

Drug and Pharmacies Regulation Act

R.R.O. 1990, Reg. 550

(excerpt)

Conflict of Interest

26. (1) In this section,

"member of his or her family" means any person connected with a member by blood relationship, marriage or adoption, and,

(a) persons are connected by blood relationship if one is the child or other descendant of the other or one is the brother or sister of the other,

(b) persons are connected by marriage if one is married to the other or to a person who is connected by blood relationship to the other, and

(c) persons are connected by adoption if one has been adopted, either legally or in fact, as the child of the other or as the child of a person who is so connected by blood relationship (otherwise than as a brother or sister) to the other. R.R.O. 1990, Reg. 550, s.26 (1).

(2) A member shall not engage in the practice of optometry where the member has a conflict of interest. R.R.O. 1990, Reg. 550, s. 26 (2).

(3) It is a conflict of interest for a member where a member or a member of his or her family,

(a) accepts rebates or gifts from a vendor of ophthalmic appliances, materials or equipment or from a person licensed or registered under any Act regulating a health discipline;

(b) accepts credit from a vendor of ophthalmic appliances, materials or equipment, or from a person licensed or registered under any Act regulating a health discipline except where the terms of the credit provide a reasonable time for repayment, a reasonable rate of interest on the amount outstanding at any time during the period of credit, and the credit is not related to the referral of patients to the creditor;

(c) rents or makes available premises to a tenant who is a person licensed or registered under any Act regulating a health discipline except at a rent normal for the area in which the premises are located and the amount of the rent is not related to the volume of business carried out in the premises by the tenant; or

(d) rents or uses any premises from a vendor of ophthalmic appliances, materials or equipment or from a person who has any association with such vendor, or from a person licensed or registered under any Act regulating a health discipline except at a rent normal for the area in which the premises are located and the amount of the rent is not related to the referral of patients to the landlord or to the referral of patients by the member or the amount of fees charged by the member. R.R.O. 1990; Reg. 550, s. 26 (3).

(4) It is a conflict of interest for a member to,

(a) share fees with any person who has referred a patient or receive fees from any person to whom the member has referred a patient or to engage in any form of fee sharing, rebates or other indirect remuneration;

(b) issue a statement or receipt to a patient or to a third party responsible for the payment of the account of a patient which does not itemize the service provided and the fees therefor or does not describe the ophthalmic appliances utilized by the member in the performance of the service or does not set out the laboratory costs incurred by the member in the provision of the service;

(c) engage in the practice of optometry where any of the public entrances or exits of the member's premises are within the premises of a retail merchant, optical company or ophthalmic dispenser or interconnecting therewith;

(d) charge or receive for an ophthalmic appliance payment in excess of the laboratory costs incurred by the member in the provision of the service provided by the member;

(e) engage in the practice of optometry in association, partnership or otherwise with or while employing or under the employment of a vendor of ophthalmic appliances or an ophthalmic dispenser registered under the *Ophthalmic Dispensers Act* or with any other person or corporation other than

(i) with a member who is engaged in the practice of optometry,

(ii) with a legally qualified medical practitioner who is engaged in the practice of medicine provided that such practice is not inconsistent with Part V of the Act or regulations or by-laws,

(iii) as an employee or agent of a municipal or other government, agency of a municipal or other government, a university, hospital,

(iv) with a community health centre if the employment or any arrangement has been approved by Council, or

(v) with a corporation for the sole purpose of providing optometrical counsel and service to the employees of the corporation; or

(f) own or financially benefit from the operation of a company, firm or business that manufactures, fabricates, supplies or dispenses ophthalmic appliances.
R.R.O. 1990, Reg. 550, s. 26 (4).