



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

DISPENSING OPTICIANS ACT

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This document is ***not*** the official version of the Act. The Act and the amendments as printed under the authority of the King's Printer for the province should be consulted to determine the authoritative statement of the law.

For more information concerning the history of this Act, please see the *Table of Public Acts* on the Prince Edward Island Government web site (www.princeedwardisland.ca).

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DISPENSING OPTICIANS ACT

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DISPENSING OPTICIANS ACT

CHAPTER D-12

1. Definitions

In this Act

- (a) **“board”** means the Board of Dispensing Opticians under this Act;
- (b) **“dispensing optician”** means a person registered under this Act;
- (c) **“optical appliances”** means lenses, spectacles, eyeglasses, artificial eyes, contact lenses or appurtenances thereto for the aid or correction of visual or ocular anomalies of the eyes;
- (d) **“optical dispensing”** means
 - (i) supplying, preparing and dispensing optical appliances,
 - (ii) interpreting prescriptions of legally qualified medical practitioners and optometrists, and
 - (iii) the fitting, adjusting and adapting of optical appliances to the human face and eyes in accordance with the prescriptions of legally qualified medical practitioners and optometrists;
- (e) **“registrar”** means the registrar of the board;
- (f) **“regulations”** means the regulations made under this Act. *R.S.P.E.I. 1974, Cap. D-12, s.2.*

2. Board

- (1) A board may be appointed by the Lieutenant Governor in Council consisting of not fewer than five members to be known as the Board of Dispensing Opticians.

Term of office

- (2) Every member of the board shall hold office for a period of two years, but any member is eligible for *re*-appointment at the expiration of his term of office.

Vacancies

- (3) Every vacancy on the board caused by the death, resignation or incapacity of a member may be filled by the Lieutenant Governor in Council by the appointment of a person to hold office for the remainder of the term of such member. *R.S.P.E.I. 1974, Cap. D-12, s.3.*

3. Chairman and vice-chairman

The board shall elect a chairman and vice-chairman from among its members. *R.S.P.E.I. 1974, Cap. D-12, s.4.*

4. Powers of board

The board has power to provide for

- (a) the calling and conduct of its meetings and proceedings;
- (b) the remuneration and expenses of persons employed by the board while engaged upon the business of the board;
- (c) the appointment and remuneration of teachers, examiners, inspectors and such other persons as the board may employ, and prescribing the duties of such persons;
- (d) banking and finance and management of its property;
- (e) entering into an agreement or agreements with any university, school or college for such instructions, direction and lectures as may be necessary for the purposes of this Act; and
- (f) all other matters reasonably necessary for carrying out this Act. *R.S.P.E.I. 1974, Cap. D-12, s.5.*

5. Register of dispensing opticians

- (1) The registrar shall keep a register of all dispensing opticians, showing their places of business or employment from time to time.

Certificate of registration

- (2) When the registrar is satisfied that an applicant for registration is entitled to be registered, he shall enter the name of the applicant in the register and shall issue a certificate of registration to the applicant.

Directions to registrar

- (3) If an application for registration is refused by the registrar or an entry is made in the register in error or by reason of misrepresentation, the board may direct that the necessary entry, erasure or amendment be made in the register and the registrar shall make the entry, erasure or amendment. *R.S.P.E.I. 1974, Cap. D-12, s.6.*

6. Qualifications for registration

Every applicant shall be registered as a dispensing optician if he

- (a) is eighteen years of age or over and is of good moral character;
- (b) furnishes satisfactory evidence that he has
 - (i) completed a course of study in a school of optical dispensing approved under the regulations and has had practical training for one year in Canada with a dispensing optician or optometrist,
 - (ii) completed at least three years training and experience in optical dispensing, at least one of which was in Canada, under the supervision of a legally qualified medical practitioner, dispensing optician, optometrist, or a person who has equivalent qualifications, and has completed a home study course as prescribed by the regulations, or
 - (iii) in the opinion of the board, the qualifications and experience are equivalent to that set forth in subclauses (i) and (ii) and has had one years experience in Canada, under the supervision of a legally qualified medical practitioner, dispensing optician, optometrist, or a person who has equivalent qualifications;
- (c) has passed the examinations of the board; and

- (d) has paid the prescribed fee. *R.S.P.E.I. 1974, Cap. D-12, s.7; 1987, c.6, s.3.*

7. Special register

- (1) Notwithstanding section 6, the board may establish a special register for the registration of persons and classes of persons designated by the regulations.

Rights of persons registered

- (2) The persons registered in the special register may practise optical dispensing in the manner and subject to the conditions, limitations and registrations prescribed by the regulations. *R.S.P.E.I. 1974, Cap. D-12, s.8.*

8. Annual certificate of registration

Every certificate of registration shall be renewed annually at such times and upon such conditions and the payment of such fee as are prescribed by the regulations. *R.S.P.E.I. 1974, Cap. D-12, s.10.*

9. Use of titles

No person other than a dispensing optician shall assume or use the title “Optician”, or “Dispensing Optician”. *R.S.P.E.I. 1974, Cap. D-12, s.11.*

10. Offences

Except as otherwise provided in this Act, no person other than a dispensing optician shall

- (a) practise optical dispensing;
- (b) dispense prescriptions of legally qualified medical practitioners or optometrists for optical appliances; or
- (c) dispense optical appliances. *R.S.P.E.I. 1974, Cap. D-12, s.12.*

11. Offence *re* dispensing optical appliances

- (1) No dispensing optician shall supply or dispense an optical appliance except upon a prescription therefor of a legally qualified medical practitioner or an optometrist, but a dispensing optician may supply and dispense duplications, replacements, reproductions or repetitions of any optical appliance.

Offence *re* contact lenses

- (2) No dispensing optician shall measure, fit or adjust contact lenses unless he holds a certificate of special qualification issued by the board and the measuring, fitting or adjusting of contact lenses shall be done only at the direction of a duly qualified medical practitioner or optometrist. *R.S.P.E.I. 1974, Cap. D-12, s.13.*

12. Order suspending or revoking registration

- (1) The board may by order suspend or revoke the certificate of registration of a dispensing optician whom it finds has been guilty of unprofessional conduct or of incompetency, fraud or misrepresentation in connection with his practice of optical dispensing.

Acts constituting unprofessional conduct

- (2) For the purposes of subsection (1) unprofessional conduct includes

- (a) making unreasonable charges to the public;
- (b) soliciting from house to house or place to place;
- (c) advertising of his practice or business premises by means prohibited by the regulations;
- (d) allowing a person who is not licensed by the board to practise optical dispensing with him in his name or under his patronage or under style in his business premises with the exception of a registered student dispensing optician;
- (e) the committing of an indictable offence;
- (f) the committing of an offence under this Act or the regulations.

Notice and hearing

- (3) Before suspending or revoking the certificate of registration of a dispensing optician under subsection (1), the board shall, by notice in writing, advise him of the complaint or charge that has been made against him and shall provide him with an opportunity of appearing before the board at a public hearing and of presenting such evidence and making any representations he may desire.

Review of order

- (4) The board may review at any time any order made under this section and may make such further order as it considers proper.

Service of order

- (5) A copy of any order made under this section shall be served on the person affected. *R.S.P.E.I. 1974, Cap. D-12, s.14.*

13. Appeal from order

- (1) A person affected by an order made under section 12 may appeal therefrom to a judge of the Supreme Court.

Notice of appeal

- (2) Notice of appeal shall be given in writing within fourteen days after service of the copy of the order of the board on the person affected by filing a copy thereof with the clerk of the court and serving a copy thereof on the registrar.

Application to judge

- (3) The appellant shall apply to the judge to fix a date for the hearing of the appeal, and shall forthwith serve on the registrar notice of the date so fixed.

Appearances

- (4) The appellant may appear on the appeal in person or by counsel, and the board may appear by any member thereof or by counsel.

Hearing and adjudication

- (5) The hearing of the appeal shall be a complete retrial and the judge may hear all such evidence as he considers to be relevant, and may affirm the order of the board, or amend it and affirm it as amended, or set it aside and make any decision as to costs as the judge may determine.

No action pending appeal

- (6) No decision of the board shall be acted upon until an appeal has been lodged and disposed of or until the time for making the appeal has elapsed. *R.S.P.E.I. 1974, Cap. D-12, s.15; 1975, c.27, s.5.*

14. Penalty

Every person who violates section 10 is on summary conviction liable to a penalty of not more than \$500. *R.S.P.E.I. 1974, Cap. D-12, s.16.*

15. Exemption of persons

Nothing in this Act applies to a duly qualified medical practitioner or an optometrist registered under the regulations respecting optometrists under the *Regulated Health Professions Act* R.S.P.E.I. 1988, Cap. R-10.1. *R.S.P.E.I. 1974, Cap. D-12, s.17; 2015,c.29,s.4.*

16. Exemption of certain acts

Nothing in this Act prevents

- (a) the practice of optical dispensing by a retail merchant at his ordinary place of business or the carrying on therein of an optical department, if a dispensing optician is in charge of the practice or of the optical department; or
- (b) the sale of plano protective glasses for industrial purposes, coloured glasses not embodying any ophthalmic corrective lens or lenses, goggles or magnifiers not sold or devised for the relief or correction of any visual or muscular error or defect of the eye. *R.S.P.E.I. 1974, Cap. D-12, s.18.*

17. Prices and fees not affected

Nothing in this Act authorizes the board to regulate or otherwise control or interfere with the prices that may be charged for optical appliances or the terms upon which the charges or fees may be paid. *R.S.P.E.I. 1974, Cap. D-12, s.19.*

18. Regulations

The board, subject to the approval of the Lieutenant Governor in Council, may make regulations

- (a) prescribing the requirements for admission to schools of optical dispensing and the courses of instructions therein;
- (b) prescribing courses of home study;
- (c) providing for the holding of examinations for candidates for registration as dispensing opticians who are in attendance at or graduates of schools of optical dispensing;
- (d) governing the registration of candidates for registration as dispensing opticians, and the suspension and cancellation of the registration of dispensing opticians and the issue and renewal of certificates of registration;
- (e) prescribing the persons or classes of persons who may be registered in the special register, and the manner in which and the conditions, limitations and restrictions subject to which they may practise optical dispensing;
- (f) governing advertising consistent with the intent of this Act;
- (g) prescribing fees for the examination of candidates for registration as ophthalmic dispensers and for the registration thereof and for the renewal of certificates of registration;
- (h) prescribing the fees and expenses payable to members of the board while carrying on their duties under this Act;

- (i) respecting any matter necessary or advisable to carrying out effectively the intent and purpose of this Act. *R.S.P.E.I. 1974, Cap. D-12, s.20.*