1927

c 215 Optometry Act

Ontario
CHAPTER 215.

The Optometry Act.

1. In this Act—

(a) "Board" shall mean Board of Examiners in Optometry appointed under the authority of this Act;

(b) "Regulations" shall mean regulations made under the authority of this Act. 1919, c. 39, s. 2.

2.—(1) There shall be a board known as the Board of Examiners in Optometry which shall be composed of not more than five persons appointed by the Lieutenant-Governor in Council.

(2) The first members of the Board shall be appointed for such terms respectively that an equal number, as far as possible, shall retire annually at the end of two, four and five years respectively, and thereafter at the expiration of office of any member, his successor shall be appointed for a period of five years.

(3) In the event of a vacancy occurring by the death, resignation or removal from office of any member, the vacancy shall be filled for the unexpired portion of the term for which such member was appointed.

(4) A member of the Board may be removed from office at any time for neglect of duty, incompetence or misconduct.

(5) The Lieutenant-Governor in Council may appoint one of the members to be chairman of the Board and may also appoint a secretary of the Board. 1919, c. 39, s. 3.

3.—(1) The Board may make regulations:

(a) prescribing the course of training and education for persons engaging in business as optometrists or opticians and the qualifications of persons to be admitted to registration as optometrists or opticians;

(b) providing for a course of instruction for candidates for registration in any technical school or other institution in Ontario;

(c) for accepting the licenses, certificates or other evidence of qualification of persons applying for registration who have been carrying on business.
as optometrists or opticians, or are qualified to do so in any other province of the Dominion of Canada;

(d) for fixing the fees payable upon registration and by candidates for examination and registration and for certificates of registration or exemption;

(e) for admitting to registration under this Act upon special terms any person who has served with the military or naval forces of Great Britain or any of her Allies in the Great War;

(f) providing for the annual renewal of any certificate of registration or exemption issued under this Act and for the fees to be payable upon such renewals;

(g) prescribing the procedure of the Board at its meetings and upon the hearing of a complaint that any person holding a certificate under this Act has been guilty of any violation of the law, or of incompetence or misconduct;

(h) prescribing the duties of the secretary and staff of the Board;

(i) generally for the better carrying out of the provisions of this Act.

(2) The regulations shall not come into force or take effect until they have been approved by the Lieutenant-Governor in Council and such approval has been published in the Ontario Gazette. 1919, e. 39, s. 4.

4. The Board shall provide a register which shall be kept by the secretary, and in which shall be entered the name address and qualification of every person registered as an optometrist or optician in Ontario. 1919, e. 39, s. 5.

5. Every person who, after a day to be named by the Lieutenant-Governor by proclamation, files with the secretary of the Board an application, verified by oath or by statutory declaration, stating therein that the applicant is more than twenty-one years of age, is of good moral character, 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 as an optometrist or optician, and upon passing such examination shall be registered by the Board as possessing the qualifications required by this Act, and shall receive from the Board a certificate of such registration. 1919, e. 39, s. 6.

6.—(1) Every person who, on or before such date as may be fixed by the regulations, makes application to the Board in the prescribed form, may be granted a certificate of exemption from registration under this Act, and the secretary of the Board shall enter in a book, to be kept for that purpose,
the name of every person applying for such certificate, with
the address at which he resides, and the address at which he
carries on business.

(2) The certificate of exemption may be granted upon proof
to the satisfaction of the Board that the applicant:—

(a) was carrying on business as an optometrist or optici-

an in Ontario at the time of the passing of this

Act;

(b) is a British subject by birth or naturalization;

(c) is of good character;

(d) possesses such education and technical qualifications

as may be prescribed by the regulations. 1919.

c. 39, s. 7.

7. Every person selling or fitting glasses shall deliver to
each customer or person fitted, a bill of purchase which shall
contain the signature, post office address and place of business
of the person supplying the glasses, and frames or mountings
supplied, and the prices charged therefore, and, in the case of a
person holding a certificate under this Act, the number of
his certificate of registration or exemption. 1919, e. 39, s. 8;
1920, e. 52, s. 2.

8.—(1) Where the Board is satisfied that any person,
whether or not he is the holder of a certificate under this Act,
has been found guilty of illegal practices, incompetency, in-

ebriety, fraud or misrepresentation, the Board may prohibit
such person from practising or carrying on business as an
optometrist or optician and may revoke any certificate granted
to him, but before the issue of such prohibition or the revo-
cation of such certificate, the person charged shall be given
notice in writing of the charge or charges against him and
shall have an opportunity of being publicly heard and pro-
ducing testimony on his own behalf. 1919, e. 39, s. 9 (1);
1920, e. 52, s. 3.

(2) Where a prohibition has been issued or a certificate
has been revoked, the person charged may, after ninety days,
apply to have the prohibition removed or the certificate re-

granted, and the Board may remove the prohibition or re-
grant the certificate upon the payment of such fees as may
be fixed by the regulations. 1919, e. 39, s. 9 (2).

9. Every person, not being the holder of a certificate
under this Act, who, after a day to be fixed by the Lieutenant-
Governor by proclamation:—

(a) appends to his name the term "optometrist" or "opti-

cian," or any abbreviation thereof, or wil-

fully and falsely pretends to be, or wilfully and
Practising while prohibited.

(b) having been prohibited from carrying on business as an optometrist or optician, disobeys such prohibition; or

Peddling.

(c) sells, or fits, or supplies glasses by going from house to house or from place to place, or in any other manner than from a permanent place of business, and notwithstanding that he is the holder of a municipal license as a peddler or transient trader; shall be guilty of an offence and shall incur a penalty of not less than $10 nor more than $100, to be recoverable under The Summary Convictions Act. 1919, c. 39, s. 10.

10. Nothing in this Act shall be construed to apply to legally qualified medical practitioners. 1919, c. 39, s. 11.

11.—(1) The Board may enter into agreements and arrangements with any recognized university in the Province of Ontario for the establishment of a faculty school and may make agreements and arrangements with schools and other educational institutions for the establishment of courses of study for persons seeking to qualify themselves to practise as optometrists and opticians and may establish and carry on schools of instruction and appoint such professors, lecturers, instructors, officers, servants and employees therefor as may be deemed necessary.

(2) The Board may use any moneys that have heretofore or may hereafter come into their hands for any of the purposes and objects mentioned in subsection 1 and shall have and possess all powers that may be necessary or convenient for such purposes and objects and shall be deemed trustees for such purposes and objects with power without license in mortmain to acquire, hold, mortgage, charge, lease, sell or otherwise deal with real estate and to borrow money for such purposes and objects and to secure payment thereof by mortgage or pledge of the real and personal property vested in the Board.

(3) The Board may take and execute any deed, mortgage, lease or other instrument under the name of "The Board of Examiners in Optometry," and every such deed, mortgage, lease or other instrument given and made by the Board shall be deemed to be sufficiently executed when so executed under the hand of the chairman and secretary of the Board and sealed with the seal of the Board, and the Board may sue and be sued by and under the said name. 1925, c. 50, s. 2.