



## **PLEASE NOTE**

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For more information concerning the history of these regulations, please see the [Table of Regulations](#).

If you find any errors or omissions in this consolidation, please contact:

Legislative Counsel Office  
Tel: (902) 368-4291  
Email: [legislation@gov.pe.ca](mailto:legislation@gov.pe.ca)

## CHAPTER O-6

### OPTOMETRY ACT

#### STANDARDS OF PRACTICE AND DISCIPLINE REGULATIONS

Pursuant to section 11 of the *Optometry Act* R.S.P.E.I. 1988, Cap. O-6, the following regulations were made by the Prince Edward Island College of Optometrists after consultation with the Association and with the approval of the Lieutenant Governor in Council:

- 1.** In these regulations
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|  | Interpretation          |
| (a) "Act" means the <i>Optometry Act</i> R.S.P.E.I. 1988, Cap. O-6;                    | Act                     |
| (b) "inspector" means a person appointed under section 9;                              | inspector               |
| (c) "Investigation Committee" means the persons appointed under section 17. (EC474/95) | Investigation Committee |

#### I. BASIC STANDARD OF PRACTICE

- 2.** The basic standard of practice is that an optometrist render to his patient the full range of service elements listed hereunder as comprising the oculo-visual assessment:
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|  | Oculo-visual assessment |
|--|-------------------------|
- (a) history;
  - (b) examination of the external eye and adnexa;
  - (c) examination of the refractive condition;
  - (d) examination of the oculo-motor status;
  - (e) measurement of the accommodative mechanism;
  - (f) assessment of data;
  - (g) prescribing, including referral as necessary;
  - (h) patient information, explanation and counselling;
  - (i) after-care or follow-up as necessary;
  - (j) record-keeping. (EC474/95)
- 3.** Guidelines to amplify and interpret the basic service elements listed above may be developed by the College. (EC474/95)
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|--|------------|
|  | Guidelines |
|--|------------|
- 4.** An optometrist shall use his professional judgement to determine the nature, particular method or degree of the performance of each service element, dependent upon the particular patient's need and circumstances and the context of previous care rendered. (EC474/95)
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|--|---------------------|
|  | Individual judgment |
|--|---------------------|
- 5.** An optometrist shall exercise generally accepted standards of practice and procedures, consistent with
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|--|------------------|
|  | Normal standards |
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- (a) his professional training;
- (b) current teaching as given in approved Schools of Optometry and reflected in the professional journals and reports; and
- (c) customary practices generally evident among his peers in Canada. (EC474/95)

- Equipment**      **6.** An optometric practice shall be furnished with equipment, instruments and other aids sufficient for the optometrist to be able to demonstrate, to the satisfaction of the College, his ability to perform all of the service elements listed, and, where the optometrist offers such, his ability to perform all elements of contact lens provision or any other specialized service. (EC474/95)
- Patient record**      **7.** An optometrist shall keep an accurate, formal record of the services provided to each patient, including at least: relevant history, including the patient's complaint, examination procedures used, clinical findings obtained, the treatment prescribed and given including a summary of advice given to the patient and any referral, and the fees charged. (EC474/95)

## II. CONTINUING COMPETENCY AND PROFESSIONAL DEVELOPMENT

- Continuing professional development**      **8.** An optometrist shall abide by the requirements of sections 14 and 15 of the Licensure Regulations (EC473/95) regarding currency and continuing professional development. (EC474/95)

## III. APPRAISAL

- Inspection**      **9.** The College may appoint one or more inspectors to carry out an appraisal of an optometrist's facilities and the general characteristics of his practice, with reference to the prescribed standards. (EC474/95)
- Idem*      **10.** Normally such appraisal shall be carried out after a six-month period following the initial establishment of a practice, and at such intervals thereafter as the College considers advisable. (EC474/95)
- Optometrist to cooperate**      **11.** An optometrist shall cooperate fully in such an appraisal, including furnishing all records required by an inspector. (EC474/95)
- Report**      **12.** The inspector shall submit a report of the appraisal for consideration by the College. (EC474/95)
- Outcome of appraisal**      **13.** The College shall inform the optometrist concerned of the general results of the appraisal; it shall in writing direct him to remedy any failure to meet the prescribed standards within a time period considered

reasonable by the College, and shall conduct a reinspection on expiry of the time allowed. (EC474/95)

#### IV. CONFLICT OF INTEREST

**14.** It is a conflict of interest for an optometrist to place himself in or accept a situation which, in the opinion of the College, Conflict of interest

(a) results, by connection with his practice, in monetary gain other than that earned from the performance of professional services in his practice; or

(b) puts his professional integrity or his rendering of services at risk of being controlled or detrimentally influenced by other persons or by factors other than his professional judgement of what is best for his patient. (EC474/95)

#### V. PROFESSIONAL INCOMPETENCE

**15.** The College may find an optometrist guilty of professional incompetence if it unanimously concludes that a patient suffered demonstrable physical harm which can reasonably be attributed to something which the optometrist did or failed to do or failed to take into account, which act or omission was inconsistent with generally accepted standards of practice and procedures, and cannot be justified by the optometrist to the satisfaction of the College. (EC474/95) Incompetence

#### VI. PROFESSIONAL MISCONDUCT

**16.** Without limiting the generality of subsection 16(1) of the Act, the College may find an optometrist guilty of professional misconduct for any of the following: Misconduct

(a) failing to abide by the terms of his license;

(b) failing to abide by the Code of Ethics of the Canadian Association of Optometrists;

(c) exceeding the lawful scope of practice, as defined by the Act, and as amplified by the generally accepted norms of current Canadian professional literature, university teaching, and common practice of peers;

(d) having a conflict of interest;

(e) failing to maintain current patient records;

(f) failing to have and employ equipment and aids which enable the practitioner to render reliable diagnostic assessment and therapeutic planning;

(g) treating or attempting to treat a vision problem which the optometrist recognizes or should, according to his qualification, recognize as being beyond the scope of his competence or expertise;

- (h) failing to refer a patient appropriately when the optometrist recognizes, or should in the College's judgement recognize, a condition requiring the attention of another professional;
- (i) revoked by EC482/09;
- (j) permitting, in circumstances within his control, a person other than a licensed optometrist to perform any of the functions of an optometrist except as may be provided under the Act;
- (k) charging a fee higher than that considered appropriate by the Association, without giving notification of the amount to the patient prior to rendering the service;
- (l) failing to itemize an account so that the patient can clearly understand the value of the different aspects of service which were rendered;
- (m) maintaining in his records, signing, issuing or submitting a record, report, certificate, claim or similar document which the optometrist knows or should know contains false or misleading information or which, by omitting significant information, may give a misleading impression;
- (n) giving information regarding a patient's vision to a person other than the patient without the consent of the patient, unless required to do so by law or for a purpose directly related to the patient's care;
- (o) purporting to have a qualification or special expertise which he does not in fact possess and which has not been recognized by the College;
- (p) failure to carry out an agreement with or commitment to a patient;
- (q) failing to continue to provide service to a patient until service is refused by the patient or is no longer considered necessary by the optometrist, or until the patient has had a reasonable opportunity to arrange for the services of another optometrist;
- (r) engaging in practice while ability to perform any professional act is impaired by alcohol or other drug;
- (s) failing to cooperate with an appraisal or investigation duly authorized by the College;
- (t) failing to provide to the patient a written prescription with all necessary specifications for any corrective lens which is prescribed;
- (u) improper advertising as described in subsection 23(2) of the Act;
- (v) attempting or carrying out, without previously informing and obtaining the advice of the College, clinical research based on methods which do not conform to his training or to generally recognized contemporary custom;
- (w) failure to comply with directions issued by the College in accordance with the Act and Regulations;

(x) conduct or an act directly associated with practice which in the unanimous judgement of the College would reasonably be regarded by the vast majority of optometrists as dishonourable or seriously offensive to a patient. (EC474/95; 482/09)

## VII. INVESTIGATION AND DISCIPLINE

**17.** When the College, on its own initiative or as a result of a complaint to it, determines that there is cause for investigating a particular alleged incident or the practice of an optometrist, it shall appoint an Investigation Committee, and shall inform the complainant, if any, of the investigation process and notify him that the appropriate action is being undertaken. (EC474/95)

Investigation  
Committee

**18.** (1) The Investigation Committee shall comprise one optometrist member and one lay member of the College, together with such other persons as may be considered necessary; as well, the Investigation Committee may engage the assistance of such other persons as the College may authorize.

*Idem*

(2) The College shall inform the optometrist under investigation of those persons who have been appointed or engaged. (EC474/95)

Optometrist to be  
informed

**19.** The optometrist under investigation shall give full cooperation to the Investigation Committee, including the provision of such records as may be required by it. (EC474/95)

Optometrist to  
cooperate

**20.** (1) The Investigation Committee shall conduct a preliminary inquiry to determine whether there is cause for full investigation; if the Committee finds that there is not a sufficient basis for proceeding, it shall recommend to the College that there be no further action.

Preliminary inquiry

(2) If the Investigation Committee finds that there is cause to proceed, it shall carry out such further investigation as it considers appropriate. (EC474/95)

Further  
investigation

**21.** (1) During both preliminary inquiry and investigation, the Investigation Committee shall ensure that any complainant and the optometrist under investigation is each permitted to be heard and to submit evidence.

Parties to be heard

(2) Where the investigators conduct a clinical examination of a patient, the optometrist under investigation shall also at that time be afforded an opportunity to reexamine the patient's ocular condition. (EC474/95)

Examination of  
patient

Report	<b>22.</b> The Investigation Committee shall report its findings and conclusion to the College, which shall provide a copy to the optometrist under investigation. (EC474/95)
Hearing	<b>23.</b> (1) The College shall give the optometrist under investigation, by 10 days' written notice of a hearing, the opportunity to be heard, with legal counsel of both parties present if desired by either.
<i>Idem</i>	(2) If the optometrist under investigation does not attend the announced hearing, the College may nonetheless proceed. (EC474/95)
Judgment by College	<b>24.</b> The College shall consider the report of the Investigation Committee and the outcome of the hearing, and shall by vote determine: <ul style="list-style-type: none"> <li>(a) whether to accept the findings of the Investigation Committee;</li> <li>(b) whether to accept, reject, or modify the conclusion of the Investigation Committee; and</li> <li>(c) the disciplinary action, if any, to be taken. (EC474/95)</li> </ul>
Notification of optometrist	<b>25.</b> The College shall forthwith notify the affected optometrist in writing of its decisions, and any requirements of him, specifying the time allotment for compliance. (EC474/95)
Optometrist to comply	<b>26.</b> The optometrist against whom disciplinary action is taken shall comply with the College's directions; should he fail to do so within the specified time, the College may apply an additional penalty. (EC474/95)
Allowance for appeal	<b>27.</b> Where an optometrist's license is suspended or revoked, and he chooses to appeal to the Supreme Court, he shall file notice of such with the Court, and so inform the College within thirty days of being informed of the College's decision. (EC474/95)
<i>Idem</i>	<b>28.</b> Suspension or revocation of a license shall take effect only after the expiry of thirty days following the College's informing the affected person of its decision or, where an appeal is made, after it has been dismissed by the Supreme Court. (EC474/95)
Re-instatement	<b>29.</b> The College, may upon application and payment of the fee prescribed for re-issuance of a revoked license, re-instate a person whose license has been suspended or revoked, according to such terms and conditions as it considers appropriate for protecting the public's interest. (EC474/95)

#### VIII. REMEDIATION MEASURES AND PENALTIES

College to determine penalty, remedial action	<b>30.</b> Where it finds an optometrist guilty of failure to abide by the prescribed standards, of professional misconduct or of incompetence, the
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College shall determine a measure of remediation or penalty which it considers appropriate to the nature and degree of the failure. (EC474/95)

**31.** Without limiting the generality of section 30, such measures may include: a reprimand, whether written or oral; a fine, to a maximum of \$500; a direction that the optometrist fulfill a continuing professional education requirement; a term or condition imposed on the license, limiting the scope or independence of the optometrist's practice; suspension of the license, for a fixed period of time or until a condition has been fulfilled; revocation of the license; or a combination of such measures. (EC474/95) Measures available

**32.** (1) The criteria for the College's assessment of the nature and severity of the penalty or remediation measure shall include: Criteria for setting appropriate measures

- (a) the extent of the optometrist's awareness of the fault;
- (b) the degree of physical harm to the patient;
- (c) the potential further risk to the public;
- (d) the potential effect upon the profession;
- (e) the likely effect upon the disciplined optometrist's ability to earn his livelihood;
- (f) any restitution or remediation voluntarily undertaken by the optometrist himself.

(2) Wherever possible, the College shall seek, by the disciplinary action it takes, an approach and outcome of remediation or positive improvement rather than mere penalization. (EC474/95) Remediation where possible

**33.** Where a financial penalty is levied by the College, any amount exceeding the costs actually incurred in that case shall be used for the purposes of sponsoring continuing professional education. (EC474/95) Use of fine

**34.** (1) The College shall, in all but unusual cases, keep secret any investigation and disciplinary or remedial measures unless otherwise requested by the optometrist affected; however, the College may reveal such matters in any report on its operation, so long as this is done in such a way that the parties involved cannot be identified. Confidentiality

(2) In unusual cases where it appears necessary for protecting the public's welfare, the College may choose as part of the penalty or remediation applied to reveal the nature of the case and its outcome, including the identity of the optometrist at fault to the complainant, the Minister, the Association, law enforcement officials or the courts, or the general public. (EC474/95) *Idem*

## X. STATISTICAL INFORMATION

Statistical  
information

**35.** The College may compile and publish statistical information with regard to the volume and nature of manpower, professional services, patient utilization and vision problems and comparable subjects related to patterns of service need and performance, in such form that individuals are not identifiable without their consent (EC474/95)

Optometrist to  
provide

**36.** An optometrist shall provide to the Registrar such information as may be requested by the College for the purposes of section 35. (EC474/95)