago and who wish to avoid revocation. Individuals who are not reinstated by January 1, 2025 will be revoked.

Registrants in this category are only eligible to reinstate back into the Registered Optician class.

Registrants who wish to remain in the Registered Optician class must take the following steps to have their suspension lifted:

1. Submit a completed application form to the College.

2. Complete a competency assessment as set or approved by the Registration Committee.
3. Be in compliance with any outstanding orders of the College's Committees or Board of Directors.
4. Provide proof of professional liability insurance.
5. Provide any outstanding information and pay outstanding fees to the College.
6. Pay the reinstatement fee and the registration fee for the Registered Optician class of registration.

Registrants who wish to immediately transfer to the Inactive class must take the following steps to have their suspension lifted:

1. Submit a completed application form to the College.
2. Be in compliance with any outstanding orders of the College's Committees or Board of Directors.
3. Sign an undertaking not to practise opticianry while holding a certificate of registration as Inactive Optician.
4. Provide any outstanding information and pay outstanding fees to the College.
5. Pay the reinstatement fee and the registration fee for the Inactive Optician class of registration.

This Transition Policy will remain in effect until January 1, 2025.

### **Changing from the Inactive Class to the Registered Optician Class**

This section applies to registrants who hold a certificate as an **Inactive Optician**. The certificate must be current and cannot be suspended for non-payment of fees/non-renewal. Inactive Opticians holding a certificate that has been suspended must first reinstate their certificate before requesting to change to the Registered Optician class (see the section on Reinstatement, above).

To change from the Inactive Class to the Registered Optician class, registrants must:

1. Submit a completed application form to the College.
2. Demonstrate that their opticianry knowledge and skills are current (see *Knowledge and Skill Requirement* section below).
3. Pay any outstanding fees to the College.
4. Provide evidence of professional liability insurance.
5. Pay a status change fee and registration fee (a prorated Registered Optician fee will apply).

### *Knowledge and Skill Requirement*

In order to resume active practice, Inactive Opticians will be required to demonstrate that their knowledge and skills are current. This can be demonstrated by meeting at least one of the following requirements:

1. **Practice Hours:** Providing evidence of having engaged in at least 500 practice hours within the last three years. Opticians who have been inactive for less than 3 years can include practice hours that were acquired while they held a certificate as a Registered Optician.

Practice hours acquired as a Registered Optician in Ontario within the last 3 years can include:

- a. Dispensing of eyeglasses, contact lenses and subnormal vision devices, and related duties (e.g. record keeping, laboratory work, cleaning and disinfecting eyewear, optical appliances, tools or equipment).
- b. Teaching opticianry at an accredited opticianry program in Canada.
- c. Supervising student and/or intern opticians.
- d. Directly supervising, managing or assuring the quality of services of opticianry staff engaged in dispensing.
- e. Completing advanced learning courses (including certificate programs) in opticianry or optical sciences at an educational institution accredited by the College (see [website](#) for a list of institutions).
- f. Completing continuing education activities accredited by the College.
- g. Presenting continuing education activities that have been accredited by the College (presentations that are delivered on multiple occasions may only be counted once).
- h. Completing up to a maximum of 4 hours per year of self-directed continuing education activities annually.

Practice hours acquired as an Inactive Optician\* can include:

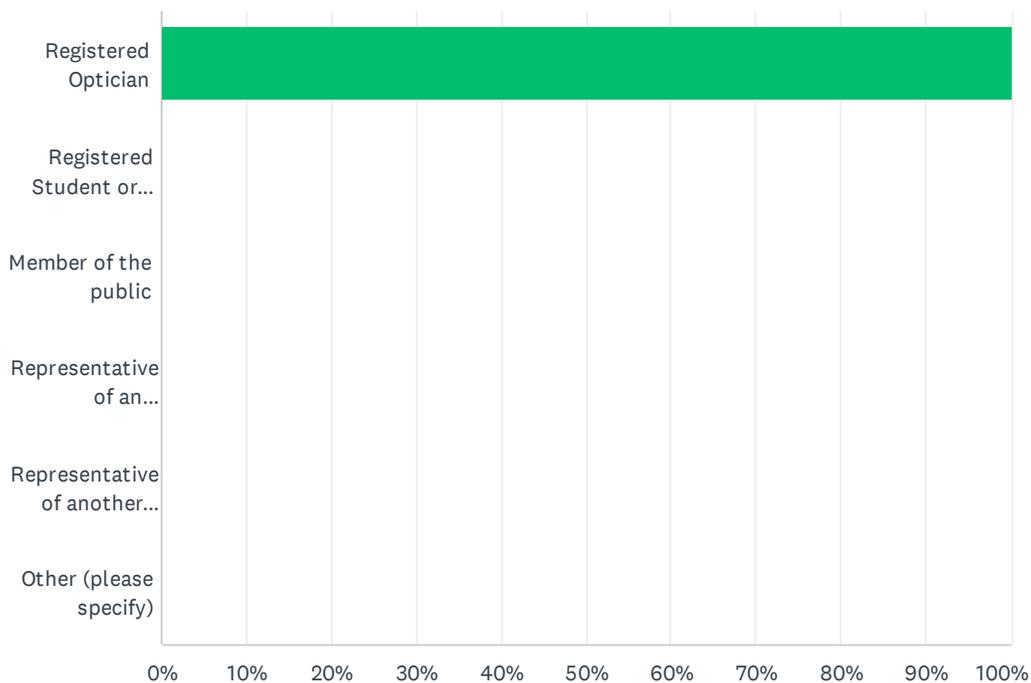
- a. Dispensing of eyeglasses, contact lenses and subnormal vision devices, and related duties (e.g. record keeping, laboratory work, cleaning and disinfecting eyewear, optical appliances, tools or equipment) in another jurisdiction.
- b. Teaching opticianry at an accredited opticianry program in Canada.
- c. Supervising student and/or intern opticians in another jurisdiction
- d. Directly supervising, managing or assuring the quality of services of opticianry staff engaged in dispensing in another jurisdiction.
- e. Completing advanced learning courses (including certificate programs) in opticianry or optical sciences at an educational institution accredited by the College (see [website](#) for a list of institutions).
- f. Completing continuing education activities accredited by the College.
- g. Presenting continuing education activities that have been accredited by the College (presentations that are delivered on multiple occasions may only be counted once).
- h. Completing up to a maximum of 4 hours per year of self-directed continuing education activities annually.

2. **Refresher/Upgrading:** Completing a refresher or upgrading program that the Registration Committee has set and approved.
3. **Professional Competency Assessment:** Undergoing a professional competency assessment and completing any refresher or upgrading courses assigned by the Registration Committee as a result of the competency assessment.

\*In Ontario, Inactive Opticians are not permitted to dispense prescription eyewear (including under the supervision or delegation of another optician, optometrist or ophthalmologist) or supervise student/intern opticians.

## Q1 Please indicate if you are a:

Answered: 42 Skipped: 0

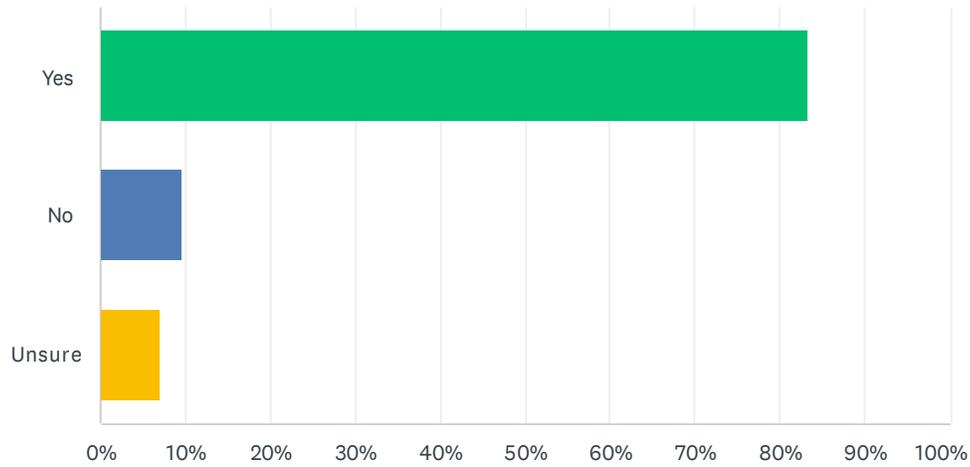


ANSWER CHOICES	RESPONSES	
Registered Optician	100.00%	42
Registered Student or Intern Optician	0.00%	0
Member of the public	0.00%	0
Representative of an opticianry association	0.00%	0
Representative of another regulatory body	0.00%	0
Other (please specify)	0.00%	0
<b>TOTAL</b>		<b>42</b>

#	OTHER (PLEASE SPECIFY)	DATE
	There are no responses.	

## Q2 On review of the proposed policy, do you think the process for reinstating a certificate of registration that has been suspended for non-renewal is clear?

Answered: 42 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	83.33%	35
No	9.52%	4
Unsure	7.14%	3
TOTAL		42

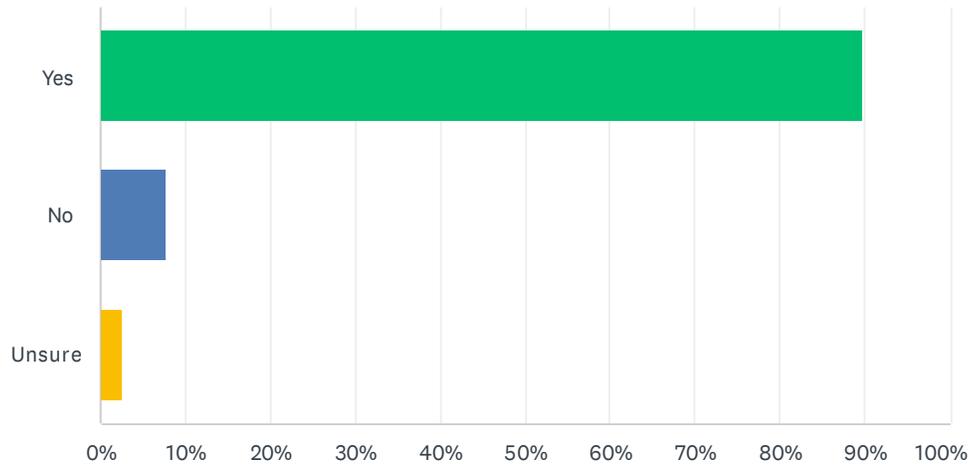
### Q3 What did you find unclear about the process outlined in the policy for reinstating a certificate of registration that has been suspended for non-renewal?

Answered: 5 Skipped: 37

#	RESPONSES	DATE
1	I Will need to have French version to understand clearly	5/6/2023 11:21 AM
2	Opticians should have a longer period of time to reinstate their license, not only three years.	4/15/2023 8:37 PM
3	Why does someone have to pay a status change fee when they have to pay for their registration already? How does an inactive Optician obtain practicing hours if they were inactive and expect to get practice hours if they don't have an active license?	4/14/2023 5:28 PM
4	O	4/14/2023 4:37 PM
5	On the one hand, you need to provide proof of competency including 500 hours of activity in dispensing, which may include working in a dispensary.--yet, an inactive member is not allowed to engage in dispensing, even if supervised. I do not agree with that at all. This is meant for people re-instating within the 3 year period, however if you have passed the 3 year thresh-hold, it seems that you need those 500 hours, but there is no provision to acheive this.	4/14/2023 1:45 PM

### Q4 On review of the proposed policy, do you think the process for changing class from the Inactive class to the Registered Optician class is clear?

Answered: 39 Skipped: 3



ANSWER CHOICES	RESPONSES	
Yes	89.74%	35
No	7.69%	3
Unsure	2.56%	1
TOTAL		39

## Q5 What did you find unclear about the process outlined in the policy for changing class from the Inactive class to the Registered Optician class?

Answered: 4 Skipped: 38

#	RESPONSES	DATE
1	French version	5/6/2023 11:22 AM
2	Is there a limit as to how many times a registered optician can move from one class to another? An is there a restriction as to how long you must be active before returning to inactive? Ex: mother going on multiple maternity leaves, does she have to work a certain amount of hours in between classes? (active-inactive-active-inactive)	4/29/2023 9:17 AM
3	There should not be extra fees to pay.	4/14/2023 5:29 PM
4	see my answer to #3	4/14/2023 1:58 PM

## Q6 Please provide any additional comments on the proposed policy.

Answered: 12 Skipped: 30

#	RESPONSES	DATE
1	Due to some important issues if any optician can't register for 1 or 2 years it is ok	5/7/2023 7:27 AM
2	Please in the future, provide information in French version	5/6/2023 11:22 AM
3	None	4/30/2023 2:39 PM
4	The refresher course smells like another cash grab by a college that already charges way too much. If someone is on inactive but continues to complete their yearly portfolio they should NOT have to complete this refresher course. if you are inactive you should not have to pay a cent. I you are on maternity or sick leave its awful that you would consider charging for this refresher course after a long period of time without income coming in. The fees are already so outrageous that many of us have to take out loans to pay at the end of the year. The majority of opticians work for chains that have set salaries that rarely change. With the current inflation rate and downturn in sales we are not making very much. I don't know what the college thinks we make but its not enough to rationalize this extremally high fee. There are many people , myself included, who are actively looking for other forms of employment that do not require paying this ever increasing fee!	4/25/2023 9:16 AM
5	I would hope that the college would be very clear with all communication so that all the various criteria and deadlines are well understood and the consequence of their actions in regards to this policy	4/19/2023 11:38 AM
6	I am unsure of what the policy for reinstatement was prior to this change so it is difficult for me to judge if this change a good idea. The creation of an Inactive class does seem like it would make it easier for opticians on leave to return to work which does seem very positive to me.	4/17/2023 8:52 PM
7	5/5000 翻译 No change is recommended	4/17/2023 10:53 AM
8	I do think it would be a violation of a person's human rights to discriminate against them changing their registration status for taking time off for parental leave or for health reasons. Requiring them to take a refresher to obtain active status and could leave the College open to a Human Rights violation.	4/14/2023 4:41 PM
9	I think all individual circumstances should be taken into consideration ie) financial burdens, family issues (looking after an aging parent) and returning to school These are factors that may be cause for putting licence 'on hold' for up to three years without consequences and difficulty reinstating. Time off doesn't always equal lack of currency	4/14/2023 2:15 PM
10	For those reinstating before the policy change that have been suspended for up to 3 years - are they required to show they have maintained competence and understand new products, technology etc or is their application just approved?	4/14/2023 1:58 PM
11	I believe there is a life membership provision for retired opticians who may change their minds, which was changed from 25 years + of service to a formula including age and experience. I thought the 25 years of service is sufficient. There should be other flexibility, specifically for sabatical, or part time work. The fees are very high for part time opticians. A provision for older opticians, and young parents of kids under 7, should be allowed to pay fees at 50% or 70% of the regular amount if earnings are less than what is usual for a full time optician, and can be based on previous year's tax return. As an example a full time optician is considered to earn average \$62 000. (opticians salaries seem to track the Yearly maximum pensionable earnings or pretty close since the early 1990's as far as I have observed.) So, if an optician falls into, parent or semi retired category, AND earns 50% or less than the pre-determined amount, they can get a 50% reduction. They can also get a 25% reduction if they earned 70% or less than the pre-determined amount. If they are fully or partially re-imbursed by the company the member isnt eligible for this benefit. The discount will be given retroactively in December(cash or credit toward next year's fees) upon a signed affidavit of gross income for the year within a \$500 window. The income is to be verified in April once taxes have been filed. this flexibility of fees will encourage young parents to continue working (or keep up their license rather than	4/14/2023 1:58 PM

Registrant and Stakeholder Consultation: Reinstatement and Changing from Inactive to Active Practice Policy

changing to a behind the scenes role), as well as older opticians to stay active in the profession even if they earn a lower income.

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12	It is important to keep in mind that if you make it too expensive (in relation to salary), people will leave the field altogether	4/14/2023 1:55 PM
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