



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

OPTICIANS REGULATIONS

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For more information concerning the history of these regulations, please see the ***Table of Regulations*** on the Prince Edward Island Government web site (www.princeedwardisland.ca).

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REGULATED HEALTH PROFESSIONS ACT

CHAPTER R-10.1

OPTICIANS REGULATIONS

Pursuant to sections 2 and 96 of the *Regulated Health Professions Act* R.S.P.E.I. 1988, Cap. R-10.1, Council made the following regulations:

PART 1 – INTERPRETATION AND ADMINISTRATION

1. Definitions

In these regulations,

- (a) “**Act**” means the *Regulated Health Professions Act* R.S.P.E.I. 1988, Cap. R-10.1;
- (b) “**College**” means the College of Opticians of Prince Edward Island continued under section 3;
- (c) “**Council**” means the Council of the College;
- (d) “**optician**” means a person registered in the opticians register;
- (e) “**opticianry**” means the health profession in which a person uses specialized knowledge, skills and judgment in providing, fitting and adjusting subnormal vision devices, eyeglasses or contact lenses for another person;
- (f) “**optician student**” means a person registered in the optician students register;
- (g) “**optometrist**” means an optometrist as defined in the *Regulated Health Professions Act* Optometrists Regulations (EC39/24);
- (h) “**refresher program**” means a refresher program in opticianry consisting of a formal curriculum, customized assignments, continuing education credits or a practicum, or a combination of these elements. (EC633/25)

2. Designation as regulated health profession

Opticianry is designated as a regulated health profession. (EC633/25)

3. College

The Board of Dispensing Opticians established pursuant to the *Dispensing Opticians Act* R.S.P.E.I. 1988, Cap. D-12, is hereby continued as the College of Opticians of Prince Edward Island, the college for opticianry. (EC633/25)

PART 2 – REGISTRATION

Register for Opticianry

4. Register

The register for opticianry is divided into the following sub-registers and classes:

- (a) opticians register
 - (i) general class,
 - (ii) provisional class, and
 - (iii) special class;
- (b) optician students register. *(EC633/25)*

Opticians

General Class

5. General Class

- (1) The registrar shall register an applicant in the general class of the opticians register where
 - (a) the registrar is satisfied that the applicant meets the requirements for registration set out in subsection 12(2) of the Act and these regulations and registers the applicant pursuant to subsection 12(3) of the Act; or
 - (b) the Council directs the registrar to register the applicant in the general class pursuant to subsection 12(6) of the Act or reinstate the registration of the applicant in the general class pursuant to subsection 24(4) of the Act.

Reinstatement period

- (2) For the purpose of subsection 24(1) of the Act, a former member may apply for reinstatement of registration in the general class of the opticians register within three years after a lapse in the registration. *(EC633/25)*

6. Education

For the purpose of clause 12(2)(c) of the Act, the requirement with respect to education is the successful completion of

- (a) a post-secondary program in optical dispensing, accredited by Accreditation Canada and approved by the Council; or
- (b) an education program the Council considers substantially equivalent to a program described in clause (a). *(EC633/25)*

7. Examination

For the purpose of clause 12(2)(d) of the Act, the requirement with respect to an examination is the successful completion of

- (a) the National Examinations for Canadian Opticians – Eyeglasses, administered by the National Alliance of Canadian Optician Regulators; or
- (b) a competency examination approved by the Council. *(EC633/25)*

8. Currency requirements

For the purposes of clause 12(2)(f), subclause 22(2)(a)(ii) and clause 24(4)(c) of the Act, to demonstrate currency of professional knowledge and skills, an applicant shall have done one of the following within the three years preceding the application:

- (a) successfully completed the education requirement set out in section 6;
- (b) actively practised opticianry as an optician, without the imposition of any restrictions, in the province or another jurisdiction recognized by the Council, to an extent acceptable to the Council;
- (c) successfully completed a refresher program acceptable to the registrar. (EC633/25)

9. Insurance requirements

- (1) For the purposes of clause 12(2)(j), subclause 22(2)(a)(v) and clauses 24(4)(f) and 25(3)(c) of the Act, an applicant or an optician, as the case may be, is required to hold or be covered by professional liability insurance that provides protection of not less than \$1,000,000 per claim or occurrence and an aggregate limit of not less than \$1,000,000.

Proof of insurance

- (2) An applicant or optician, as the case may be, shall provide proof or ensure proof is provided to the registrar that the applicant or optician holds or is covered by professional liability insurance or protection that meets the requirements of subsection (1). (EC633/25)

Provisional Class**10. Provisional class, examination**

- (1) Where an applicant for registration in the general class does not meet the examination requirement in section 7, the Council may direct the registrar to register the applicant in the provisional class of the opticians register, subject to the term or condition that the applicant successfully completes the examination requirement in section 7 within a specified time.

Provisional class, currency

- (2) Where an applicant for the renewal of registration in the general class does not demonstrate currency of professional knowledge and skills as required in section 8, the Council may direct the registrar to register the applicant in the provisional class of the opticians register, subject to the term or condition that the applicant demonstrates currency of professional knowledge and skills as required in section 8 within a specified time.

Provisional class, continuing education

- (3) Where an applicant for the renewal of registration in the general class does not meet continuing education requirements established by the College pursuant to section 60 of the Act, the Council may direct the registrar to register the applicant in the provisional class of the opticians register, subject to the term or condition that the applicant meets the continuing education requirements within a specified time.

Renewal

- (4) Registration in the provisional class under subsection (1) may be renewed where the time specified by the Council has not expired or the Council extends the time for meeting the term or condition, and sections 8 and 9 apply.

Subject to supervision

- (5) An optician registered in the provisional class shall be supervised in practising opticianry by an optician registered in the general class or special class or an optometrist, approved by the Council.

Satisfaction of term or condition

- (6) Where an optician satisfies the term or condition imposed under subsection (1), (2) or (3), the registrar shall register the optician in the general class.

No reinstatement

- (7) Registration in the provisional class may not be reinstated. *(EC633/25)*

Special Class

11. Special registration

- (1) Where the Council directs the registrar to register an applicant in the opticians register pursuant to subsection 13(3) of the Act, the registrar shall register the applicant in the special class.

No renewal or reinstatement

- (2) Registration in the special class may not be renewed or reinstated. *(EC633/25)*

Optician Students

12. Optician students

- (1) The registrar shall register an applicant in the optician students register where
- (a) the registrar is satisfied that the applicant meets the requirements for registration set out in subsection 12(2) of the Act and this section and registers the applicant pursuant to subsection 12(3) of the Act; or
 - (b) the Council directs the registrar to register the applicant in the optician students register pursuant to subsection 12(6) of the Act.

Requirements

- (2) An applicant for registration or the renewal of registration in the optician students register shall
- (a) for the purpose of clause 12(2)(c) or subclause 22(2)(a)(v.1) of the Act, be enrolled in a post-secondary program in optical dispensing, accredited by Accreditation Canada and approved by the Council; and
 - (b) pursuant to clause 12(2)(k) or subclause 22(2)(a)(v.1) of the Act, be a party to a training agreement with a preceptor.

Subject to supervision

- (3) An optician student shall practise opticianry only under the direct supervision of the optician student's preceptor, an optician registered in the general class or special class of the opticians register or an optometrist.

No reinstatement

- (4) Registration in the optician students register may not be reinstated. *(EC633/25)*



PART 3 – DESIGNATIONS AND RESERVED ACTIVITIES

13. Designations

An optician may use the designation “optician”. (EC633/25)

14. Reserved activity, dispensing eyeglasses

An optician may perform the reserved activity of dispensing, for vision or eye problems, subnormal vision devices or eyeglasses other than simple magnifiers. (EC633/25)

15. Special authorization for reserved activity, dispensing contact lenses

- (1) An optician registered in the general class or special class of the opticians register may apply to the registrar, in the form approved by the Council, for a special authorization to perform the reserved activity of dispensing, for vision or eye problems, corrective or non-corrective contact lenses.

Requirements for special authorization

- (2) An applicant is eligible for a special authorization to perform the reserved activity specified in subsection (1), if the applicant
- (a) has successfully completed an education program in dispensing contact lenses, approved by the Council;
 - (b) has successfully completed the National Examinations for Canadian Opticians – Contact Lenses, administered by the National Alliance of Canadian Optician Regulators; and
 - (c) holds or is covered by, and provides proof or ensures proof is provided to the registrar that the applicant holds or is covered by, professional liability insurance that provides protection of not less than \$3,000,000 per claim or occurrence and an aggregate limit of not less than \$3,000,000.

Grant of special authorization

- (3) On receipt of an application in accordance with subsection (1), the registrar may grant the applicant a special authorization to perform the reserved activity specified in subsection (1), if the registrar is satisfied that the applicant meets the requirements in subsection (2).

Referral to the Council

- (4) Where the registrar is not satisfied that the applicant meets the requirements in subsection (2), the registrar shall refer the application to the Council.

Review by the Council

- (5) On receipt of an application referred by the registrar, the Council shall review the application and may
- (a) direct the registrar to grant a special authorization to perform the reserved activity specified in subsection (1); and
 - (b) impose any terms and conditions on the special authorization that the Council considers appropriate.

Register and certificate

- (6) Where the registrar grants a special authorization under subsection (3) or (5), the registrar shall record the special authorization and any terms and conditions on the special authorization in the register and on the certificate of registration of the optician.

Notice

- (7) Where the Council refuses to grant a special authorization, the Council shall serve on the applicant written notice of and reasons for the refusal.

Suspension, cancellation, expiration, renewal

- (8) A special authorization granted under this section is suspended or cancelled, or expires, on the suspension, cancellation or expiration of the optician's registration in the general class or special class, as the case may be, and may be renewed on renewal of the optician's registration in the general class.

Practical training

- (9) An optician registered in the general class or special class who is required to complete a practical component of a course or program in dispensing contact lenses, may perform the reserved activity of dispensing, for vision or eye problems, corrective or non-corrective contact lenses for that purpose, under the direct supervision of an optician with special authorization granted under this section. (EC633/25)

PART 4 – GENERAL

16. Name of corporation

- (1) For the purpose of clause 15(2)(d) of the Act, the name of a corporation applying for a permit to carry on the business of providing the professional services of an optician shall be, in the opinion of the registrar, in good taste, dignified and professional.

Change of name

- (2) Before changing its name, a health profession corporation shall obtain written confirmation from the registrar that the proposed name meets the requirements of subsection (1). (EC633/25)

17. Exception, corporation

The prohibition in subsection 90(1) of the Act does not apply in respect of a corporation other than a health profession corporation carrying on the business of providing the professional services of an optician. (EC633/25)

18. Definition, former Act

- (1) In this section, “**former Act**” means the *Dispensing Opticians Act* R.S.P.E.I 1988, Cap. D-12.

Transitional, register of opticians

- (2) A person who, immediately before this section comes into force, is registered in the register of opticians under the former Act, is deemed to be registered in the general class of the opticians register when this section comes into force.

Transitional, special register

- (3) A person who, immediately before this section comes into force, is registered in the special register under the former Act, is deemed to have been granted special authorization under section 15 when this section comes into force.

Transitional, special student optician register

- (4) A person who, immediately before this section comes into force, is registered in the special student optician register under the former Act, is deemed to be registered in the optician students register when this section comes into force. (EC633/25)