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Draft 3 JMC
November 30, 2023



EC2023-

REGULATED HEALTH PROFESSIONS ACT

OPTOMETRISTS REGULATIONS

NOT READY FOR CCOPP

Pursuant to sections 2 and 96 of the *Regulated Health Professions Act* R.S.P.E.I. 1988, Cap. R-10.1, Council made the following regulations:

INTERPRETATION

1. Definitions

In these regulations

- (a) “**Act**” means the *Regulated Health Professions Act* R.S.P.E.I. 1988, Cap. R-10.1;
- (b) “**College**” means the Prince Edward Island College of Optometrists continued under section 3;
- (c) “**Council**” means the Council of the College;
- (d) “**former Act**” means the *Optometry Act* R.S.P.E.I. 1988 Cap. 0-6;
- (e) “**optometrist**” means a person who is registered in the optometry register;
- (f) “**optometry**” means the health profession in which a person applies particular knowledge, skills and judgment in providing optometry services to another person, including
 - (i) examining the human eye and its adnexa using instruments, devices or diagnostic drugs to diagnose visual defects or abnormal conditions,
 - (ii) treating visual defects or abnormal conditions of the human eye or its adnexa by non-surgical means, including the prescription or application of lenses or other devices and the use of therapeutic drugs,
 - (iii) removing superficial foreign bodies from the human eye or its adnexa, and
 - (iv) participating in research, education, management or administrative activities incidental to those described in subclauses (i) to (iii).

2. Designation

Optometry is designated as a regulated health profession.

3. College continued

The Prince Edward Island College of Optometrists established under the former Act is continued as the college for optometry.

PART 2 - REGISTRATION

Register

4. Parts of register

The register for optometry is divided into the following parts:

- (a) general registration;
- (b) special registration.

General Registration

5. General registration

- (1) The registrar shall register an applicant in the general registration part where
 - (a) the registrar is satisfied that the applicant meets all the requirements for registration set out in subsection 12(2) of the Act and these regulations and registers the applicant pursuant to subsection 12(3) of the Act; or
 - (b) the Council directs the registrar to register the applicant pursuant to subsection 12(6) of the Act or reinstate the registration of the applicant pursuant to subsection 24(4) of the Act.

Reinstatement period

- (2) For the purpose of subsection 24(1) of the Act, an optometrist may apply for reinstatement of registration in the general registration part within three years after a lapse in the registration.

6. Education

For the purpose of clause 12(2)(c) of the Act, an applicant shall have successfully completed

- (a) a degree program in optometry accredited by the Accreditation Council on Optometric Education or approved by the Council; or
- (b) education that the Federation of Optometric Regulatory Authorities of Canada considers substantially equivalent to a program in clause (a).

7. Examinations

For the purpose of clause 12(2)(d) of the Act, an applicant shall have successfully completed the entry-to-practice competency examination administered by the Optometry Examining Board of Canada or another competency examination approved by the Council.

8. Currency of professional knowledge and skills

- (1) For the purpose of clause 12(2)(f), subclause 22(2)(a)(ii) and clause 24(4)(c) of the Act, an applicant shall have done one of the following within the three years preceding the application to demonstrate currency of professional knowledge and skills:
- (a) successfully completed the educational requirement set out in section 6;
 - (b) actively practised optometry, as an optometrist authorized by law to practise without any restrictions, for at least 750 hours;
 - (c) successfully completed a refresher program in optometry satisfactory to the registrar.

Failure to demonstrate currency

- (2) Where an applicant fails to demonstrate currency under subsection (1), the Council may require the applicant to successfully complete a refresher program in optometry approved by the Council within the time period specified by the Council.

9. Insurance

- (1) For the purpose of clause 12(2)(j), subclause 22(2)(a)(v) and clauses 24(4)(f) and 25(3)(c) of the Act, an applicant or optometrist, as the case may be, is required to hold or be covered by professional liability insurance under a policy that provides coverage of not less than \$2,000,000 per claim or occurrence and an aggregate limit of not less than \$2,000,000, excluding legal or court costs.

Valid certificate required

- (2) The applicant or optometrist shall provide or ensure the registrar is provided with the most current certificate of professional liability insurance issued by the insurer that confirms the applicant or optometrist is insured under a policy that meets the requirements of subsection (1).

10. Additional requirements

For the purpose of clause 12(2)(k), subclause 22(2)(a)(v.1) and clause 24(4)(g) of the Act, an applicant shall hold current certification in cardiopulmonary resuscitation and first aid.

Special Registration

11. Special registration

- (1) Where the Council directs the registrar to register an applicant pursuant to subsection 13(3) of the Act, the registrar shall register the applicant in the special registration part.

No renewal or reinstatement

- (2) Special registration may not be renewed or reinstated.

PART 3 - DESIGNATIONS AND RESERVED ACTIVITIES

12. Designations of a member

For the purpose of subsection 89(1) of the Act, the designations of an optometrist include the title “optometrist”.

13. Reserved activities

Subject to any terms or conditions imposed on the optometrist's registration, an optometrist is authorized to perform the following reserved activities:

- (a) diagnosing a disease, disorder or condition of the human eye or its adnexa, other than glaucoma, and communicating the diagnosis in circumstances in which it is reasonably foreseeable that it will be relied on in health care decisions;
- (b) applying sound energy using ultrasonic pachymetry to measure corneal thickness;
- (c) prescribing, dispensing, selling or administering topical drugs, other than anti-glaucoma drugs, to diagnose or treat a disease, disorder or condition of the human eye or its adnexa, other than glaucoma;
- (d) removing a superficial foreign body from the human eye or its adnexa;
- (e) prescribing or dispensing, for vision or eye problems, subnormal vision devices, corrective or non-corrective contact lenses or eye glasses other than simple magnifiers.

14. Special authorization

(1) An optometrist may apply to the registrar, in the form approved by the Council, for special authorization to perform any of the following reserved activities:

- (a) diagnosing glaucoma and communicating the diagnosis in circumstances in which it is reasonably foreseeable that it will be relied on in health care decisions;
- (b) prescribing or administering a Schedule 1 drug, as defined in the *Pharmacy Act* R.S.P.E.I. 1988, Cap. P-6.1, to treat and manage glaucoma or for a purpose incidental to optometry;
- (c) applying electrical energy using intense pulsed light therapy to treat dry eye.

Eligibility

(2) An applicant is eligible for special authorization to perform a reserved activity referred to in subsection (1), if the applicant successfully completed

- (a) in respect of the reserved activities referred to in clauses 1(a) and (b),
 - (i) the education required in section 6 and the examination required in section 7, on or after January 1, 2015, or
 - (ii) an advanced scope certificate course, approved by the Council; and
- (b) in respect of the reserved activity referred to in clause 1(c), a course in intense pulsed light therapy, approved by the Council.

Granting of special authorization

(3) On receipt and review of an application made in accordance with subsection (1), the registrar may, if the registrar is satisfied the applicant is eligible in accordance with subsection (2),

- (a) grant the applicant special authorization to perform the reserved activity or activities; and
- (b) note the special authorization in the register in relation to the optometrist and on the optometrist's certificate of registration.

Referral to the Council

(4) Where the registrar is not satisfied that the applicant is eligible in accordance with subsection (2), the registrar shall refer the application to the Council.

Review by the Council

- (5) On receipt of an application referred by the registrar, the Council shall review the application and may
 - (a) direct the registrar to
 - (i) grant the applicant special authorization to perform the reserved activity or activities, and
 - (ii) note the special authorization in the register in relation to the optometrist and on the optometrist’s certificate of registration; and
 - (b) impose any terms and conditions on the special authorization that the Council considers appropriate.

Notice

- (6) Where the Council refuses to grant special authorization, the Council shall serve on the applicant written notice of, and reasons for, the refusal.

Suspension, cancellation, expiration, renewal

- (7) Special authorization granted under this section is suspended or cancelled, or expires, on the suspension, cancellation or expiration of the optometrist’s registration, as the case may be, and may be renewed on renewal of the optometrist’s registration.

PART 4 - GENERAL

15. Name of corporation

- (1) For the purpose of clause 15(1)(d) of the Act, the name of a corporation applying for a permit to carry on the business of providing the professional services of an optometrist shall be, in the opinion of the registrar, in good taste, dignified and professional.

Change of name

- (2) Before changing its name, a health profession corporation shall obtain written confirmation from the registrar that the proposed name meets the requirements of subsection (1).

16. Exception, corporation

The prohibition in subsection 90(1) of the Act does not apply in respect of a corporation other than a health profession corporation carrying on the business of providing the professional services of an optometrist.

17. Commencement

These regulations come into force on.....