

This is an official version.

Copyright © 2012: Queen's Printer,
St. John's, Newfoundland and Labrador, Canada

[Important Information](#)

(Includes details about the availability of printed and electronic versions of the Statutes.)

[Table of Regulations](#)

[Main Site](#)

[How current is this regulation?](#)

**NEWFOUNDLAND AND LABRADOR
REGULATION 92/12**

Professional Optometric Corporations 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

REGULATIONS

Analysis

- [1. Short title](#)
- [2. Definitions](#)
- [3. Application for registration](#)
- [4. Corporate name](#)
- [5. Grounds to refuse registration](#)
- [6. Extra-provincial corporation](#)
- [7. Corporate licence](#)
- [8. Expiration or revocation of licence](#)
- [9. Payment of fees](#)
- [10. Liability for fees](#)
- [11. Annual practitioner's fees](#)

[12. Notification of change of information](#)

[13. Change of corporation's name](#)

[14. Signatures of practitioners](#)

[15. Requirements on corporations](#)

[16. Corporate register](#)

[17. Giving notice](#)

[18. Repeal](#)

Short title

1. These regulations may be cited as the *Professional Optometric Corporations Regulations, 2012*.

[Back to Top](#)

Definitions

2. In these regulations

- (a) "corporate licence" means a licence issued under section 21 of the Act permitting a corporation to provide the services of an optometrist; and
- (b) "corporate register" means the register referred to in section 20 of the Act.

[Back to Top](#)

Application for registration

3. (1) An application for registration of a professional optometric corporation shall be made to the registrar in the form set by the council.

- (2) An applicant, in addition to the requirements in section 20 of the Act, shall
 - (a) provide to the registrar a certified copy of the articles of incorporation of the corporation to be registered;
 - (b) provide evidence satisfactory to the registrar that the corporation meets the requirements of the Act and these regulations about corporate names; and
 - (c) pay the registration fee set by the council.

[Back to Top](#)

Corporate name

4. (1) The name of a professional optometric corporation shall contain

- (a) the surnames, or the surnames and a combination of the given names or initials and professional designations, of one or more practitioners who hold voting shares in the corporation or who are practising optometry as an employee of or on behalf of the corporation; and
- (b) the words "Optometry Corporation" or words with a similar meaning together with the names referenced in paragraph (a) or together with words establishing a geographic location or area of practice.

(2) The name of a corporation shall not include information other than that permitted or required in subsection (1).

[Back to Top](#)

Grounds to refuse registration

5. The registrar may refuse an application for registration or to amend a corporation's entry in the register where, in the opinion of the registrar

- (a) the name is inaccurate or may be misleading;
- (b) the name expresses or implies superiority of qualifications, experience or education over that of another practitioner; or
- (c) the name would tend to bring the optometric profession into disrepute or otherwise is objectionable in light of professional standards of practice and ethics.

[Back to Top](#)

Extra-provincial corporation

6. A professional optometric corporation registered and licensed in another jurisdiction may be registered in the corporate register where the corporation establishes that

- (a) the corporation is registered as an extra-provincial corporation under the *Corporations Act*; and
- (b) the corporation has complied with all other requirements for registration set out in an agreement entered into between the council and an optometric regulatory body, association or other body having responsibility for the registration and licensing of professional optometric corporations in the other jurisdiction as provided for in subsection 20(4) of the Act.

[Back to Top](#)

Corporate licence

7. An application by a corporation that has been registered in the corporate register for a licence or renewal of a licence to provide the service of an optometrist in the province shall be made to the registrar in the form set by the council.

[Back to Top](#)

Expiration or revocation of licence

8. (1) Where a corporate licence expires without renewal or is revoked under section 22 of the Act, the registrar shall promptly

- (a) enter on the corporate registry a memorandum with respect to the expiry or revocation of the licence; and
- (b) notify the professional optometric corporation, all licensed practitioners practising optometry as employees of or on behalf of the corporation, and other parties that the registrar considers appropriate, that the licence of the corporation has expired or has been revoked.

(2) Upon expiry of a corporate licence without renewal, or the revocation of a licence under section 22 of the Act, the registrar shall determine whether the corporation is entitled to apply for a new licence and may set conditions under which the licence shall be issued.

(3) A new licence shall not be issued unless an application for a corporate licence is made in accordance with the Act and these regulations and the registrar is satisfied that the corporation has complied with all the conditions applicable to the licence.

[Back to Top](#)

Payment of fees

9. (1) The fee for registration of a professional optometric corporation shall be paid not later than the entry of the corporation in the corporate register.

(2) The fees for issuance and renewal of a corporate licence shall be paid not later than the issuance or renewal of the licence.

[Back to Top](#)

Liability for fees

10. A professional optometric corporation is jointly liable for the payment of the annual licensing fee in respect of each practitioner holding voting shares in the corporation and each practitioner practising optometry as an employee of or on behalf of the corporation.

[Back to Top](#)

Annual practitioner's fees

11. (1) A practitioner is not liable to pay an annual licensing fee for a year for which the corporation has paid his or her annual licensing fee.

(2) Where a practitioner paid an annual licensing fee before acquiring voting shares in a professional optometric corporation, or before practising optometry as an employee of or on behalf of the corporation, the corporation is not liable to pay the practitioner's annual licensing fee for the year for which he or she has paid the fee.

[Back to Top](#)

Notification of change of information

12. (1) A professional optometric corporation shall advise the registrar of a change in the information provided in or with an application for registration or a corporate licence, or an application for renewal of a licence, in the form of notice of change approved by the registrar, within 15 days of the change, and shall pay the fee set by the council.

(2) Where a change includes a change in the name of a corporation registered under the Act, the corporation shall also file with the registrar a certified copy of the amended articles changing the corporate name.

(3) A corporation ceases to be eligible for registration on the corporate register and its corporate licence may be revoked under section 22 of the Act if the corporation fails to provide the registrar with the notice of change described in subsection (1) within the required time.

[Back to Top](#)

Change of corporation's name

13. (1) Where the name of a corporation has been changed and the conditions set out in section 12 have been met, the registrar shall register the new corporate name in the corporate register, where the corporation satisfies the registrar that all the requirements set out under section 4 have been met.

(2) Where a corporate name has been changed and the new name registered in the corporate registry, the registrar, on application by the corporation, shall issue a new corporate licence in the new corporate name provided that the corporation continues to meet the requirements for licensing in the Act and the regulations.

(3) A corporation shall provide the services of an optometrist under the name of the corporation as it appears on the corporate register.

[Back to Top](#)

Signatures of practitioners

14. All applications, notices and other documents submitted to the registrar on behalf of a professional optometric corporation shall be signed by all of the practitioners who are directors or shareholders of the corporation.

[Back to Top](#)

Requirements on corporations

15. A professional optometric corporation shall

- (a) maintain current financial records in accordance with generally accepted accounting principles;
- (b) prepare a financial statement at the end of each fiscal year;
- (c) maintain current patient records;
- (d) maintain, in accordance with generally accepted business standards, records with respect to its employees; and
- (e) maintain other records required under the *Corporations Act*.

[Back to Top](#)

Corporate register

16. (1) The registrar shall maintain the corporate register required under section 20 of the Act which shall contain the following:

- (a) registration number;
- (b) incorporation number;
- (c) the date of
 - (i) incorporation,
 - (ii) registration and re-registration,
 - (iii) issuance of the original corporate licence and each renewal of it, and
 - (iv) re-issuance of a corporate licence;
- (d) registered address of incorporation;
- (e) date and reason for a corporation's removal from the register;
- (f) date and reason for a cancellation or suspension of a corporate licence;
- (g) list of optometric offices of the corporation;
- (h) list of directors of the corporation and information concerning the directors including
 - (i) name and residential address,
 - (ii) registration number from the register, and
 - (iii) date of registration on the register;

- (i) list of all persons holding voting shares in the corporation and information with respect to each voting shareholder including
 - (i) name and residential address,
 - (ii) the number and class of voting shares held by each person,
 - (iii) the terms, conditions and restrictions applicable to the voting shares, and
 - (iv) the shareholder's registration number from the register and date of registration on the register;
- (j) a list of all persons holding non-voting shares in the corporation and information with respect to each non-voting shareholder including
 - (i) name and residential address,
 - (ii) the number and class of non-voting shares held by each person, and
 - (iii) the terms, conditions and restrictions applicable to the non-voting shares;
- (k) information concerning the persons who will be practising optometry as employees of or on behalf of the corporation including
 - (i) name and residential address,
 - (ii) registration number from the register, and
 - (iii) date of registration on the register; and
- (l) other particulars that may be directed by the council or as the registrar considers appropriate.

(2) All corporations registered under section 20 of the Act shall be assigned a registration number of a composition and sequence to be determined by the council.

[Back to Top](#)

Giving notice

17. (1) A notice required to be given to a professional optometric corporation, or to a director, shareholder or employee of a corporation, under the Act or these regulations shall be given by personal service or by prepaid registered mail to the last address filed with the registrar with an application for registration or a notice of change.

(2) Where notice of an act or thing is required to be given to the registrar or to the council under the Act or these regulations, it shall be by writing by prepaid registered mail posted in Canada addressed to the registrar at the council's office address.

[Back to Top](#)

Repeal

18. *The Professional Optometric Corporations Regulations, Newfoundland and Labrador Regulation 97/05, are repealed.*