



B.C. Government News Release – March 19, 2010 Amendments to Optometry and Optician Regulations

The provincial government of British Columbia issued a news release on March 19, 2010 announcing the introduction of changes that it says ‘*will modernize the way in which British Columbians get their glasses and contact lenses and give them more choice*’. The Province gave six weeks’ notice that effective May 1, 2010, changes will be made to the regulations for opticians and optometrists under the Health Professions Act, including:

- Removal of most of the restrictions that allow only opticians or optometrists, or workers supervised by them, to dispense glasses or contacts.
- Allowing prescriptions issued by medical doctors and optometrists outside of the province to be filled within B.C.
- Allowing people to order glasses or contacts online without having to give the seller a copy of their prescription, sight-test assessment or contact-lens specifications.
- Requiring opticians and optometrists in B.C. to include in a prescription or sight-test assessment the measurement of distance between the client’s pupils, which is required for the proper fitting of glasses.
- Requiring opticians and optometrists in B.C. to give clients, free of charge, a copy of their prescription, sight-test assessment or contact-lens specifications – whether or not it is requested by the client – and also to give a copy, free of charge, to a third-party eyewear seller or other person if requested by the client.
- The initial fitting of contacts to determine the lens specifications will still be done only by an optician, optometrist or medical doctor, or workers supervised by them, using information contained in a prescription or sight-test assessment.

Also to take effect on May 1 is a change to optician sight-testing. Opticians will be able to independently conduct sight-tests for ‘*healthy clients*’ aged 19-65.

The news release indicates that an October 2009 decision by the B.C. Court of Appeal found that Coastal Contacts, a B.C.-based online eyewear seller with approximately 120 employees, is contravening the regulations by dispensing contact lens refills without seeing a prescription and that “*these regulatory changes will address the court decision*”.

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1. Ministry of Health news release: www2.news.gov.bc.ca/news_releases_2009-2013/2010HSERV0015-000286.htm
 2. Notice for changes to Optometry regulations: www.health.gov.bc.ca/leg/notice/optometry.html
 3. Notice for new Optician regulations (www.health.gov.bc.ca/leg/notice/opticianry.html)
 4. Public and stakeholder comment (www.health.gov.bc.ca/leg/contact.html).



CAO Position on Proposed Amendments to Optometry and Optician Regulations

The Canadian Association of Optometrists opposes the proposed amendments. If implemented as written, the health and safety of the public will be at serious risk. We are asking the British Columbia government to delay the implementation until such time as consultations have been held and a review of regulatory practices in other jurisdictions has been conducted. The government's measure has been proposed to promote the financial interest of one Internet company and not the public. CAO is confident the Internet company can comply with the requirement for a prescription as it does currently in other jurisdictions. The company may continue operations until this serious public health matter is resolved.

Is the government acting in the public interest? The answer is NO. The changes protect the business interests of one Internet seller, rather than public safety. In a quote in the Vancouver Province, March 20, 2010, Health Services Minister Kevin Falcon said the provincial government '*wanted to update the law to keep Coastal Contacts from moving to another jurisdiction*'.

Contact Lenses

- A contact lens lies in direct contact with the eye. Contact lenses must be properly prescribed, fitted and cared for. If not, serious eye damage and injury can result. Also, regular eye health exams must be conducted as some eye health conditions can go undetected without eye health exams. The proposed changes in B.C. would allow a consumer to purchase contact lenses on the internet indefinitely, without the protection of regular professional monitoring.
- Recent studies confirm increased risks associated with purchasing contact lenses online. The risk of serious infection was found to be nearly five times higher. As well, consumers who bought contact lenses from sources other than their eye care practitioner were found to be less likely to comply with recommended contact lens care practices.
- Contact lenses are classified as Medical Devices by Health Canada. They should be sold on the basis of a valid prescription and the advice of a regulated eye care professional. See the HC site on '*Buying Contact Lenses*': www.hc-sc.gc.ca/hl-vs/iyh-vsv/med/lenses-lentilles-eng.php.

Eyeglasses

- A comprehensive eye examination by an optometrist or ophthalmologist will assess your eye health and determine an optical prescription. Patients are entitled to a copy of this prescription which allows one to purchase eyeglasses from an individual regulated to dispense eyeglasses (including an optometrist). Patients are cautioned NOT to use expired prescriptions. Eye care professionals have the expertise to select the frame style, lens design, fit and features that will best suit individual needs.
- Eyeglasses must be assembled and fitted properly to avoid causing blurry or double vision, fatigue, headaches, nausea, and pain or pressure around the nose or ears. Proper fitting of eyeglasses requires that precise measurements be made, to ensure that the lenses are mounted in the frame so that they are accurately positioned in front of the pupils of the eyes. The selected

frame must be the correct size and shape, and be adjusted properly, to hold the lenses securely in the right position. All of this can only be effectively done with the personal involvement of a regulated provider. This service cannot be provided online.

- Dispensing eye glasses is a regulated act in all provinces. On May 1, 2010, the proposed regulations will distinguish B.C. as the only Canadian province to have deregulated this service. By buying eyeglasses on the internet, consumers may be purchasing from an unregulated provider. See the Health Canada site '*Buying Medical Devices over the Internet*' - www.hc-sc.gc.ca/hl-vs/iyh-vsv/med/med_mat-eng.php.

Sight Testing

- In several provinces, there have been unsuccessful proposed legislative amendments which would allow opticians to perform a refraction or "sight test" and to prescribe for corrective lenses. Opticians do not have the clinical expertise and training to diagnose ocular conditions. The concept of "sight testing" was developed to describe a mechanical sight test without an eye health exam. By allowing and encouraging sight testing, government will lead the public to believe that a sight test and an eye exam are the same thing.
- The Canadian Association of Optometrists opposes the lowering of eye health standards. If enacted, British Columbia would be the first jurisdiction in Canada and the U.S. to permit independent sight testing as a new regulated service. There is absolutely no evidence to indicate that B.C. residents are not well served by the current model or that there is insufficient consumer choice and pricing in the market.
- Refractive measurement is but one of several factors considered in determining whether vision impairment can be addressed by corrective lenses, some other form of vision rehabilitation or further medical evaluation. The public requires a comprehensive level of preventive eye health care in order to address incidence of asymptomatic eye disease as well as the high cost to society resulting from vision loss.

Recommendations

The Canadian Association of Optometrists opposes the B.C. Government's proposed legislation for the delivery of eye care services and products. Eye care is too important to be considered a commodity and thus regulated merely to suit the financial interests of one on-line retailer. We are asking that this proposed regulatory change be delayed indefinitely until such time as the following actions are taken:

- CAO recommends that a thorough review of the regulatory models in other jurisdictions be conducted. In particular, we would urge the government to consider other provinces, the federal government and their interests, as well as the regulatory models in place in the United States and the United Kingdom. We believe much can be learned from such a review and a best practice approach be adopted. We also point out that internet sellers must be compliant with the regulations and legislation in the jurisdiction where the purchase is made. As a result, these proposed B.C. regulations have no impact on Coastal Contact sales in jurisdictions outside B.C. We believe this comprehensive review will show the government that there is already considerable regulation in place that will govern Coastal Contact operations and that the B.C. proposal places the B.C. internet consumer in a unique and unregulated situation.
- We recommend that the B.C. government consult with all critical stakeholders including the Optometrists, the Opticians, the Ophthalmologists, the Canadian Diabetes Association, the Canadian National Institute of the Blind, and the Canadian Glaucoma Society and the B.C. public at large. Consultations should also be held with jurisdictions where Coastal Contacts is selling. These jurisdictions will wish to ensure that their legislation and regulations are respected by

Coastal Contacts and that the health of their public is not at risk by these proposals. The facts need to be known to the public so they can judge for themselves whether these proposals are in the public interest.

- Coastal Contacts comply with the recent Appeal Court ruling which requires the receipt of a prescription for contact lenses and eyeglasses. Its business model is not impacted given compliance to the requirement for a prescription in other jurisdictions.

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