

## Update on FAQs April 22, 2010

1. Is there an expiry date for contact lens specifications?

*The best you can do is to indicate on the document you give the patient that the specifications are valid as of the date you satisfied yourself that the fitting was complete. In other words, you have been able to verify that the lenses are appropriate and the ocular environment is stable. Because the fit of the contact lens is dynamic and can change depending upon a number of factors you cannot verify the validity of the information other than on the last day you did a check-up. BC legislation does not state an expiration date for prescriptions. The OBC references the recommended frequency of eye health exams set out by the Canadian Ophthalmology Society.*

2. How often should contact lens wearers have their contact lenses checked?

*This would vary according to the individual. There may be patients who need to be seen every three months and others who may only need to be seen every six to nine months. Your professional judgment should dictate the frequency.*

3. After the sight test are we obligated to provide the results at no charge?

*You can charge for the service of providing the sight test but you must then provide the patient with the results at no further charge. For this reason you are best advised to set a fee for your sight testing services prior to undertaking the sight test. If the person decides to get their product from you your business model may be to deduct the price of the sight test from the product price but if you don't establish a price for the sight test you won't be able to charge the person after the fact should they decide to shop elsewhere. The same policy guideline is true of a contact lens fitting. If optician decides to give service for free, there cannot be conditions attached to this according to the Competition Bureau.*

4. Dr's changes - no charge? On optometrists Rxes it still says we must do it with no charge.

*Optometrists don't dictate the business model of opticians. The warning is an attempt by optometrists to discourage their patients from shopping elsewhere. It is and always has been up to you to decide whether or not you are going to cover a Dr's change.*

5. Is it possible to have a standardized fee schedule

*It would be considered price fixing by the Competition Bureau if we were to have a standardized fee schedule but we could establish a recommended range of prices that could be charged. This is in fact a current project of the OAC/OBC and we will be looking for your input on what services we should be charging for and how much you think we should charge.*

6. Online ordering - if ordered online and it is a non-adapt who is responsible?

*The Internet is responsible for what it sells. Your responsibility begins and ends with making sure you perform your services according to the high standards that your regulatory body has established and that you provide the patient with the correct information that you have developed. Beyond that the consumer is responsible for his/her own decisions and the Internet is responsible for what it sells. You may decide to assist people in resolving their problems for a fee.*

7. Will the regulation affect wages and salaries in the future?

*It is impossible to predict how salaries may change if at all. There is precedent in the United Kingdom where consumers have been able to get their product from unregulated providers for many years while still maintaining regulation of opticians. The numbers of opticians are greater than ever before, opticians are being employed in greater numbers than before and salaries are better than ever before. It is in the best interest of business to employ competent, educated professionals. It is therefore important that opticians demonstrate their value to their employer.*

8. Are there tolerances? How do you enforce tolerances on unregulated people?

*There are no standards required of the Internet. The basic concept the government has is that consumers need to be responsible for the decisions they make. It is our job to educate them about what their safe choices are. If consumers end up with inaccurate or sub-standard product purchased from unregulated providers hopefully they will bring them to us so we can analyze them, record the problem and develop enough data to convince consumers and others that they are better off investing in a regulated person.*

9. How is the reserved title of optician going to be enforced?

*We cannot speak for the College of Opticians of British Columbia but we are certain they will take steps to ensure that nobody who is not registered with them*

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*is referring to him or herself as a Licensed Optician. This is not an unusual function for a regulatory body and the COBC has been performing this duty all along. This is done in multiple ways including complaints from registrants who are aware of this infraction as well as consumer complaints. There will also be annual comparison done between the list of registrants and advertisements in the yellow pages and online lists of providers. It is the responsibility of opticians to ensure that only registrants of the College use the right to title and marks. The College views the illegal use of optician identification as a serious infraction and registrants should report all unauthorized use of the designation registrants have worked so hard to achieve.*

### 10. How is the new regulation going to impact on the patients?

*It is not the new regulation that has enabled the unregulated dispensing on the Internet. The Freedom of Information and Personal Privacy Act has been in place for many years and has always required that we release personal health information. It is the Internet sale of eyeglasses that has triggered the public interest in this alternate provider and has therefore forced the issue of release of this information. The real impact of the regulation will come from the increased scope of practice for opticians. This will allow patients additional options in terms of a vision care provider of refraction and provide greater opportunities to educate patients about how they can manage and maintain their vision health.*

### 11. How do changes affect transfer of licensure across provinces?

*The best resource to answer this question is the COBC. As of May 1<sup>st</sup> 2010 B.C. will have the largest scope of practice of any province in Canada. It is our understanding that if an optician from another province wishes to practice in B.C. as a sight testing optician he/she will have to take additional training. If he/she is qualified in his/her home province to fit eyeglasses and/or contact lenses there will be no additional training required. The license from the other province will be equal to the license in B.C.*

### 12. Is there a waiver of liability? Where does liability begin and end?

*The liability of the optician begins and ends with providing service according to standards of practice and performing due diligence when giving the personal health information (PD and contact lens specifications) to the patient. If you have developed the information according to professional standards and if you have recorded and verified the accuracy of that information on the document you give the patient you are not liable for any mistakes the person makes in translating that information onto an Internet site nor are you responsible for any errors in*

*reproduction of that information by any other provider. It seems reasonable that as a community we should develop a template document that could serve as a waiver of liability.*

13. Are you able to charge a fee for something you did prior to May 1st?

*You can definitely levy an administrative fee when providing information to a patient based on a service you provided prior to May 1<sup>st</sup>. If you have provided a sight test you could not then back track and charge for the service itself since that charge has already been incorporated into your business plan but you will nevertheless have to dig out the information and authenticate it as being for that individual and as being accurate. It's very important to make that distinction between charging for the service itself and charging an administrative fee to record the results of the service.*