



April 14, 2010

Honourable Kevin Falcon
Minister of Health Services
Room 337, Parliament Buildings
Victoria, BC
V8V 1X4

REGISTERED MAIL

Dear Minister Falcon,

We are writing you to express our opposition to the proposed changes to the Health Profession Act of your province and to recommend that you delay the proposed regulatory changes indefinitely to enable a thorough discussion with all critical stakeholders.

Optometric Services Inc. (OSI) was founded in 1983 and now represents close to 1,400 optometrists working in over 700 independent optometry clinics located in all parts of Canada. These numbers are respectively 232 optometrists and 104 clinics for the Province of British Columbia. We are, and by far, the largest group of independent and clinic-owning optometrists in the country and in your province (46% of all BC optometrists are members of OSI). It is estimated that close to 6,000 persons work in our members' clinics and that they see nearly three million patients per year.

Our member optometrists are also members of their respective Provincial Association of Optometrists, their College of Optometry, as well as of the Canadian Association of Optometrists.

Our opposition to the proposed changes is based on two broad categories of concerns: **health and economics**.

Our concerns are as follows:

- Facilitating the community ordering eyeglasses or contact lenses online without having to provide the seller a copy of a recent prescription can only lead to a higher risk of using outdated prescription data to manufacture eyeglasses or contact lenses. Longer periods between comprehensive eye exams will undoubtedly lead to many ocular problems and health conditions remaining undetected in their early stages.
- Our concern is particularly serious for the younger wearers of contact lenses. A majority of new wearers of contact lenses are between the ages of 12 to 19. Those teenagers are also the most likely to need frequent changes in their prescriptions and as well, will remain relatively unsupervised with respect to ocular health considerations. Facilitating ordering on the internet without having to supply a recent prescription will significantly increase the risks of significant health problems for this very vulnerable age group.

- Prescription eyeglasses and contact lenses are considered **medical devices by Health Canada**. This is the key reason why they should always be dispensed by trained professionals. To do otherwise must be considered a dangerous lowering of standards of care. Your legislative changes ignore that reality altogether.
- **“Sight testing” by opticians** in no way constitutes procedures to diagnose a person’s eye health condition, and can only increase the confusion of the population as to what to expect from opticians and optometrists. As mentioned by Canadian Association of Optometrists in a recent position paper: *“Opticians do not have the clinical expertise and training to diagnose ocular conditions.”*¹ The time between complete ocular health evaluations will undoubtedly increase with the advent of this reduced standard of care, and the resulting decline in early detection of eye disease will have far-reaching implications for your Province.
- As mentioned by the CNIB²: *“...many of our clients had lost vision irretrievably as a result of ignoring the need for regular eye examinations.”*³
- The proposed legislative changes seem to be mainly aimed at helping a BC based internet seller of optical products continue to grow its business at the expense of dispensing optometrists and other optical retailers or providers. The economic implications to these trained professionals who meet the rigorous standards of their various professional groups is significant.
- We strongly feel that the proposed legislative changes will significantly disrupt the market forces in this industry. The internet business model is less capital intensive in that it makes no investment whatsoever in diagnostic equipment, professional/retail facilities, or in highly trained eye care professionals and staff. There is a reason for these types of investments by trained professionals- it protects the public. The BC Government must recognize that optometry clinics are an effective channel for delivering health care services. This is obviously not the case for internet based retailers of glasses or contacts.
- We view the potential removal of most of the restrictions that allow only optometrists or opticians, or workers supervised by them, to dispense eyeglasses or contact lenses as a very regressive legislative step. Professional acts should only be performed by highly trained and duly accredited experts. With all due respect, was the Minister’s intention really to let any member of the public suggest that he/she is qualified to dispense medical devices such as prescription eyeglasses or contact lenses?

¹ CAO, Comments on B.C. Government News Release, March 19, 2010

² CNIB: Canadian National Institute for the Blind

³ CNIB, April 8, 2010 Letter to Honourable Kevin Falcon, second paragraph.

- The provision of “Sight Testing” (a term coined by an industry bent on acquiring “prescriptions” for eyewear in lieu of complete eye examinations) and the added potential for unlicensed / unregulated persons to provide eyeglasses to an unsuspecting public is far from credible. The Honourable Minister was clearly misinformed as to the level of expertise required to properly diagnose a person’s eye health condition and to prescribe and dispense eyeglasses and/or contact lenses.
- An inevitable economic consequence of the proposed legislative changes will undoubtedly be the potential lay-off of hundreds or perhaps thousands of trained individuals in the ophthalmic industry. Allowing a completely untrained person to dispense optical eyewear will put many licensed opticians out of work, significantly eroding the tax base in the Province. If the Minister’s intention was to save some of the 120 BC jobs of the internet provider, it will be done at the expense of the people currently providing exemplary care while working in optometry clinics and other dispensing environments.
- With less revenue and fewer patients, optometrists and other eye care specialists and eyewear providers will invest less in high-tech equipment, upgrading skill sets, and hiring staff. Re-location to other jurisdictions will be considered. The end result is that the BC population will have access to lower standards of care for their eyes.

OUR RECOMMENDATIONS

First, we totally support the recommendation made to the Minister by the Canadian Association of Optometrists to **delay indefinitely the implementation of the proposed legislative changes until such time that the following actions are taken:**

- To conduct a thorough review of the regulatory models in other jurisdictions;
- To consult with all critical stakeholders mentioned by CAO in their recent position paper on the proposed legislative changes.
- That Coastal Contact complies with the recent Appeal Court ruling which requires the receipt of a prescription for contact lenses and eyeglasses.

Second, we strongly encourage the Minister of Health and the BC Government to

- Invest in preventive care by encouraging the population to see their eye health professionals on a regular basis for routine examinations aimed at finding diseases like diabetes, glaucoma, macular degeneration, and other health conditions as early as possible;

- Financially support the BCAA, and indirectly the CAO, in their ongoing efforts to educate the BC population on the importance of having regular full and comprehensive eye exams. Since regular eye exams enable early detection of many asymptomatic diseases, and therefore allow early and less costly treatments, those financial grants would generate substantial savings on a long term basis for the BC Government.
- The above public awareness campaigns and financial support to BCAA should be done regardless of your decision to delay or not the implementation of your proposed legislative changes.

Third, as part of a scientific effort to bring objective data to the debate that would result from the consultative process,

- Finance a three to five year data gathering initiative aimed at accumulating health care data on patients having eye problems as a result of not following the wearing modalities of their contact lenses ordered on the internet or because they did not have their eyes examined by an optometrist or ophthalmologist at the recommended interval. This could be coordinated via University of Waterloo Epidemiologists. This would provide everyone with objective data and help each one to fully appreciate the real danger, or lack of danger, of internet based dispensing of contact lenses and glasses.

Let us conclude this letter by reiterating our request that you postpone the implementation of your proposed legislative changes to the Health Professions Act indefinitely and start a consultative process with all key stakeholders. Our organization would be glad to contribute to those consultations.



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CAO: Canadian Association of Optometrists