



Canadian Opticians Beware!

Pending British Columbia Legislative Changes – May 1, 2010

SOLD OUR SOUL FOR REFRACTION: HAS BC MADE A PACT WITH THE DEVIL?

The BC Health Minister announced sweeping changes to the existing regulations of Opticians and Optometrists in his province. In his recent interview on CBC radio, the Minister explained that he had to make these changes to prevent on-line giant Coastal Contacts from leaving his province in the face of a court ruling that Coastal was operating in contravention of BC regulatory laws. If he did not act, he claimed that BC would lose 120 jobs and tax revenues from a \$120 million operation. What about the jobs of all the legitimate Opticians in BC and across Canada? What about the citizens of BC who are now at potential risk of harm from these actions?

These are the highlights of the changes that are said to come into effect on May 1, 2010:

- Opticians will be able to sight test only with expensive automated equipment and will be expected to give out those results, including PD and contact lens measurements, if the client demands such – obviously to enable the client to be able to shop on the Internet.
- Although Opticians will remain regulated, the act of dispensing eyewear will now be opened up to anyone and everyone. The Opticians will still be

required to pay their license fees to dispense and will be held to the highest standards, however, now anyone off the street can do what they do, without a license or any formal training.

- Patients can now merely enter into the computer or verbally verify their prescription in order to purchase eyewear. They no longer have to produce an actual prescription.

Is this a deal with the devil? Have we sold our soul for sight testing at the expense of losing the controlled act of dispensing eyewear? Any sensible person reading these proposed regulations can equate these changes to deregulation.

The College of Opticians of British Columbia, the Opticians Association of Canada and the Association of Ontario are all applauding this as some of the best news ever for Opticianry. They are carefully selecting their words to convey that Opticianry is still regulated. They are correct – the service of Opticianry is still regulated, however, anyone unregulated can now also sell eyewear. The consolation prize – you get to refract.

More details in the editorial.

BRUCE BERGEZ REVOKED BUT GREAT GLASSES KEEPS TRUCKIN'

The COO updated the membership regarding the status of the Great Glasses situation. Apparently, Bruce Bergez has had his license revoked. With that being said, it is business as usual for Great Glasses.

Enforcement of court findings seems to be stuck with the Attorney General leaving both the College of

Opticians and Optometrists scratching their collective heads. The Society will be pressuring the AG's office to take action. At the same time, we encourage you to contact your MPP's office to ask them for answers as to why their colleague, AG Chris Bentley, has not taken action.

Editorial

Mutual Recognition Agreement: Friend or Foe?

The most recent developments in British Columbia have been denounced and condemned by Eye Care Professionals across North America. Permitting non-licensed Opticians and individuals to sell eyeglasses and contact lenses and legalizing Internet dispensing is the most backward step the Government of British Columbia has taken.

Although Opticians will stay regulated, the bulk of the work they are trained for will be performed by unlicensed individuals. In other words, this is worse than getting deregulated. Job losses, wage reductions and unemployment amongst Opticians are looming.

The Opticians Association of Canada has applauded the proposed change in regulation and declared it as a step forward for Opticians. Do not forget that the OAC was also paid \$40,000.00 by the federal government to lobby for and get all provinces to sign the Mutual Recognition Agreement for labour mobility.

National subcommittees were created, provincial licensing examinations were dismantled and the national licensing examination was installed through NACOR. In Ontario, the policing of illegal dispensing took the back seat to lobby for refraction. So far, less than 40 Ontario Opticians have registered as Refracting Opticians.

The OAC also took a position that Internet dispensing of eyeglasses and contact lenses is here to stay, hence, do not fight it. The BC government has not only legalized Internet dispensing but has opened the flood gates to all unlicensed individuals to enter our profession without fear of legal action.

In Ontario, the Great Glasses chain has already adopted this pattern, which is about to become law in BC on May 1, 2010. When an Optician, who wishes to remain unnamed, called the Opticians Association office in Toronto, he was told that he could expect the same rules to apply here shortly as we are signatories to the Mutual Recognition Agreement.

We have been led to believe that the College of Opticians has no decision-making power regarding

regarding the MRA. Since this is the wish of our provincial and federal governments, we have to acknowledge the lowest common denominator as the benchmark for entry to practice.

The argument that Opticians have the right to sight test is a smoke screen to hide the catastrophic loss of previously regulated functions such as dispensing of eyeglasses and contact lenses.

Let's see what happens to 1,300 licensed Opticians in BC. Only 250 or so are registered as trained Refracting Opticians, hence the new law will still keep them employable. Those who have not taken a refraction course will face redundancy since any unlicensed person can dispense eyeglasses and contact lenses.

The champion of our National Agenda, the Opticians Association of Canada, seems to be supporting the changes in BC. By virtue of the MRA, it is just a matter of time before this change will affect Opticians in Ontario. It is very important to note that we have close to 2,300 licensed Opticians in Ontario and less than 40 are trained and registered as Refracting Opticians. The risk of mass unemployment and wage reduction is much greater in Ontario than in any other province.

How can we contain this fire to BC? The Society circulated a petition to the College of Opticians of Ontario asking them to withdraw from the MRA. I personally spoke with the College Registrar and asked her for this action. I was told coldly that opting out of the MRA was impossible yet just a few years ago the same Registrar and the past president of the College had assured me that Ontario could opt out of the MRA at any time!

We have to get in front of this issue before it lands on our doorstep. The Society will be reaching out to BC Opticians who have been abandoned by their local advocacy groups. We will be contacting the Provincial Governments of BC and Ontario as well as the Federal Government. Our profession cannot be left in the hands of the untrained and the unregulated.

Y. Ali Khan, R.O.

Report on the COO Council Meeting

TRAVELS WITH THE REGISTRAR

Registrar Caroline MacIssac reported that she attended a World Health Organization (WHO) meeting in Geneva in February 2010. When asked if any other eye care groups attended this international World Health Organization meeting, she said NO. She also said that an error was made in her registration and she was reported as representing the USA and not Canada! Given that she is also president of US based organization CLEAR, is it possible she was really representing them but the COO paid for her trip.

How is attending a WHO meeting a benefit to the COO whose goal is the protection of the public in Ontario? How much did we, as Opticians, pay for this trip? These questions were stonewalled. The Registrar chose not to reply when an Optician in the gallery asked for a breakdown of the \$85,000.00 budget for external relations.

We visited the Air Canada website for rates and found that the minimum airfare for an economy class

booking from Toronto to Geneva was \$3,100.00 based on a trip booked two weeks in advance! She also reported that she recently visited the State of Michigan to help them regulate Opticianry. When asked the cost of this trip, once again she did not provide the information.

The Registrar also recommended that Council should approve future travels to other meetings anywhere in the world and to send the President along too (perhaps to carry her luggage)?

She said that she does not serve any useful purpose by simply sitting in the office in Toronto working for Ontario Opticians. She wants to "help Opticianry" around the world! Meanwhile, we still do not have any resolution to the Great Glasses issue. Nothing was said at the council meeting about this very important issue or about Internet dispensing or about unauthorized practice.

COLLEGE FINANCES – COO GOING BUST?

The College Auditor was present when the Council finalized the financial figures for 2009. There was much discussion surrounding the fact that over the past two years, the College has dwindled down its surplus of over \$700K down to less than \$100K fighting Great Glasses and during its recent office renovation. With that being said, the College is now on an extremely tight budget and is struggling with huge legal bills. In this very serious budget crunch, can the COO afford to have the Registrar travel the world at a cost of \$60K to \$80K per year?

An Optician in the gallery has been repeatedly attempting to get details of the external relations budget but has been unable to. At this particular meeting, he tried to question the Auditor but was prevented from doing so. The same Optician once again asked the Registrar to provide the detailed breakdown of the external affairs expenses of \$85,000.00 from 2008 and his request still stands unattended! Is someone trying to hide questionable expenses?

DOOR CLOSED ON 6-MONTH BC PROGRAM?

At a recent AOE CE seminar in March, newly elected College President Fazal Khan and Registrar Caroline MacIsaac-Power addressed an audience of 650 Opticians with an update on the BC College of Optics situation. Apparently, as of December 31, 2009, the College of Opticians of BC and Ontario stopped accepting students from 'unaccredited schools.' Seneca, Georgian, Douglas College and NAIT have all passed accreditation, however, the BC College of Optics withdrew from the process and thus never received accreditation. Some 30 students from the BC College of Optics are now required to approach the provincial regulator on a one-off basis and apply

for a PLA (Prior Learning Assessment) to assess if they are competent to write the National Exam.

Although this is a step in the right direction, there is now a new problem looming — the student can now go province-to-province looking for the easiest PLA to write. It was noted at the March Council meeting that British Columbia (surprised?) has a process where a student can write the PLA test in that province and possibly go straight to getting their license without writing the National Exam. Have we jumped from the frying pan straight into the fire?

NATIONAL BRANDING CAMPAIGN — COO FUNDS MYSTERY ORGANIZATION \$60K+

The Opticians Council of Canada (OCC) is an "unincorporated and unregistered" organization. It does not exist in law and the Society of Eyecare Professionals had raised concerns about where funds being sent to a nonexistent organization were actually going. So far the OCC has come up with a logo and t-shirts and plans to promote what Opticians do and run a series of very expensive television ads.

The fact that the OCC is not a legal entity was raised by the Society in October of 2009 but we have not been given any answers.

COO Executive Member, Rob Vezina, from Ottawa, told Council, near the end of the meeting, that the OCC had just responded the day before to questions put to it by Council and that many on Council would not be happy with their answers! It seems that those answers were not given to Council before the meeting so the issues could be debated. Why not? What answers did the OCC give? Why would many on Council not be happy with the answers?

We know that Council has given them \$60,000 over the past few years. At the last two meetings, pressure was put on the Council to approve another \$30,000.00 payment to the OCC.

One public member pointed out that the OCC's letterhead does not include an address, phone number or e-mail address. Their letterhead simply states 'Licensed Optician.' Where is the OCC's office located? Why do they not say? How often do any of you get mail from organizations that do not provide basic information about themselves such as where their offices are located or their phone number? Curious?

The same public member also pointed out that the memo written to Council by the OCC describing its progress was not signed by anyone. Who writes memos to anyone let alone the Council and does not sign it or put their name on it?

There were questions raised about the term "Licensed Optician." It was originally claimed that the College of British Columbia trademarked this term. It was then stated that the term was registered as an official mark of the BC College. It seems that the Canadian Government agency that registers trademarks has no record of this term being registered. The Registrar expressed surprise and said that she saw the papers. Is this term trademarked or not? If it is, why does the government not know about it? If it isn't, why say it is?

Even more curious is the fact that the COO is donating funds for the OCC to run a public awareness campaign to help the public understand the role of Opticians and the need to have a regulated professional dispense eye wear. And yet, it is the Opticians Association of Canada who are the ones who claim to be doing that. The following statement appears on their website:

"Starting on May 15, 2010, you will see the new 'Licensed Optician' media campaign launched on national television. The OAC, in partnership with other Canadian Optician's Associations, has developed this program to ensure our value as regulated professionals receives a high profile."

So, where is mention of the OCC who are supposed to be doing all this? Where is the mention of the COO who have given \$60,000.00 to this effort? Curious?

Join The Society of Eyecare Professionals for an Annual Fee of Only \$30

Since our creation in 2006, we have endeavoured to keep you informed of developments in our profession and have made sure that your voice has been heard. We have kept you abreast of important issues such as refraction, delegation, 6-month crash courses and College expenditures. In order to keep attending all council meetings, research issues, pay legal costs, maintain our website and continue to provide you with bulletins and newsletters, we truly need your support.

Help us continue to advocate on your behalf. Not only will the Society remain vigilant on your behalf, we are also able to offer you reduced costs for continuing education and professional liability insurance.

Call us for further information.

Y. Ali Khan, R.O., Chairman

24-155 East Beaver Creek Road | Suite 165
Richmond Hill | Ontario | L4B 2N1
T. 905.731.6022 | W. www.eyecaresociety.ca