

## **I. BY-LAWS OF THE COLLEGE OF OPTOMETRISTS OF ONTARIO**

Enacted pursuant to S.94 of Schedule 2, Health Professions Procedural Code of the *Regulated Health Professions Act, 1991*.

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## 1. DEFINITIONS

In this by-law,

"by-law" means a by-law of the College;

"Code" means the Health Professions Procedural Code being Schedule 2 of the Regulated Health Professions Act (RHPA), as amended from time to time;

"College" means the College of Optometrists of Ontario;

"in good standing", for the purposes of administering these by-laws and the legislation, means

- i. the member is not in default of payment of any fees prescribed by regulation or required by by-law;
- ii. the member's professional conduct is not the subject of proceedings before the Discipline or Fitness to Practise Committees; and
- iii. the member's certificate of registration is not under suspension, nor has a term, condition or limitation ordered to be placed on it by a statutory committee.

"Legislation" means the *Regulated Health Professions Act, 1991*, Statutes of Ontario, 1991, C18, (the "RHPA"), the Health Professions Procedural Code being Schedule 2 of the RHPA, the *Optometry Act, 1991*, Statutes of Ontario, 1991, C35 and the Regulations passed under the RHPA or the *Optometry Act, 1991*.

"meeting" does not include a hearing.

"member" unless the context otherwise requires, means a member of the College as that term is used in the RHPA and the *Optometry Act, 1991*;

"optometry profession corporation" means a health profession corporation to which the College has issued a certificate of authorization;

"principal office" means the office in which the member practises or if the member practises in more than one office, the office that has been designated by the member as his or her principal office for election and voting purposes.

"RHPA" means the *Regulated Health Professions Act, 1991*, Statutes of Ontario, 1991, Chapter 18, as amended from time to time and includes the Health

Professions Procedural Code being Schedule 2 (Code) of the RHPA, as amended from time to time;

"Registrar" means the Registrar of the College;

(amended April 2009)

## **INTERPRETATION**

In all by-laws of the College the singular shall include the plural and the plural shall include the singular.

All provisions of these or any other by-laws of the College shall be interpreted in a manner consistent with the Legislation and where any inconsistency is found to exist, where practicable, the inconsistent provision is to be severed therefrom.

## **2. ELECTORAL DISTRICTS AND ELECTIONS FOR COUNCIL**

2.1. Elections of members to Council shall be in accordance with this by-law.

2.2. For the purpose of the election of members to the Council, the following electoral districts are established:

1. District 1, the GTA Electoral District, composed of the municipality of Metropolitan Toronto and the regional municipalities of Halton, Hamilton-Wentworth, Niagara, Peel and York.
2. District 2, the Northern Electoral District, composed of the territorial districts of Algoma, Cochran, Kenora, Manitoulin, Nipissing, Perry Sound, Rainy River, Sudbury, Thunder Bay, and Timiskaming, the counties of Bruce, Dufferin, Grey, Haliburton, Huron, Renfrew, and Simcoe, and the district municipality of Muskoka.
3. District 3, the Eastern Electoral District, composed of the counties of Frontenac, Hastings, Lanark, Northumberland, Peterborough, Prince Edward, and Victoria, the united counties of Leeds & Grenville, Lennox & Addington, Prescott & Russell, Stormont-Dundas & Glengarry, and the regional municipalities of Durham and Ottawa-Carlton.
4. District 4, the Western Electoral District, composed of the counties of Brant, Elgin, Essex, Kent, Lambton, Middlesex, Oxford, Perth, and Wellington, and the regional municipalities of Haldimond-Norfolk and Waterloo.
5. District 5, the Provincial Electoral District, composed of the whole of the Province of Ontario.

2.3. The counties, regional municipalities, district municipalities, municipalities, and territorial districts described in this section are those that existed as at December 31, 1996 and the geographical territory of each electoral district shall be interpreted to ensure that all parts of Ontario fall into one of the aforementioned counties, regional municipalities, district municipalities, municipalities, and territorial districts.

2.4. Two members shall be elected to the Council from District 1, one member shall be elected to the Council from each of the Districts 2, 3 and 4, and four members shall be elected to the Council from District 5.

2.4.1 A member shall not run simultaneously for election to the Council from more than one Electoral District. (added April 4, 2001)

#### **TERM OF OFFICE OF MEMBERS OF COUNCIL WHO ARE MEMBERS OF COUNCIL**

2.5.1 For District 1, an election shall be held

(a) for one member to the Council in the year 2001 and in every third year after that; and

(b) for one member to the Council in the year 2002 and in every third year after that.

2.5.2. For each of Districts 2 and 3, an election shall be held for one member to the Council in the year 2002 and in every third year after that.

2.5.3. For District 4, an election shall be held for one member to the Council in the year 2001 and in every third year after that.

2.5.4. For District 5, an election shall be held

(a) for two members to the Council in the year 2000 and in every third year after that;

(b) for one member to the Council in the year 2001 and in every third year after that; and

(c) for one member to the Council in the year 2002 and in every third year after that.

2.6. For the purposes of clause 6 (1) (c) of the *Optometry Act*, 1991, the School of Optometry at the University of Waterloo shall select a member of its faculty to be appointed to the Council who at the time of the selection is

- i. a full-time faculty member of the School; and
- ii. a member in good standing with the College.

2.7. Unless otherwise provided, the term of office for each member of Council who is a member of the College commences with the first regular meeting of the Council immediately following the member's election, appointment or selection.

2.8. Members of the Council shall continue in office until their successors take office at the regular meeting of the Council immediately following the successors' election, appointment or selection.

2.9. The term of office of a member appointed to the Council under subsection 2.6 shall not exceed three years unless re-appointed, and shall not in any event exceed nine consecutive years.

#### **ELIGIBILITY FOR ELECTION TO COUNCIL**

2.10.1. Subject to section 2.10.2 and 2.10.3, a member is eligible for election to the Council if on the date of the filing of the nomination form and continuing up to the election date the member,

- i. is in good standing in the College;
- ii. is a holder of a General Certificate of Registration;
- iii. is engaged in the practice of optometry and his or her principal office is located in the electoral district in which the candidate is nominated;
- iv. has a certificate of registration that has not been revoked or suspended in the six years preceding the date of the election;
- v. has not been the subject of an order of the Discipline or Fitness to Practise Committee in the six years preceding the date of the election;
- vi. has a certificate of registration which is not subject to a term, condition or limitation other than one prescribed by regulation; and
- vii. if applicable, signs a declaration that, if elected, will resign forthwith as
  - (a) a full-time member of the faculty of the School of Optometry, University of Waterloo;

- (b) an elected representative, officer or employee of the Canadian Association of Optometrists or the Ontario Association of Optometrists or other like organization; or
- (c) an appointed committee chairperson or member of a committee of the Canadian Association of Optometrists or the Ontario Association of Optometrists or other like organization, such that it is reasonable to expect that a real or apparent conflict of interest may arise.

(amended April 4, 2001)

- 2.10.2. If the member has been elected in three consecutive elections, excluding a by-election, the member shall not be eligible for election until three years have passed since the expiration of the member's last term of office.
- 2.10.3. A member of Council who wishes to be a candidate in an election and whose term of office is not scheduled to end at the first regular meeting of Council following that election, shall not be eligible for election unless he or she resigns from Council prior to filing his or her nomination form. (added April 4, 2001)
- 2.11. The election for an electoral district shall be held on a date set by the Council on or before April 1 in the year in which an election is to be held.
- 2.12. The elections shall be carried out under the supervision of the Registrar.
- 2.13. If there is an interruption of mail service during an election, the Registrar shall extend the holding of nominations and election for such minimum period of time as the Registrar considers necessary to reasonably compensate for the interruption.

#### **NOMINATION PROCEDURE**

- 2.14. Nomination forms shall be mailed by the Registrar to all members eligible to vote in the electoral district in which an election is to be held at least forty-five days before the date of the election.
- 2.15. The nomination of a candidate for election as a member of the Council shall be in a form provided by the Registrar and signed by the candidate, a proposer and two seconders each of whom is a member who is both eligible to vote and has his or her principal office in the electoral district for which the candidate has been nominated.
- 2.16. The nomination form shall have the candidate's consent signed on it and shall be filed with the Registrar at least thirty days before the date of the election.

- 2.17. The Registrar shall notify all nominated candidates of the members nominated in each electoral district without undue delay, after nominations have been closed.
- 2.18. Subject to subsection 2.18.1, a candidate may withdraw his or her candidacy by notice in writing of withdrawal delivered to the Registrar not later than twenty-two days before the date of election. (amended April 4, 2001)
- 2.18.1 A member who is nominated for election in two Electoral Districts shall withdraw his or her candidacy from at least one election by notice in writing delivered to the Registrar not later than twenty-two days before the date of the election, failing which the candidate shall be deemed to have withdrawn his or her candidacy from District 5. (added April 4, 2001)

## **VOTING**

- 2.19. Every member who is engaged in the practice of optometry in Ontario and is in good standing is eligible to vote in any election of members to the Council in the two following electoral districts:
- i. the electoral district in which the member's principal office is located; and
  - ii. District 5, the Provincial Electoral District.
- 2.20. Voting for elections of members to the Council shall be by ballot in accordance with these by-laws.
- 2.21. Each member may cast as many votes on a ballot in an election as there are members to be elected to Council from the electoral district in which the member is eligible to vote. A member shall not cast more than one vote for any one candidate. (amended February 6, 2008)

## **BALLOT**

- 2.22. Except in electoral districts in which candidates have been declared by the Registrar elected by acclamation, ballot forms together with blank envelopes and biographical information about each candidate and return mailing envelopes shall be mailed by the Registrar to all members eligible to vote in the electoral district in which an election is to be held at least fifteen days before the date of the election.
- 2.23. A ballot shall be clearly marked in the appropriate space for the candidate of that voting member's choice, shall be sealed in the blank envelope supplied and shall be inserted and sealed in the outer envelope supplied. The outer

envelope shall bear the voting member's printed name, signature and address.

- 2.24. Only ballots received by the Registrar on or before 4 p.m. of the day before the date of the election shall be counted by the Registrar or his or her designated agents.
- 2.25. A ballot that does not comply with subsections 2.23 and 2.24 shall be deemed to be null and void and not be counted in the election.
- 2.26. On the date of the election the outer envelope bearing the voting member's printed name, signature and address shall be opened and the sealed blank envelope containing the ballot for the election shall be deposited in a ballot box.
- 2.27. When the activities required under section 2.26 have been completed, the sealed blank envelopes containing the ballots shall be opened and the ballots shall be counted by the Registrar or his or her designated agents.
- 2.28. A candidate or his or her authorized representative may be present when the outer envelopes are opened and the envelopes containing the ballots are opened and counted.

#### **DECLARATION OF MEMBER ELECTED**

- 2.29. Following the counting of all of the ballots, the Registrar shall declare elected,
  - i. in an election where only one candidate is to be elected, the candidate receiving the greatest number of votes; and
  - ii. in an election where more than one candidate is to be elected, the candidates with the highest and next highest number of votes and so on until the number of successful candidates equals the number of persons to be elected.
- 2.30. If, in the election of a candidate to the Council, a tie vote exists, the Registrar or the Registrar's representative shall decide by lot which candidate shall be declared elected.
- 2.31. When the counting of ballots is completed the Registrar will advise the candidates of the results of the election, including the vote count.
- 2.32. The Registrar shall publish in the College Bulletin the name of the member elected and the number of votes cast in the electoral district.

## **ACCLAMATION**

2.33. If the number of candidates nominated for an electoral district is less than or equal to the number of members to be elected in the electoral district, the Registrar shall declare the candidates elected by acclamation.

## **DESTRUCTION OF BALLOTS**

2.34. The Registrar shall destroy all ballots,

- i. thirty-one days after the election provided no recount is requested or election challenge is made;
- ii. if a recount is requested, after the recount has been completed provided there is no challenge made under Section 2.41; or
- iii. if a challenge as to the validity of the election has been filed under section 2.41, after the panel investigating the validity of the election has reported to Council so long as the Council does not direct otherwise.

## **RECOUNT**

2.35. Within thirty days from the date of the counting of ballots, a candidate may require a recount of the ballots of the electoral district in which he or she was nominated, on depositing with the Registrar the sum of \$200 and a written request for the recount.

2.36. If a recount has been requested, the Registrar shall appoint the time and place and arrange for the recount, which shall take place within fifteen days from the date of the request.

2.37. The recount shall be conducted by the Registrar in the same manner as the original counting of the ballots.

2.38. The candidates or a representative appointed in writing by the candidates may be present at the recount.

2.39. When the recount is complete, the Registrar shall advise the candidates of the result.

2.40. If the recount changes the result of the election of a member, the amount of the deposit shall be returned to the candidate who paid the deposit.

## **ELECTION CHALLENGE**

- 2.41. If, within thirty days of the date of the election, or if a recount is requested within 15 days of the recount, a candidate files, in writing, with the Registrar a challenge with reasons as to the invalidity of an election, the Council shall appoint a panel of three members of Council, at least one of whom shall be a member appointed by the Lieutenant Governor in Council, to hold an inquiry giving each candidate an opportunity to make written or oral submissions as the candidate may choose.
- 2.42. A candidate who files a challenge as to the invalidity of an election must deposit with the Registrar the sum of \$250 at the time the challenge is filed.
- 2.43. The panel shall report the results of its inquiry to the candidates and to the Council.
- 2.44. If the panel determines that the election was invalid, the amount of the deposit shall be returned to the candidate who paid the deposit and the Council shall determine a date for a new election and shall direct the Registrar to hold the election in accordance with this by-law.
- 2.45. The decision of the panel is final and is not subject to appeal.

## **BY-ELECTION**

- 2.46. If no valid nomination is received for an election to the Council in an electoral district by the date when nominations close, the Registrar shall inform the Council and the Council shall set a date for a by-election.
- 2.47. A by-election under this section shall be held by the Registrar in accordance with the by-laws relating to Election of Members of Council.
- 2.48. In the event that no valid nomination is received for a by-election in an electoral district by the date when nominations close, the Council shall appoint a member from among the members of the College who are eligible for election in that electoral district.
- 2.48.1 Article 2.48 is applicable to a by-election held as a result of subclause 2.51(a)(ii) but is not applicable to a by-election as a result of subclause 2.51(b)(ii).

## **DISQUALIFICATION OF COUNCIL OR COMMITTEE MEMBERS WHO ARE MEMBERS OF THE COLLEGE**

- 2.49. The Council shall disqualify a member of the College from sitting on the Council or a Committee if the member,
- i. is found to have committed an act of professional misconduct or is found to be incompetent by a panel of the Discipline Committee;
  - ii. is found to be an incapacitated member by a panel of the Fitness to Practise Committee;
  - iii. fails, without cause, to attend two consecutive meetings of the Council;
  - iv. fails, without cause, to attend two consecutive meetings of a committee of which he or she is a member;
  - v. ceases to practise in the Province of Ontario;
  - vi. ceases to be a member in good standing;
  - vii. breaches section 36 of the RHPA, 1991;
  - viii. becomes an elected representative, officer or employee of the Canadian Association of Optometrists or the Ontario Association of Optometrists or other like organization; or
  - ix. becomes an appointed committee chairperson or member of a committee of the Canadian Association of Optometrists or the Ontario Association of Optometrists or other like organization, such that it is reasonable to expect that a real or apparent conflict of interest may arise.

2.50. A member of the College who is disqualified from sitting on the Council or a Committee ceases to be a member of the Council or Committee.

## **REPLACEMENT OF COUNCIL MEMBER**

- 2.51. If the seat of an elected Council member becomes vacant in an electoral district by disqualification, death or resignation
- (a) not more than eighteen months after the election of the Council member to office, the Council shall,

- i. appoint the candidate who had the most votes of the unsuccessful candidates in the last election for the electoral district if that candidate at the time of appointment meets the requirements for eligibility for election to Council in that electoral district; or
  - ii. if that candidate is unwilling to accept the appointment or if no such candidate exists, direct the Registrar to hold a by-election, in accordance with this by-law, in that electoral district;
- (b) more than eighteen months after the election of the Council member to office, the Council shall do one of the following:
- i. appoint a member who at the time of appointment meets the requirements for eligibility for election to the Council in that electoral district;
  - ii. direct the Registrar to hold a by-election, in accordance with this by-law, in the electoral district; or
  - iii. leave the seat vacant.

2.52. In the event that no valid nomination is received for a by-election held as a result of subclause 2.51(b)(ii), the Council shall do one of the following:

- i. appoint a member who at the time of the appointment meets the requirements for eligibility for election to the Council in that electoral district; or
- ii. leave the seat vacant.

2.53. The term of a member elected in a by-election shall commence immediately upon the by-election becoming final.

2.54. The term of a member appointed by Council shall commence immediately upon the date of the appointment.

2.55. The term of a member appointed under subclause 2.51(a)(i), 2.51(b)(i) or clause 2.52(i) or elected in a by-election under subclause 2.51(a)(ii) or 2.51(b)(ii) shall continue until the term of the Council member who he or she is replacing would have expired.

### **3. DUTIES OF COUNCIL**

- 3.1. The Council is the board of directors of the College and shall manage and administer its affairs.
- 3.2. The Council shall be responsible for the governance and guidance of the profession of optometry in accordance with the Legislation and other applicable laws in order to promote the provision of optimum eye and vision care for the benefit and protection of the public.
- 3.3. In carrying out the objects of the College the Council has the duty to serve and protect the public interest.
- 3.4. A member of Council owes a fiduciary duty, i.e., a duty of loyalty, good faith and diligence to the College.
- 3.5. Every member of Council shall act in the best interests of the public receiving optometric care and no member by reason of his/her Council position shall place the vested interests of any professional, socio-economic, cultural or geographic group or constituency above the public interest.
- 3.6. It is expected that every member of Council will support the decisions of Council.
- 3.7. Any member of Council who recognizes that there may be or is a conflict of interest in dealing with a matter shall,
  - i. notify the President of the College prior to the meeting at which the item will be discussed if the conflict relates to a specific item on a Council agenda; or
  - ii. notify the Chairperson of the Committee prior to the meeting if the conflict relates to a specific item on a Committee agenda; and
  - iii. declare to Council or the Committee the existence of the conflict and leave the meeting room during the discussion and disposition of the item.
- 3.8. The Council shall have power on behalf of the College to acquire, hold and sell real and personal property for the purposes of the College upon the terms therefor.
- 3.9. The Council shall be responsible for all College property.
- 3.10. The Council shall appoint the Registrar and Assistant Registrars as may be required and may employ such other officers and staff as the Council deems

necessary for the proper administration of the College.

- 3.11. The terms, duration and severances of employment of employees of the College shall be approved by the Executive Committee and be evidenced in writing.
- 3.12. The Executive Committee shall review employment contracts annually, and not later than 15 October for the ensuing year.
- 3.13. The Executive Committee may suggest, for the consideration of Council, a slate of Committee members.
- 3.14. A person is eligible for appointment to a committee provided that the person has not been a member of that committee for more than eight consecutive years.
- 3.15. Subject to section 3.14, the Executive Committee may recommend to Council, and Council shall annually appoint to the committees of the College the requisite number of persons. Such appointments shall be made each year at the first meeting of the Council after the elections to Council and thereafter, from time to time, should vacancies exist.
- 3.16. If the pool of non-Council members is not sufficient, the Executive Committee may appoint a non-Council member who is not in the pool to serve on a committee until the next meeting of Council when such appointment may be confirmed or the Council may appoint another person.

#### **COMMITTEES OF THE COLLEGE**

- 3.17. The Executive Committee shall be comprised of five members of whom one member shall be the President of the College and one member shall be the Vice-president of the College. Two members of the Executive Committee shall be a persons appointed to the Council by the Lieutenant Governor in Council.
- 3.18. The Registration Committee shall be comprised of five persons of whom at least one member shall be both a member of the College and a member of the Council, one member shall be a person appointed to the Council by the Lieutenant Governor in Council and the others, if any, shall be members of the College. (amended April 4, 2001)
- 3.19. The Inquiries, Complaints and Reports Committee shall be comprised of ten persons of whom four shall be persons appointed to Council by the Lieutenant Governor in Council and six shall be members of the College, at least one of whom shall be both a member of the Council and a member of the College. (amended January 26, 2009 for updating June 4, 2009)

3.19.1 Unless otherwise provided by the Legislation,

- i) the Inquiries, Complaints and Reports Committee may meet in panels selected by the Chair of that Committee;
- ii) a quorum of that Committee and of any panel of that Committee shall be three; and
- iii) a panel of that Committee shall be composed of at least three persons at least one of whom shall be a person appointed to the Council by the Lieutenant Governor in Council. (amended January 26, 2009 for updating June 4, 2009)

3.19.2 Where a panel of the Inquiries, Complaints and Reports Committee is selected by the Chair of that Committee, the Chair of the Committee shall also designate a panel member to chair the panel. (amended January 26, 2009 for updating June 4, 2009)

3.19.3 Where for any reason the Chair of a panel of the Inquires, Complaints and Reports Committee is not in attendance, the panel members in attendance shall designate a chair for that panel. (amended January 26, 2009 for updating June 4, 2009)

3.19. The Discipline Committee shall be comprised of all members of the Council plus an additional five members of the College who are not members of the Council. (amended September 24, 2007)

3.20. The Fitness to Practise Committee shall be comprised of three persons of whom at least one shall be both a member of the College and a member of the Council, one shall be a person appointed to the Council by the Lieutenant Governor in Council and the other, if any, shall be a member of the College. (amended April 4, 2001)

3.21. The Patient Relations Committee shall be comprised of seven persons of whom at least one shall be both a member of the College and a member of the Council, three shall be persons appointed to the Council by the Lieutenant Governor in Council and the others, if any, shall be members of the College. (amended April 7, 2010)

3.22. The Quality Assurance Committee shall be comprised of thirteen persons of whom at least two shall be both members of the College and members of the Council, three shall be persons appointed to the Council by the Lieutenant Governor in Council and the others, if any, shall be members of the College. (amended April 7, 2010)

- 3.23. Unless otherwise provided by the Legislation or by-laws, a majority of the members of a committee constitute a quorum.
- 3.24. Council may from time to time establish Resource Committees of the College such as a Legislation Committee, Finance Committee, Ethics Committee, Election Challenge Committee, Nominations Committee, Scope and Standards of Practice Committee and such other committees as may be required. Council shall provide such committees with terms of reference including requirements for reporting to Council.
- 3.25. The Council or the Executive Committee shall appoint the Committee members to any Resource Committees.
- 3.26. The Council shall appoint a chair for each committee from among the members of a committee and the chair of each committee may delegate to a member of a committee the role of acting chair in the absence of the chair.
- 3.27. A chair or acting chair of a committee or panel of a committee of the College may call a meeting to transact business. Meetings may be held in person or, if the chair or acting chair directs, by teleconference.
- 3.28. Subject to the Legislation, Council may delegate to any College committees such duties and matters as the Council deems advisable for the efficient conduct and management of College affairs.
- 3.29. College committees shall be responsible for providing reports annually to Council and also when requested by Council prior to each Council meeting or as otherwise required by Council.
- 3.30. All College committees shall keep minutes of their meetings which shall be filed with the Registrar after confirmation by the members of each committee.

#### **4. APPOINTMENT OF NON-COUNCIL MEMBERS TO COMMITTEES OF THE COLLEGE**

- 4.1. This Section applies with respect to the appointment of members of the College who are not members of the Council to a committee of the College.
- 4.2. At the first meeting of the Council following the annual elections and upon the recommendation of the Executive Committee, members shall be appointed to committees by the Council from a pool of members approved by the Council.
- 4.3. A member is eligible for appointment to a committee if, on the date of the appointment, the member

- i. practises optometry on a regular basis, or holds an Academic Certificate of Registration and is a full-time faculty member of the School of Optometry at the University of Waterloo or a similar institution;
  - ii. is not an elected representative, officer or employee of the Canadian Association of Optometrists or the Ontario Association of Optometrists or other like organization;
  - iii. is not an appointed committee chairperson or member of a committee of the Canadian Association of Optometrists or the Ontario Association of Optometrists or other like organization, such that it is reasonable to expect that a real or apparent conflict of interest may arise;
  - iv. has a certificate of registration that has not been revoked or suspended in the six years preceding the date of appointment;
  - v. has not been the subject of an order of the Discipline or Fitness to Practice Committee in the six years preceding the date of appointment;
  - vi. has a certificate of registration that is not subject to a term, condition or limitation other than one prescribed by regulation; and
  - vii. is in good standing of the College;
- 4.4. Unless removed by Council, the term of appointment of a non-Council member to a Committee shall be until the first regular meeting of Council following the annual elections.
- 4.5. The Council shall terminate a non-Council member's appointment to a committee if the member has been disqualified under 2.49.
- 4.6. A member whose appointment is terminated immediately ceases to be a member of the committee.
- 4.7. If a vacancy occurs in a Committee of the College as the result of a death, resignation or disqualification of a Committee member, the Executive Committee may appoint a replacement until the next meeting of the Council when the appointment may be confirmed or another person is appointed by Council to fill the vacancy.
- 4.8. If the pool of non-Council members is not sufficient, the Executive Committee may appoint a non-Council member who is not in the pool to serve on a committee until the next meeting of Council when such appointment may be

confirmed or the Council may appoint another person.

- 4.9. Subject to Section 4.3, if a vacancy occurs as a result of a death, resignation or disqualification of a non-Council member on a committee, the Executive Committee shall appoint a replacement from the pool of non-Council members previously approved by Council.
- 4.10. The Council shall be responsible for the nomination to the Minister of Health of professional members of the College to sit on the Optometry Review Committee and to serve as inspectors for that Committee. The Council shall forward to the Minister of Health the names of the nominees as may be determined from time to time.

## **5. ELECTION OF OFFICERS AND APPOINTMENT OF TREASURER**

- 5.1. At the first Council meeting after the annual elections, the Council shall elect from its members a President and Vice-President, the other members of the Executive Committee and appoint a Treasurer. The terms of office shall be one year, or until the date of the next election of Officers and appointment of a Treasurer, unless Council otherwise determines.
- 5.2. The President and Vice-President may be nominated for re-election and the Treasurer may be re-appointed, provided each continues to be a member of Council.
- 5.3. At that first Council meeting after the annual elections, the Registrar shall be the presiding officer and call for nominations for the office of President. If only one member of Council is nominated, the Registrar shall declare that person elected. If there is more than one member of Council nominated for the office of President, the Registrar shall conduct an election by secret ballot. The member receiving the highest number of votes shall be declared elected President providing that the candidate receives a majority of votes cast. If not, the candidate with the least votes shall be dropped from the ballot and additional votes taken until a candidate receives a majority of votes cast. If there should be a tie vote relative to the two final candidates, the election of the President shall be determined by lot conducted by the Registrar. The newly elected President shall thereupon be the presiding officer of the Council meeting.
- 5.4. The election of the Vice-President and other members of the Executive Committee shall be conducted in the same manner.
- 5.5. If the office of President or Vice-President becomes vacant during the term of office, an election shall be held to elect a President or Vice-President to serve for the remainder of the term.

- 5.6. If the office of Treasurer becomes vacant during the term of office, Council shall appoint a Treasurer to serve for the remainder of the term.
- 5.7. If there becomes a vacancy in the membership of the Executive Committee, an election shall be held by Council to fill that vacancy for the remainder of the term.

## **6. DUTIES OF OFFICERS**

- 6.1. The President shall exercise general supervision of all the affairs of the College and shall preside at meetings of the members of the College, the Council and the Executive Committee.
- 6.2. The Vice President shall, in the absence or disability of the President, perform all duties of the President.
- 6.3. The Treasurer shall, in consultation with the Executive Committee, the Registrar and the Finance Committee supervise the financial administration of the College, keep or cause to be kept proper books of account, direct the preparation of regular fiscal status reports, prepare an annual budget for the ensuing fiscal year on or before a date determined by the Executive Committee during the current fiscal year, and as may be requested by Council from time to time shall present a budget report to Council outlining the status of College funds. The Treasurer may be invited to attend meetings of the Executive Committee and other committees but shall not have a vote at such meetings except as a member of the committee.
- 6.4. The Treasurer shall receive copies of all proposals of all Committees of the College, and / or requests from outside agencies where the proposal calls for the expenditure of monies. The Treasurer shall advise the Executive Committee of the fiscal viability of the proposal based upon the current financial status of the College. Where more than one proposal is put forward, the Treasurer shall provide to the Executive Committee a statement of monies available for expenditure at that time.

### **THE REGISTRAR**

- 6.5. The Registrar shall have such duties and shall act in accordance with the provisions of the Legislation and these by-laws.
- 6.6. The Registrar shall be the chief administrative officer (CAO) of the College and shall conduct all business of the College as directed by the Council, the Executive Committee and College committees. The Registrar shall maintain the Register, perform statutory duties of Registrar, collect all fees, act as secretary to all committees except when that duty is assigned to an Assistant Registrar or other staff person, be the custodian of records, papers, correspondence, contracts and all other documents.

- 6.7. The Registrar shall report to the Council and to the Executive Committee between meetings of the Council.
- 6.8. The Registrar may purchase and/or lease goods and/or services for the benefit of the College without additional approval if the resulting obligation does not exceed \$10,000 per item to a total of \$25,000 per annum.

## **7. MEETINGS OF COUNCIL**

- 7.1. The Council shall hold at least three meetings each year and more often if required. The dates, times and places of meetings shall be determined by the President or in his/her absence by the Vice-President.
- 7.2. The initial meeting of the Council shall be held each year as soon as possible after Council elections and not later than one month thereafter.
- 7.3. The President or in his/her absence the Vice-President shall preside over meetings of the Council. In the absence of the President and Vice-President the Registrar shall call the meeting to order and the members of Council present shall elect one of their members to be the Chair.
- 7.4. The Agenda for Council meetings shall include the following items:
  - i. review of the minutes of the preceding meeting of the Council for confirmation or correction and confirmation;
  - ii. receive and consider reports of the Executive Committee of those matters for which the Executive Committee pursuant to S.12 of the Health Professions Procedural Code has exercised the powers of the Council between Council meetings and which in the opinion of the Executive Committee required immediate attention;
  - iii. receive and consider reports and recommendations of the Executive Committee;
  - iv. receive and consider reports and recommendations of College committees;
  - v. referrals by any committee requiring decision or direction by the Council;
  - vi. receive reports from such College committees as may be requested by Council;

- vii. motions of which notice of motion was given by a member of the Council at the preceding Council meeting or where written notice has been given by a member of the Council to the Registrar at least 30 days in advance of the meeting;
  - viii. such other matters as the majority of members in attendance determine to be of an urgent nature or do not appear to need referral to an applicable committee;
  - ix. employment of staff;
  - x. routine and procedural matters;
  - xi. consideration, as soon as possible after the end of each fiscal year, of the financial statements for the preceding year prepared by the auditor for the College and the auditor's report thereon and any comments and recommendations of the Treasurer and Finance Committee.
- 7.5. All matters other than routine and procedural placed on the agenda for a Council meeting shall be supported by written reports of applicable committees or position papers which shall be received by the College at least 15 working days before such meeting so that the Council will be as fully informed as possible in advance in order to make decisions.
- 7.6. The President and the Registrar shall prepare a proposed agenda for each Council meeting.
- 7.7. Subject to Section 7.11, the Registrar shall provide members of the Council with notice of the place, date and time of the meeting, or where the meeting is to be by telephone notice of the time of the meeting. In addition, the Registrar shall provide the proposed agenda and supporting documents by ordinary mail, courier or facsimile so that members will be in receipt thereof at least 10 days before the date of a meeting.
- 7.8. The Registrar shall cause notice to be made public of each Council meeting in accordance with the Legislation.
- 7.9. Except in the case of a meeting by teleconference, every vote at a Council meeting other than an election shall be by a show of hands unless a roll call vote is requested or unless the Council agrees to conduct a vote by secret ballot.
- 7.10. Except as provided by the by-laws, decisions of the Council shall be by majority vote. If there is a tie vote, the President or presiding officer shall not have a second vote and the matter shall be deemed to have been decided in the negative.

- 7.11. If between regular Council meetings an item of urgent and pressing nature requires decision of Council the President may request the Registrar to arrange for a meeting for that item with such advance notice as may be possible.
- 7.12. The Registrar shall have the minutes of Council meetings circulated to the members of Council after each Council meeting for consideration at the next meeting of Council for confirmation and adoption.
- 7.13. The Registrar shall coordinate for presentation to Council an annual report of the activities of the College including the activities of College committees undertaken during the year, together with the financial statements for that year prepared by the auditor of the College and the auditor's report thereon.
- 7.14. Subject to the by-laws, a meeting of Council or any committee or panel of a committee of the Council or the College, may be held by teleconference or by any other manner that allows all persons participating to communicate with each other simultaneously and instantaneously.
- 7.15. A vote called at a meeting conducted pursuant to Section 7.14, shall, unless otherwise provided for in the by-laws, be taken in such a manner as determined by the chair unless a member of the Council, committee or panel of the committee which is meeting requests a roll call vote, in which event a roll call vote shall be taken.
- 7.16. Notice of a meeting held under Section 7.14 shall not specify a place for the meeting, but rather, the time and means by which the meeting will be conducted.
- 7.17. A resolution signed by all members of Council shall be as valid as if passed at a meeting of the Council duly called and held for that purpose.

## **8. REMUNERATION OF COUNCIL AND COMMITTEE MEMBERS' EXPENSES**

- 8.1. Council and committee members not appointed by the Lieutenant-Governor-in-Council shall be reimbursed by the College for reasonable expenses incurred in traveling to and attending authorized meetings in accordance with the policy approved by the Council.

## **9. AUDITOR AND FISCAL YEAR**

- 9.1. The Council shall each year appoint a chartered accountant to audit the books and prepare a financial statement for the fiscal year as soon after the end of the fiscal year as may be possible.

- 9.2. The fiscal year shall be the calendar year.
- 9.3. The auditor's report and the financial statement upon completion shall be presented by the Treasurer to the Executive Committee and subsequently to Council.

## **10. FEES**

- 10.1. The Executive Committee may from time to time levy fees for special projects.
- 10.2. The Executive Committee shall in consultation with an organization conducting examinations, programs of remediation, or other such activities as deemed necessary by the College determine the fees for applicants and members.
- 10.3.
  - (1) Every member shall pay an annual fee.
  - (2) The annual fee for a member is \$900, plus applicable taxes. (amended September 19, 2008)
  - (3) The annual fee for a calendar year must be paid on or before December 15 in the preceding year.
  - (4) Every member shall complete and return an Annual Report.
  - (5) The completed Annual Report must be received on or before December 15<sup>th</sup> in the year it was sent to the member.
  - (6) The Registrar shall mail to each member annually at least 30 days before the due date a request notice for the payment of the annual fee and completion of the Annual Report.
  - (7) Upon receipt of payment, the Registrar shall issue a receipt to the member.
  - (8) If a member fails to pay the annual fee or return the completed Annual Report on or before the due date, the member shall pay a penalty fee of \$100, plus applicable taxes, in addition to the annual fee. (amended September 19, 2008)
- 10.4. A member whose certificate of registration is re-instated shall pay a re-instatement fee of \$200, plus applicable taxes, in addition to all outstanding fees owing to the College. (amended September 19, 2008)
- 10.5. Where a person requests the Registrar to do anything that the Registrar is required or authorized to do by statute, regulation or by-law, the person shall pay the fee set by the Registrar for doing so.

- 10.6. The Registrar, in the absence of any other provision in the Legislation or by-laws, may set reasonable fees for anything the Registrar is required or authorized to do.

## **REGISTRATION**

- 10.7. An applicant for a certificate of registration of any class shall pay an application fee of \$150, plus applicable taxes, at the time of application.
- 10.8. An applicant who wishes to sit the College's examination in jurisprudence shall pay a fee of \$250, plus applicable taxes, which fee shall be payable 30 days prior to the date of the examination.
- 10.9. A member shall pay a certificate fee of \$25.00, plus applicable taxes, for the first certificate, and \$10.00, plus applicable taxes, for each additional certificate ordered at the same time, and that fee is due prior to issuance of the certificate of registration. (amended June 18, 2002)
- 10.10. A member who is first issued a general or academic certificate of registration shall pay an annual fee in the year in which the certificate of registration is issued that is prorated according to the portion of the year between the day the certificate is issued and the end of the calendar year. The annual fee is payable upon the registration of the member.
- 10.11. The Registrar shall reinstate a member who applies under subsection 15.-(1) of O.Reg. 837/93, as amended, if the member meets the requirements for reinstatement and pays a reinstatement fee of \$200, plus applicable taxes. (amended September 19, 2008)

## **QUALITY ASSURANCE PROGRAM**

- 10.12. A member who is required to undergo a practice assessment under the Quality Assurance Program, other than the assessment required as a result of having the member's name selected at random in accordance with the random sampling process approved by Council, shall pay a fee of \$1,650, plus applicable taxes, which shall be payable to the College upon receipt of a written notice from the College. (amended September 19, 2008)
- 10.13. A member who is required to undergo a reassessment of his or her practice under the Quality Assurance Program shall pay a fee of \$1,650, plus applicable taxes, which shall be payable to the College upon receipt of a written notice from the College. (amended September 19, 2008)

- 10.14. A member who is required to undergo an evaluation or re-evaluation under the Quality Assurance Program shall pay a fee of \$3,025, plus applicable taxes, which shall be payable to the College in advance of the commencement of the evaluation or re-evaluation. (amended September 19, 2008)
- 10.15. A member who is required to undertake, under the Quality Assurance Program,
- i. continuing education activities,
  - ii. a remedial program,
  - iii. a psychological or any other assessment, or
  - iv. a measure specified by the Quality Assurance Committee following a psychological or other assessment,

shall pay the costs (which shall include all fees, disbursements and applicable taxes) associated with the continuing education activities, remedial program, psychological or any other assessment, or the measure specified by the Quality Assurance Committee following the psychological or other assessment. Should a member fail to pay those costs within thirty days following completion of the activity, program, assessment or measure which gave rise to the costs, the College may pay the amount owing directly to the provider of the activity, program, assessment or measure, and the member shall be required to pay to the College a fee equal to the amount paid by the College plus an additional \$100, plus applicable taxes, which shall be payable to the College upon receipt of a written notice from the College.

- 10.16. An applicant for a certificate of registration who is required to undergo an assessment by the Quality Assurance Committee shall pay a fee of \$1,650, plus applicable taxes, which shall be payable to the College two weeks in advance of the date arranged for the commencement of the assessment. (amended September 19, 2008)
- 10.17. An applicant for a certificate of registration who is required to undergo an evaluation by the Quality Assurance Committee shall pay a fee of \$3,025, plus applicable taxes, which shall be payable to the College two weeks in advance of the date arranged for the commencement of the evaluation. (amended September 19, 2008)

#### **INQUIRIES, COMPLAINTS AND REPORTS COMMITTEE**

- 10.18. A member who is required by a panel of the Inquiries, Complaints and Reports Committee to undergo a practice assessment or practice reassessment shall pay a fee of \$1,650, plus applicable taxes, for each assessment or reassessment, which shall be payable to the College upon receipt of a written notice from the College. (added June 2010)

- 10.19. A member who is required by a panel of the Inquiries, Complaints and Reports Committee to undergo a practise evaluation or practise re-evaluation shall pay a fee of \$3,025, plus applicable taxes, for each evaluation or re-evaluation, which shall be payable to the College upon receipt of a written notice from the College. (added June 2010)
- 10.20. A member who is required by a panel of the Inquiries, Complaints and Reports Committee to complete a specified continuing education or remedial program, shall pay the costs (which shall include all fees, disbursements and applicable taxes) associated with the continuing education or remedial program. Should the member fail to pay the costs within thirty days following the completion of the continuing education activity or remedial program, the College may pay the amount owing directly to the provider of the activity or program and the member shall be required to pay the College a fee equal to the amount paid by the College plus an addition \$100, plus applicable taxes, which shall be payable to the College upon receipt of written notice from the College. (added June 2010)

## **11. PROFESSIONAL LIABILITY INSURANCE**

- 11.1. A member who engages in the practise of optometry in Ontario shall maintain professional liability (malpractice) insurance, in a form acceptable to the College, of not less than,
- i. \$2,000,000 per occurrence; and
  - ii. \$5,000,000 per year in the aggregate.
- 11.1.1 The policy of insurance shall
- i. have a deductible of not more than \$5,000 per occurrence; and
  - ii. continue to provide coverage for occurrences which took place when the policy was in effect, despite the fact that the insured was not a member or did not have coverage in effect when he or she first became aware of the existence of the claim. (amended May 30, 2003)
- 11.2. Each year, upon the request of the Registrar, the member shall provide,
- i. a certificate of professional liability (malpractice) insurance which states the amount of the coverage, the name of the insurer, and that the insurance is in effect for the current and the following year and, if requested by the Registrar, a copy of the policy; or

- ii. a written undertaking in a form acceptable to the Registrar in which the member agrees not to engage in the practise of optometry unless and until he or she first provides proof satisfactory to the Registrar that he or she has obtained professional liability (malpractice) insurance required by s.11.1.

(amended April 4, 2001 to come into force on policy issued or re-newed on or after September 1, 2002)

## **12. MEETINGS OF THE COLLEGE**

- 12.1. Meetings of the members of the College may be held on such days, times and locations set by the Council.
- 12.2. Notice of the date, time and place of each meeting shall be mailed to each member at least twenty days before the date of the meeting.
- 12.3. Notices of the meetings shall specify the matters for discussion proposed for the meeting.
- 12.4. Any reports related to the matters for discussion at a meeting and such other papers for the information of the members may be mailed to the members with the notice of the meeting.
- 12.5. At all meetings the President or the Vice- President, or a person designated by the President, shall chair the meeting.

## **13. FORMS**

- 13.1. The Council shall from time to time approve the creation and use of forms to collect information from members of the College.

## **CERTIFICATES OF REGISTRATION**

- 13.2. Every member shall publicly display within the member's place of practice at all times his or her certificate of registration.
- 13.3. If a member's certificate of registration is revoked, suspended, cancelled or terminated due to resignation by the member, the certificate of registration and authenticated copy if any must be returned to the College forthwith.

## **14. LIFE MEMBERS**

- 14.1. Upon receiving a written request, the Registration Committee may designate a member a life member if,

- i. the member has been registered for 25 years under the Optometry Act, 1991 or a predecessor of that Act;
- ii. at the time of making the request the member is in good standing; and
- iii. the member has retired from the practice of optometry.

14.2. A life member,

- i. is entitled to remain on the register of the College;
- ii. is not required to pay any fees; and
- iii. is not entitled to engage in the practice of optometry, to vote in any election of the College or hold elected office.

## 15. CODE OF ETHICS

15.1. (revoked on October 3, 2002)

## 16. COLLEGE FUNDS AND SECURITIES

16.1. College monies, securities and all other property shall be held in trust by the College.

16.2. All shares and securities owned by the College shall be lodged in the name of the College with a chartered bank or a trust company, or in a safety deposit box, or held in accounts with such brokerage houses as may be authorized by the Executive Committee from time to time, and if so authorized with such other depositories or in such manner as may be determined from time to time by the Executive Committee.

16.3. The Council may from time to time by resolution:

- i. borrow money upon the credit of the College;
- ii. mortgage upon such terms as the Council deems advisable all or any of the real or personal property of the College;
- iii. borrow from the bank or other lending institutions such sums of money as the Council deems advisable, and to give such security as may be require therefor;
- iv. invest funds of the College not immediately required in such investments as are permitted by S.26 of the *Trustee Act*, R.S.O.

1990;

- v. all investments and the sale, transfer, assignment or charging thereof shall be made by the Treasurer or Registrar and with the approval of the Executive Committee

16.4. Council may by resolution delegate to the Executive Committee or the Registrar any of the above as will permit the efficient financial operation of the College.

16.5. Action taken in accordance with such delegation shall be reported regularly to the Council.

## **17. BANKING**

17.1. The Executive Committee shall appoint a bank chartered under the Bank Act (Canada) for the use of the College.

17.2. All money belonging to the College, other than a petty cash account in an appropriate amount not to exceed \$500 shall be deposited into the bank.

17.3. Bills of exchange, drafts, promissory notes, cheques, and documents pertaining to the College's bank account or accounts shall be signed by either the Treasurer or President together with the Registrar or Administrative Assistant.

17.4. The Registrar or a senior staff member appointed by the Executive Committee or the Treasurer may endorse for deposit in the College bank account any negotiable instrument for deposit and may use the College's stamp for such purpose.

## **18. SIGNING AUTHORITY**

18.1. Contracts, deeds, assignments, leases, discharges, releases, other instruments in writing, mortgages, or other securities shall be signed by either the President, or Vice-President or the Treasurer or a member of the Council appointed by Council for the purpose together with the Registrar or Assistant Registrar or member of Council appointed for that purpose. When so signed shall be binding upon the College without any further authorization or formality.

18.2. The seal of the College, when required, shall be affixed to any such documents.

18.3. Certificates of registration shall be signed by the President or Vice-President and the Registrar or Assistant Registrar.

18.4. The Council may maintain a safety deposit box in a chartered bank or trust company for the purpose of maintaining securities and documents. Access to the safety deposit box shall be on a single signature of the President, Treasurer, Registrar or Administrative Assistant.

18.5. Regulations submitted to the Lieutenant-Governor-in-Council on behalf of the College shall be signed by either the President or Vice-President, and either the Registrar or Assistant Registrar.

## **19. INDEMNITY INSURANCE**

19.1. The College will purchase and maintain insurance in an amount determined by the Council to protect itself and to indemnify and save harmless every member of the Council and every officer of the College and each his or her respective heirs, executors, administrators, successors and estate and effects, from and against all costs, charges and expenses whatsoever which such person sustains or incurs in or about any action, suit or proceeding that is brought, commenced or prosecuted against him or her in or about the execution or intended execution of the duties of his or her office or position, or in respect of any such liabilities provided that the act, deed, matter or thing was made, done or permitted by him or her in good faith and not occasioned by his or her own willful neglect or default.

## **20. GRANTS AND AWARDS**

20.1. Prior to the granting of monies all requests for funding must be forwarded to the Treasurer who will advise the Executive Committee of the fiscal viability of the request based upon the current financial status of the College.

20.2. The Council may make grants out of the College funds from time to time for the following purposes, providing the grants are related to the attainment of the objects of the College:

- i. the awarding of scholarships and prizes to students;
- ii. to students for post-graduate studies, or to assist in the establishment and carrying on of post-graduate courses;
- iii. for research work;
- iv. to any association or group interested in the vision care field;
- v. in aid of Optometric Clinics.

## **21. ENACTMENT, AMENDMENTS AND REVOCATION OF THE BY-LAWS**

- 21.1. By-laws of the College may be enacted, amended or revoked by a two-thirds vote of the members of the Council in attendance at a meeting of the Council duly called for the purpose of considering such enactment, amendment or revocation.
- 21.2. A by-law signed by all members of the Council is as valid and effective as if passed at a meeting of the Council called constituted and held for the purpose.

## **22. THE REGISTER / INFORMATION FROM MEMBERS AND OPTOMETRY PROFESSION CORPORATIONS**

### **NAME AND BUSINESS ADDRESS**

- 22.1. Subject to Article 22.2, a member's name in the register of the College shall be the member's name as provided on the certificate of registration issued by the College to the member.
- 22.2. The Registrar shall direct that a name other than as provided in Article 22.1 be entered in the register of the College if such a request is made by the member and the Registrar is satisfied that
- i. the member has validly changed his or her name; and
  - ii. the use of the name is not for an improper purpose.
- 22.3. A member's business address in the register of the College shall be the address of each location in which the member practises optometry in Ontario or, if the member does not practise optometry in Ontario, the member's address, as designated by the member.
- 22.4. A member's business telephone number in the register shall be the telephone number of each location in which the member practises in Ontario or if the member does not practise in Ontario, the telephone number of the location designated in Article 22.3.

### **REGISTER INFORMATION REQUIRED BY THE CODE**

- 22.5. Under subsection 23(2) of the Code and subject to certain exceptions contained in the Code, certain information must be contained in the College's register. As of June 4, 2009, the register is required to contain the following:
1. Each member's name, business address and business telephone number, and, if applicable, the name of every health profession corporation of which the member is a shareholder.

2. The name, business address and business telephone number of every health profession corporation.
3. The names of the shareholders of each health profession corporation who are members of the College.
4. Each member's class of registration and specialist status.
5. The terms, conditions and limitations that are in effect on each certificate of registration.
6. A notation of every matter that has been referred by the Inquiries, Complaints and Reports Committee to the Discipline Committee under section 26 of the Code and has not been finally resolved, until the matter has been resolved.
7. The result, including a synopsis of the decision, of every disciplinary and incapacity proceeding, unless a panel of the relevant committee makes no finding with regard to the proceeding.
8. A notation of every finding of professional negligence or malpractice, which may or may not relate to the member's suitability to practise, made against the member, unless the finding is reversed on appeal.
9. A notation of every revocation or suspension of a certificate of registration.
10. A notation of every revocation or suspension of a certificate of authorization.
11. Information that a panel of the Registration, Discipline or Fitness to Practise Committee specifies shall be included.
12. Where findings of the Discipline Committee are appealed, a notation that they are under appeal, until the appeal is finally disposed of.
13. Where, during or as a result of a proceeding under section 25 of the Code, a member has resigned and agreed never to practise again in Ontario, a notation of the resignation and agreement.
14. Information that is required to be kept in the register in accordance with the by-laws.

## **ADDITIONAL REGISTER INFORMATION**

22.6. In accordance with the authorization provided by paragraph 14 of subsection 23(2) of the Code and subject to Article 22.7, the following additional information shall be kept in the register of the College:

### **ADDITIONAL REGISTER INFORMATION -- MEMBERS**

1. Any change to each member's name which has been made in the register of the College since he or she first became registered with the College.
2. The gender of each member.
3. Each member's certificate of registration number.
4. The classes of certificate of registration held by each member and the date on which each was issued.
5. A description of the degree in optometry [or equivalent academic achievement] held by each member and the year the member obtained that degree [or equivalent academic achievement].
6. A list of the languages in which each member is capable of practising.
7. If a member is authorized by the College to prescribe drugs, a notation to that effect and the date upon which the member received the authorization.
8. Where a member resigned, the date upon which the resignation took effect.
9. Where the College is satisfied based upon reliable information that a person ceased to be a member as a result of his or her death, a notation to that effect and the date upon which the person ceased to be a member, if that date is known to the College.
10. Where a member has any terms, conditions or limitations in effect on his or her certificate of registration, the effective date of those terms, conditions and limitations and where applicable, the Committee responsible for the imposition of those terms, conditions and limitations.

11. Where a member has terms, conditions or limitations on his or her certificate of registration varied or removed, the effective date of the variance or removal of those terms, conditions and limitations and where applicable, the Committee responsible for the variance or removal of those terms, conditions and limitations.
12. Where a member's certificate of registration is reinstated, the effective date of the reinstatement and where reinstated by a panel of the Discipline or Fitness to Practise Committee, the name of the Committee responsible for the reinstatement.
13. Where a suspension on a member's certificate of registration is lifted or otherwise removed, the effective date of the lifting or removal of that suspension and where applicable, the Committee responsible for the lifting or removal of the suspension.
14. Where a member's certificate of registration is revoked, suspended, cancelled, expired or otherwise terminated, a notation of that fact and the effective date and the basis of the revocation, suspension, cancellation, expiry or other termination which shall include but not be limited to circumstances where
  - a) a member's certificate of registration is subject to an interim order of the Executive Committee or the Inquiries, Complaints and Reports Committee;
  - b) a member's certificate of registration is suspended for non-payment of the annual fee or any fee required by the College; or
  - c) a member's certificate of registration is suspended for failure to submit to a physical or mental examination as ordered by a Board of Inquiry or the Inquiries, Complaints and Reports Committee.
15. Where an allegation of professional misconduct or incompetence has been referred to the Discipline Committee in respect of the member and is not yet decided,
  - a) the date of the referral;
  - b) a brief summary of each specified allegation;
  - c) the date of the hearing if the hearing date has been set; and

- d) the next scheduled date for the continuation of the hearing if the hearing was adjourned to a specific date or if the hearing was adjourned without a specific date, a notation to that effect.
16. Where the question of the member's capacity has been referred to the Fitness to Practise Committee and not yet decided,
- a) a notation of that fact; and
  - b) the date of the referral.
17. Where the results of a disciplinary proceeding are contained in the College's register, the date on which the panel of the Discipline Committee made the finding of professional misconduct or incompetence and the date on which the panel ordered any penalty.
18. Where a decision of the Discipline Committee has been published by the College with the member's name included in any medium,
- a) a notation of that fact; and
  - b) identification of, a link to or a copy of the specific publication of the College which contains that information.
19. Where the result of an incapacity proceeding is contained in the College's register, the date on which the panel made the finding of incapacity and the effective date of any order made by the panel.
20. Where a finding of professional negligence or malpractice is contained in the College's register, the information provided by the member who was the subject of the finding including
- a) the notice of and a description of the finding;
  - b) the date the finding was made against the member;
  - c) the name and location of the court that made the finding against the member; and
  - d) the status of any appeal respecting the finding made against the member.
21. Any information the College and the member have agreed should be included in the register.

### **ADDITIONAL REGISTER INFORMATION -- OPTOMETRY PROFESSION CORPORATIONS**

22. The date on which each certificate of authorization was issued by the College.
23. Where a certificate of authorization is revised, a notation of the effective date of the revision.
24. Where a certificate of authorization is revoked, suspended, cancelled or otherwise terminated, a notation of the effective date of the revocation, suspension, cancellation or other termination.
25. Any information the College and an optometry profession corporation have agreed should be included in the register.

22.7. All of the information referred to in Articles 22.5 and 22.6 is information designated under subsection 23(6) of the Code as information that the Registrar may refuse to disclose to an individual or post on the College's website if the Registrar has reasonable grounds to believe that disclosure of that information may jeopardize the safety of an individual.

### **INFORMATION FROM MEMBERS**

22.8. A member shall, upon written request of the Registrar,

- i) immediately provide particulars of any information required to be in the College's register pursuant to the by-laws, the RHPA, the Optometry Act, 1991, or the regulations under the RHPA or the Optometry Act, 1991;
- ii) within thirty days, provide particulars of any information which was not information required to be in the College's register but was information that the member was required to provide to the College under the by-laws; and
- iii) within five days, confirm the accuracy of any information previously provided to the College by the member and where that information is no longer accurate, provide accurate information.

22.9. The College shall forward to its members each year a request for information, in a form approved by the Registrar.

22.10. Each member shall accurately complete and return such form providing such information as may be requested including but not limited to

- i) his or her home address and home telephone number being the address and telephone number of the principal Ontario residence of the member or if the member does not have a residence in Ontario, the member's principal residence and, where available, the member's e-mail address and facsimile number;
- ii) where a member is engaged in optometric practice, whether inside or outside of Ontario, the name, address and telephone number of each person or business for whom or through which the member engages in optometric practice;
- iii) the nature of the optometric services provided at the location in Ontario where the member primarily engages in optometric practice;
- iv) information respecting his or her participation in the Quality Assurance Program;
- v) information required to be contained in the College's register pursuant to the by-laws, the RHPA, the Optometry Act, 1991, or the regulations under the RHPA or the Optometry Act, 1991;
- vi) information required to be provided to the College pursuant to the by-laws, the RHPA, the Optometry Act, 1991, or the regulations under the RHPA or the Optometry Act, 1991.
- vii) information that relates to the professional characteristics and activities of the member that may assist the College in carrying out its objects; and
- viii) information for the purposes of compiling statistical information to assist the College in fulfilling its objects.

22.11. The form required by Article 22.10 shall be fully completed by the member and returned to the College by the 15th day of December next following the forwarding of the form to the member.

22.12. Where any of the information provided to the College under Article 22.10 has been changed, the member shall notify the Registrar in writing of the change within thirty days of the effective date of the change.

22.13. Where there is a change in a member's Canadian citizenship, Canadian permanent residency or authorization under the Immigration and Refugee Protection Act (Canada), the member shall notify the Registrar and provide details of the change within thirty days of that change taking effect.

## **INFORMATION FROM OPTOMETRY PROFESSION CORPORATIONS**

22.14. An optometry profession corporation shall, upon request of the Registrar,

- i) immediately provide particulars of any information required to be in the College's register pursuant to the by-laws, the RHPA, the Optometry Act, 1991, or the regulations under the RHPA or the Optometry Act, 1991;
- ii) within thirty days, provide particulars of any information which was not information required to be in the College's register but was information that the optometry profession corporation was required to provide to the College under the by-laws; and
- iii) within five days, confirm the accuracy of any information previously provided to the College by the optometry profession corporation and where that information is no longer accurate, provide accurate information.

22.15. The College shall forward to each optometry profession corporation each year a request for information, in a form approved by the Registrar.

22.16. Each optometry profession corporation shall accurately complete and submit to the College such form providing such information as may be requested.

22.17. Where any of the information provided to the College under Article 22.2.3 22.16 has been changed, the optometry profession corporation shall notify the Registrar in writing of the change within thirty days of the effective date of the change.

(amended April 2009)

## **22. SEAL**

22.1. The seal, an impression of which appears immediately to the right, shall be the seal of the College.