

## Briefing Note

**TO:** Council

**FROM:** Registration Committee

**DATE:** December 3, 2018

**SUBJECT:** 19.0 Life Member By-Law

**APPENDIX A:** Proposed By-Law Amendments

**APPENDIX B:** Draft Life Member Policy

**APPENDIX C:** Stakeholder Feedback Results – Proposed By-Law Amendments

**APPENDIX D:** Stakeholder Feedback Results – Draft Life Member Policy

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### Purpose:

To provide Council an update on the stakeholder feedback received on the proposed Life Member By-Law Amendments and draft Life Member Policy.

### Background:

At its meetings on April 10, 2017 and May 26, 2017, the Registration Committee reviewed the current Life Member by-law criteria and considered whether life members should be able to:

1. Resign from the College and become life members and/or remain life members; and
2. Cease to pay their annual membership fees without facing suspension.

The Committee was also asked to consider proposing additional criteria to Council for life membership.

The Committee developed several by-law recommendations and a draft life member policy setting out additional criteria for life membership. The proposed by-law amendments, with tracked changes and the Registration Committee's explanation for the new wording is attached as APPENDIX A. Also attached is the proposed Life Member Policy outlining additional criteria for life membership as APPENDIX B.

At its meeting on May 26, 2017, the Committee agreed to bring the attached by-law amendments and proposed Life Member Policy to Council with a recommendation that they be approved for public circulation. On October 2, 2017, Council approved the draft by-law amendments and draft life member policy for circulation.

### *Draft By-Law Amendments*

Between October 20, 2017 and April 10, 2018 a total of 193 survey responses to the draft by-law amendments were received. A full summary of the survey results, together with comments, is attached as APPENDIX C.

A summary of the stakeholder feedback received on the proposed by-law amendments is as follows:

<b>Question:</b>	<b>Answer:</b>	<b>Applicable section of proposed amendments to the by-laws:</b>
Should Registered Opticians be eligible to apply or be nominated as Life Members after 25 years of practice?	<b>Yes – 92.23%</b> No – 7.77%	Section 3.1(b)
Should age be removed as a factor for determining eligibility for life membership?	<b>Yes – 77.89%</b> No – 22.11%	Section 3.1(b)
Should both current and former members be eligible to apply or be nominated for life membership?	<b>Yes – 79.06%</b> No – 20.94%	Section 3.1(b)
Should Life Members be required to give up their designation in the event that they return to practice?	Yes – 28.27% <b>No – 71.73%</b>	Section 3.1(d)
Currently, no other Ontario health College permits its Life Members to vote in Council Elections. In light of this fact, do you agree that the College's Life Members should not be entitled to vote in Council Elections?	<b>Yes – 64.92%</b> No – 35.08%	Section 3.1(e)

### *Draft Life Member Policy*

Between August 13, 2018 and October 1, 2018 a total of 32 survey responses to the draft Life Member Policy were received. A full summary of the survey results, together with comments, is attached as APPENDIX D.

A summary of the stakeholder feedback received on the draft Life Member Policy is as follows:

<b>Question:</b>	<b>Answer:</b>	<b>Applicable section of draft Life Member Policy:</b>
Should Life Members hold or have previously held a certificate of registration as a Registered Optician?	<b>Yes – 100%</b> No – 0%	<i>The applicant must: Hold or have previously held a certificate of registration as a Registered Optician</i>
Should Life Members be permanently retired from the practice of opticianry and agree not to practice opticianry?	Yes – 31.25% <b>No – 68.75%</b>	<i>The applicant must: Be permanently retired from the practice of opticianry and agree not to practise Opticianry</i>
Should Life Members not be in default of payment of fees or of any other obligation owed to COO, other than for payment of the annual membership renewal fee?	<b>Yes – 78.13%</b> No – 21.88%	<i>The applicant must not: Be in default of payment of fees or of any other obligation owed to COO, other than for payment of the annual membership renewal fee</i>
Should Life Members not be the subject of proceedings for professional misconduct, incompetency or incapacity in relation to any profession, in any jurisdiction?	<b>Yes – 56.25%</b> No – 43.75%	<i>The applicant must not: Be the subject of proceedings for professional misconduct, incompetence or incapacity in relation to any profession, in any jurisdiction</i>
Should Life Members not be in breach of an order of a COO Committee or a panel of a COO Committee?	<b>Yes – 62.50%</b> No – 37.50%	<i>The applicant must not: Be in breach of an order of a COO Committee or a panel of a COO Committee</i>
Should Life Members not be in violation of a decision of a panel of the ICRC requiring the member to be cautioned or to complete a SCERP?	<b>Yes – 65.63%</b> No – 34.38%	<i>The applicant must not: Be in violation of a decision of a panel of the Inquiries, Complaints and Reports Committee requiring the member to be cautioned or to complete a specified continuing education or remediation program</i>
Should Life Members not be the subject of	Yes – 50%	<i>The applicant must not: Be</i>

an ongoing inquiry or investigation by the Registrar, a COO Committee, or a panel of a COO Committee?	No – 50%	<i>the subject of an ongoing inquiry or investigation by the Registrar, a COO Committee, or a panel of a COO Committee</i>
Should Life Members not have otherwise acted in a manner that is inconsistent with an ongoing association with COO?	<b>Yes – 75%</b> No – 25%	<i>The applicant must not: Have otherwise acted in a manner that is inconsistent with an ongoing association with COO</i>
Are there any other criteria that you think should be a requirement for life membership with the COO?	Yes – 16.13% <b>No – 83.87%</b>	

#### **Current Information:**

At its meeting on November 5, 2018, the Registration Committee reviewed all stakeholder feedback received. The Committee noted from reviewing the feedback that there appeared to be some confusion from respondents on the life member designation. The Committee discussed the purpose of the life member designation and has requested staff provide more detailed information on the benefits and/or necessity of the life member designation. The Committee has requested that staff conduct an environmental scan of other health Colleges offering life membership and that staff research the possibility of rescinding the life member status and replacing it with an alternative communication method. The requested information will be provided to the Committee at its next meeting.

#### **For Consideration:**

The above information is being provided to Council as an update.

## APPENDIX A

### PROPOSED AMENDMENTS TO BY-LAW ARTICLE 3: LIFE MEMBERSHIP

Current By-laws	Proposed Changes	Explanation
<b>3.1 Life Membership</b>	<i>No change</i>	
(a) The College may designate Life Members.		
(b) Any person who was a registered optician, having permanently retired from the practice of opticianry, and having the number of years that he or she has been registered with the College and years of age that together total at least 85, may apply to the Registrar, or be nominated for designation as a Life Member, and shall be considered for such designation at the next meeting of Council based on these criteria and additional criteria established by Council from time to time.	(b) Any person who <u>is or</u> was a registered optician, having permanently retired from the practice of opticianry, and having <del>the number of years that he or she has</del> been registered with the College <u>as a registered optician for at least 25 years and years of age that together total at least 85</u> , may apply to the Registrar, or be nominated for designation as a Life Member, and shall be considered for such designation at the next meeting of Council based on these criteria and additional criteria established by Council from time to time.	<p>The Registration Committee felt that both current and former members should be eligible to apply for life membership.</p> <p>The Registration Committee felt that it is unfair and discriminatory for the College to consider a member's age in determining eligibility. For example, a member might retire after 25 years of practice at age 50 because of a disability.</p>
(c) An applicant for the designation of "Life Member", in order to be so designated, must be approved for such designation by a two-thirds majority vote of those present at a meeting of Council.	<i>No change</i>	
(d) Despite subsection (b), if a Life Member intends to return to the practice of opticianry, the Life Member may apply to the Registration Committee and must satisfy the Registration Committee that	(d) <del>Despite subsection (b), if</del> <u>If</u> a Life Member intends to return to the practice of opticianry, the Life Member may apply to the Registration and must satisfy the Registration Committee Committee that	The Registration Committee felt that it is confusing and not in the public interest for life members who return to practice to continue to hold life member status.

## APPENDIX A

the Life Member has sufficient knowledge, skills, and judgment to practise safely and in the public interest and should be permitted to retain the “Life Member” designation.	the Life Member has sufficient knowledge, skills, and judgment to practise safely and in the public interest, <u>in accordance with the Registration Regulation and applicable reinstatement policies. A Life Member who returns to practice shall not and should</u> be permitted to retain the “Life Member” designation.	<p>All other Ontario health colleges that have life members reserve life membership for individuals who are not practising the profession. The Registration Committee felt that this is appropriate and that life members should be required to be retired and not practising.</p> <p>Note that the College’s by-laws were amended in 2015 to allow life members to return to practise, but no life member has done so to date.</p>
(e) A person who has been granted the designation of “Life Member” and who is not practising the profession shall be exempted from the payment of the annual fee, and shall be entitled to vote in elections of Council Members and receive all publications of the College at no charge but shall not be a member of Council.	(e) A person who has been granted the designation of “Life Member” <del>and who is not practising the profession</del> shall be exempted from the payment of the annual <u>registration</u> fee <u>set out in Article 5.2</u> , and shall be entitled to <del>vote in elections of Council Members and</del> receive all publications of the College at no charge but shall not be <u>entitled to vote in elections of Council members or to be</u> a member of Council.	<p>The by-laws currently state that life members can vote.</p> <p>However, in practice, no life members can vote because life members are always suspended for non-payment of fees, unless they resign from the College. Suspended members are not allowed vote in College elections. Former members (i.e., members who have resigned) also cannot vote.</p> <p>The Registration Committee noted that no other Ontario health college permits life members to vote.</p>
(f) A person who has been granted the designation of “Life Member” and who has returned to the practice of the	<del>(f) A person who has been granted the designation of “Life Member” and who has returned to the practice of the</del>	The Registration Committee recommends that Life Members only be permitted to return to the practice of the profession if

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profession must pay the annual fee required by these by-laws.	<del>profession must pay the annual fee required by these by laws.</del>	they give up their life membership status.
(g) Council may revoke a person's "Life Member" designation if the person is deceased or no longer meets Council's criteria for life membership.	<i>No change</i>	

## APPENDIX B

### DRAFT Life Member Policy

The College of Opticians of Ontario (COO) allows those who have held a Registered Optician certificate with COO for at least 25 years, and who have permanently retired from opticianry, to apply or be nominated for life membership. Article 3.1 of the College's by-laws sets out the core requirements for becoming a life member.

Council has approved the following additional criteria for life membership with COO:

**The applicant must:**

- Hold or have previously held a certificate of registration as a Registered Optician<sup>1</sup>
- Be permanently retired from the practice of opticianry and agree not to practise opticianry

**The applicant must not:**

- Be in default of payment of fees or of any other obligation owed to COO, other than for payment of the annual membership renewal fee
- Be the subject of proceedings for professional misconduct, incompetence or incapacity in relation to any profession, in any jurisdiction
- Be in breach of an order of a COO Committee or a panel of a COO Committee
- Be in violation of a decision of a panel of the Inquiries, Complaints and Reports Committee requiring the member to be cautioned or to complete a specified continuing education or remediation program
- Be the subject of an ongoing inquiry or investigation by the Registrar, a COO Committee, or a panel of a COO Committee
- Have otherwise acted in a manner that is inconsistent with an ongoing association with COO

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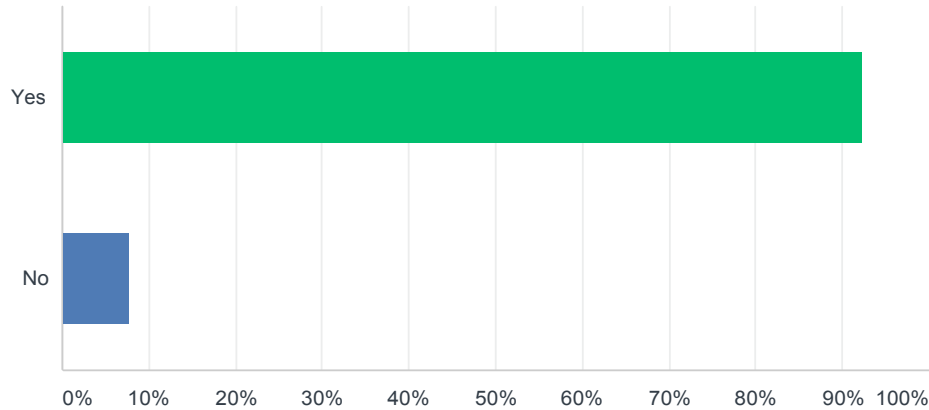
<sup>1</sup> Life members who choose to continue to hold a certificate of registration as a Registered Optician will be suspended for non-payment of fees.



## APPENDIX C

### Q1 Should Registered Opticians be eligible to apply or be nominated as Life Members after 25 years of practice?

Answered: 193 Skipped: 1



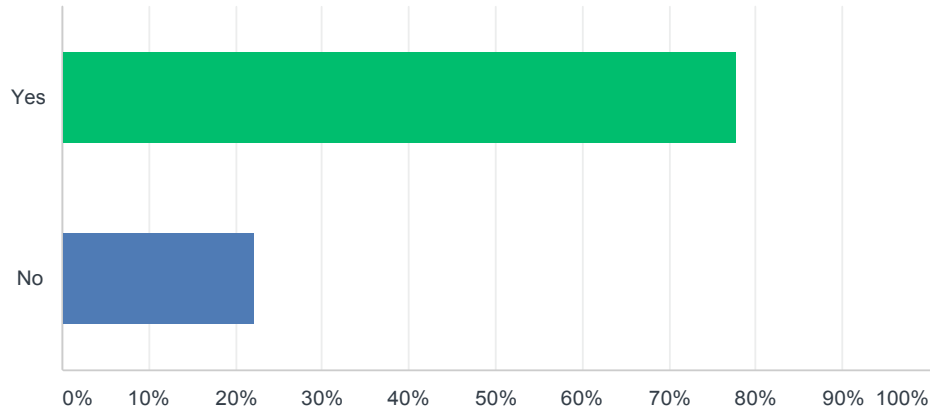
ANSWER CHOICES	RESPONSES
Yes	92.23% 178
No	7.77% 15
TOTAL	193

#	OTHER	DATE
1	I already have 50 years of membership and working in the optical for much longer .	1/19/2018 6:42 PM
2	As long as the 85 factor is upheld, years of service will vary. Many opticians are practicing as a second career and may not have practised 25years.	1/15/2018 11:07 AM
3	Eligible to apply	1/7/2018 7:15 PM
4	Members should be eligible after 25 years of practice regardless of whether they are still currently practicing.	11/30/2017 2:25 PM
5	Considering also the practice in other province.	10/26/2017 8:01 AM
6	Because they are good mentorl practice from c1973 to 2013 before retired	10/24/2017 9:00 PM
7	25 years of service is long time in any professional or and it will be nice to be recognized as life member.	10/24/2017 8:50 PM
8	I think once an optician turns 65 years old they should be eligible to be a life member. By this age working part-time is nice for the extra income, but spending over \$900.00 to re-new license can be a challenge.Today there seems to a shortage of opticians. Lenscrafters wants their managers to take the 6 month opticians coarse so they can work under the optometrist. Meanwhile the optometrist is doing refractions NOT checking their PD and measurements.	10/24/2017 5:54 PM
9	35 years.	10/24/2017 4:20 PM
10	I feel 30 years would be more appropriate	10/24/2017 3:15 PM

## APPENDIX C

### Q2 Should age be removed as a factor for determining eligibility for life membership?

Answered: 190 Skipped: 4



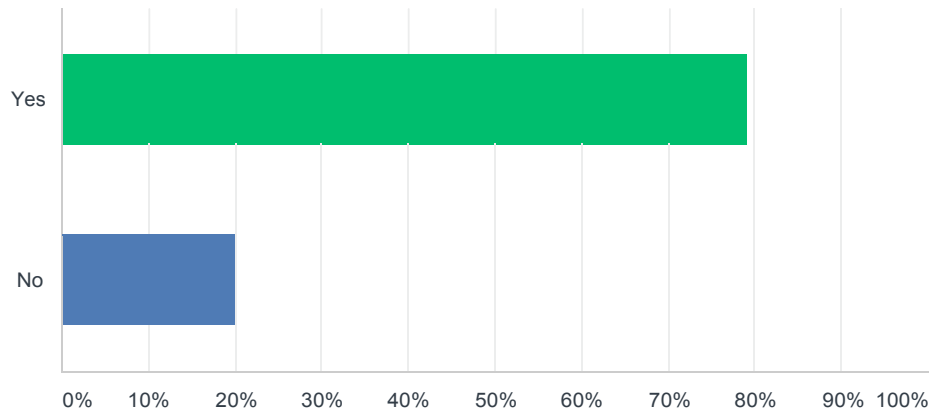
ANSWER CHOICES	RESPONSES	
Yes	77.89%	148
No	22.11%	42
TOTAL		190

#	OTHER (PLEASE SPECIFY)	DATE
1	Assuming the 85 factor is used, age and years served varies. This is fair.	1/15/2018 11:07 AM
2	I agree with the rational outlined in the table.	12/29/2017 6:40 PM
3	A member's age does not necessarily reflect the individual's practice experience and/or contributions to the profession.	11/30/2017 2:25 PM
4	I'm not clear on what the benefits or criteria specifics are for a life member	11/23/2017 12:34 PM
5	Age of person does not matter. It's time of service in profession and be loyal member	10/24/2017 8:50 PM
6	Yes make it 60 or 65 years old with 25 years as minimum working as an optician.	10/24/2017 5:54 PM
7	A substantial number of practice years (35) is more important.	10/24/2017 4:20 PM

## APPENDIX C

### Q3 Should both current and former members be eligible to apply or be nominated for life membership?

Answered: 191 Skipped: 3



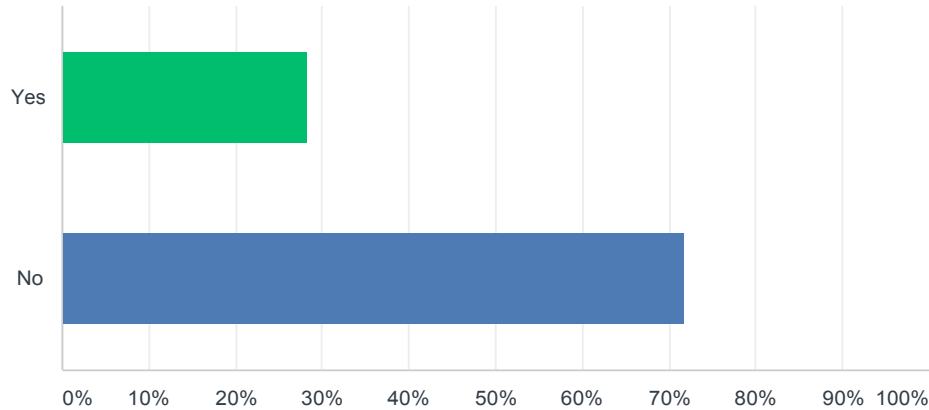
ANSWER CHOICES	RESPONSES
Yes	79.06% 151
No	20.94% 40
TOTAL	191

#	OTHER (PLEASE SPECIFY)	DATE
1	CURRENT ONLY. I BELIEVE WE MUST BE CURRENT IN EVERYTHING ELSE WE DO.	11/27/2017 12:14 PM
2	certainly should be eligible for former members with significant optical years of experience	11/23/2017 12:34 PM
3	Only current members should be eligible	10/31/2017 5:44 PM
4	Life membership should only be granted to current members.	10/27/2017 8:40 AM
5	I believe only members who are current should be considered for life membership.	10/26/2017 4:31 PM
6	There are many members have retired and they also should be recognized for nomination	10/24/2017 8:50 PM
7	I don't think they need to be nominated for life membership. If they are 60 or 65 years old and have paid minimum last 25 years for their license, they should receive automatic life membership.	10/24/2017 5:54 PM
8	Current Members	10/24/2017 3:15 PM
9	Only current membersmember	10/24/2017 2:51 PM
10	Only current	10/24/2017 2:19 PM
11	Only If the former member was in good standing.	10/24/2017 1:54 PM
12	Not former	10/24/2017 1:53 PM

## APPENDIX C

### Q4 Should Life Members be required to give up their designation in the event that they return to practice?

Answered: 191 Skipped: 3



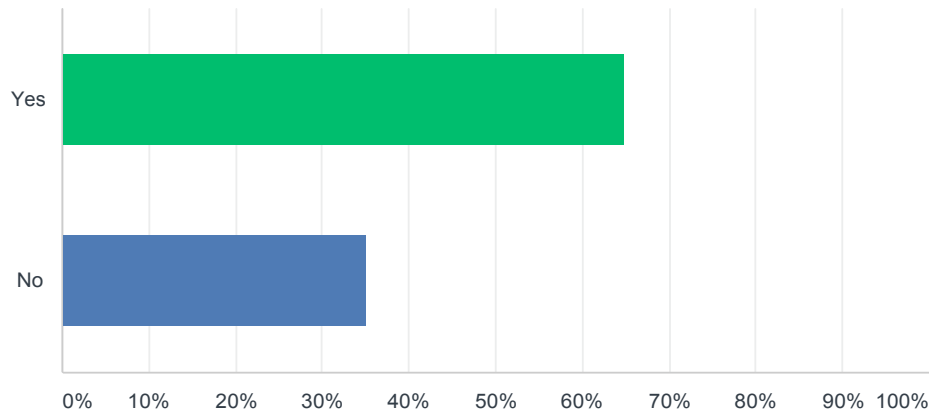
ANSWER CHOICES	RESPONSES
Yes	28.27% 54
No	71.73% 137
TOTAL	191

#	OTHER (PLEASE SPECIFY)	DATE
1	This is consistent with other professions.	12/29/2017 6:40 PM
2	They should have to pay registration fees but not give up lifetime membership status	12/4/2017 3:35 PM
3	As noted under Q.1, members should be eligible after 25 years of practice regardless of whether they are still currently practicing.	11/30/2017 2:25 PM
4	if they have the required number of years of experience than no	11/23/2017 12:34 PM
5	If within two years they return.	11/22/2017 10:47 AM
6	They have already prove their loyalty and if they want to be return to practice. They should be well come without giving their designation.	10/24/2017 8:50 PM
7	My understanding is that Life Membership means they don't have to pay the renewal fee any more, but can still work.	10/24/2017 5:54 PM
8	No but registration fees apply.	10/24/2017 4:20 PM
9	If you have worked that long in a profession it should not be revoked	10/24/2017 3:15 PM
10	They should be able to retain life member but pay their fees to be an active member.	10/24/2017 1:54 PM

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**Q5 Currently, no other Ontario health College permits its Life Members to vote in Council Elections. In light of this fact, do you agree that the College's Life Members should not be entitled to vote in Council Elections?**

Answered: 191 Skipped: 3



ANSWER CHOICES	RESPONSES	
Yes	64.92%	124
No	35.08%	67
TOTAL		191

#	OTHER (PLEASE SPECIFY)	DATE
1	In case they are still active in the profession yes they should vote	3/21/2018 11:14 PM
2	The reason is that their membership will not be many, and their input may be greater !	1/19/2018 6:42 PM
3	Although a life member may have a great resource of knowledge and experience, the right to vote should be reserved by those who pay membership fees.	12/29/2017 6:40 PM
4	Unless they have gone back to practice	12/4/2017 3:35 PM
5	If the College amends the by-law to reflect that all members should be eligible for Life Membership after 25 years of practice regardless of whether they are still currently practicing, then only those who are current should be eligible to vote in Council Elections.	11/30/2017 2:25 PM
6	WHY NOT????	11/27/2017 12:14 PM
7	I believe people with significant experience have that experience and wisdom to offer to those of us with less	11/23/2017 12:34 PM
8	I agree unless life member is active in dispensing.	11/22/2017 10:59 AM
9	If they were actively practicing they should be able to vote. If they are not then they shouldn't.	11/22/2017 10:30 AM
10	Full privledges	10/26/2017 2:04 PM
11	I think that not allowing a life member to vote is wasting all that experience.	10/25/2017 8:44 AM
12	A	10/25/2017 8:19 AM
13	These members may not be practising, yet may still be active in the industry and continuing education.	10/25/2017 4:17 AM

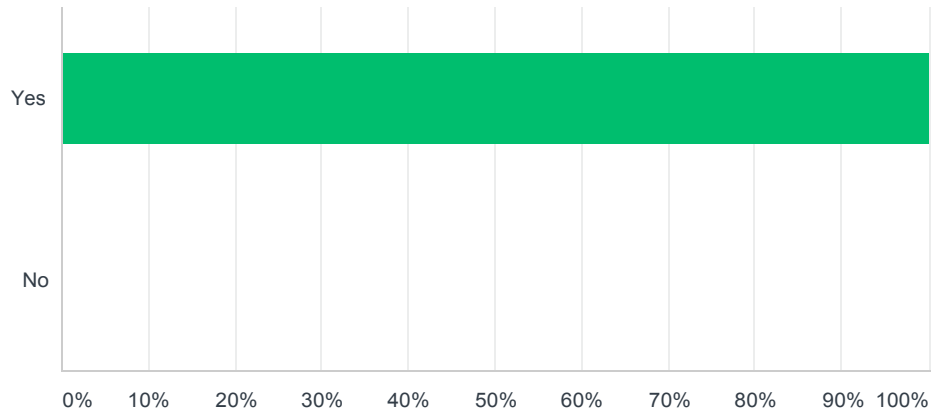
## APPENDIX C

14	No, I don't agree. They are part of our family and they should have voice as long as they follow the new regulations.	10/24/2017 8:50 PM
15	No right to vote any more unless paying renewal fee.	10/24/2017 5:54 PM
16	Let them vote. And most importantly, have them contribute their vast experience by serving on committees. And dare I say serve on Council.	10/24/2017 4:20 PM
17	Unless they have returned to dispensing.	10/24/2017 1:54 PM
18	No vote unless active member	10/24/2017 1:53 PM

## APPENDIX D

### Q1 Should Life Members hold or have previously held a certificate of registration as a Registered Optician?

Answered: 32 Skipped: 0



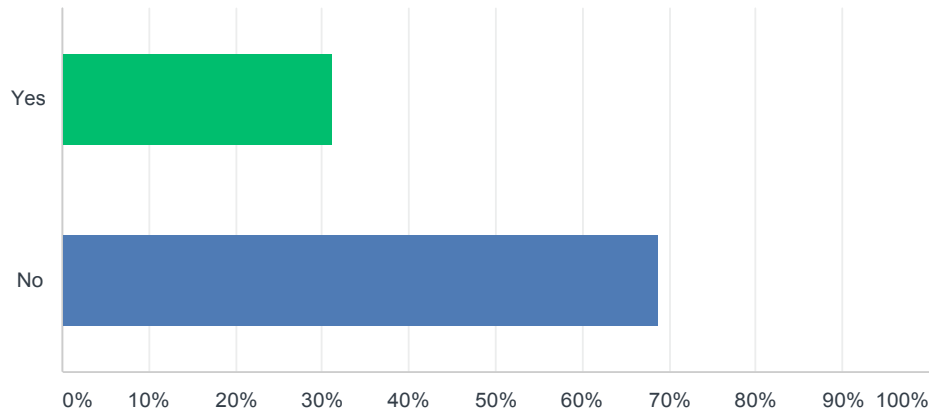
ANSWER CHOICES		RESPONSES
Yes		100.00% 32
No		0.00% 0
TOTAL		32

#	OTHER	DATE
1	We are the College of Opticians Ontario!!!	8/13/2018 12:17 PM

## APPENDIX D

### Q2 Should Life Members be permanently retired from the practice of opticianry and agree not to practise opticianry?

Answered: 32 Skipped: 0



ANSWER CHOICES	RESPONSES
Yes	31.25% 10
No	68.75% 22
TOTAL	32

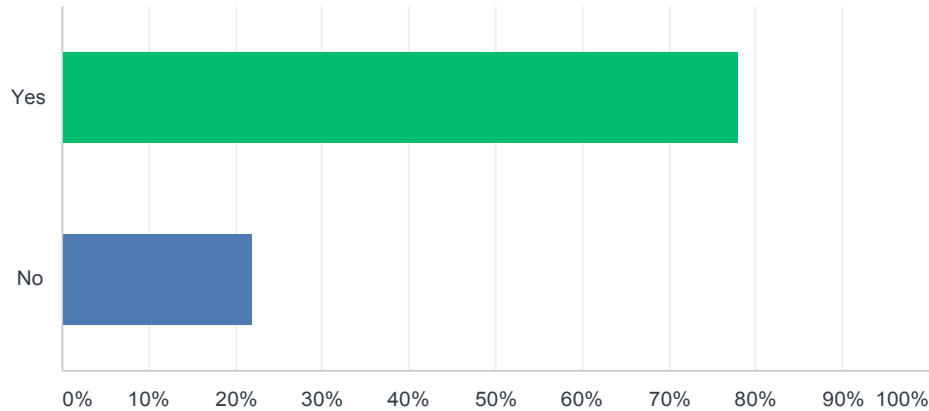
#	OTHER (PLEASE SPECIFY)	DATE
1	I see this duty as more of a "board of directors" type of position which may cause some conflicts if working as an optician simultaneously. They should be able to talk to active opticians freely but most of the work they would be setting their attention on would be more College-related, correct?	9/4/2018 5:11 PM
2	If they return to practicing they should be required to pay the annual fees.	8/13/2018 5:20 PM
3	What if they run out of retirement money and need to work again.	8/13/2018 4:41 PM
4	If they are still practising then why give them the Life member designation? If they are a regular registered optician practising still then they are as every registered optician with the college (not this special life member)	8/13/2018 12:17 PM



## APPENDIX D

### Q3 Should Life Members not be in default of payment of fees or of any other obligation owed to COO, other than for payment of the annual membership renewal fee?

Answered: 32 Skipped: 0



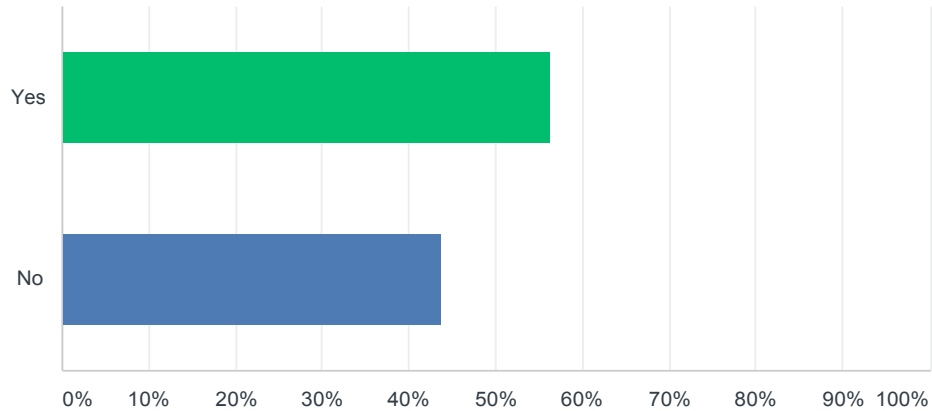
ANSWER CHOICES	RESPONSES	
Yes	78.13%	25
No	21.88%	7
TOTAL		32

#	OTHER (PLEASE SPECIFY)	DATE
1	All registered opticians are held not to be in default of payment of fees so being an exemplary life member they should be model opticians	8/13/2018 12:17 PM

## APPENDIX D

### Q4 Should Life Members not be the subject of proceedings for professional misconduct, incompetency or incapacity in relation to any profession, in any jurisdiction?

Answered: 32 Skipped: 0



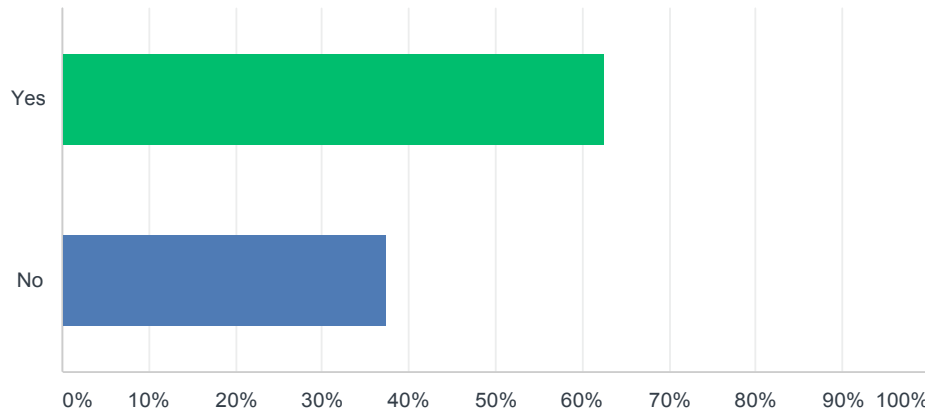
ANSWER CHOICES	RESPONSES	
Yes	56.25%	18
No	43.75%	14
TOTAL		32

#	OTHER (PLEASE SPECIFY)	DATE
1	Everyone should be treated or judged in the same light regardless of whether they have a special title.	9/4/2018 5:11 PM
2	Not unless they decide to work again in the field.	8/13/2018 4:41 PM
3	Similar to Q3, they should be model professional opticians	8/13/2018 12:17 PM

## APPENDIX D

### Q5 Should Life Members not be in breach of an order of a COO Committee or a panel of a COO Committee?

Answered: 32 Skipped: 0



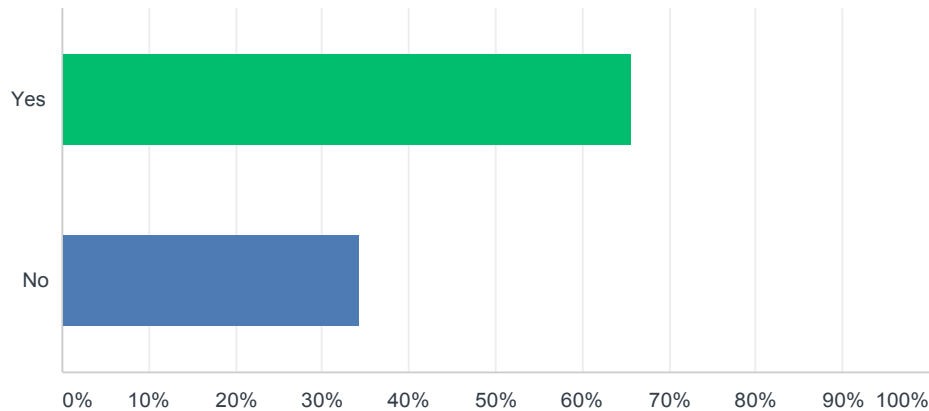
ANSWER CHOICES		RESPONSES	
Yes		62.50%	20
No		37.50%	12
TOTAL			32

#	OTHER (PLEASE SPECIFY)	DATE
1	same as Q3 and Q4, they have to be model professional opticians	8/13/2018 12:17 PM

## APPENDIX D

Q6 Should Life Members not be in violation of a decision of a panel of the Inquiries, Complaints and Reports Committee requiring the member to be cautioned or to complete a specified continuing education or remediation program?

Answered: 32 Skipped: 0



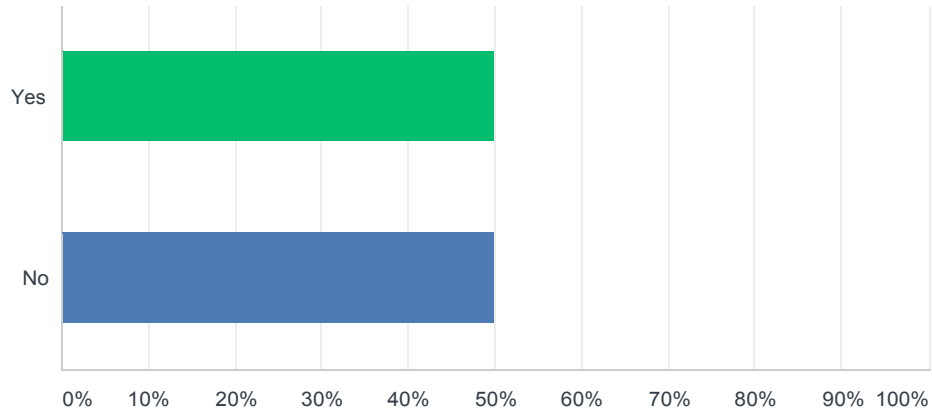
ANSWER CHOICES		RESPONSES	
Yes		65.63%	21
No		34.38%	11
TOTAL			32

#	OTHER (PLEASE SPECIFY)	DATE
1	ditto Q3, 4, 5, life members should be model professional opticians	8/13/2018 12:17 PM

## APPENDIX D

### Q7 Should Life Members not be the subject of an ongoing inquiry or investigation by the Registrar, a COO Committee, or a panel of a COO Committee?

Answered: 32 Skipped: 0



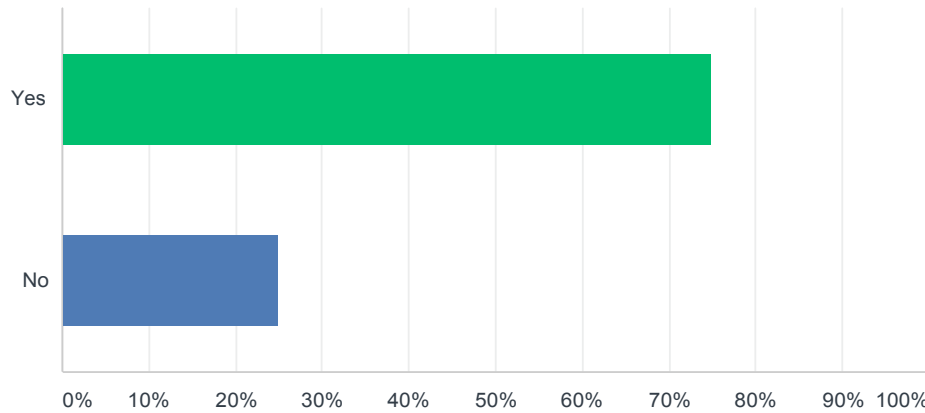
ANSWER CHOICES	RESPONSES	
Yes	50.00%	16
No	50.00%	16
TOTAL		32

#	OTHER (PLEASE SPECIFY)	DATE
1	If they are not practicing it would be a waste of resources	8/13/2018 4:41 PM

## APPENDIX D

### Q8 Should Life Members not have otherwise acted in a manner that is inconsistent with an ongoing association with COO?

Answered: 32 Skipped: 0



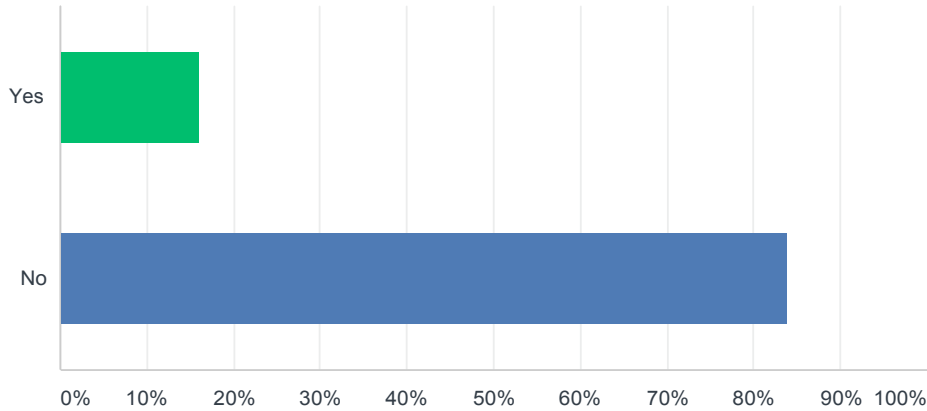
ANSWER CHOICES		RESPONSES	
Yes		75.00%	24
No		25.00%	8
TOTAL			32

#	OTHER (PLEASE SPECIFY)	DATE
1	We have to uphold the integrity of the privilege of using the title Optician.	8/13/2018 4:41 PM

## APPENDIX D

### Q9 Are there any other criteria that you think should be a requirement for life membership with the COO?

Answered: 31 Skipped: 1



ANSWER CHOICES	RESPONSES
Yes	16.13% 5
No	83.87% 26
TOTAL	31

#	OTHER (PLEASE SPECIFY)	DATE
1	I feel the current criteria of 85 mixed years is still accurate for a Life Membership.	9/4/2018 5:11 PM
2	I think it is an honour to be a Life member of COO. I think that age limit should be lowered to 65 (age + years of membership with the College). Many opticians started their carrier as an optician later in life.	8/23/2018 6:57 PM
3	I don't think that the membership should vote to give a "Life membership". If the registered member has followed all the specification of the COO, it should be an automatic recognition.	8/21/2018 11:49 AM
4	Combination of age and years registered = 85. Or at least 30 years registered.	8/13/2018 4:03 PM
5	As long as they are in good standings with the college, and maintained so many years of services, which I think should be a minimum of 25 or 30 years. I do not think its fair that the total number between age and years serviced should equal 85. What if a person graduated the age of 20, put 25 years into the business and would then be 45 years old, that would make it a total of 70 years.	8/13/2018 1:57 PM
6	May have some contribution to the profession that is recognized perhaps? What about public feedback or college member nominated exemplary opticians?	8/13/2018 12:17 PM