



SASKATCHEWAN
College of
Opticians

JURISPRUDENCE

Presented by the Regulations Committee
of the Saskatchewan College of Opticians

WHAT IS JURISPRUDENCE?

- ▶ “Jurisprudence is the study of law that includes an understanding not only of legal and professional obligations, but of how those obligations are enforced.” (coto.org)
- ▶ All licensed health professionals in Saskatchewan are regulated by their respective Colleges. These Colleges administer legal requirements in order to regulate the practice of all licensed professionals, all for the same purpose – the protection of the public.



DEFINITIONS

- ▶ **Legislation** refers to written laws, often referred to as Acts or Statutes, which are enabled by Parliament, the legislative arm of government.
- ▶ **Regulations** are made under the authority of an Act, and are enacted by the body to whom the authority to make regulations has been delegated in the Enabling Act...
 - ▶ Simplified: Regulations are developed by the Council of our College, but must be approved by the provincial government.
- ▶ **Policies** are rules that are made by organizations (such as the SCO), to achieve their aims and goals by establishing the legitimacy of management action by ensuring that management decisions are objective, fair, and consistent.
- ▶ All **standards of practice** provide a guide to knowledge, skills, judgement and attitudes that are needed to practice safely. They reflect a desired and achievable level of performance against which actual performance can be compared.



DEFINITIONS

- ▶ **Bylaw** means the valid and subsisting bylaws of the college.
 - ▶ A bylaw is a rule or law established by an organization to regulate itself.
- ▶ **Regulatory bylaw** means a bylaw made:
 - (i) for a purpose set out in subsection 15(2) of The Opticians Act; or
 - (ii) pursuant to section 17 of The Opticians Act
 - ▶ Simplified: Developed (with the intent to ensure the protection of the public) and approved by Council of the SCO, then approved by the Ministry of Health.
- ▶ **Administrative Bylaws** establish the powers, duties, and functions of the Council and/or Registrar. They cover subjects such as council, examinations, fees, etc.
- ▶ **Administrative Policies** refers to the administrative procedures adopted and amended by Council and Registrar to administer the SCO's objectives. There are currently 13 Administrative Policies, two of which are in development.
- ▶ All Licensed Opticians and Licensed Contact Lens Practitioners should consistently refer to their regulatory bylaws and become familiar with the interpretation.



THE OPTICIANS ACT

SCOPTIC.CA

- ▶ Saskatchewan College of Opticians: The Opticians Act (2011)
 - 4 (1) It is the duty of the college at all times:
 - (a) To serve and protect the public; and
 - (b) To exercise its powers and discharge its responsibilities in the public interest.
 - (2) The objects of the college are:
 - (a) To regulate the practice of the profession and to govern the members in accordance with this Act and the bylaws; and
 - (b) To assure the public of the knowledge, skill, proficiency and competency of members in the practice of opticianry.



STANDARDS OF PRACTICE

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- ▶ Standards of Practice for the Saskatchewan College of Opticians serve the following purpose:

To establish a standard of professional conduct, competence and proficiency to be maintained by opticians and governing the manner and the method of their Practice.

- 1.They provide Saskatchewan College of Opticians benchmarks against which it can determine a members' conduct in the course of investigating complaints.
- 2.They provide the public with a clear understanding of the quality of care they should receive from an optician.



STANDARDS OF PRACTICE

SCOPTIC.CA

- ▶ As a Licensed Optician or Licensed Contact Lens Practitioner, if you are in violation of the Standards of Practice, you are subsequently in violation of any or more of the Regulatory Bylaws, and therefore subsequently in violation of the Opticians Act.
- ▶ Any violations are therefore investigated by the Professional Conduct Committee. Following investigation, if no resolution is found by the Professional Conduct Committee, due to the seriousness of nature, it is then forwarded to the Discipline Committee for a formal hearing.
- ▶ The SCO was engaged in its first hearing in 2019. The process and outcome has prompted Council to show a more proactive approach to ensuring our members receive guidance and education in jurisprudence



ASSOCIATION VS. REGULATORY BODY

- ▶ **The Saskatchewan College of Opticians (SCO)** – has one primary mandate: to serve and protect the public and exercise its powers in the public interest.
- ▶ **The Opticians Association of Canada (OAC)** – is a professional association representing Licensed Opticians in Canada. Their mission is to promote the profession; to develop and maintain a professional standard of knowledge and proficiency in our occupational field, and to educate and inform vision are consumers about matters related to their eye health.
- ▶ The SCO acts in the interest of the public, the OAC acts in the interest of the profession.



PROFESSIONAL JUDGMENT

- ▶ Opticians are to always act in the patient's best interest and put the patient's interest above their own personal or business interest.
- ▶ How professional judgment can apply to LO/LCLP:
 - ▶ “Applying knowledge, skills and experience in a way that is informed by professional standards, laws and ethical principles, to develop an opinion or decision about what should be done to best serve clients.” (collegeofdietitians.org)



PROFESSIONAL JUDGMENT

- ▶ Using professional judgment:
 - ▶ When several courses of actions are available, use your expertise to choose the one that best serves the patient's needs and interest – always!
 - ▶ Document, document, document!
 - ▶ You must always ensure that the patient fully understands the situation and the rationale for your recommendations.
- ▶ Things to consider:
 - ▶ What do the Standards of Practice/Regulatory Bylaws/Policies say?
 - ▶ Would another Optician make a similar decision given the situation?
 - ▶ Will the rationale that supports the decision be understood and accepted by other professionals in the field?



DOCUMENTATION

- ▶ Documentation in a patient file is an absolute *must* in order to ensure that your decision is understood and available to other professionals. Also, documentation is crucial if your decision is ever questioned or a subject of a complain. This is your best line of defense.
- ▶ Any notes on patient files are part of patient record, therefore accessible by patients.



CODE OF ETHICS (PROFESSIONAL ETHICS)

- ▶ System of obligations and responsibilities that places values on the integrity of our profession and in the interest of the public which we serve
- ▶ Keep the patient's welfare as the highest priority
- ▶ Seek to increase the expertise and reputation of our profession
- ▶ Act with integrity, professionalism and respect with patients and coworkers
- ▶ Inform the public about the level of duty, care and ethical responsibility they can expect from a Licensed Optician/Licensed Contact Lens Practitioner.
- ▶ Ethical obligations extend beyond legal expectations.
- ▶ Our Code of Ethics is part of the Standards of Practice



ETHICAL PRINCIPLES

- ▶ Integrity
- ▶ Competence/Due Care
- ▶ Confidentiality
- ▶ Professional Behaviour
- ▶ Non-Maleficence



HEALTH INFORMATION PROTECTION ACT

- ▶ “An Act respecting the collection, storage, use and disclosure of personal health information, access to personal health information and the privacy of individuals with respect to personal health information and making consequential amendments to other Acts.”(HIPA)
- ▶ All health care professionals are obligated and required by law to follow and enforce this Act. A copy of this Act should be kept in all dispensaries, along with the Opticians Act, Regulatory Bylaws, and Standards of Practice.
- ▶ Office of the Saskatchewan Information and Privacy Commissioner (oipc.sk.ca) is a great source of information regarding HIPA.



HEALTH INFORMATION PROTECTION ACT

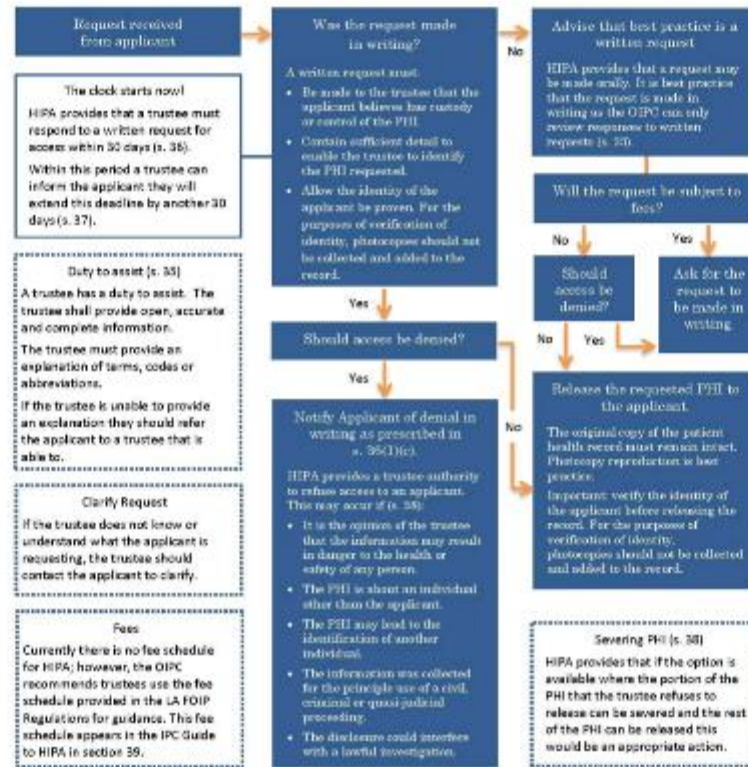
- ▶ Please understand the premise behind HIPA and maintain professional relationships with other healthcare providers. Ex. If you require a copy of a prescription to be sent from an Optometrist, please remember they may require the patient's written consent as per HIPA guidelines and therefore you must provide a signed release form to them.
- ▶ All dispensaries should have their own patient information release forms, this is not a standard form provided by SCO.



Diagram – Steps to Respond to an Access to Personal Health Information Request

Step to Responding to an Access to Information Request for Personal Health Information

HIPA provides an individual with the right to access personal health information about himself or herself that is contained in a record in the custody or control of a trustee [s. 32]. If the trustee does not have control of the information that the individual is seeking, the trustee should either inform the applicant or transfer the request.



This relates to The Health Information Protection Act (HIPA).

INSURANCE FRAUD

- ▶ **Insurance Fraud:** Any act committed with the intent to fraudulently obtain payment from an insurer
- ▶ **The Consequences** – Insurance fraud is a crime, and there are serious consequences:
 - ▶ If a false claim is proven, the insurance company won't pay the claim and may cancel the policy
 - ▶ If a false claim is made, the insurer can sue for any costs and damages
 - ▶ A false claim can result in jail or large fines, and a criminal record that can affect the future prospects of anyone found guilty
 - ▶ Insurance companies may refuse to sell insurance to people involved in false claims.



INSURANCE FRAUD

- ▶ Examples of fraud in our industry include:
 - ▶ Billing non-prescription sunglasses as prescription in order to receive payment from insurance provider
 - ▶ Altering the name on a receipt/submitting under a different person in order for an insured member to receive double the benefits
- ▶ Submitting a fraudulent claim goes against SCO's ethical standards.
- ▶ Insurance claims *must* be submitted and signed by a Licensed Optician/Licensed Contact Lens Practitioner and cannot be delegated, as per the Standards of Practice.
- ▶ Insurers are on alert of fraudulent activities and other provinces are being investigated. It is a privilege to be able to provide this service to the public, let's not abuse it!



PANDEMIC 2020

- ▶ This year's global pandemic has brought to our attention the extreme importance of infection control in our profession.
- ▶ As per Standards of Practice Part VII: Hygiene & Infection Control, it lies on the Optician's License to ensure proper disinfection and sanitization, as it is our duty to protect the public.
- ▶ "There is a degree of risk to technicians, support staff, and patients from cross-infection of systemic diseases... via skin contact, blood, other body fluids and instruments. These concerns have led to increased awareness of the need to practice strict infection control in clinical work." (SOP, scoptic.ca)



UPDATES TO STANDARDS OF PRACTICE

- ▶ In the works is a sexual misconduct provision. No profession is immune and we are in the process of updating the Standards of Practice to include this provision.
- ▶ In the meantime, there are excellent continuing education modules on this subject in Moodle offered by the Alberta College and Association of Opticians. (acao.ca)



LICENSE RENEWALS

- ▶ Please remember to renew your licenses by the deadline, April 1 of each year. Failing to do so could result in your name being stricken from the register (after 30 days in arrear), and therefore not be allowed to practice.



QUESTIONS? PLEASE USE CHAT FEATURE
ON ZOOM

