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**CHAIR:**

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2nd SESSION, 63rd GENERAL ASSEMBLY  
Province of Prince Edward Island  
57 ELIZABETH II, 2008

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**BILL NO. 30**

**An Act to Amend the Optometry Act**

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Honourable Doug W. Currie  
Minister of Health

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GOVERNMENT BILL

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Charlottetown, Prince Edward Island



**An Act to Amend the Optometry Act**

BE IT ENACTED by the Lieutenant Governor and the Legislative Assembly of the Province of Prince Edward Island as follows:

**1. Section 1 of the *Optometry Act* R.S.P.E.I. 1988, Cap. O-6 is amended**

**(a) by the repeal of clause (d) and the substitution of the following:**

(d) “College” means the Prince Edward Island College of Optometrists continued under section 9; College

(d.1) “Committee” means the Therapeutic Drug Prescription Committee established under section 11.1; Committee

(d.2) “diagnostic drug” means a drug that is administered topically for examination, investigation or diagnosis of disease, injury, or other abnormal conditions of the visual system; diagnostic drug

(d.3) “drug” means a drug as defined in the *Pharmacy Act* R.S.P.E.I. 1988, Cap. P-6; drug

**(b) by the addition of the following after clause (e):**

(e.1) “licensed optometrist” means an optometrist who holds a valid and subsisting license; licensed optometrist

**(c) by the repeal of clause (i) and the substitution of the following:**

(i) “practice of optometry” means those functions usually performed by an optometrist, including practice of optometry

(i) the examination of the human eye and its adnexa using instruments, devices or diagnostic drugs to diagnose visual defects or abnormal conditions,

(ii) the treatment of visual defects or abnormal conditions of the human eye or its adnexa by the prescription or application of lenses or other devices, and, subject to this Act and the regulations, the prescription or application of therapeutic drugs, and

(iii) the removal of superficial foreign bodies from the human eye or its adnexa;

**(d) in clause (k), by the deletion of the period and the substitution of a semicolon; and**

**(e) by the addition of the following after clause (k):**

therapeutic drug

(l) “therapeutic drug” means a drug that is administered topically for the prevention, treatment or management of disease, injury, or other abnormal conditions of the anterior segment of the human eye.

## **2. Section 9 of the Act is amended**

**(a) by the repeal of subsection (1) and the substitution of the following:**

Continuation of college as a corporation

**9.** (1) The Prince Edward Island College of Optometrists as established by chapter 13 of the Acts of the Legislature for the year 1922 is hereby continued as a body corporate under the same name and is vested with all of the rights and assumes all of the obligations of the Prince Edward Island College of Optometrists.

Continuation of membership

(1.1) Every person who, immediately before the date this section comes into force, is a member of the Prince Edward Island College of Optometrists, is deemed, on the date this section comes into force, to be a member of the College for the unexpired portion of his or her term of office, unless the person sooner ceases to be a member.

**(b) by the addition of the following after subsection (6):**

Bylaws

(7) The College may make, amend, and revoke bylaws, not inconsistent with this Act, relating to the management and operation of the College, including bylaws respecting

- (a) the election or appointment, terms of office, duties and remuneration of officers of the College;
- (b) the making, amendment and revocation of bylaws; and
- (c) the fees that are payable for
  - (i) an application for a license,
  - (ii) the examination of an applicant for a license,
  - (iii) the issuance or renewal of a license, or
  - (iv) an application for a written confirmation under section 15.1.

## **3. Subsection 11(1) of the Act is amended**

**(a) in clause (a), by the deletion of the words “educational qualifications required of candidates for licensure” and the substitution of the words “the educational qualifications required of applicants for licenses”;**

**(b) in clause (b), by the deletion of the words “for licensure” and the substitution of the words “for applicants for licenses”;**

**(c) in clause (c), by the addition of the word “the” before the words “specific requirements”; and**

**(d) by the repeal of clauses (d) and (e) and the substitution of the following:**

(d) the standards that govern the advertisement of optometric services; and

(e) the training and education required of licensed optometrists to competently give a prescription for a therapeutic drug or class of therapeutic drugs.

**4. The Act is amended by the addition of the following after subsection 11(2):**

**11.1** (1) There is hereby established a committee to be called the Therapeutic Drug Prescription Committee.

Therapeutic Drug  
Prescription  
Committee

(2) The Committee shall be composed of the following persons:

Composition

(a) the Registrar;

(b) the Registrar of the Prince Edward Island Pharmacy Board;

(c) a representative of the Department of Health, appointed by the Minister.

(3) The member of the Committee representing the Department of Health shall be appointed for a term of two years, and may be reappointed.

Term of office and  
reappointment

(4) The Committee shall

(a) compile, maintain and provide to the Minister a list of therapeutic drugs or classes of therapeutic drugs that the Committee is satisfied licensed optometrists may be competent to give a prescription for if the College confirms their qualifications and they are authorized to do so by the Minister under section 14.1 of the *Pharmacy Act* R.S.P.E.I. 1988, Cap. P-6; and

(b) provide advice to the Minister as requested by the Minister under section 15.2 or otherwise.

Advice respecting  
therapeutic drugs  
optometrist may  
prescribe

(5) The Committee may, from time to time, seek the advice of other health professionals where the Committee deems such advice is required.

Expert advice

(6) The Registrar shall be the chairperson of the Committee.

Chairperson

(7) The Committee shall meet at least once a year and as requested by the Registrar or the Minister.

Meetings

Quorum (8) A Quorum of the Committee shall consist of a majority of the members of the Committee.

Decision (9) Decisions shall be made at Committee meetings based on a majority vote, and in the event of a tie vote the decision favoured by the chairperson shall prevail.

**5. Section 13 of the Act is amended by the deletion of the words “prescribed in the regulations” and the substitution of the words “established by the bylaws”.**

**6. The Act is amended by the addition of the following after section 15:**

Written confirmation of training and education **15.1** (1) A licensed optometrist who wishes to apply for a written confirmation from the College that the licensed optometrist has the necessary training and education to competently give a prescription for a therapeutic drug or class of therapeutic drugs, if authorized by the Minister to do so under section 14.1 of the *Pharmacy Act*, shall

- (a) submit an application to the College in the form required by the College that specifies the therapeutic drugs or classes of therapeutic drugs which the applicant wishes to be authorized to prescribe;
- (b) provide proof satisfactory to the College of the prescribed training and education requirements; and
- (c) pay to the College the application fee, if any, established by the bylaws.

Issuance of written confirmation (2) The College shall, on receipt of an application made in accordance with subsection (1), issue a written confirmation to the Minister in respect of the applicant if the College is satisfied that the licensed optometrist has the prescribed training and education to competently give a prescription for any therapeutic drug or class of therapeutic drugs specified in the application.

Contents of written confirmation (3) A confirmation issued by the College under this section shall

- (a) indicate the name of the licensed optometrist in respect of which the confirmation is given;
- (b) specify the date on which the confirmation is given; and
- (c) specify each therapeutic drug or class of therapeutic drugs that the licensed optometrist has the necessary training and education to prescribe if authorized to do so by the Minister.

Minister may request advice of Committee before issuing authorization under *Pharmacy Act* **15.2** After receiving a written confirmation from the College concerning a licensed optometrist pursuant to section 15.1 the Minister may, before issuing a written authorization under section 14.1 of the *Pharmacy Act*, request the Committee to provide advice regarding the therapeutic drugs or classes of drugs specified in the written confirmation that the

Committee is satisfied that the licensed optometrist is competent to give a prescription for if authorized to do so by the Minister.

**7. The Act is amended by the addition of the following after section 18:**

**18.1** (1) No licensed optometrist shall give a prescription for any drug unless the licensed optometrist holds an authorization to do so issued by the Minister under section 14.1 of the *Pharmacy Act*.

Giving prescriptions - authorization required

(2) No licensed optometrist shall administer any drug other than a diagnostic drug unless the licensed optometrist holds an authorization referred to in subsection (1) to give a prescription for that drug.

Administration of therapeutic drug

**8. The Act is amended by the addition of the following after section 24:**

**24.1** The College, or a member or officer of the College, is not liable for any loss or damage suffered or incurred by any person as a result of anything done or not done, or any proceedings taken or not taken, in good faith by the College, or by the member or officer, pursuant to this Act or the regulations.

Liability

**9. This Act comes into force on a date that may be fixed by proclamation of the Lieutenant Governor in Council.**

## EXPLANATORY NOTES

**SECTION 1** amends the definitions in the Act to add definitions for new terms used in the amendments included herein. It also improves the definition for the term “practise of optometry”.

**SECTION 2** authorizes the Prince Edward Island College of Optometrists to make bylaws respecting the management of its affairs, the election or appointment of officers, the making of bylaws and the fees that are payable under the Act.

**SECTION 3** makes minor wording improvements to the regulation-making power in the Act. It also adds a power to make regulations respecting the training and educational requirements that the College is to use to assess whether it should write a confirmation letter to the Minister in support of a request by a licensed optometrist to be authorized to prescribe drugs under the *Pharmacy Act*. In addition, the section drops the power to set fees by regulations as this will now be done by the bylaws.

**SECTION 4** provides for the establishment and operation of the Therapeutic Drug Prescription Committee. The Committee will compile and provide a list of therapeutic drugs that the Committee is satisfied licensed optometrists may be qualified to prescribe and provide advice to the Minister, as requested.

**SECTION 5** amends a provision that refers to the fees for licensing as being established under the regulations. Those fees will now be set by bylaw and this is recognized by the amendment.

**SECTION 6** establishes the procedure and requirements that govern an application by a licensed optometrist for a confirmation from the College that the licensed optometrist has the qualifications necessary to competently prescribe therapeutic drugs. The College will provide such a confirmation to the Minister for the Minister’s consideration and the Minister may seek the advice of the Committee in determining whether to authorize the licensed optometrist to prescribe drugs under the *Pharmacy Act*.

**SECTION 7** prohibits a licensed optometrist from prescribing any drug or administering any drug other than a diagnostic drug unless the licensed optometrist holds an authorization from the Minister under the *Pharmacy Act* to give a prescription for that drug.

**SECTION 8** establishes that the College and its members and officers are not liable for any loss or damage suffered by any person as a result of anything done or not done in good faith pursuant to the Act or the regulations.

**SECTION 9** provides for the commencement of this Act.

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<i>STAGE:</i>	<i>DATE:</i>
<i>1st Reading:</i>	May 15, 2008
<i>2nd Reading:</i>	
<i>To Committee:</i>	
<i>Reported:</i>	
<i>3rd Reading and Pass:</i>	
<i>Assent:</i>	

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Minister of Health

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