



PLEASE NOTE

This document, prepared by the [Legislative Counsel Office](#), is an office consolidation of this regulation, current to February 1, 2004. It is intended for information and reference purposes only.

This document is *not* the official version of these regulations. The regulations and the amendments printed in the [Royal Gazette](#) should be consulted to determine the authoritative text of these regulations.

For more information concerning the history of these regulations, please see the [Table of Regulations](#).

If you find any errors or omissions in this consolidation, please notify the Legislative Counsel Office at (902) 368-4291 or by email to pmporter@gov.pe.ca.

CHAPTER O-6

OPTOMETRY ACT

LICENSURE REGULATIONS

Pursuant to section 11 of the *Optometry Act* R.S.P.E.I. 1988, Cap. O-6, the following regulations were made by the Prince Edward Island College of Optometrists after consultation with the Association and with the approval of the Lieutenant Governor in Council:

1. In these regulations

Definitions

(a) "Act" means the *Optometry Act* R.S.P.E.I. 1988, Cap. O-6;

Act

(b) "refresher program" means a training program to review and update basic education in optometry that is designed or sanctioned by the College. (EC473/95)

refresher program

APPLICATION

2. A person seeking an initial license shall, in such manner as the College may require, submit to the Registrar a written application including, unless the Registrar otherwise directs

Application for
license

(a) a description of the basic professional education program, including name and location of the school, the nature of the curriculum, and the number of and the actual years attended;

(b) proof of successful completion of the educational program;

(c) evidence of any related or subsequent educational qualification;

(d) an outline of the type, duration and dates of further active professional practice, if applicable, indicating how this may be confirmed if necessary;

(e) evidence of current licensure or registration and good standing in another jurisdiction, if applicable;

(f) evidence of passing the examinations required in sections 4 and 5;

(g) evidence of successful completion of a refresher program, with date, if applicable; and

(h) such other information or evidence as the Registrar may request for the purpose of amplifying or substantiating proof of the applicant's compliance with licensing requirements. (EC473/95)

REQUIREMENTS FOR AN INITIAL LICENSE

Education
qualification

3. (1) For the purpose of meeting the professional education requirement of clause 12(1)(a) of the Act, an applicant shall successfully have completed a training program

(a) at the School of Optometry of the University of Waterloo (post-1976) with the award of the degree of Doctor of Optometry;

(b) at the School of Optometry of the University of Montreal (post-1980) with the award of the degree of Doctor of Optometry; or

(c) at a school approved, for the time of the applicant's graduation, by

(i) the Council on Optometric Education of the American Optometric Association, or

(ii) the (Canadian) National Council of Optometric Education with the award of a degree-level credential similar to the degree cited in clauses (a) and (b).

Idem

(2) As an alternative to graduation from the schools cited in subsection (1), a candidate may qualify by submitting a statement by the School of Optometry at either the University of Waterloo or the University of Montreal that the training program completed by the candidate was equivalent to that of the programs cited in clause (1)(a) or 1(b). (EC473/95)

Standard
examination

4. (1) For the purpose of demonstrating professional competency under clause 12(1)(c) of the Act, unless qualifying otherwise according to this section, an applicant shall have passed the standard examination of the Maritime Provinces Board of Examiners in optometry.

Idem

(2) At such time as the change of examining bodies may be adopted by the College, subsection (1) is amended by substituting, in place of "the standard examination of the Maritime Provinces Board of Examiners in optometry", "the standard national optometric examination conducted or sanctioned by provincial optometric regulatory bodies".

Alternative
examination

(3) In unusual circumstances, such as where a shortage of optometric services creates an urgent need, for the purpose of demonstrating professional competency under clause 12(1)(c) of the Act, an applicant may qualify by passing such other examination as the College may recognize or itself administer in accordance with section 17. (EC473/95)

Knowledge of
standards

5. For the purpose of demonstrating knowledge and acceptance of relevant laws, standards of practice and ethical guidelines under clause 12(1)(d) of the Act, an applicant shall successfully complete an examination on these

matters, whether written or oral or both, conducted either in association with the examination cited in section 4 or in accordance with section 17. (EC473/95)

6. For the purpose of assuring currency of professional knowledge and skills under clause 12(1)(e) of the Act, a license shall not be issued unless the applicant has Currency

- (a) graduated from the prescribed education program within the five years preceding the application;
- (b) successfully completed the standard examination referred to in subsection 4(1) within the three years preceding the application;
- (c) actively practised as an optometrist for at least 900 hours within the five years, or 450 hours within the three years, preceding the application and met the continuing professional development requirements of the jurisdiction where the applicant was registered during that time; or
- (d) successfully completed a refresher program within the three years preceding the application. (EC473/95)

7. The eligibility of an applicant is subject to the conditions of good standing cited in subsection 12(2) of the Act. (EC473/95) Good standing

ISSUANCE OF LICENSE

8. (1) The College, or the Registrar on its behalf and subject to its direction, shall assess any application for a license and decide whether the requirements are met. Decision on eligibility

(2) The Registrar may decide and act accordingly in the case of an application where the requirements are clearly met or not met, and shall subsequently so inform the College. Idem

(3) The Registrar shall, where the eligibility of an application is questionable, present the matter to the College for decision. (EC473/95) Idem

9. The Registrar shall in writing notify the applicant of the decision on issuance of the license and shall Inform applicant

- (a) in the case of an application judged eligible, upon receipt of the required fee, issue the license; or
- (b) in the case of an application judged ineligible, furnish the applicant with an outline of the reasons therefor and also any directions regarding subsequent re- application. (EC473/95)

LIMITED LICENSE

10. (1) Where authorization may be necessary to practise in unusual circumstances, including for example, a visit to the province or Limited license

performing clinical elements of a training or refresher program, notwithstanding that the qualifications for licensure may not be fully met or that all of the required evidence of qualification is not provided, the College may grant a special limited license to an applicant who in the College's judgment is capable of practising with such privileges or restrictions as may be determined concerning duration or scope of function permitted.

Idem (2) The term and particular conditions shall be clearly indicated on such a limited license and recorded in the register. (EC473/95)

RENEWAL OF LICENSE

License year **11.** (1) The standard year for effect and expiry of a license shall be from January 1 to December 31.

Idem (2) The College may by resolution fix dates of the licensing year in substitution for those set in subsection (1). (EC473/95)

Expiry **12.** The holder of a license who fails to renew it on or before the expiry date, or to make a special arrangement for extension or deferred renewal that is satisfactory to the College, ceases to be registered and is not entitled to practise. (EC473/95)

Application for renewal **13.** (1) A person seeking annual renewal of a license shall apply to the Registrar at least thirty days before its expiry, providing payment of the required renewal fee and such evidence of continuing compliance with the prescribed standards as may be required.

Renewal (2) If there is any evidence that the applicant for renewal is in violation of the Act, regulations or terms of the license, or lacking the requirements for professional currency prescribed in sections 14 (currency) and 15 (continuing professional development), the College may refuse, suspend or impose conditions on renewal, but otherwise the license shall be renewed.

Late payment (3) The prescribed penalty fee for late payment may be levied where a person fails to make application with the renewal fee before the expiry of the license. (EC473/95)

Currency, for renewal **14.** To be eligible for renewal of a license the applicant shall have
(a) graduated from the prescribed education program within the five years preceding the application;
(b) successfully completed the standard examination referred to in subsection 4(1) within the three years preceding the application;

- (c) actively practised as an optometrist for at least 900 hours within the five years, or 450 hours within the three years, preceding the application; or
- (d) successfully completed a refresher program within the three years preceding the application. (EC473/95)

15. (1) A person who applies for renewal of a license shall demonstrate to the satisfaction of the College that the person has maintained familiarity with current practice and endeavoured to enhance professional competency by meeting such requirements for continuing professional development as are prescribed in these regulations or in Standards of Practice Regulations, whichever requirements are the more demanding.

Continuing
professional
development

(2) A practitioner who has graduated from the prescribed education program or has successfully completed the standard examination referred to in subsection 4(1) within one year preceding application for renewal does not have to fulfil the requirements of this section when renewing the license for the first time.

Idem, exemption

(3) Where an applicant fails to comply with subsection (1), the College may refuse, suspend or impose conditions on renewal of the license, or may require the applicant, within such period as it may specify, to

Idem, failure to
comply

- (a) successfully complete a continuing professional development program approved by the College;
- (b) pass an examination administered or approved by the College; or
- (c) fulfil both (a) and (b).

(4) The prescribed minimum requirement of continuing professional development for purposes of renewing a license is 12 credit hours in the year preceding, or 36 credit hours in the three years preceding, the application for renewal.

Idem, credit hours

(5) For purposes of fulfilling the requirement of subsection (4) the following continuing professional development activities may be counted for credit hours:

Idem, accepted
types

- (a) a course, lecture, workshop or seminar sponsored by the Canadian Association of Optometrists, a provincial Optometric Association, the Atlantic Optometric Associations, the American Optometric Association, or any American state Optometric Association;
- (b) a course, lecture, workshop or seminar sponsored by a School of Optometry that is approved by the College;
- (c) a course, lecture, workshop or seminar sponsored by a college or university that is approved by the College, provided the subject is directly related to optometry, ophthalmology or optics;

(d) a course, lecture, workshop or seminar sponsored by a recognized educational institute for optometry, such as the National Council of Optometry, the American Academy of Optometry, the Optometric Extension Program, the Better Vision Institute and the Optometric (Vision) Institute of Toronto;

(e) any other course, lecture, workshop or seminar that is specifically approved by the College;

(f) preparing and delivering a course, lecture, workshop or seminar, provided it has been approved in advance by the College, to be counted as two credit hours, to a maximum accumulation of six credit hours in any three-year period;

(g) preparing and publishing an article in a recognized professional journal, to be counted as three credit hours, to a maximum accumulation of nine credit hours in any three-year period;

(h) preparing and publishing a case report in a recognized journal, to be counted as one credit hour, to a maximum accumulation of three credit hours in any three-year period;

(i) preparing examinations and evaluating candidates, to be counted as one credit hour, to a maximum accumulation of three credit hours in any three-year period;

(j) using a professional-education program given in a professional journal or by audio or video cassette or some other electronic means, provided that the program incorporates some form of evaluative testing and is approved by the College, to be counted as two credit hours, to a maximum accumulation of six credit hours in any three-year period;

(k) working, for at least a day in an arrangement approved by the College, with or under the consultancy of a colleague or other related professional in order to acquire knowledge and skills which have lapsed or were not previously possessed, to be counted as two credit hours, to a maximum accumulation of six credit hours in any three-year period.

Idem, subjects

(6) The credit hours counted toward qualifying an applicant for renewal must be spread over two or more topics or subject areas. (EC473/95)

Lapse of license

16. A person seeking to renew entitlement to practise whose license has lapsed under subsection 15(5) of the Act shall apply to the Registrar for re-issuance of the license in accordance with subsection 15(6) or 15(7) of the Act. (EC473/95)

EXAMINATION

17. (1) Where an examination other than the standard examination cited in subsection 4(1) is necessary, the College shall appoint an Examination Committee to set and administer it and evaluate the candidate's performance on it.

Examination
Committee

(2) The Examination Committee shall comprise at least two optometrists and a layperson, who may be but need not be College members, and the College shall designate one of the persons to chair the Committee.

Idem

(3) The Examination Committee may act as examiners, but may also appoint other or additional examiners.

Examiners

(4) The College shall, with consideration of the purpose of the examination and of the extent and nature of an applicant's education and experience, determine in general the type of examination to be given to the applicant and the requirements for passing.

Design of
examination

(5) The chairperson of the Examination Committee shall ensure that the candidate is informed in advance regarding the time and place of the examination, with an explanation in general terms of its form and content.

Arrangement with
candidate

(6) The candidate for an examination shall, at such time prior to the examination as may be directed, pay to the Registrar the examination fee.

Fee

(7) Following the examination the Examination Committee, through its chairperson, the Registrar or other examiner appointed under subsection (3), shall

Report

(a) submit to the College a written report outlining the conduct of the examination, the exact instructions, questions or tasks set, and the results achieved by the candidate, and giving the Examination Committee's conclusion as to whether or not the candidate has passed the examination;

(b) furnish such explanatory interpretation, including particular observations by examiners, as College members may require.

(8) The College may permit an applicant who has not passed the examination to retake it, or a partial or modified form of it, on condition that the applicant first fulfil such educational or experience requirements as the College may direct. (EC473/95)

Supplemental
examination

MISCELLANEOUS

- Further information **18.** For the purpose of assessing an application for a license to practise, the College or the Registrar may seek and take into account detailed information from the applicant and from other persons or bodies concerning the applicant's training, credentials and experience, including verification of course work, examination results, standing with another regulatory body or professional organization, circumstances of previous practice and the like. (EC473/95)
- Keeping of application information **19.** Written information and documents, excepting an irreplaceable original such as an actual degree, submitted in connection with an application and any written report on the applicant's eligibility shall
- (a) be the property of the College and shall be retained by the Registrar for at least one year following the decision on issuing a license;
 - (b) during that time be available for inspection by the applicant and the applicant's formally authorized representative; and
 - (c) subject to section 20, not be accessible to any person other than the applicant or representative, the Registrar, the College or its designate, without the express consent of both the applicant and the College. (EC473/95)
- Disclosure of information **20.** The Registrar may disclose
- (a) information relevant to a person's application, license, professional status or standing to another regulatory authority or professional organization,
 - (b) factual information about a person's license and practice status or standing to an organization, employer or patient who uses or is considering using the person's services. (EC473/95)
- Registrar to be informed **21.** The holder of a license shall without delay notify the Registrar of any change of status or change in the information provided in the most recent application that may affect the person's eligibility to practise or the Registrar's ability to contact the person. (EC473/95)

FEES

- Fees **22.** (1) The following fees are prescribed:
- (a) examination (administered by the College)
the actual cost of providing the examination plus 10% for administrative service, divided by the number of candidates -- minimum \$150, or \$50 for a partial or short-test examination
 - (b) initial license..... \$700
 - (c) part-year (less than 4 months) initial license \$275
 - (d) annual renewal..... \$700

- (e) penalty for late annual renewaladditional \$25
per day
- (f) re-issuance of lapsed license same as for initial
- (g) special limited license same as for initial
license fee but
prorated according
to duration of license

(2) The College may, with the approval of the Association and having informed the Minister, prescribe fees in substitution for those established by subsection (1). (EC473/95; 312/02) *Idem, amendment*