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**NEWFOUNDLAND AND LABRADOR
REGULATION 91/12**

Optometry Licensing Regulations, 2012
under the
Optometry Act, 2012

(Filed December 17, 2012)

Under the authority of section 57 of the *Optometry Act, 2012*, the Council of the Newfoundland and Labrador College of Optometrists, with the approval of the Minister of Health and Community Services, makes the following regulations.

Dated at St. John's , December 13, 2012.

Justin Boulay
Council of the Newfoundland and Labrador College of Optometrists

Susan Sullivan
Minister of Health and Community Services

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Short title

1. These regulations may be cited as the *Optometry Licensing Regulations, 2012*.

PART I LICENSING

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Application for licence

2. (1) In addition to the requirements in sections 14 and 15 of the Act, an applicant for a licence to practise optometry shall

- (a) complete an application in the form provided by the council;
- (b) submit
 - (i) satisfactory proof of graduation in a course in optometry from the School of Optometry, University of Waterloo or Université de Montréal or another Canadian school of optometry approved by the council,
 - (ii) satisfactory proof of graduation in a course in optometry from another school of optometry considered by the council, at the time of graduation and application, to be comparable to the standards of the institutions referred to in subparagraph (i), or
 - (iii) satisfactory proof that he or she is or was engaged in the practice of optometry in another Canadian jurisdiction and is in good standing with the licensing body in that jurisdiction;
- (c) submit evidence satisfactory to the council that the applicant has not been convicted of professional misconduct in a jurisdiction where an applicant is or was engaged in the practice of optometry;
- (d) submit evidence satisfactory to the council that there are no current proceedings against the applicant for professional misconduct in a jurisdiction where the applicant is or was engaged in the practice of optometry;
- (e) submit evidence satisfactory to the council that he or she is a Canadian citizen, holds an employment visa or has permanent resident status under the *Immigration Act* (Canada);
- (f) submit a current certificate of good conduct from the Royal Newfoundland Constabulary, the Royal Canadian Mounted Police or other appropriate policing agency;
- (g) successfully complete the examinations set or approved by the council; and
- (h) pay any fees set by the council.

(2) In addition to the requirements in section 16 of the Act, an applicant for renewal of a licence to practise optometry shall

- (a) meet the requirements in subsection (1) that the council specifies;
- (b) provide proof of active practise of optometry in the preceding year or other evidence of ability to resume active practise that the council approves; and
- (c) participate in a program of continuing education when required to by the council.

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Licence to practise

3. (1) An applicant who meets the requirements of the Act and section 2 shall be entitled to receive a licence to practise optometry and to be registered in the Newfoundland and Labrador Optometric Register.

(2) A licence to practise optometry shall be in the form provided by the council.

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Qualifying examinations

4. An applicant for a licence to practise optometry shall be permitted to write qualifying examinations if he or she has

- (a) filed with the registrar a completed application provided by the council;
- (b) paid to the registrar the non-refundable application fees and examination fees set by the council at least 60 days before the commencement of the examinations; and
- (c) provided proof satisfactory to the council of graduation in a course in optometry from a school of optometry considered by the council at the time of graduation and application to be comparable in its standards to the schools referred to in subparagraph 2(1)(b)(i).

PART II DISCIPLINE

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Filing of allegation

5. An allegation shall be filed with the registrar under Part IV of the Act within 2 years from the date on which the event which gave rise to the allegation last occurred.

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Investigation

6. An investigation conducted under subsection 30(1) of the Act shall be completed and a report delivered to the chairperson of the complaints authorization committee within 6 months from the date the allegation was filed with the registrar.

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Complaints authorization committee

7. The complaints authorization committee shall consider an allegation and either dismiss the allegation under section 30(2) of the Act or take the appropriate action under subsection 30(3) of the

Act within 30 days after receiving the report of the investigation conducted under section 30(1) of the Act.

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Practice

investigation

8. The registrar shall complete an investigation of the respondent's practice under subparagraph 30(3)(c)(ii) of the Act within 30 days after the council approves the investigation.

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Adjudication

tribunal

9. The chairperson of the disciplinary panel shall appoint an adjudication tribunal under section 31 of the Act within 30 days after receipt of a referral by the registrar.

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Hearing

10. An adjudication tribunal shall commence a hearing under section 32 of the Act within 30 days after the tribunal is appointed.

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Filing of decision

11. An adjudication tribunal shall file its decision or order with the registrar in accordance with section 36 of the Act within 30 days after completion of a hearing.

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Complainant and

respondent

12. (1) The registrar shall notify

(a) a respondent of an allegation against him or her within 7 days of receipt of the allegation in writing; and

(b) both the complainant and the respondent of the referral of an allegation to the complaints authorization committee within 7 days of the referral.

(2) The complaints authorization committee shall notify the complainant and the respondent of the dismissal of an allegation by it within 7 days of the dismissal.

(3) An adjudication tribunal shall provide a copy of a decision or order to the complainant and the respondent within 7 days of filing the decision with the registrar.

PART III VISUAL ACUITY CHECKING

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Visual acuity checks

13. A person employed by a practitioner as an assistant and acting under his or her direct supervision may check the visual acuity of a person.

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Repeal

14. The *Optometry Licensing Regulations*, Newfoundland and Labrador Regulation 96/05, are repealed.

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