

1970

## c 335 Optometry Act

Ontario

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CHAPTER 335

The Optometry Act

1. In this Act,

Interpre-  
tation

- (a) "Board" means the Board of Directors of the College;
- (b) "College" means the College of Optometrists of Ontario;
- (c) "member" means a member of the College;
- (d) "ophthalmic appliances" means lenses, spectacles, eyeglasses, artificial eyes, contact lenses, or appurtenances thereto, for the relief or correction of any visual or muscular error or defect of the eye;
- (e) "ophthalmic dispensing" means,
  - (i) supplying, preparing and dispensing ophthalmic appliances,
  - (ii) interpreting prescriptions of optometrists or legally qualified medical practitioners, and
  - (iii) the fitting, adjusting and adapting of ophthalmic appliances to the human face and eyes in accordance with the prescriptions of optometrists or legally qualified medical practitioners;
- (f) "optometrist" means a person who is entitled to practise optometry under this Act;
- (g) "prescribe" means the writing or determination of a formula or prescription for the relief or correction of any visual or muscular error or defect of the eye;
- (h) "profession of optometry" means the services usually performed by an optometrist, including the measurement of or the attempt to measure by any means, other than the use of drugs, the refractive or muscular condition of the eye, the prescribing and ophthalmic dispensing of ophthalmic appliances, and prescribing ocular calisthenics for the relief or correction of any visual or muscular error or defect of the eye. 1961-62, c. 101, s. 1.

2. The College is continued as a corporation and the persons who are registered under this Act shall be members of the College. 1961-62, c. 101, s. 2, amended.

College  
continued

- Property**        **3.**—(1) All property, real and personal, heretofore vested in the Board of Examiners in Optometry is vested in the College.
- Idem**            (2) The College may acquire and hold real and personal property for its corporate purposes, and may alienate, exchange, lease, mortgage or otherwise charge or dispose of it, as occasion may require. 1961-62, c. 101, s. 3.
- Board, composition**    **4.**—(1) The affairs and business of the College shall be administered, managed and regulated by the Board, which shall consist of five members, of whom three form a quorum.
- election**        (2) The manner of electing the Board, the electoral districts, tenure of office and other ancillary matters shall be as set forth in the by-laws. 1961-62, c. 101, s. 4.
- Annual meetings**    **5.**—(1) The annual meetings of the College shall be held not later than the 31st day of March in each year. 1961-62, c. 101, s. 5 (1), *amended*.
- General meetings**    (2) Other general meetings of the College may be called from time to time.
- Idem**            (3) The manner of holding annual or other general meetings, notices thereof, voting and other ancillary matters shall be as set forth in the by-laws. 1961-62, c. 101, s. 5 (2, 3).
- Officers**        **6.** The Board shall elect from its members a president, a vice-president and a treasurer, and may appoint a registrar and a secretary and such other officers as may be required, and the duties thereof shall be as set forth in the by-laws. 1961-62, c. 101, s. 6.
- By-laws**        **7.**—(1) The Board may pass by-laws, not inconsistent with this Act, respecting,
- (a) the management of its property;
  - (b) banking and finance;
  - (c) the holding and conducting of the annual and other meetings of the College;
  - (d) the holding and conducting of meetings of the Board;
  - (e) the election or appointment, duties and removal of officers and servants, and their remuneration; and
  - (f) all other things necessary or advisable for the management of the affairs of the College.
- Idem**            (2) No by-law becomes effective until it has been passed by the College at an annual or other general meeting called for that purpose.

(3) A copy of each by-law shall be mailed to each member within fifteen days of the by-law becoming effective. 1961-62, c. 101, s. 7. Idem

**8.**—(1) Every person who files with the registrar of the College an application in the prescribed form, stating therein that the applicant is more than twenty-one years of age, is of good moral character, has graduated from a school or college of optometry recognized by the Board and possesses the qualifications as to general education, training and experience prescribed by the regulations, may be admitted to examination by the Board as to his qualifications to practise optometry and, upon passing such examination, shall be registered by the Board as an optometrist and shall receive from the Board a certificate of such registration. Admission of new members

(2) Each certificate is renewable annually as provided for in the regulations. 1961-62, c. 101, s. 8. Annual certificate

**9.**—(1) No person shall practise the profession of optometry unless he is registered under this Act. Right to practise restricted

(2) No person, unless he is registered under this Act, shall append to his name the term "optometrist" or use any name, title, addition, abbreviation or description implying or calculated to lead any person to believe that he is registered under this Act. 1961-62, c. 101, s. 9. Titles, etc., restricted

**10.**—(1) Any person who contravenes or omits, neglects or fails to observe or comply with any of the provisions of this Act or the regulations, or who prescribes by mail, is guilty of an offence and liable on summary conviction, for a first offence, to a fine of not less than \$25 and not more than \$100, and, for a second or subsequent offence, to a fine of not less than \$50 and not more than \$500. Offences

(2) All fines recovered for offences under this Act shall be paid to the College. 1961-62, c. 101, s. 10. Disposition of fines

**11.**—(1) The Board may by order suspend or revoke the registration of any optometrist whom it finds guilty of unprofessional conduct as defined by the regulations or of incompetency or misrepresentation in connection with the practice of the profession or optometry. Suspension, etc., of registration

(2) Before suspending or revoking a registration, the Board shall, by notice in writing, advise such person of the alleged violation and shall provide him with an opportunity of appearing before the Board at a public hearing and of presenting such evidence and making such representations as he may desire. Notice



Review

(3) The Board may at any time review any finding or order made by it and make such further finding or order as it considers proper.

Power to  
summon  
witnesses,  
etc.  
R.S.O. 1970,  
c. 379

(4) At a public hearing under this section, the president or vice-president of the Board has all the powers that may be conferred upon a commissioner appointed under *The Public Inquiries Act*.

Appeal

(5) An appeal lies from any order or finding of the Board under this section to a judge of the Supreme Court by way of originating notice, and such appeal shall be upon the evidence and representations presented and made to the Board, and the judge may give such directions as he considers expedient and may make such finding and order as he considers proper. 1961-62, c. 101, s. 11.

Educational  
arrange-  
ments,  
college of  
optometry

**12.—**(1) The Board may enter into agreements and arrangements with any university in Ontario for the establishment of a college of optometry, and may make agreements and arrangements with any educational institution for the establishment of courses of study for persons seeking to qualify themselves to practise as optometrists, and may establish and carry on its own college of instruction and appoint such professors, lecturers, instructors, officers, servants and employees thereof as are considered necessary and fix their remuneration.

Idem

(2) The Board may use any of its moneys for any of the purposes and objects mentioned in subsection 1, and for such purposes and objects the Board has all the powers that may be necessary or convenient, including the power without licence in mortmain to acquire, hold, mortgage, charge, lease, sell or otherwise deal with real estate, and to borrow money and to secure payment thereof by mortgage or pledge of the real and personal property vested in the Board.

Dean

(3) The Board shall from time to time appoint a dean of the College of Optometry and fix his remuneration.

Idem

(4) The dean of the College of Optometry shall, under the direction and control of the Board, have charge of all affairs of internal management of the College of Optometry, including supervision of the staff and the students attending the College of Optometry, and the examinations conducted there from time to time.

Fees

(5) The Board may from time to time fix the fees to be paid by students attending the College of Optometry, including examination and degree fees. 1961-62, c. 101, s. 12.

**13.** Nothing in this Act applies to ophthalmic dispensing by an ophthalmic dispenser, or to a legally qualified medical practitioner, or to any person who carries on business in Ontario as a *bona fide* wholesale manufacturer and supplier of ophthalmic appliances to legally qualified medical practitioners, optometrists and ophthalmic dispensers, and who does not prescribe. 1961-62, c. 101, s. 13, *amended*.

Exemptions  
from  
operation  
of Act

**14.** Nothing in this Act authorizes the Board to regulate, control or interfere with the prices that may be charged for eyeglasses or spectacles, the fees that may be charged for the examination of eyes, or the prescribing of eyeglasses or spectacles, or the terms upon which such charges or fees may be paid. 1961-62, c. 101, s. 14.

No control  
of prices

**15.** Nothing in this Act prevents,

Retail  
merchants

(a) a retail merchant from operating, as part of his business, an optical department at his place of business where the profession of optometry is practised,

(i) if the practice and the department are in charge of a registered optometrist or a legally qualified medical practitioner, and

(ii) if the retail merchant files with the Board annually the name and address of the owner or manager of the business, either of whom shall be a resident of Ontario, and the name of the optometrist or legally qualified medical practitioner in charge of the optical department;

(b) the sale of protective glasses for industrial purposes, coloured glasses not embodying any ophthalmic lens, goggles or simple magnifying glasses not sold or devised for the relief or correction of any visual or muscular error or defect of the eye; or

(c) the sale or offering for sale by a retail merchant at his place of business of spectacles or eyeglasses; but the Lieutenant Governor in Council may make regulations governing or restricting such sale or offering for sale and prescribing the terms and conditions thereof and designating the nature and kind of spectacles and eyeglasses that may be sold under this section. 1961-62, c. 101, s. 15, *amended*.

**16.** The Board, subject to the approval of the Lieutenant Governor in Council, may make regulations,

Regulations

(a) prescribing the requirements for admission to the College of Optometry and the courses of instruction therein;

- (b) providing for the holding of examinations for candidates for registration as optometrists;
- (c) respecting the registration of candidates for registration as optometrists and the suspension and cancellation of the registration of optometrists and the issue and renewal of certificates of registration;
- (d) providing for the government and discipline of the members;
- (e) defining unprofessional conduct for the purposes of this Act;
- (f) prescribing fees under this Act;
- (g) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. 1961-62, c. 101, s. 16.