



## HPRAC Report Released

### Report recommends TPA subscription by optometrists

On May 19, 2006, the Health Professions Regulatory Advisory Committee (HPRAC) report "Regulation of Health Professions in Ontario: New Directions" was released by the Minister of Health and Long-Term Care, the Honourable George Smitherman. The release of the report followed 14 months of intense information gathering and broad public and stakeholder consultations on a variety of health regulatory issues. Some of the issues were specific to individual professions, others related to the overall legislative framework for health regulation in Ontario.

HPRAC's key recommendation with regard to the regulation of optometrists is that Ontario optometrists be permitted to prescribe therapeutic pharmaceutical agents with the exception of glaucoma agents. The College supports optometrists' full use of therapeutic pharmaceutical agents and has already sent a response to HPRAC expressing concern about the exception for glaucoma agents.

HPRAC recommends that optometrists be permitted to prescribe therapeutic pharmaceutical agents with the exception of glaucoma agents.

HPRAC also responded to questions from the Minister regarding the regulation of opticians. Specifically, HPRAC recommends that dispensing prescription eyewear should continue to be a controlled act under the

*Regulated Health Professions Act*, and that qualified opticians should be authorized to conduct refraction tests in those circumstances where such refracting is undertaken in collaboration with an optometrist or physician for the purpose of informing a comprehensive ocular assessment. The College supports both of these recommendations.

The Minister's questions to HPRAC regarding the legislative framework for health regulation touched on a variety of issues including transparency and accountability, complaints, quality assurance, professional titles, governance, and health human resource planning. The College is developing a seminar that fully explains the implications of the proposed changes to the legislative framework. To date, the seminar is scheduled to be offered in Thunder Bay, Sault Ste. Marie and Oshawa. Groups interested in arranging a seminar in their area should contact the Dr. Turnour at email: [registrar@collegeoptom.on.ca](mailto:registrar@collegeoptom.on.ca). One hour of CE credit will be given to optometrists in attendance.

A link to the full HPRAC report, "Regulation of Health Professions in Ontario: New Directions" is available on the College website at [www.collegeoptom.on.ca](http://www.collegeoptom.on.ca).

### Upcoming Events

#### Council Meeting

January 16, 2007  
Toronto, ON

#### Registration Renewal

Invoices sent November 15, 2006  
Due December 15, 2006

#### Jurisprudence Seminar and Examination

October 4-5, 2006  
Toronto, ON

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# A Word from the President

## We see some movement

The word for this column is movement – sometimes it is as flowing and graceful as a highly trained dancer on a ballet stage; sometimes painful and lurching like a patient on a hospital rehabilitation ward. It can be quick and powerful like an athlete on her bicycle, or as slow and methodical as a 120-point full threshold visual field examination. It signifies life: thought, relationship, creativity, energy.



Mark Teeple, O.D., President

We see some movement.

As regular readers of the Bulletin know, the Minister of Health and Long-Term Care asked the Health Professions Regulatory Advisory

“We anticipate that the Minister will honour the commitment he made to the Ontario Association of Optometrists to move quickly on the recommendations of HPRAC.”

Council (HPRAC) to consider the matter of optometrists prescribing drugs for the treatment of eye disease. After thorough investigation (and

remarkably on schedule), HPRAC has recommended to the Minister that optometrists be permitted the regulatory authority to prescribe topical and oral drugs for the treatment of eye diseases except for glaucoma. This is a good first step in the appropriate recognition of the role optometrists can play in improving access to eye and vision care for Ontarians. We are, however, concerned with the proposed exception of glaucoma drugs. The College recognizes the risk of harm involved with prescribing drugs – including drugs to treat glaucoma – and is perplexed by HPRAC’s recommendation to exclude this class. The College has raised this concern with the Ministry.

The next step will be for the Minister to place before the legislature the required amendments to the *Optometry Act, 1991* that would authorize optometrists to perform the controlled act of prescribing drugs.

The College is preparing the required supporting amendments to the regulations under the *Optometry Act* and the policies, standards and guidelines that are necessary to fully implement the changes. As required by the *Regulated Health Professions Act (RHPA)*, regulation amendments will be circulated to all members and other stakeholders, and will be approved by Council before being submitted to the government. As much as we may want to push ahead with these next steps, they depend upon the will of the government. We anticipate that the Minister will honour the commitment he made to the Ontario Association of Optometrists to move quickly on the recommendations of HPRAC.

We can also see movement in the area of protecting the public from unauthorized prescribing. The College was successful in 2003 in obtaining a court order requiring a Hamilton optician to cease dispensing spectacles on the basis of EyeLogic® test results and without a valid prescription. With evidence that the prohibited activity has continued, the College initiated a contempt of court action against the same optician. Having exhausted procedural delay tactics and being compelled by a judge to cooperate with cross-examination, the defendant is finally to have his day in court. We will inform our members of the court’s decision as soon as that information is available. Public awareness regarding the risks of unauthorized prescribing has increased as a result of well-informed reporting on the part of the Hamilton Spectator.

Movement inevitably brings change. Optometric involvement within retail corporations in Ontario has been minimal, certainly in part due to our restrictive conflict of interest regulations. We expect that this will not continue. The current prohibitions on association do not comply with the government’s guidelines and may not withstand a court challenge. I foresee imminent and determined movement by corporations into the Ontario optometric market. Managing the real and perceived conflicts of interest that present when optometric care is provided within a corporate and/or retail setting is an important reason for the College’s proposed amendments to the conflict of interest and professional misconduct regulation. It is critical that, as a self-regulating profession, we ensure that the regulatory framework that establishes and limits business arrangements allows optometrists to continue to provide care that is in the public interest.

Your Council and College committees have had a busy summer and are facing a busier autumn. As a profession we are relying on their commitment to thoughtfulness, relationship building, creativity, and energy. We are working to manage and build on the movement.

Mark Teeple, O.D.

# Registrar's Report

## More on conflicts of interest

The College has embarked on a consultation with members and other stakeholders on a process to modernize the Conflict of Interest Regulations that apply to optometrists. Conflict of interest is a complicated topic. It has the potential of (adversely) affecting each and every one of us. Issues around conflict of interest are important and are worthy of being repeated.



Murray J. Turnour, O.D., Registrar

The rules around conflict of interest have not changed (yet). The “old rules” still apply, including the limitations on who optometrists can and can't associate with in practice. For instance, optometrists can practise in association with other optometrists, with physicians, and with a few specified organizations, but they cannot associate with opticians or corporations. The prohibition on associating with opticians precludes optometrists from hiring or working for an optician. Optometrists can only provide services to employees of a corporation, as, for instance, in an industrial vision program.

The Conflict of Interest Regulation speaks about “practising in partnership, association, *or otherwise*” [emphasis added]. The wording – including the use of the term “or otherwise” – was intended to be broad. The crafters of the regulation did not want optometrists practising in any form with anyone other than those professionals or organizations listed as exempted from the prohibition.

“The rules around conflict of interest have not changed (yet).”

The Conflict of Interest Regulation also prohibits paying or receiving payment from someone

to whom the member has referred a patient. The rationale behind this prohibition is to ensure that the member's professional judgement is exercised with the patient's best interest in mind, and is not influenced by any financial concerns.

Recently, the College has been made aware of two business schemes. One involves the referral of patients for specialized testing to a third party. The third party provides the specialized testing and collects money from the patient. The results of the testing are sent back to the optometrist along with payment of an “interpretation fee”. The optometrist can set the amount of the interpretation fee.

Members should be wary of such arrangements since this scheme could result in allegations of professional misconduct for “kick back” or practising in association with the third party contrary to the Conflict of Interest Regulations. When an optometrist refers a patient to a third party, the optometrist should collect the fees for the services he or she provides, and the third party should collect its fees from the patient.

The other scheme that has come to the attention of the College involves a recruiting effort by a company to have optometrists practise in some form of association with, or through, the company. Again, members should ensure that all contractual arrangements are in compliance with the Conflict of Interest Regulations. If the contract is not in compliance with the regulations, members may face allegations of professional misconduct.

As noted above, the College is moving forward with amendments to various regulations related to conflict of interest. As required by the legislation,

“...optometrists can practise in association with other optometrists, with physicians, and with a few specified organizations, but they cannot associate with opticians or corporations.”

members and other stakeholders have been given an opportunity to comment on the proposed amendments. All of your thoughtful comments have been carefully considered and some changes have been made.

It is hoped that the end result of this process will be a new regulatory scheme that will allow optometrists to continue to provide quality care that is in the best interest of their patients in accessible locations. Until those amendments are passed by the Council of the College and subsequently brought into force by the government of Ontario, the existing regulations remain in force and effect.

Murray J. Turnour, O.D., M.Sc.

# Behind The Scenes: The Quality Assurance Random Review Process

**David White, O.D.**  
**Chair, Quality Assurance Committee**

The objects of the Quality Assurance Program are to maintain and enhance the knowledge, skill and judgement of members so that appropriate care of high quality is provided to the public. There are a number of components to the College Quality Assurance Program, one of which is the Random Practice Assessment.

After six years of the College doing random assessments, all optometrists practising in Ontario should be aware of the random review process. To date, the College has completed random assessments of more than 300 members. The Quality Assurance Committee and staff at the College have, over the past six years, worked hard to make random reviews simple and user friendly with as little impact on your practice as possible. We are constantly fine-tuning the process to keep it a meaningful exercise and fulfill the objects of the Quality Assurance Program.

Statistically, it has been determined that members who have the most difficulty in our record review are those who have been practising the longest.

In order to provide some feedback to members who have been reviewed and to demystify the process for those who have yet to 'win the lottery', the Quality Assurance

Committee prepared this explanation of the random review process. We hope this will assist in providing some transparency and insight into the workings of the Quality Assurance Committee and the College.

## How do I 'win the lottery'?

Currently the College has 1,450 members. Not all of us are eligible for random review. In determining the pool from which members are chosen, we eliminate optometrists who have been reviewed in the previous five years, those who have successfully completed the CSAO examination within the last three years and faculty at the University of Waterloo School of Optometry. From the remaining group, 60 to 70 are currently chosen each year to undergo a practice assessment.

Statistically, it has been determined that members who have the most difficulty in our record review are those who have been practising the longest. In 2004, the College Council directed that the lottery would be stratified. That is, a greater percentage of members are chosen from those with more years in practice. Currently, the weighting is:

Years in practice	Percentage	# of members
3 – 14	5%	380
15 – 24	7%	275
25 or more	10%	280

The names of the members are determined at the beginning of the year but the letters of notification are grouped and sent out at pre-determined times through the year to spread out the work of the reviewers and the Committee.

## So what happens when I get the letter?

If you receive a letter from the College informing you that you have been selected to undergo a practice assessment, you will be asked to provide 25 records for patients seen in the 60 days following the notification date. The tool we use to evaluate your records is most effective when applied to records of new patients. We ask that as many of the records as possible be for the care of new patients. As well, we ask that you try to provide records for patients from a variety of age groups. You will also be asked to

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complete a questionnaire designed to give us an idea of the type of practice you have and the equipment you use.

## What happens to my files?

After the records are received at the College, they are photocopied and returned to you within approximately one week. The photocopied records are then sent to one of the Quality Assurance Assessors for review. The College employs a team of trained volunteer optometrists whose job it is to review records for the Quality Assurance Program.

Strict confidentiality is expected from our assessors.

Our assessors are trained in evaluating records in a variety of formats and they are fully conversant

in what the College expects as standard of practice. We attempt to minimize conflicts of interest by assigning cases to assessors from practitioners who are not located in the same geographic area as the assessor. However, our profession is small and it is possible that the assessor will know the practitioner being assessed. Assessors are expected to declare any conflict they may have and decline to work on a case where they may be in conflict. Strict confidentiality is expected from our assessors.

## What are the assessors looking for?

It is the job of the assessor to apply a series of questions to each patient record. The initial tool used in the random review is the Short Record Assessment (SRA) tool. The SRA is a subset of questions from a more detailed Complete Record Assessment (CRA) tool. The questions that are contained in both of these tools can be found on the College website ([www.collegeoptom.on.ca](http://www.collegeoptom.on.ca)). A copy of the SRA and CRA is also provided to the member who is being assessed. Yes, we provide you with the recipe for success!

Both the SRA and the CRA are designed to identify trends or patterns of practice that may indicate that a member is or is not meeting standards of practice. Assessors are given the opportunity to comment on specific records or trends that they identify. For example, it may appear that a practitioner consistently omits certain 'required' results but the assessor notes that the patient

Most assessments are completed in three to five months.

population is mostly nursing home residents with moderate to advanced dementia.

An assessor may also note that every patient refused a dilated pupil fundus examination or in all cases cup-to-disc ratios were 0.2 – both unlikely situations. These comments will assist the Committee in our decision. The final SRA result and the assessor's comments are then reviewed by the Quality Assurance Committee.

## What is the role of the Quality Assurance Committee?

The Quality Assurance Committee meets six times during the year at the College office and twice by teleconference. Random assessments are always a significant item on our agenda. Thankfully, the role of the Committee for the most part is to confirm successful SRA results and direct staff to congratulate members for maintaining standards of practice. However, SRA results can indicate that a member may not be consistently meeting standards. If the Committee has concerns about a member's practice that are of a minor nature, we may make suggestions as to how the member can improve his or her practice. If the Committee is concerned about an SRA result that indicates that a member may not be consistently meeting standards of practice, we will ask for a more in-depth review of the same 25 records using the CRA tool. If this is required, the records are sent to a different assessor to review and the member is notified that the Committee wishes to take a closer look at the records which will result in a delay in the final outcome.

When a CRA is requested, a member of the Quality Assurance Committee assigned as a case manager reviews the results in detail. The case manager will summarize the findings and report the results to the Committee. At this time the Committee again may decide after this more detailed review that the member is indeed meeting the standard of practice and the member is notified of this with or without further recommendations.

Alternatively, the case manager and the Committee may identify more serious concerns about a member's practice. If this is the case, the member is sent a copy of the case manager's report and is asked for his or her comment. Following this opportunity for the member to comment on the results of the review, the Committee will consider the information including the patterns of practice identified by the record review and the input from the member. In some cases, the Committee may invite the member to a meeting to clarify certain issues.

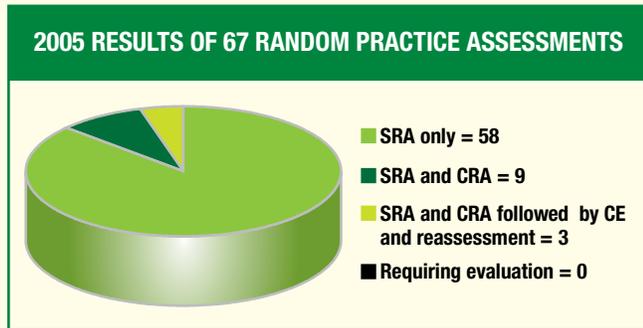
After careful consideration, the Committee has a number of options available. We may:

1. make written recommendations to the member.
2. require the member to participate in continuing education activities to address the identified deficiencies.
3. require a member to participate in an evaluation of his or her knowledge, skill and judgement in situations where the Committee has concerns about a member's clinical ability.

Depending on which option the Committee chooses, the member may be required to undergo a re-assessment at a future date to determine whether or not the identified concerns have been addressed.

## Fear not!

The majority of members do very well on their assessments and many of them tell us that it was a worthwhile learning experience. The following indicates the results of the random reviews completed in 2005:



Most assessments are completed in three to five months. The time it takes for your review depends on how quickly we receive your files (you are given 60 days), how busy the assessors are (an SRA usually takes two weeks) and how these times mesh with the meeting schedule of the Committee. If a CRA is required, the turn around time will be greater. We are constantly trying to measure our outcomes and improve our efficiency. The following indicates our turn around times in 2005:

Benchmarking Random Practice Assessments	Short Record Assessment	Complete Record Assessment
Days* from notification of member to receipt of records by College	60	60
Days from receipt of records by College to records returned to member	5	5
Days from return of records to member to records (copies hereon) sent to assessor	14	14
Days from copies sent to QA assessor to records returned to College	19	27
Days from copies returned to College to consideration by QA Committee	25	38.5
Days from QA Committee consideration to results communicated to member	17	17
Overall days for QA process	98	142

\*averages

## Be Careful...

Although most members do well, there are several areas of concern that show up repeatedly. Illegibility is often an issue with records being assessed. Legible records are expected by the College and illegible records will be returned to you for interpretation. You may want to consider redesigning your examination forms to provide for improved readability and adequate space for necessary information.

Despite many reminders and College publications, there are still members who are unaware of (or may be ignoring) indications for fundus examination through a dilated pupil. Guidance with respect to examination of the fundus can be found in the Guide to the *Practice of Optometry* (Appendix 7) and in the May 2001 edition of the Bulletin. Both of these documents are available on the College website.

Additionally, another consistently reported concern is the failure of members to record monocular near visual acuity in patients.

## Whew! I made it!

After your assessment, you will be given an opportunity to let us know how you felt about the process. The entire Quality Assurance Program is designed and mandated to be assistive. Most of the feedback we receive is positive. It is through the feedback from members that the program can become more effective and efficient. Remember, our results indicate that most members are meeting or exceeding standards of practice. If you want to be proactive, you can review the standards documents that the College has on the web site. Additionally, you can download the SRA and CRA questions and do your own review so when you "win the lottery", you will be ready.

I would like to personally thank all optometrists who have participated in our random review process for your cooperation and valuable feedback. Ms. Monifa Miller is the College Coordinator for Quality Programs. Ms. Miller is instrumental in the efficient flow of information between members, assessors and the Quality Assurance Committee. She is always available by telephone at the College office to field any questions or concerns about record reviews or any aspect of the Quality Assurance Program.

# OE TRACKER Program

## Now Available for Canadian Optometrists

At its recent annual meeting in Las Vegas, Nevada, the Association of Regulatory Boards of Optometry (ARBO) announced that OE TRACKER, a service that helps optometrists keep track of the continuing education (CE) hours they need to maintain registration, is now available to Canadian optometrists from the provinces of Quebec and Ontario.



At the ARBO meeting in Las Vegas, Dr. Murray Turnour (left) receives his OE TRACKER card from Dr. Robert L. Sorrell, Member of the Board of Directors and Chair, Information and Data Services Committee of ARBO.

OE TRACKER is the first program of its kind for optometry. Each participating optometrist is issued an OE TRACKER card that has a unique identification number and a magnetic strip and bar code. When registering for educational events, the unique identification number links the optometrist to the courses that are being taken and electronic 'reader' units capture attendee information on-site at the approved courses. After the educational event, the data is verified and exported to the ARBO website for storage. The optometrist may then access the website and view the courses they have taken at various educational events. In addition, CE certificates of hours completed can be printed directly from the site.

Dr. Murray Turnour has already received his OE TRACKER card. "ARBO won't report CE hours to the College, our members will still have to do that themselves with their Annual Report, but I believe this program is going to prove to be a very convenient way to keep track of those hours," he said.

OE TRACKER can be used at COPE approved educational events of all sizes, and can even be used to track correspondence courses. The number of continuing education providers participating in the OE TRACKER program is increasing daily.

For more information, or to enroll in OE TRACKER, contact the ARBO office at (866) 869-6852. After enrolling, you are encouraged to register on the ARBO website at [www.arbo.org](http://www.arbo.org). This one-time process allows you to verify your personal information, including registration, and make updates and changes.

The Association of Regulatory Boards of Optometry (ARBO) represents and assists member-licensing agencies in regulating the practice of optometry for the public welfare.

## Congratulations Graduates!

The College extends its congratulations to the sixty-two graduates who were awarded the Doctor of Optometry degree from the University of Waterloo's School of Optometry at the convocation on June 14, 2006.

An awards ceremony was held on the evening prior to convocation to honour excellence in academics and other achievements that merit recognition. Dr. Mark Teeple, President and Dr. Murray Turnour, Registrar, were proud to present the following awards and prizes: The College of Optometrists of Ontario General Proficiency Medal, which recognizes the student with the highest academic standing, was awarded to Dr. Scott Mayer. Dr. Sarah Morris was the recipient of The Canadian Contact Lens Society Prize, which recognizes proficiency in the theoretical and clinical application of contact lenses. The J.C. Thompson Memorial Prize for Optometry, awarded to the student with the highest rank in the clinical optometry courses, was presented to Dr. Angela Kyveris. The Dr. Irving Baker Excellence in Clinical Optometry Scholarship, established by the College to recognize Dr. Baker's significant contribution to the public of Ontario and the profession of optometry, was awarded to Dr. Warren Toews.

In addition to the awards presented to graduates, faculty members were also recognized for their accomplishments. Dr. Anthony Cullen was granted the title of Distinguished Professor Emeritus, while Dr. Marlee Spafford was awarded the Distinguished Teaching Award.

The College wishes to congratulate all the graduates and extends best wishes for a successful and satisfying career in optometry.

# The College Online

## Distance Education

Recently, the Patient Relations Committee (PRC) published the distance education module, *Professional Boundaries*. This module is currently available online at the College website. There is no deadline for this Continuing Education (CE), so you are able to submit your answer sheet and applicable fee to the College at your convenience for CE credit. Click on 'College Communications' and then on 'Distance Education' to find this module and another online CE option, the *Home Show on Professionalism and Professional Ethics*.

## HPRAC Recommendations to the Minister

The Health Professions Regulatory Advisory Council's (HPRAC's) recommendations to the Honourable Minister George Smitherman regarding the future of optometric practice in Ontario, including use of therapeutic pharmaceutical agents (TPAs), can be viewed on the College website home page at [www.collegeoptom.on.ca](http://www.collegeoptom.on.ca). Additional material about the College's recommendations to HPRAC regarding this matter can be reached by clicking on the links 'College Communications' and then 'Current Issues'.

# Other News

## Council welcomes a new Member

At its September meeting, Council welcomed a new member, Mr. Ira Teich. Currently living in Toronto, Mr. Teich is an expert in business marketing and strategy and is the CEO and Founder of the Teich Group. He has worked or traveled extensively in more than 50 countries and is a regular contributor of articles for a variety of industry publications.

## Council CE

At the June 2006 meeting, Council members participated in two continuing education sessions. "It's important for all of us to refresh and update our learning from time to time," said Dr. Mark Teeple, President. "The work of the College Council requires this same diligence," he said.

The first session, *Fostering a Culture of Excellence in Optometric Practice* focused specifically on quality assurance issues such as motivating members to change behaviour through development and application of standards of practice and clinical guidelines, directed learning activities and remedial programs.

The second session, *Fostering a Culture of Excellence in Governance*, focused on ways and means to improve the effectiveness of Council and Committees and how to evaluate the success of these initiatives.

## Excellence in Optometric Care

Serving the Public Interest by Guiding the Profession



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