

BRIEFING NOTE

TO: Board of Directors

FROM: Clinical Practice Committee

DATE: October 5, 2020

SUBJECT: 7.1 Delegation Standard of Practice

For Decision For Information Monitoring Report

Purpose:

To review the proposed Delegation Standard of Practice and Practice Guidelines (Standard 10) recommended by the Clinical Practice Committee.

Background:

The Clinical Practice Committee was tasked with conducting a fulsome review of the College's Standards of Practice and the accompanying guidelines. The committee divided the review into two phases. Delegation is part of phase 2 of the review.

The *Regulated Health Professions Act* sets out 14 "controlled acts" that can only be performed by an authorized health profession or their delegate. Each health regulatory college has the authority to establish regulations regarding the delegation of a controlled act by their registrants.

Delegating and receiving delegation in appropriate circumstances can result in more timely delivery of quality vision care. Delegation is not intended to expand the scope of practice. Delegation of controlled acts in appropriate circumstances and with appropriate safeguards can result in more timely delivery of quality vision care. In all instances of delegation, the primary consideration should be in the best interest of the patient.

For Consideration:

An environmental scan on how other regulatory health colleges manage delegation was conducted. A summary of this research is included as **Appendix A**. Commonalities from the environmental scan include:

- both parties must be competent to perform the task safely, effectively and ethically
- both parties are accountable for the actual performance of the controlled act
- the delegated task cannot then be sub-delegated to another individual
- delegation must be in the best interest of the patient
- direct or remote supervision is required
- Patient consent must be obtained and recorded

Considering this research, a draft delegation standard of practice and practice guidelines were developed. The proposed Standard and Guidelines address both the giving and receiving of delegation by an optician, and establish the parameters under which delegation must occur, including accountabilities, record keeping requirements and ensuring a patient's informed consent.

In light of the fact that opticians frequently practice in shared environments with optometrists, the proposed Standard and Guidelines were drafted with the intention of ensuring consistency with the corresponding standards established by the College of Optometrists in its [Optometric Practice Reference](#).

The committee reviewed and provided feedback on the draft delegation standard of practice and practice guideline. This updated draft is included as **Appendix B**.

Once approved, the draft Delegation Standard of Practice and Practice Guidelines will apply to all registered opticians in Ontario. The delegation of a controlled acts to student and intern opticians is not necessary as their status requires them to dispense under the direction, and in the presence of a registered optician. Furthermore, the status of student and intern opticians does not provide them with the authority to delegate controlled acts.

Recommendations/Action Required:

That the board review the proposed Delegation Standard of Practice and Practice Guidelines and approve the draft to be circulated for stakeholder feedback.

Delegation Environmental Scan

An environmental scan of Ontario health regulators was conducted. Of the Colleges that responded 26% permit practitioner delegation and 61% permit receiving delegation. It is important to note that 22% of the Colleges allow for administering directives, orders or assignment of aspects of the controlled act which they do not consider as delegation. The following themes emerged:

Common Themes around Delegation

- Delegation transfers authority to perform a controlled act from an authorized regulated health professional to another professional.
- Opticians many receive delegation of a controlled act not authorized to opticianry.
- Both receiving delegation and delating to another individual in appropriate circumstances may allow more efficient care. The primary consideration in all situations must be the best interest of the patient.
- Delegation is not intended to increase the scope of practice.

Best Practices around Delegating a Controlled Act

- Delegation must be in the best interest of the patient – the risk of harm must be considered
- The delegator must be responsible for, and appropriately supervise all delegated tasks.
- There must be an established relationship with the patient
- Patient consent must be obtained and recorded
- There must be an agreement between the delegator and delegatee to accept the delegation
- The delegator and delegate are accountable for the actual performance of the controlled act.
- The delegate must be reasonably sure the delegator is authorized to perform and delegate the controlled act.
- Delegator must be competent to perform the task delegated safely, effectively, and ethically.
- Delegatee must possess the knowledge, skills and judgement to perform the controlled act safely and ethically
- The appropriate equipment and supplies must be available
- The delegated act must be clearly defined
- The duration of delegation must be clearly defined and relate to a specific patient
- Direct Supervision-physically present and able to immediately intervene when necessary
- Remote Supervision – appropriate only where there is no risk of harm to patient (i.e. collecting patient information)

Best Practices around Receiving delegation of a controlled act (in addition to the above):

- The delegatee must have a reasonable belief that the Registered Health Professional is authorized to delegate, has the ability to perform the task competently and is delegating in accordance with relevant regulations governing their profession.
- The task delegated by another health care professional cannot in turn be delegated to another individual.

College	Position on Delegation	Hyperlinks
Audiologists	Must not delegate the controlled act of prescribing a hearing aid.	http://caslpo.com/sites/default/uploads/files/PS_EN_Delegation_of_the_Controlled_Act_of_Prescribing_a_Hearing_Aid_for_a_Hearing_Impaired_Person.pdf
Chiropodists	<p>No member should delegate any act authorized under the Chiropody Act, 1991 unless there is a specific regulation passed by council permitting delegation.</p> <p>Can give orders to nurses to perform certain acts either orally or in writing, must be detailed in chart.</p>	http://cocoo.on.ca/policies/assignment-orders-delegation-policy/
Chiropractors	<p>May not delegate the performance of any controlled act to a staff person.</p> <p>May assign certain aspects of clinical care to appropriately trained, supervised clinical staff, or refer patients to another health care provider.</p>	https://www.cco.on.ca/wp-content/uploads/2018/06/G-014.pdf
Dental Hygienists	<p>Delegation by dental hygienists is limited to clinical competency evaluations and clinical competency preparatory courses and only under certain circumstances. Interprofessional collaboration is expected.</p> <p>May also receive delegation, must ensure competence before accepting delegation.</p>	<p>https://www.cdho.org/docs/default-source/pdfs/standards-of-practice/standards-of-practice/standards-of-practice-delegation.pdf?sfvrsn=6d9e85a0_12</p> <p>https://www.cdho.org/docs/default-source/pdfs/reference/guidelines/gui_interprofessional_collaboration.pdf</p>
Dental Technologists	No Information available online. Did not respond to query.	

Dentists	<p>Cannot delegate any of their authorized controlled acts.</p> <p>Can assign (i.e. authorize or provide an order/directive) to a person for the performance of an intra-oral procedure other than a controlled act.</p>	https://rcdso-app-staging.azurewebsites.net/en-ca/rcdso-members/rcdso-candidate-eligibility-course/section-b--governing-regulation
Denturists	<p>Guidelines permit interprofessional collaboration, do not specifically address delegation.</p>	https://denturists-cdo.com/Resources/Regulatory-Framework/Standards-of-Practice/CDO-Standards-of-Practice/Standard-of-Practice-Professional-Collaboration.aspx
Dieticians	<p>Dieticians can receive the delegation of controlled acts provided they have the competencies to perform them.</p> <p>Dieticians can be given the authority to order diagnostic procedures (e.g. lab tests) and treatments through a medical directive.</p>	https://www.collegeofdietitians.org/resources/interprofessional-collaboration/interprofessional-care/collaborative-care-professional-practice-guideline.aspx
Homeopaths	<p>Registrants are expected to collaborate, when appropriate and with consent, in the best interest of their patient.</p> <p>May accept delegation if they have the knowledge, skills and judgement necessary to perform the act.</p>	http://collegeofhomeopaths.com/uploads/1/2/4/8/124811910/standard_5_delegation_final.pdf
Kinesiologists	<p>Not authorized to perform a controlled act therefore does not have a Standard on delegation.</p> <p>Members are fully accountable for accepting delegation and should be able to prove they have the necessary skills, knowledge and training to perform the delegated controlled act.</p>	https://www.coko.ca/wp-content/uploads/2020/06/Practice-Guideline-Scope-of-Practice-Controlled-Acts-Delegation-Revised-January-2016.pdf https://www.coko.ca/wp-content/uploads/2020/06/Practice-Standard-Professional-Collaboration.pdf

	The College advises the members who work closely with other regulated professionals familiarize themselves with the delegation standards of the respective college as those Standards may affect the member's ability to accept delegation.	
Massage Therapists	The College does not anticipate putting forward a regulation on delegation. RMT's cannot delegate acupuncture.	https://www.cmta.com/about-the-profession/rmts-and-acupuncture/
Medical Laboratory Technologists	Only 1 controlled act that they are authorized to perform and delegate. Can accept delegation. MLT's delegating or accepting delegation of controlled acts are professionally accountable. They must always exercise their skills and judgement to ensure the delegated controlled act is appropriate and performed safely.	http://www.cmlto.com/images/stories/Members/deleg_gdln_2012.pdf
Medical Radiation and Imaging Technologist	Members cannot delegate to other individuals. Members may accept the delegation of controlled act provided they comply with the RHPA and the Standards of Practice.	https://www.cmrito.org/programs/professional-practice/standards-of-practice/professional-relationships/
Midwives	The College of Midwives has a stand alone standard as well as some standards in their Professional Standards for Midwives document. They are about to launch a consultation proposing to rescind the stand alone standard and add more information to the professional standards. Midwives can delegate all controlled acts except prescribing a drug. A direct order authorizes a midwife to perform a controlled act from another health care provider or delegator.	https://www.cmo.on.ca/wp-content/uploads/2020/02/Delegation-Orders-and-Directives.pdf

	A medical directive authorizes the midwife to carry out a medical procedure or series of procedures for a client.	
Naturopaths	<p>Members cannot delegate diagnosis or acupuncture.</p> <p>Members can only accept delegation of a controlled act if it is made by a member of another regulated health profession and that person is authorized to perform the controlled act.</p> <p>Cannot accept the delegation from someone who was delegated the performance of the controlled act by another person.</p>	http://www.collegeofnaturopaths.on.ca/CONO/Members_Practice/Delegation/Delegating_a_Controlled_Act/CONO/Members_Practice/Delegation/Delegating_a_Controlled_Act.aspx?hkey=1d4d0148-1bc2-47a7-b5e5-3d7eac99e334
Nurses	<p>Can both delegate and receive delegation. Sub delegation is prohibited.</p> <p>The regulation sets out the categories and class of nurses who can delegate. The regulation prohibits delegating certain controlled acts.</p> <p>The Authorizing mechanisms practice document lists the requirements that nurses must meet when delegating to others and when accepting delegation.</p> <p>Orders and delegation differ, an order may or may not relate to a controlled act.</p>	http://www.cno.org/en/learn-about-standards-guidelines/educational-tools/ask-practice/delegation/ http://www.cno.org/globalassets/docs/prac/41075_authorizingmechan.pdf
Occupational Therapists	<p>In circumstances where an OT does not have the authority to perform a controlled act under legislation, an OT can accept delegation from an authorizer if the authorizer and the OT both have the competence to safely perform the act.</p> <p>Delegation and Assignment differ. Assignment is the process whereby an OT assigns components of occupational therapy service that are not restricted acts, to a support person or other care provider. In these circumstances, OTs are not delegating.</p> <p>Delegation involves 2 steps: Transfer of authority and provision of instructions (provides specific instructions that must be followed). This can be provided by a order or medical directive.</p> <p>OTs are not permitted to sub-delegate.</p>	https://www.coto.org/docs/default-source/guidelines/guide_to_controlled_acts_2020.pdf?sfvrsn=676b5d59_46

<p>Optometrists</p>	<p>May delegate controlled acts or assigned activities which require interpretation in the performance of the procedure and/or may present risk of harm with direct supervision. Remote supervision is permitted where no risk of harm to the patient (appropriate for certain clinical procedures and objective data collection).</p> <p>May receive delegation.</p> <p>**Assignment of certain procedure that are not controlled acts may (pretesting using automated instruments prior to the OD seeing the patient) Procedures that are completely objective, present no inherent risk of harm and require no interpretation by the person performing the procedure may be performed without the presence of the OD and are considered remotely supervised. This could include automated procedures such as objective auto-refraction, auto-perimetry and non-mydratic retinal photography. The OD is expected to review the results of these remotely supervised procedures and communicate appropriately with the patient.</p> <p>Assignment will only occur with certain processes in place, including: Education and assessment ensuring the currency of the assignees knowledge, skill and judgement Documentation/references for performance of procedures; and Ensuring only those procedures that form part of the OD's regular practice are assigned.</p> <p>Exception for delegation and assignment where a medical directive is delegated with indirect supervision.</p>	<p>https://www.collegeoptom.on.ca/wp-content/uploads/2016/06/COO_Standards-of-Practice.pdf</p>
<p>Pharmacists and Pharmacy Technicians</p>	<p>Pharmacists can delegate and accept delegation.</p> <p>Pharmacy student cannot delegate or accept delegation of a controlled act. Interns cannot delegate but can accept delegation.</p> <p>Pharmacy technician cannot delegate or accept delegation.</p>	<p>https://www.ocpinfo.com/regulations-standards/practice-policies-guidelines/medical-directives/</p>

	Delegation takes place through either a direct order of a medical directive. Sub-delegation is not permitted.	
Podiatrists	No member should delegate any act authorized to members under the <i>Chiropody Act, 1991</i> unless there is a specific regulation passed by council permitting that delegation.	http://cocoo.on.ca/policies/assignment-orders-delegation-policy/
Psychologists & Psychological Associates	Delegation is not permitted.	
Registered Psychotherapists	CPRO registrants are restricted from delegating the controlled act of psychotherapy, except in the following circumstances: with prior approval of council or in an emergency, providing Council is informed after the fact. Registrants may only accept and carry out delegation if certain conditions are met.	https://www.crho.ca/standard-1-4/
Respiratory Therapists	RT's may only accept delegation for certain controlled acts while acting within their scope of practice. Valid order or medical directive is required for some procedures involving a delegated controlled act. Cannot accept delegation from individuals who have received delegation to perform the controlled act. Can delegate any RT authorized act or procedure to another regulated or non-regulated health care provider; as long as they meet their professional responsibilities.	https://www.crto.on.ca/pdf/PPG/Delegation.pdf
Social Workers & Social Service Workers	Can accept delegation when delegated by a member of a regulated health profession College where the health profession Act authorizes members of such profession to perform the controlled act. Cannot accept delegation of dispensing a drug or administering a substance.	https://www.ocswssw.org/wp-content/uploads/2015/01/OCSWSSW-Medication-Practices-Guide-2014-E.pdf

Speech-Language Pathologists	<p>Members may accept the delegation of controlled acts that are within the limits of their competence and under specific conditions documented in a delegator/delegate agreement.</p> <p>There must be a directive or order to supported by a specifically outlined procedure.</p>	http://caslpo.com/sites/default/uploads/files/PS_EN_Acceptance_of_Delegation_of_a_Controlled_Act.pdf
Traditional Chinese Medicine Practitioners & Acupuncturists	No information regarding delegation.	

Standard 10: Delegation

An optician shall be accountable for all controlled acts that they delegate to another individual, as well as for all controlled acts that the optician performs under the delegation of another regulated health professional.

Criteria:

1. Delegation by the Optician

This section sets out the criteria that must be adhered to in order for an optician to delegate the controlled act of dispensing eyeglasses, contact lenses and subnormal vision devices to an individual that is not authorized under the RHPA to performed that controlled act.

- 1.1. An optician shall establish a formal relationship with the patient prior to delegating. This includes a general consultation with the patient about their visual needs.
- 1.2. An optician is accountable for the decision to delegate, and for ensuring that:
 - a. they have assessed the potential risk of harm to the patient;
 - b. the patient has given their informed consent to receive services from the optician's delegate, and this consent has been noted in the patient record; and
 - c. the performance of the delegated act meets the standards of practice.
- 1.3. An optician shall clearly define the act(s) to be delegated, including the nature and extent of each task to be performed.
- 1.4. An optician shall only delegate those acts that form part of their regular practice and that they are competent to perform themselves.
- 1.5. An optician shall only delegate to an individual who has the appropriate skills, knowledge and judgment to perform the delegated task.
- 1.6. An optician shall be physically present in the practice environment at the time the delegated act is being performed by the delegate, and able to intervene as required.
- 1.7. An optician shall monitor and/or supervise the person performing the delegated act as may be required in the circumstances, having regard to the following considerations:
 - a. The nature of the act being performed by the delegate and its potential risk to the patient;
 - b. The training and experience of the person performing the act;
 - c. How well the optician knows the patient; and
 - d. The timing of the optician's past or expected future involvement with the patient.
- 1.8. An optician shall not delegate an act that has been delegated to them by another regulated health professional.

- 1.9. An optician shall keep a patient record for any patient that has received services from the optician's delegate. In addition to the requirements of Standard 5, where delegation occurs, the patient health record shall also include:
 - a. The identities of the delegating optician and the individual that will perform the delegated act(s); and
 - b. Documentation of the patient's informed consent to receive services from the optician's delegate.

Practice Guideline: Delegation

Controlled Acts

Opticians have the authority under the legislation to perform the controlled act of dispensing eyeglasses, contact lenses and subnormal vision devices. Opticians may, if they choose, delegate the performance of this controlled act to another individual who is not authorized to perform it. The delegation of controlled acts in appropriate circumstances and with appropriate safeguards can result in more timely delivery of quality vision care. In every instance of delegation, the primary consideration should be the best interests of the patient. No optician is required or expected to delegate unless they have decided it is in the patient's best interest to do so.

Delegation and Assignment

"Delegation" refers to the process whereby a regulated health professional transfers their authority to perform a controlled act to a person who is not authorized to perform that controlled act. Delegation can only occur where it complies with the requirements of this Standard.

"Assignment" refers to the process where a person is assigned to perform a task that is not considered a controlled act. Opticians may assign tasks to non-opticians where the task does not involve performing a controlled act (e.g. data entry, processing payments, minor repairs such as replacing a loose screw). As with delegation, the optician remains responsible for all patient outcomes, and should only assign tasks where they believe it is in the patient's best interest to do so, and where the person to whom they have assigned the tasks has the necessary skills, knowledge and judgment to carry it out.

Transferring Care to another Optician

Transferring care from one optician to another optician will not typically be considered a delegation or assignment. Instead, the receiving optician is taking responsibility for the patient as the most responsible dispenser. This may occur in a practice environment with more than one optician or optometrist, where multiple practitioners may participate in dispensing eyewear to an individual patient. In these situations, the receiving optician will become the most responsible dispenser and will be responsible for all preceding steps in the dispensing process, as well as the performance of the eyewear and any potential risk of harm to the patient. See Standard 3 for more information on the most responsible dispenser.

Delegation and Remote Practice

Opticians may engage in remote practice if they do so in accordance with these Standards, including Standard 3 (Dispensing) and Standard 7 (Remote Practice and Technology). Delegated acts, however, may not be performed via remote practice. The optician must be physically present in the practice environment and able to intervene when any act is being performed under their delegation.

This means that while the optician may, for example, use their judgment to permit the delivery of prescription eyeglasses before fitting and adapting them to the patient, they may not delegate the fitting and adapting itself to an unauthorized individual without being physically present when the fitting and adapting takes place.

Students and Interns

It is not necessary to delegate controlled acts to student opticians or intern opticians, as both groups are already required to dispense under the direct supervision of a registered optician.

Student and intern opticians do not have authority to delegate controlled acts. For more information see the [Student and Intern Supervision Policy](#).

Accountability

The optician remains responsible and accountable for all controlled acts that they delegate to another individual. The optician therefore remains the “most responsible dispenser” and is expected to maintain appropriate patient records and follow up with the patient as required under the Standards.

Informed Consent

Under Standard 6, opticians must ensure patient comprehension of any process. This means ensuring that a patient’s consent is informed. In the context of delegation, informed consent means that the patient must understand:

- the registration status of the person who is performing the controlled act (i.e. that the person is not an optician);
- that the optician is ultimately responsible to ensure that the act is performed properly and in a way that meets the standards of practice; and
- that the optician is available to assist and/or intervene as required.

It is expected that the optician will take the patient’s preferences and comfort levels into consideration. Where a patient is not comfortable with an act being performed under delegation, the optician should not delegate it.

Liability Insurance

It is the responsibility of the optician to ensure that they and their delegate(s) are covered at all times by adequate liability insurance. Opticians should check with their insurance provider to ensure that their coverage applies to delegated acts.

2. Receiving Delegation from another Regulated Health Professional

2.1. An optician shall not perform a controlled act under the delegation of another regulated health professional unless:

- a. The optician has sufficient skills, knowledge and judgment to perform the act competently and safely;
- b. A process for receiving delegation is in place;
- c. The delegated act is clearly defined, including the nature and extent of each task to be performed by the optician;
- d. The optician has a reasonable belief that the professional delegating the act is authorized to delegate the act, has the ability to perform the act competently, and is delegating in accordance with any relevant standards and/or regulations governing their profession;
- e. The optician has been provided with adequate resources to perform the act safely and effectively;
- f. The decision to delegate has been made in the best interest of the patient; and
- g. The optician has ensured that the patient has given their informed consent for the optician to perform the act under delegation, and this consent has been noted in the patient record.

2.2. An optician shall not perform a controlled act under the delegation of another regulated health professional, including another registered optician, where:

- a. The optician's certificate of registration has been suspended or they are otherwise not entitled to practice (e.g. where the optician does not hold appropriate liability insurance); and/or
- b. The optician's certificate of registration is subject to a term, condition or limitation that would prohibit them from performing the controlled act in question.

2.3. An optician shall not perform a refraction under the delegation or assignment of another regulated health professional unless they do so in compliance with Standard 8.

2.4. In addition to any patient records made and kept by the delegating professional, an optician shall keep a patient record for any patient for whom they perform services under delegation. In addition to the requirements of Standard 5, where delegation occurs, the patient health record shall also include:

- a. The identities of the delegating professional and of the optician that will perform the delegated act(s); and
- b. Documentation of the patient's informed consent to receive services from the optician under delegation.

Practice Guideline: Receiving Delegation

Controlled Acts

Opticians are authorized under the legislation to perform the controlled act of dispensing eyeglasses, contact lenses and subnormal vision devices, and may not perform any other controlled act set out in the RHPA unless it is under the proper delegation of a regulated health professional who is authorized to perform that act.

Delegation and Assignment

“Delegation” refers to the process whereby a regulated health professional transfers their authority to perform a controlled act to a person who is not authorized to perform that controlled act. Opticians may not perform the controlled act of another health profession unless it is under the proper delegation of that professional. For example, opticians may not perform eye examinations or issue optical prescriptions unless under the delegation of an optometrist or physician. Delegation can only occur where it complies with relevant standards and/or regulations governing the professional who is delegating the act.

“Assignment” refers to the process where a person is assigned to perform a task that is not considered a controlled act. Opticians may be assigned by another regulated health professional to perform tasks that are not considered controlled acts.

Pre-Testing

Opticians may be assigned by an optometrist or physician to carry out certain “pre-testing” tasks prior to an optometric exam or assessment. “Pre-testing” typically refers to the initial tests that take place as part of the standard eye exam or assessment by an optometrist or physician. Pre-tests do not typically include tasks that are considered controlled acts under the RHPA, and may be performed by an optician under the assignment of an optometrist or physician.

Different practitioners may apply different definitions to “pre-testing”. It is therefore the responsibility of the optician to ensure that they do not accept an assignment to carry out any pre-testing tasks that would be considered a controlled act that the optician is not authorized to perform (e.g. prescribing). Pre-testing that involves a controlled act may only be performed where it has been properly delegated in accordance with this Standard and any standards or regulations that govern the delegating professional.

In some circumstances, it may be permissible for an optician to carry out pre-testing on behalf of an optometrist or physician without that professional being physically present, or before the professional has seen the patient for the first time. It is the responsibility of the optician to ensure that any pre-testing is assigned to them in a manner that complies with the rules and standards governing the professional who is assigning the tasks.

Competence

Opticians are required to meet Standard 1 with respect to competence at all times, including while

receiving delegation or assignment from another professional. This includes the requirement to only perform tasks that the optician has sufficient knowledge, skill and judgment to perform competently and safely, and not engaging in tasks that are beyond the optician's capacity to perform.

In every instance of delegation or assignment, the primary consideration should be the best interests of the patient. No optician is required or expected to receive delegation or assignment unless they have decided it is in the patient's best interest to do so.

Informed Consent

Under Standard 6, opticians must ensure patient comprehension of any process. This means ensuring that a patient's consent is informed. In the context of receiving delegation, informed consent means that the patient must understand:

- the registration status of the person who is performing the controlled act (e.g. that they are an optician and not an optometrist or medical doctor);
- who the delegating professional is and that the delegating professional is the person ultimately responsible for ensuring that the act is performed properly and in a way that meets the standards of practice of that profession; and
- that the delegating professional is available to assist and/or intervene as required.

It is expected that the optician will take the patient's preferences and comfort levels into consideration. Where a patient is not comfortable with an act being performed by an optician under delegation, the optician should not perform it.