

**Optometry Act, 1991**  
**Loi de 1991 sur les optométristes**

**ONTARIO REGULATION 837/93**  
**REGISTRATION**

**Consolidation Period:** From September 14, 2012 to the [e-Laws currency date](#).

Last amendment: O. Reg. 279/12.

*This Regulation is made in English only.*

CLASSES OF CERTIFICATES OF REGISTRATION

0.1 In this regulation,

“inactive status” means a standing assigned to a member of any class of registration by the Registrar under section 8 of this regulation where the member is restricted from providing direct optometric care to patients in Ontario, from using any title or designation relating to the profession of optometry without putting “(non-practising)” after the title or designation and from supervising the provision of direct optometric care to patients in Ontario.

1. The following classes of certificates of registration are prescribed:

1. General certificate of registration.
2. Academic certificate of registration. O. Reg. 837/93, s. 1.

GENERAL CERTIFICATES OF REGISTRATION

2. (1) The requirements and qualifications for the issuing of a general certificate of registration to an applicant are:

1. The applicant must have completed an application for a general certificate of registration [including the results of a criminal background check in the manner and form requested by the Registrar](#).
2. The applicant must have one of the following academic qualifications:
  - i. A degree in optometry,
    - A. awarded by the School of Optometry and Vision Science of the University of Waterloo, or
    - B. awarded by an educational institution as a result of the successful completion of a program that has been accredited by the Accreditation Council on Optometric Education or another accrediting body approved by the Council at the time the applicant successfully completed the program, or
  - ii. A degree together with any further education or training, or combination of education and training, as specified by a panel of the Registration Committee that when taken together evidences, in the opinion of the panel, completion of a program that is substantially equivalent to a program the completion of which would result in the awarding of the degree referred to in sub-subparagraph i A.
3. The applicant must be able to speak and write in the English or French language with reasonable fluency.
4. Where the applicant has previously practised optometry, there must not be any finding of, or of any current proceeding involving an allegation of, professional misconduct, incompetence or incapacity or any like finding or proceeding against the applicant.
5. The applicant must not have been found guilty in relation to a criminal offence in any jurisdiction. For the purposes of this paragraph, a “criminal offence” includes, without being limited to, an offence under the *Criminal Code* (Canada), the *Controlled Drugs and Substances Act* (Canada) and the *Food and Drugs Act* (Canada).

5.1 The applicant’s past and present conduct afford reasonable grounds for belief that the applicant,

(a) is mentally competent to practise optometry;

(b) will practise optometry with decency, integrity and honesty and in accordance with the law; and

(c) can communicate effectively and will display professional behaviour.

6. The applicant must have Canadian citizenship, permanent residency or authorization under the *Immigration and Refugee Protection Act* (Canada) to engage in the practice of optometry.
7. The applicant must meet the criteria set out in one of the following subparagraphs:

- i. successful completion, not more than three years before applying for registration, of the standards assessment examinations set or approved by the College,
- ii. successful completion, more than three years before applying for registration, of the standards assessment examinations set or approved by the College and proof, satisfactory to the Registration Committee,
  - A. of having provided at least 750 hours of direct optometric care to patients during the 36-month period immediately prior to applying for a general certificate of registration from the College, and of being competent to practise in accordance with the standards of practice on the basis of an assessment by the Registration Committee of any records that the applicant would have been required to maintain pursuant to the regulations, if the applicant had been a member of the College, or
  - B. of being competent to practise in accordance with the standards of practice on the basis of an evaluation of the applicant's knowledge, skills and judgment by the Registration Committee,

iii., iv REVOKED: O. Reg. 279/12, s. 1 (4).

7.1 The applicant has successfully completed an examination in jurisprudence set or approved by the College within the following time period:

- i. If the applicant is relying on the requirements described in subparagraph 2 ii in making his or her application, within one year of the applicant satisfying the requirements set out in that paragraph.
- ii. In all other cases, within one year after applying for registration.

7.2 If the applicant is required to undergo an assessment or an evaluation by the Registration Committee pursuant to paragraph 7, the applicant must pay in advance the required fee set out in the by-laws of the College.

7.3 REVOKED: O. Reg. 224/03, s. 1 (3).

8. The applicant must pay the application, examination and certificate of registration fees. O. Reg. 837/93, s. 2 (1); O. Reg. 249/99, s. 1 (1, 2); O. Reg. 224/03, s. 1 (1-3); O. Reg. 279/12, s. 1 (1-6).

(1.1) If the applicant is relying on the requirements set out in subparagraph 2 ii of subsection (1) in making his or her application for a general certificate of registration, the applicant is required to submit his or her application before he or she commences the education or training, or combination of education and training, referred to in that subparagraph. O. Reg. 279/12, s. 1 (7)

(2) An applicant shall be deemed not to have satisfied the requirements for a certificate of registration if the applicant made a false or misleading statement or representation in his or her application. O. Reg. 837/93, s. 2 (2).

(3) Where an assessment or evaluation is performed by the Registration Committee pursuant to paragraph 7 of subsection (1), the Registration Committee shall provide a report to the Registrar, who shall provide a copy of it to the applicant. O. Reg. 224/03, s. 1 (5); O. Reg. 279/12, s. 1 (8).

(4) REVOKED: O. Reg. 224/03, s. 1 (5).

**2.1** (1) Where section 22.18 of the Health Professions Procedural Code applies to an applicant for a general certificate of registration, the applicant is deemed to have met the requirements of paragraphs 2 and 7 of subsection 2 (1) of this Regulation. O. Reg. 279/12, s. 2.

(2) It is a non-exemptible registration requirement that an applicant referred to in subsection (1) provide a certificate, letter or other evidence satisfactory to the Registrar or a panel of the Registration Committee confirming that the applicant is in good standing as an optometrist in every jurisdiction where the applicant holds an out-of-province certificate. O. Reg. 279/12, s. 2.

(3) Without in any way limiting the generality of subsection (2), "good standing" shall include the fact that,

- (a) the applicant is not the subject of any discipline or fitness to practise order or of any proceeding or ongoing investigation or of any interim order or agreement as a result of a complaint, investigation or proceeding; and
- (b) the applicant has complied with the continuing competency and quality assurance requirements of the regulatory authority that issued the applicant that out-of-province certificate as an optometrist. O. Reg. 279/12, s. 2.

(4) Where an applicant referred to in subsection (1) is unable to satisfy the Registrar or a panel of the Registration Committee that the applicant practised the profession of optometry to the extent that would be permitted by a general certificate of registration at any time in the three years immediately before the date of that applicant's application, the applicant must meet any further requirement to undertake, obtain or undergo material additional training, experience, examinations or assessments that may be specified by a panel of the Registration Committee. O. Reg. 279/12, s. 2.

(5) An applicant referred to in subsection (1) is deemed to have met the requirements of paragraph 3 of subsection 2 (1) where the requirements for the issuance of the applicant's out-of-province certificate included language proficiency requirements equivalent to those required by that paragraph. O. Reg. 279/12, s. 2.

(6) Despite subsection (1), an applicant is not deemed to have met a requirement if that requirement is described in subsection 22.18 (3) of the Health Professions Procedural Code. O. Reg. 279/12, s. 2.

3. It is a condition of a general certificate of registration that the member shall provide the College with details of either of the following that relate to the member and that occur or arise after the member is registered:

1. Where the member is or has been registered or licensed to practise optometry in another jurisdiction, a finding of professional misconduct, incompetence or incapacity or any like finding against the member.
2. A finding of guilt in relation to an offence in any jurisdiction. O. Reg. 224/03, s. 2; O. Reg. 279/12, s. 3.

4. A general certificate of registration terminates if the member ceases to be a Canadian citizen or no longer has permanent resident status or authorization under the *Immigration and Refugee Protection Act* (Canada) to engage in the practice of optometry. O. Reg. 837/93, s. 4; O. Reg. 279/12, s. 4.

#### ACADEMIC CERTIFICATES OF REGISTRATION

5. (1) The requirements and qualifications for issuing an academic certificate of registration are:

1. The applicant must have completed an application for an academic certificate of registration including the results of a criminal background check in the manner and form requested by the Registrar.
2. The applicant must hold an appointment as a professor, lecturer, resident, supervising clinician or graduate student at the School of Optometry and Vision Science of the University of Waterloo, or another university or optometric educational facility in Ontario approved by the Council.
3. The applicant must have one of the following academic qualifications:

i. successful completion of a course in optometry at a university, if the course, at the time the applicant commenced it, was accredited by the Accreditation Council on Optometric Education or another accrediting body approved by the Council, together with the award of a degree of doctor of optometry from that university, or

ii. ~~successful completion of a course in optometry at a university in the United Kingdom, together with the award of a degree from that university, and current or past membership in the British College of Optometrists,~~

iii. A degree together with any further education or training, or combination of education and training, as specified by a panel of the Registration Committee that when taken together evidences, in the opinion of the panel, completion of a program that is substantially equivalent to a program the completion of which would result in the awarding of the degree referred to in sub-subparagraph i A of s. 2.(1) 2. successful completion of a course outside of Ontario, other than one mentioned in subparagraphs i or ii that the Registration Committee, having considered the rest of the applicant's qualifications, determines is acceptable; and

of being competent to practise in accordance with the standards of practice on the basis of an independent evaluation of the applicant's knowledge, skills and judgment.

4. The applicant must be able to speak and write in either English or French with reasonable fluency.
5. Where the applicant has previously been registered or licensed as an optometrist in any jurisdiction, or has previously practised optometry, there must not be any finding of, or current proceeding involving an allegation of, professional misconduct, incompetence, incapacity or any like finding or proceeding against the applicant.
6. The applicant must not have been found guilty in relation to a criminal offence in any jurisdiction. For the purposes of this paragraph, a "criminal offence" includes, without being limited to, an offence under the *Criminal Code* (Canada), the *Controlled Drugs and Substances Act* (Canada) and the *Food and Drugs Act* (Canada).

6.1 The applicant's past and present conduct afford reasonable grounds for belief that the applicant.

(a) is mentally competent to practise optometry;

(b) will practise optometry with decency, integrity and honesty and in accordance with the law; and

(c) ~~can communicate effectively and~~ will display professional behaviour.

7. The applicant must have Canadian citizenship, permanent residency or authorization under the *Immigration and Refugee Protection Act* (Canada) permitting the applicant to engage in the practice of optometry authorized by the academic certificate.
8. The applicant must successfully complete the jurisprudence examination set or approved by the College at the time of the application.
9. The applicant must pay the applicable fees. O. Reg. 224/03, s. 3; O. Reg. 279/12, s. 6.

(2) An applicant shall be deemed not to have satisfied the requirements for a certificate of registration if the applicant made a false or misleading statement or representation in his or her application. O. Reg. 837/93, s. 5 (2).

**5.1** (1) Where section 22.18 of the Health Professions Procedural Code applies to an applicant for an academic certificate of registration, the applicant is deemed to have met the requirements of paragraph 3 of subsection 5 (1) of this Regulation. O. Reg. 279/12, s. 7.

(2) It is a non-exemptible registration requirement that an applicant referred to in subsection (1) provide a certificate, letter or other evidence satisfactory to the Registrar or a panel of the Registration Committee confirming that the applicant is in good standing as an optometrist in every jurisdiction where the applicant holds an out-of-province certificate. O. Reg. 279/12, s. 7.

(3) Without in any way limiting the generality of subsection (2), “good standing” shall include the fact that,

- (a) the applicant is not the subject of any discipline or fitness to practise order or of any proceeding or ongoing investigation or of any interim order or agreement as a result of a complaint, investigation or proceeding; and
- (b) the applicant has complied with the continuing competency and quality assurance requirements of the regulatory authority that issued the applicant that out-of-province certificate as an optometrist. O. Reg. 279/12, s. 7.

(4) Where an applicant referred to in subsection (1) is unable to satisfy the Registrar or a panel of the Registration Committee that the applicant practised the profession of optometry to the extent that would be permitted by an academic certificate of registration at any time in the three years immediately before the date of that applicant’s application, the applicant must meet any further requirement to undertake, obtain or undergo material additional training, experience, examinations or assessments that may be specified by a panel of the Registration Committee. O. Reg. 279/12, s. 7.

(5) An applicant referred to in subsection (1) is deemed to have met the requirements of paragraph 4 of subsection 5 (1) where the requirements for the issuance of the applicant’s out-of-province certificate included language proficiency requirements equivalent to those required by that paragraph. O. Reg. 279/12, s. 7.

(6) Despite subsection (1), an applicant is not deemed to have met a requirement if that requirement is described in subsection 22.18 (3) of the Health Professions Procedural Code. O. Reg. 279/12, s. 7.

**6.** An academic certificate of registration is subject to the following terms, conditions and limitations:

1. The certificate is automatically revoked if,

- i. the member ceases to hold an appointment mentioned in paragraph 2 of subsection 5 (1), or
- ii. the member ceases to be a Canadian citizen or permanent resident of Canada or to have authorization under the *Immigration and Refugee Protection Act* (Canada) permitting the member to engage in the practice of optometry as authorized by the academic certificate.

2. The member may engage in the practice of optometry only at the School of Optometry [and Vision Science](#) of the University of Waterloo or at another university or optometric educational facility in Ontario approved by the Council, or a facility formally associated with the School of Optometry, university or optometric educational facility, as the case may be.

3. The member must provide the College with details of either of the following that relate to the member and that occur or arise after the member is registered:

- i. where the member is or has previously been registered or licensed as an optometrist in another jurisdiction, a finding of professional misconduct, incompetence, incapacity or any like finding or proceeding against the member, or
- ii. a finding of guilt in relation to an offence in any jurisdiction. O. Reg. 224/03, s. 4; O. Reg. 279/12, s. 8.

**6.1** REVOKED: O. Reg. 224/03, s. 4.

**7.** (1) Subject to subsections (2) and (3), it is a condition of a certificate of registration of any class that the member,

(a) ~~unless a member has inactive status, provide at least 750 hours of direct optometric care to patients in Canada in every three year period following the year in which the member is first registered; and~~

(ab) provide an annual report to the Registrar, at a time set by the Registrar, detailing the member’s participation in the mandatory continuing education program of the quality assurance program- (O. Reg. 224/03, s. 4.); and

(b) ~~unless a member has inactive status, provide at least 750 hours of direct optometric care to patients in Canada in every three-year period following the year in which the member is first registered.~~

(2) Subject to subsection (3), the Registration Committee may exempt a member holding a certificate of registration of any class who holds an appointment at the School of Optometry [and Vision Science](#) of the University of Waterloo or other optometric educational facility in Ontario approved by the Council from the requirement in clause (1) (a) if the member makes a written request to the Registration Committee and satisfies the Registration Committee that the member’s academic duties prevented the member from meeting the requirement. O. Reg. 224/03, s. 4.

(3) Unless a member has inactive status, ~~The Registrar shall refer a~~ the member to the Quality Assurance Committee for a practice assessment under the College's quality assurance program,

- (a) if a member has failed to meet any of the conditions of a certificate of registration set out in subsection (1) or to meet the published minimum requirements of the mandatory continuing education program of the quality assurance program; or
- (b) if the member was granted an exemption under subsection (2) for the three-year period immediately preceding the member's ceasing to hold the appointment mentioned in subsection (2), unless the member can establish to the satisfaction of the Registrar that he or she did provide at least 750 hours of direct optometric care to patients in Canada during that period. O. Reg. 224/03, s. 4.

(4) A member who obtains an exemption pursuant to subsection (2) shall immediately advise the Registrar in writing if the member ceases to hold the appointment mentioned in that subsection. O. Reg. 224/03, s. 4.

**8. (1) ~~A~~ The Registrar shall assign inactive status to a member where,**

(a) the member provides no direct optometric care to patients in Canada during a three year period following the year in which the member was first registered; or

(b) the member's request for inactive status is accepted by the Registrar and the member has had active status for a period of at least twelve consecutive months since first registering with the College.

(2) A certificate of registration of a member who is assigned inactive status is subject to the additional terms, conditions and limitations that the member shall:

(a) not provide direct optometric care to patients in Ontario;

(b) use the qualification of "(non-practising)" after the term, title or designation "optometrist" or "doctor of optometry" referred to in paragraph 19 of section 1 of Ontario Regulation 119/94; or

(c) not supervise the provision of direct optometric care to patients in Ontario.

(3) The Registrar may re-assign active status to a member who has inactive status if the member,

(a) applies in writing to the Registrar to be re-assigned active status;

(b) pays any fee, penalty or other amount owed to the College;

(c) provides the College with any information that it has required of the member;

(d) successfully completes any appraisal of the member's current knowledge, skill and judgment relating to the practice of the profession directed by a panel of the Registration Committee; and

(e) satisfies a panel of the Registration Committee that he or she possesses the current knowledge, skill and judgment relating to the practice of the profession that would be expected of a member holding an active general or academic certificate of registration as the case may be.

~~who held an academic certificate of registration on April 26, 1999, shall be issued a general certificate of registration if the following requirements are met:~~

~~—1. The member files an application for the certificate with the College on or before December 31, 2003.~~

~~—2. The member satisfies the Registration Committee that on the date of filing the application, the member has held the academic certificate of registration for five or more consecutive years and had provided at least 100 hours of direct optometric care to patients in Canada during each of those years.~~

~~—3. The member satisfies the Registration Committee that on the date of filing the application the member is a Canadian citizen or permanent resident or is authorized under the *Immigration and Refugee Protection Act (Canada)* to engage in the practice of optometry.~~

~~—4. The member pays the applicable fees. O. Reg. 224/03, s. 4; O. Reg. 279/12, s. 9.~~

**9. (1)** All qualifications or requirements for the issuing of a general certificate of registration are non-exemptible, other than requirements listed in paragraph 3, 4 or 5 of subsection 2 (1). O. Reg. 224/03, s. 4.

(2) All qualifications or 2) All qualifications or requirements for the issuing of an academic certificate of registration are non-exemptible, other than requirements listed in paragraph 4, 5 or 6 of subsection 5 (1). O. Reg. 224/03, s. 4.

~~**10. REVOKED: O. Reg. 224/03, s. 4.**~~

**11. (1)** Subject to subsection (2), the name of the member entered in the register and used on the certificate of registration shall be the same as the name of the member in the documentary evidence of the member's degree in optometry or of a degree that is equivalent to a degree in optometry. O. Reg. 837/93, s. 11 (1).

(2) The Registrar shall issue a certificate of registration using a name other than the name of the member which appears in the documentary evidence referred to in subsection (1) or direct the entry in the register of such a name if,

- (a) in the case of an applicant for a first certificate of registration, the applicant deposits with the Registrar the following information,
  - (i) a certified copy of an order of a court of competent jurisdiction changing the name of the applicant or member,
  - (ii) a certified copy of a valid certificate of marriage or of a decree absolute of divorce from a court with respect to the applicant or member,
  - (iii) documentary evidence as to the use of the name requested, or
  - (iv) any combination of material referred to in subclause (i), (ii) or (iii) and satisfies the Registrar that the use of the name requested is not for any improper purpose; or
- (b) in the case of a member to whom a certificate of registration has already been issued, the member,
  - (i) applies for the change of name to the Registrar,
  - (ii) returns the member's current certificate of registration, and
  - (iii) deposits with the Registrar the information described in clause (a). O. Reg. 837/93, s. 11 (2).

**12., 13. REVOKED:** O. Reg. 57/00, s. 1.

**14.** (1) At least thirty days before the date the annual fees are payable, the Registrar shall mail to each member a notice requesting,

- (a) completion of the annual report;
- (b) completion of the continuing education report; and
- (c) filing of the certificate of proof of professional liability (malpractice) insurance. O. Reg. 837/93, s. 14 (1).

(2) Upon receipt of the annual report and of the certificate of proof of professional liability (malpractice) insurance, the Registrar shall issue a receipt to the member. O. Reg. 837/93, s. 14 (2).

**15.** (1) A member whose certificate of registration was suspended by the Registrar may apply for reinstatement if,

- (a) the application is made within two years of the date of the suspension; and
- (b) the suspension was for,
  - (i) non-payment of fees,
  - (ii) failure to complete and return the annual report and continuing education report, or
  - (iii) failure to provide proof of professional liability insurance. O. Reg. 837/93, s. 15 (1).

(2) The Registrar shall reinstate a member who applies under subsection (1) if the member pays the reinstatement fee set out in the by-laws of the College and,

- (a) where the suspension was due in whole or in part to the non-payment of fees, pays those fees as well as any other money owed to the College;
- (b) where the suspension was due in whole or in part to a failure to complete and return the annual report or the continuing education report, completes and returns the required reports; or
- (c) where the suspension was due in whole or in part to a failure to provide proof of professional liability insurance, provides proof of such insurance. O. Reg. 57/00, s. 2.

(3) Where the Registrar has suspended a member's certificate for any of the reasons mentioned in clause 15 (1) (b) and more than two years have passed since the date of the suspension, the certificate is automatically revoked. O. Reg. 121/94, s. 2.

(4) A member whose certificate of registration was revoked under subsection (3) and who applies to be reinstated must satisfy the requirements for the class of certificate for which reinstatement is sought and pay the application fee and the annual fee payable for the year in which the member wishes to be reinstated. O. Reg. 121/94, s. 2.

### Consequential By-law Amendments

Section 18.03 of the By-laws is amended by inserting a new section 18.03(3.1) as follows:

(3.1) whether the Member's certificate of registration has active status or inactive status;<sup>1</sup>

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<sup>1</sup> Please note that under section 18.03(10) (revisions to a certificate of registration) changes in status and their effective dates can be shown on the register.

Sections 6.04(1)(a), 6.05(1)(b), 8.01(1), 9.01(g) and 19(2)(g) are amended by replacing the phrase “every Member who possesses that class of certificate” with the phrase “every Member who possesses that class of certificate with either active or inactive status”.<sup>2</sup>

The Schedule of Fees and Penalties to the By-laws is amended by replacing the Annual Membership Fee (non-refundable) with the following:

<u>Annual Membership Fee for a certificate of registration with active status (non-refundable)</u>	<u>\$945</u>
<u>Annual Membership Fee for a certificate of registration with inactive status (non-refundable)</u>	<u>\$472<sup>3</sup></u>

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<sup>2</sup> This is on the assumption that inactive status members are to be eligible to be elected, to serve on committees and to become Life Members. We need to make the change because inactive status Members have TCLs that are not on the certificates of active status Members. If that is not your intent, let me know.

<sup>3</sup> Please note that if the fee was increased under the automatic fee increase provision since 2014, that needs to be reflected in the proposed amendment. Also please note that the other fees (e.g., late payment fee, reinstatement fee) are the same for active and inactive status.