

## STANDARDS OF PRACTICE

**Definitions:** An Optician, in New Brunswick, is defined as a registered member of the Opticians Association of New Brunswick who is qualified and authorized to practice ‘optical dispensing’, which is defined as the interpreting and filling of a prescription for optical appliances and includes measuring, fitting, adjusting and adapting optical appliances.

**Purpose of this document:**

- To clearly incorporate regulations, policies, precedents and Council interpretations of the Act and Regulation into standards that will be clearly understandable to both OANB members and members of the public.
- To allow the public to clearly understand what they can legitimately expect of their Optician.
- To allow OANB members to fully understand their obligations to the public in detail, and to easily access clear information on the standards they must follow in the course of carrying on their profession.

**The Standards:**

1. **Standard of Responsibility and Accountability:** Opticians are responsible to know and obey the Opticians Act and Regulation, as well as all municipal, provincial & federal laws that apply to their practice.
2. **Standard of communication:** Opticians are responsible for educating their clients on the products and services they are provided.
3. **Standard of Ethics:** Opticians are bound to obey the OANB Ethical Code, and to do all within their power to bring credit to their profession.
4. **Standard of Hygiene and Safety:** Opticians are responsible to maintain their dispensary and themselves in a state of hygiene, and to be prepared to prevent accidents and respond to emergencies.
5. **Equipment standard:** Opticians are responsible for ensuring that their dispensary is equipped with at least minimum equipment to ensure that a high standard of service can be offered to the public.

6. **Standard of competence:** Opticians are responsible for maintaining their competence in all areas of knowledge and skills, for identifying their own shortcomings and correcting them, and for ensuring that they practice only within their areas of competence.
7. **Standard of record-keeping:** Opticians are responsible for the maintenance of proper records on all clients and for the security of these records.
8. **Standard of product:** Opticians are responsible to dispense only products which meet current ANSI standards and to issue clear advice to clients on managing any risks inherent in a dispensed product.
9. **Standard of Remote Practice & Technology:** An optician who engages in remote practice, or who uses or is affiliated with a website or other technology interface as part of their practice of optical dispensing, shall ensure that their practice complies with the Association's Standards of Practice.

## **1. Standard of Responsibility and Accountability**

- Opticians are responsible for knowing, understanding, and practicing in accordance with the provisions of the Opticians Act, 2002, the accompanying Regulation, the Ethical Code, and these Standards of Practice.
- Opticians are responsible for practicing in accordance with other relevant provincial or federal legislation, including legislation governing competition, retail practices, privacy, access to records and advertising standards.
- Opticians who commit any infraction against any relevant legislation may not be excused from responsibility due to ignorance of the legislation.

## **2. Standard of Communication**

- Opticians are responsible to listen to the clients and fully discuss with them their ocular and visual history, their eyewear needs and their concerns about their eye care.
- Opticians are responsible to explain to the client the process of dispensing – the procedures involved, the reasons for information collection, their access to and privacy of their information and the expected follow-up by both the client and the optician.
- Opticians are responsible for explaining to the clients the choice of products available, and the reasons for the recommendation of one product over another.
- Opticians are responsible to communicate with clients in a positive manner, and to avoid criticism of the performance or the procedures of other opticians or members of other health care professions.

- Opticians are responsible for ensuring that clients are made aware of any risks inherent in the eyewear they choose, and the ways to minimize that risk.
- Opticians are responsible for ensuring that clients leave the dispensary with all the information they need to wear their eyewear with safety and comfort.
- Opticians must educate their clients about the necessity of regular eye health examinations, and the advisability of dealing only with licensed professionals when purchasing eyewear.

### **3. Standard of Ethics**

- Opticians are responsible to practice according to the OANB Code of Ethics (Attached to this document as 'Appendix A')
- Opticians are responsible to communicate to their employer, where applicable, any activities or processes in the dispensary where they work which violate ethical or professional standards, and to work with the employer to resolve any issues.
- If unable to resolve outstanding ethical or professional issues with their employer, Opticians are obliged to report ongoing breaches to the Council or Registrar of the OANB.

### **4. Standard of Hygiene and Safety**

- Opticians must ensure that the dispensaries in which they work are kept clean, with surfaces and equipment regularly disinfected.
- All dispensaries must have proper lighting, mirrors, and easy access to hot and cold running water for opticians.
- All dispensaries must have a properly maintained basic first aid kit, and all dispensaries with more than one employee must have a current manual on emergency procedures and emergency contact numbers prominently displayed.
- Opticians must be aware of, and practice, proper Infection Control procedures
- Opticians must be aware of, and practice, proper procedures with regards to workplace hazards (fire, noise, chemicals, electrical hazards), and be able to respond in an effective manner to emergencies as they arise.

### **5. Equipment Standard**

- At minimum, all opticians shall have available to them at all times in their dispensaries, the following tools and equipment in proper working order:
  1. A lensometer
  2. Adjustment and Bench Tools sufficient for frame and lens adjustments and repairs
  3. A P.D. Ruler

4. A tool to measure vertex distance (distometers or pupillometer capable of vertex measurement)
  5. Thickness Calipers
  6. Lens clock
  7. A frame heater
  - 8.
- At minimum, all opticians licensed to fit contact lenses shall have available to them at all time in their dispensaries, the following tools and equipment in proper working order:
    1. A keratometer
    2. A slit lamp
    3. The necessary equipment to fit RGP lenses, if the fitter fits RGP lenses
  - Opticians are responsible to maintain their tools and equipment (or to have them maintained) in a sanitary condition and in proper working order at all times.
  - Opticians are responsible to use all the equipment available to them to ensure that their assessment of the client's needs is complete before dispensing.

## 6. Standard of Competence

- Opticians are responsible to maintain their competence in all areas of their profession by complying with Section 28 of the OANB regulation on continuing education, which is attached to this Document as "Appendix B"
- Opticians must be familiar with the Canadian Competencies document (available at [http://nacor.ca/wpcontent/uploads/2020/04/National\\_Competerencies\\_for\\_Canadian\\_Opticians\\_4th\\_edition\\_Oct\\_2019.pdf](http://nacor.ca/wpcontent/uploads/2020/04/National_Competerencies_for_Canadian_Opticians_4th_edition_Oct_2019.pdf)), to identify their own weaknesses in relation to this document, and to remedy such weaknesses through continuing education or upgrading modules
- Opticians are responsible for working only within their own competencies, referring clients to other health care professionals where appropriate.
- Opticians are responsible to never delegate any of their tasks of performance or communication to anyone who is not licensed, trained, and competent to perform that task (Note: in this context, registered apprentices are 'licensed' to perform delegated tasks under the degree of supervision mandated under Section 21 of the Regulation attached to this document as "Appendix C". Such tasks as: putting a frame into 'bench alignment', teaching a client to insert, remove and properly care for contact lenses, explaining to a client how to maintain their eyewear in a clean and comfortable state are not tasks which require licensing or registration, but the optician or contact lens fitter is responsible to ensure that anyone to whom such tasks are delegated is both well-trained and competent to perform the task.

## 7. Standard of Record-Keeping

- Opticians are responsible for maintaining complete records on all clients for period of 7 years beyond the last date of service, according to the provisions of Section 42 of the Regulation (attached to this document as “Appendix D”).
- In addition to the stipulation of Section 42 or the Regulation, the optician must ensure that the client record contains notes on the grounds on all decisions on the part of the optician which might be construed as a departure from the norm (such as dispensing to a client with an expired prescription, dispensing a compensated visual solution, etc.)
- Opticians must ensure that the rules of client privacy and access to their own records are maintained according to the provisions of the provincial legislation Personal Health Information: Privacy And Access (PHIPPA – full information available at [https://www2.gnb.ca/content/dam/gnb/Departments/h-s/pdf/en/HealthActs/Custodian\\_Facts.pdf](https://www2.gnb.ca/content/dam/gnb/Departments/h-s/pdf/en/HealthActs/Custodian_Facts.pdf))

## 8. Standard of Product

- Opticians must ensure that all products dispensed meet current standards for materials and workmanship.
- Opticians must ensure that all lenses dispensed are within the tolerances prescribed by the most recent ANSI standard.
- Opticians must ensure that the product dispensed to a client is adjusted correctly for fit, comfort and optimal vision. In cases where the client has sent an agent to pick up the eyewear, the optician shall ensure the proper adjustment at the earliest opportunity to do so.
- Opticians must ensure that the client is advised of all warranties and guarantees available to him.
- Opticians shall strive to maintain client satisfaction throughout the initial visit and follow-up visits.
- Opticians shall, without fail, advise clients of any risks inherent in the eyewear being dispensed to them, whether the risks arise from the nature of the eyewear (as in contact lenses), or from the changes in their prescription.

## 9: Standard of Remote Practice and Technology

An optician who engages in remote practice, or who uses or is affiliated with a website or other

technology interface as part of their practice of optical dispensing, shall ensure that their practice complies with the Association's Standards of Practice.

**Remote Practice Criteria:**

- Any optician who resides in New Brunswick and is providing services to clients who reside and are receiving the services in New Brunswick, whether the services are in-person or remote, must be registered with the Association.
- Opticians who reside outside of New Brunswick and are providing services to clients who reside and are receiving the services in New Brunswick must be registered, practice within the scope of practice, and maintain appropriate professional liability insurance in the province or territory where the optician resides; and
- Opticians who reside in New Brunswick and are providing services to clients who reside and are receiving the services outside of New Brunswick, must be registered, practice within the scope of practice, and maintain appropriate professional liability insurance in the province or territory where the client resides.
- An optician shall exercise professional judgment in determining whether it is in a patient's interests to engage in remote practice. Remote practice is the performance of any aspect of dispensing (preparation, adaptation and delivery) of optical appliances in the absence of an in-person meeting, with or without the use of technology, and includes the following activities:
  - 1). Communicating with and dispensing to patients via telepractice (e.g. telephone calls, emails, video conferences, kiosks, websites, smart phone apps, and other technology).
  - 2). Remote delivery of optical appliances (eg. mail, courier, or in-store but via a third party).
- An optician must continue to take responsibility for all dispensing steps.
- Where a patient requires or requests delivery of prescription eyeglasses before they are fitted or adapted for the patient, an optician must exercise professional judgment to determine whether this is in their patient's best interests. It is important to consider factors that include but are not limited to:
  - the patient's age and health
  - degree of anisometropia
  - the prescription details and/or type of lens being dispensed
  - whether the measurements were taken in person or remotely

- any other reason where it is in the patient’s interest to require an in-person meeting
- Opticians should maintain appropriate records, including a note that the service was delivered remotely.

### **Websites and Other Interfaces**

- If an optician uses or is affiliated with a website, or other technology as part of their Opticianry practice, an optician shall ensure that the website or interface:
  - 1). Provides reasonable and timely access to an optician;
  - 2). Identifies the full name and registration number of any optician who interacts with patient through the website or interface;
  - 3). Only collects, records or transmits patient information if it can be done in a private and secure manner and in compliance with the Association’s Standards of Practice and applicable NB privacy and anti-spam legislation;
  - 4). Complies with all applicable Standards of Practice and the OANB On-line Media Policy.

### **Advertising**

The NB Optician’s Act Section 13 states “The Council shall, subject to this Act, govern, control and administer the affairs of the association and without limiting the generality of the foregoing, may make Regulations,

(w) governing advertising consistent with the intent of the Act”

### **Appendix A: ETHICAL CODE of the Opticians of New Brunswick**

To uphold and advance the honour, integrity and high standards of the Optical dispensing profession, its members must:

- a) Be honest and impartial in serving the public and the profession,
- b) Strive to increase the competence and prestige of the profession,
- c) Keep abreast of technical and educational advancements in the Optical dispensing field,
- d) Respect the dignity and professional status of their colleagues and the professional relationship between their colleagues and the public,
- e) Use their knowledge and skills to improve the health and wellbeing of the public,
- f) Protect the health of the public at all times by delegating duties or procedures only to a person who is qualified by training AND registered with the Association as a person able to perform that duty or procedure,

- g) Fulfill all medically based instructions of the Optometrist/Ophthalmologist and do everything possible in conjunction with him/her to conserve human eyesight.

## **Appendix B: Regulation Professional Development**

28 (1) For the purposes of this section an “education cycle” shall comprise a predetermined period of 1 (one) calendar year.

(2) Approved in-person, virtual or online lectures, seminars, workshops, or written education modules, regardless of length, shall be accorded the number of credits which the National Alliance of Canadian Optician Regulators (“NACOR”) or Council determines they are worth.

(3) Every optician who does not hold a certificate of special qualification shall complete at least 8 (eight) approved credits within each one-year education cycle, 1 (one) of which shall be a Jurisprudence credit.

(4) Every optician who holds a certificate of special qualification shall complete at least 10 (ten) approved credits within each one-year period, at least 4 (four) of which credits shall pertain to contact lenses, and 1 (one) of which shall be a Jurisprudence credit.

(5) Opticians transferring licenses from another province to NB, must provide certificates (proof of attendance), for all credits acquired within the year to the registrar with their application for membership. Acceptable credits will be added to the transferring optician’s PD record.

(6) Where an optician completes more than the minimum number of credits pursuant to subsections (3) and (4) hereof, credits acquired in excess of the minimum may not be carried forward to fulfil the requirements of any subsequent period.

(7) The Registrar shall be responsible for keeping records of credits, and for the general administration of this section.

(8) The onus of proof of compliance with the requirements set out in subsections (3) and (4) shall be upon the optician, and the attendance records of the Registrar shall be deemed to be prima facie evidence of the attendance or non-attendance of the optician.

(9) (a) The Council may approve for professional development purposes any lectures which are hosted by a professional association, regulatory body, optical supplier, employer or other reputable company or organization.

(b) Notwithstanding the provisions of subsection (9)(a), the Council has no obligation to approve any lecture not organized by the Council if the member claiming the credit did not have the credit pre-approved, or if proof of attendance is not acceptable to Council.



(10) Where at the end of any education cycle an optician has not fulfilled the requirements as set out in subsections (3) and (4), Council may order that optician to submit to such examinations as it sees fit, to determine their competence as an optician.

(11) Where an optician fails to submit to an examination or examinations pursuant to subsection (10), or where the Council, in its discretion, finds that the results of the examinations prescribed pursuant to subsection (10) demonstrate a lack of competence on the part of an optician, Council may

(a) suspend the license or certificate of special qualification, or both, of the optician until such time as that optician satisfies Council of their competence to practice; or

(b) make such other Order as Council considers just.

(12) Notwithstanding the foregoing, where a registered apprentice becomes registered as an optician or where an optician receives a certificate of special qualification during the first half of a one-year education cycle, the newly registered optician shall require only one-half of the requirements of subsection (3), and the optician who has newly received a certificate of special qualification shall require only one-half of the requirements of subsection (4).

(13) Council, in its discretion, may exempt a member, or the membership, from compliance with this Section, or any part thereof, for any period.

(14) Notwithstanding the foregoing, registered apprentices shall be exempt from the provisions of this Section.

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### **Appendix C: Apprenticeship Agreements**

21 (1) In this section, unless the context otherwise requires, "apprenticeship agreement" means an agreement between a sponsoring optician and a registered apprentice, or person intending to apply for registration as a registered apprentice, in order to prepare the registered apprentice for admission as an optician; "Sponsoring optician" means an optician who has entered into an apprenticeship agreement with a registered apprentice, or a person intending to apply for registration as a registered apprentice.

(2) A person intending to apply for registration as a registered apprentice shall, before making his or her application enter into an apprenticeship agreement with a sponsoring optician,

(a) who has his or her principal place of business within the Province of New Brunswick,

(b) who is not already sponsoring more than one apprentice or contact lens student, and

(c) who is a member in good standing of the Association.

(3) Apprenticeship agreements are for the purpose of making an application,

- (a) for admission as a registered apprentice, or
- (b) for the transfer of an apprenticeship agreement.

(4) An apprenticeship agreement continues in effect until

(a) the sponsoring optician ceases to be a regular member of the Association, is suspended from the Association, or otherwise ceases to be qualified to act as an optician,

(b) a transfer of the apprenticeship agreement to another sponsoring optician is approved by Council,

(c) the registered apprentice is registered as an optician, or

(d) such time as the Apprentice has failed to register for a course as referred to in Section 17 of these Regulations on the second opportunity for the Apprentice to do so, or

(e) the Apprentice withdraws from the course as referred to in Section 17 of these Regulations, and does not re-register for the course at the next opportunity to do so, or

(f) five years have passed since the initial registration of the Apprentice, and the Apprentice has not qualified for licensure.

(5) A registered apprentice may apply to transfer his apprenticeship agreement from one sponsoring optician to another sponsoring optician by requesting such a transfer from the Council.

(6) An apprenticeship agreement shall be signed by the sponsoring optician and the registered apprentice.

(7) A sponsoring optician shall teach, instruct and employ the registered apprentice, or cause the registered apprentice to be taught, instructed, and employed in the practice of optical dispensing, and shall use best endeavours to cause the registration of the registered apprentice as an optician.

(8) During the term of apprenticeship, a registered apprentice must serve a period or periods aggregating not less than 2000 hours

(a) in the employment of his or her sponsoring optician, or

(b) with the prior written consent of his or her sponsoring optician, in the employ of another optician who would be qualified to act as a sponsoring optician.

(9) No optical appliance prepared by a registered apprentice shall be dispensed to a client until it has been approved by an optician.

(10) An Apprentice shall be supervised by the sponsoring optician or by any other optician who would be qualified to act as a sponsoring opticians, (the "supervising optician"), in accordance with the provisions of Schedule A attached hereto, which forms part of these Regulations.

#### **"SCHEDULE A" - SUPERVISION OF APPRENTICES**

1. In this Schedule,

“approved ophthalmic dispensing eyeglasses course” means a course referred to in Section 17 of these Regulations;

“supervising optician” means the sponsoring optician or any other optician who would be qualified to act as a sponsoring optician;

“task” means any task or tasks within the meaning of “optical dispensing”

2. A registered apprentice may perform any task the supervising optician deems the registered apprentice to be capable of performing in a competent manner, the onus being on the supervising optician to demonstrate to the Council, upon the demand of Council, that the registered apprentice was, indeed, capable of performing the delegated task at the relevant time.

(a) A registered apprentice who has not yet successfully completed the midterm examination of the first year of an approved ophthalmic dispensing eyeglasses course may not perform any tasks when there is no supervising optician present in the dispensary, but may be left unsupervised in the dispensary without performing such tasks for a maximum of 4 hours per week.

(b) A registered apprentice who has successfully passed the midterm examination of the first year of an approved ophthalmic dispensing eyeglasses course may perform optical dispensing tasks approved by the supervising optician for a maximum of five (5) hours per calendar week without a supervising optician present in the dispensary, provided the registered apprentice does not violate Section 21 (9) of these Regulations.

(c) A registered apprentice who has successfully passed the final examination of the first year of an approved ophthalmic dispensing eyeglasses course may perform optical dispensing tasks approved by the supervising optician for maximum of seven (7) hours per calendar week without a supervising optician present in the dispensary, provided the registered apprentice does not violate Section 21 (9) of these Regulations.

(d) A registered apprentice who has successfully passed the midterm examination of the second year of an approved ophthalmic dispensing eyeglasses course may perform optical dispensing tasks approved by the supervising optician for a maximum of twelve (12) hours per calendar week without a supervising optician present in the dispensary, provided the registered apprentice does not violate Section 21 (9) of these Regulations.

(e) A registered apprentice who has successfully passed the final examination of the second year of an approved ophthalmic dispensing eyeglasses course may perform optical dispensing tasks approved by the supervising optician for a maximum of sixteen (16) hours per calendar week without a supervising optician present in the dispensary, provided the registered apprentice does not violate Section 21 (9) of these Regulations.

3. A registered Apprentice who has successfully passed the final examination of the second year of an approved ophthalmic dispensing eyeglasses course remains

subject to subsection 2 (e) of this Schedule until he or she successfully completes an approved practical assessment process, as referred to in Section 17 of these Regulations.

4. A registered Apprentice who fails the practical assessment, or who does not opt to take the approved practical assessment within 1 year of passing the final examination of the second year of the approved ophthalmic dispensing eyeglasses course for any reason, is subject to the condition of subsection 2 (d) of this Schedule until such time as the practical assessment has been successfully completed.

5. Upon Council being satisfied that a registered apprentice has successfully passed an approved practical assessment process, the registered apprentice shall no longer require supervision by an optician in the performance of any tasks of optical dispensing.

6. Notwithstanding anything contained in this regulation, the council of the Association has absolute discretion to make allowances for unusual circumstances in any case where inadequate supervision of a registered apprentice has been alleged, and may consider any extenuating circumstances brought forth by the registered apprentice, the sponsoring optician, the supervising optician, or any other optician employed by the same company as the registered apprentice.

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#### **Appendix D: Patient Records**

42 (1) Every optician shall make records for each patient to whom he or she dispenses an optical appliance.

(2) The records to be kept for each patient shall include

(a) the name and address of the patient;

(b) a copy of the most recent prescription available to the optician for the patient;

(c) every report received respecting the patient from any other optician or health care professional; and

(d) any other documents, records, or data, whether electronic or otherwise, which ought in the opinion of the optician to be included in the patient's record.

(3) The records required by regulation shall be

(a) legibly written or typed or, if in electronic or coded format, available to be produced in decoded and legible hard copy format;

(b) kept in a systematic manner;

(c) kept in a manner which maintains reasonable security from unauthorized access;

- (d) kept, if electronic, with regular backups; and
- (e) kept, if electronic, either together or with links leading from any one set of records to all other records for that patient.

(4) Patient records shall be kept for a minimum of seven years from the date of the patient's most recent visit.

(5) Where an optician retires, or ceases to practise for any reason, such optician shall either

- (a) return each patient's record to such patient; or
- (b) make adequate provision with another optician or the Registrar so that each patient's records shall be maintained and available to such patient for seven years from the date of the patient's most recent visit to the optician who has ceased to practise.

(6) Where an optician provides patient records to the Registrar, the Registrar shall release the patient's records to that patient, upon receipt of reasonable evidence as to the person's identity, and shall be under no further obligation in respect of such records, once they have been released.

(7) Where the Registrar has maintained a patient's record for seven years from the date of the patient's last visit to the optician, and no request has been made for such records to the Registrar, the Registrar may destroy such records.