



OMFC REGISTRATION REVIEW

**Opticians of Manitoba
Final Registration Review Report (2012)**

OFFICE OF THE MANITOBA FAIRNESS COMMISSIONER

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Introduction

This Final Registration Review Report presents the results of the Office of the Manitoba Fairness Commissioner's (OMFC) registration review with the Opticians of Manitoba (OOM) as of December 2012.

Registration reviews are conducted as part of the Fairness Commissioner's mandate to review the registration practices of regulatory bodies subject to The Fair Registration Practices in Regulated Professions Act (Act).

The purpose of a registration review is to enable the Fairness Commissioner to determine a regulator's compliance to the Act and to make recommendations to improve compliance. Two senses of compliance are at work in the legislation. First and foremost, it refers to the fairness of assessment and registration practice, with particular attention drawn to the need for the fair consideration of internationally educated applicants. Secondly, it refers to the co-operation of the regulator with the Fairness Commissioner.

The Act stipulates that a registration review for any given regulator is to be undertaken at times specified by the Fairness Commissioner. It also stipulates that the content of a registration review is to include an analysis of the relevance and necessity of registration requirements, the timeliness of decision making, the reasonableness of fees and the registration of internationally educated individuals. This may involve the review of any third parties employed in the assessment and registration process.

The OMFC's review process culminates in a Final Registration Review Report, complete with an Action Plan from the regulator. This report is a public document submitted to the Province's Minister of Immigration and Multiculturalism and posted on the OMFC's website.

The OMFC undertook a registration review with the OOM between September and December of 2012 (see appendices A & B). Several meetings were involved, documentation was gathered and reviewed, field work was conducted and the OOM provided an Action Plan in response to the Fairness Commissioner's recommendations. The OOM's Action Plan, as well as the OMFC'S review findings and the Fairness Commissioner's recommendations follow throughout this report.

Registration Review Process

The OMFC's multi-step review process has several key phases: agreeing to a review schedule, documenting and understanding, evaluating and drafting the findings and recommendations, and achieving an action plan to move things forward. The process is designed to support meaningful reviews that concretely identify fairness issues and lead to progressive change.

The Fairness Standard and Criteria Document

For the purposes of the 2012 registration review cycle, regulatory practice is evaluated against a single, broad fairness standard: ***Dedicated and fair practices are applied for the assessment and registration of internationally educated applicants. Policies and procedures are documented, consistently followed and periodically reviewed to ensure their effectiveness.*** In the Fairness Standard and Criteria Document, this fairness standard is defined by 14 elements, each further differentiated into one or more criteria.

For each criterion in the 'Fairness Standard and Criteria Document', green, yellow, and red check marks -- -- designate whether evidence is found indicating compliance, needs improvement, or non-compliance. Practices identified as needing improvement or non-compliant -- or -- are followed by an analysis that explains the finding.

Recommendations, Action Plan & Compliance Statement

The Fairness Commissioner makes recommendations based on a consideration of the issues of non-compliance and areas that show opportunity for improvement. These are identified and explained in the 'Fairness Standard and Criteria Document' completed for the regulator.

The action plan, in turn, is drafted by regulators to respond to the Fairness Commissioner's recommendations. For each of the Fairness Commissioner's recommendations, regulators reply with a plan to address the concern as well as a timeline for the execution of the plan. Regulators are given opportunity to remark upon any recommendation made by the Fairness Commissioner.

Finally, the Fairness Commissioner's Compliance Statement provides comment on the suitability of the regulator's Action Plan and the overall compliance of the regulator's registration practice.

OMFC Support

Addressing problematic practice can pose considerable challenges for regulators. No remedy may be readily at hand; third-parties may be involved; resources and expertise may be wanting. In these circumstances, the OMFC is committed to working with regulators to support and assist the development of innovative solutions and better practice.

The Profession of Opticianry in Manitoba

Opticians are trained to design, fit, and dispense eyeglasses, contact lenses, low vision aids, and prosthetic ocular devices. This involves assisting clients, customizing lenses and frames, fitting contacts and instructing on contact lens care.

Most opticians work in urban centres in Manitoba. Some are employed by optometrists, some work for companies and still others are self-employed. Opticianry practice is tied to optometry and ophthalmology in that these professions provide opticians the Rx's needed to provide service.

Manitoba's increasing pool of internationally educated opticians brings a valuable cultural diversity to the profession; one which supports and better reflects the increasingly diverse Manitobans they serve.

Overview of OOM's Assessment and Registration Process

OOM currently operates under the authority of The Opticians Act (C.C.S.M. c. 60). In order to practice and use the title of licensed Optician in Manitoba or licensed Contact Lens Optician, individuals must be registered with the Opticians of Manitoba (OOM). Licensed Contact Lens Optician is an extended practice license that allows individuals to dispense and fit not only eye glasses, but contact lenses as well.

Qualifications

Principal qualifications required for registration as an optician include possessing an approved, two-year diploma in eye-glasses opticianry, two-year diploma in contact-lens opticianry (optional) and successfully passing the National Association of Canadian Optician Regulators (NACOR) National Optical Sciences Examinations (National Exams). There are two, 4-hour, multi-format National Exams: one tests for eyeglass dispensing knowledge and skills, the other for contact lens dispensing.

Internationally educated opticians (IEOs) must successfully undergo OOM's Prior Learning and Recognition Assessment that involves a Gap Analysis and an interview. Applicants seeking contact lens licensure in addition to the eye glasses designation must possess academic training in contact lens practice and undergo a second Gap Analysis. A single interview follows one or both of the Gap Analyses.

Depending on their qualifications, applicants may be required to write one or both of the National Exams, have one or both of the exams waived, and/or be required to complete online coursework and undergo supervised practice. Although rare, opticianry diplomas are not necessarily required if the individual has received significant technical training on the job.

Assessment and Registration Process

For IEOs, there are a few steps in the assessment and registration process, to wit:

- 1) Make application to OOM, providing the following documents:
 - Complete PLAR Application, including \$165.00 document assessment fee
 - Certificate of completion or a copy of education degree or diploma
 - Details of curriculum, including course outlines, descriptions and syllabi (originals are not required)
 - Dispensing and Fittings Form (one per place of employment)
 - Resume of work history
 - Letters of reference from current and past employers
 - If previously registered, a letter of good standing
 - A comprehensive credential evaluation report directly submitted by International Credential Evaluation Service, International Qualifications

Assessment Service, or World Education Services Canada

- If applicable, information on previous applications to other Canadian regulatory bodies
 - If applicable, examination marks for any previous regulatory opticianry exams
- 2) Following receipt of a completed application, OOM informs IEO applicants within 6 to 8 weeks whether they are eligible to proceed with a PLAR assessment. Applicants whose education and experience do not meet Manitoba standards are advised of additional training options.
- OOM's PLAR assessment has two components: online, multiple choice self-assessment tests or 'Gap Analysis' – one for eyeglasses, one for contact lenses -- and an interview. Each Gap Analysis test costs \$695 and takes 4-6 hours.
- Within 30 days of the Gap Analysis, OOM will schedule an interview. The purpose of the interview is to probe gaps identified by the self-assessment and to confirm and possibly adjust the results of the initial gap assessment.
- 3) Following the interview, applicants will be informed of the results in writing within 6-8 weeks. OOM's registration committee will consider the applicant's complete application, education, work experience and PLAR assessment results to determine if the individual:
- *can proceed directly to registration and licensure.* In this instance, the applicant must then submit proof of insurance of \$1 million, a criminal records search certificate and passport photos along with an application form and fees (\$100 registration fee plus \$528 for eyeglasses or \$558 for contact lenses licenses).
 - *must take one or both National Exams before registration:* In this instance, the applicant must write exams pertaining to eyeglasses, and optionally, for contact lenses; each exam will cost \$725 (\$1,450 for both). Successful applicants can then proceed to registration (see above).
 - *requires further training before being allowed to take NACOR National Exams:* OOM will direct the candidate to take specified bridging courses offered by the Northern Alberta Institute of Technology. These programs can be taken on campus or online. Upon successful completion of coursework, applicants then proceed to the National Exams.
 - *did not demonstrate enough knowledge and skill to be eligible for the bridging program:* In this case, to pursue licensure, applicants must complete an opticianry program at an accredited institution.

Appeal Process

OOM has an appeal and pre-appeal process in place for the review of any assessment and registration decision. The Appeal Committee is independent of OOM's original assessment decision makers. Appeal information is presented in the registration information; applicants must make an appeal in writing within 30 days of receiving the pre-appeal review decision letter. Appeal hearings are held within 4 to 6 weeks. No fees are involved.

Time and Cost

Time and costs for IEOs to complete the registration process will vary according to the circumstances of the individual. For those who are qualified to go directly to registration following a PLAR assessment, the process can take as little as 4 to 7 months and cost \$2,385 to \$3,798. This estimate does not include the additional time it may take to secure a credential assessment or to apply and write the bi-annual, fixed date National Exams. 6 to 14 months is a more realistic, minimal time range for those that must arrange to write the National Exams.

Those applicants that require bridge training coursework will face a significantly longer and costlier process.

Specific Costs

PLAR Application Fee	\$165
Document Assessment	\$225
Eyeglass Gap Analysis	\$695
Contact Lens Gap Analysis	\$695 (optional)
PLAR Interview	\$175
NACOR Exam - Eyeglasses	\$725
NACOR Exam - Contact Lens	\$725 (optional)
Registration Application	\$100
License Fee (glasses or contacts)	\$528 or \$558

Registration Review Findings

Summary of Findings

The Opticians of Manitoba (OOM) is committed to the fair assessment and recognition of Internationally Educated Opticians (IEOs).

A dedicated assessment strategy and a variety of supports are in place for the registration of IEOs. A major step in the evolution of OOM's practice, the recently implemented PLAR process permits an in-depth, meaningful assessment of IEOs with diverse academic training and professional work experience. Many aspects of OOM's PLAR process are exemplary and well executed. However, there remains a need to further develop assessment criteria to support reliability and promote greater transparency. A variety of information issues are flagged in this review as needing attention. OOM's soon-to-be-available, dedicated information portal for IEOs represents a significant improvement to its current website and with some minor modifications will provide IEOs an excellent information package.

Key findings from OOM's registration review are listed below. These findings cover the range of fairness issues as defined by the Fairness Standard and Criteria document and roughly follow the order of this document (see pp.11-22).

- Registration and assessment information provided in OOM's website is incomplete and not fully up to date. A new, dedicated landing portal for Internationally Educated Opticians (IEOs) is expected to be introduced shortly. The new IEO information portal presents the registration and assessment process in user-friendly, straightforward steps.
- OOM's new IEO information portal is in many respects an exemplary information resource. Some of the elements of portal, however, need improvement:
 - To support transparency, complete, more detailed information about qualification requirements and the criteria against which applicants are assessed is needed;
 - Timeline and cost information could be improved. A realistic picture of the full costs including common associated costs and likely time range for the entire registration process would better support planning and preparation;
 - Access to records information needs to be introduced.
- Documentation requirements are extensive but reasonable. OOM's PLAR assessment considers a wide breath of evidence from an applicant's education, work history and past regulatory history.
- OOM staff regularly meet with IEO applicants, providing one-on-one advice about the assessment process as well as gap training opportunities.
- Practice standards are well defined through OOM's 'Professional Standards of Practice' and 'Code of Ethics'. The National Association of Canadian

Optician Regulator's (NACOR) 'Canadian Competencies for Opticians' is used for the Prior Learning and Recognition (PLAR) assessment. These documents lay the foundation for rational regulation.

- With OMFC support, OOM is currently benchmarking the language proficiency required in professional practice and in the assessment process. An evidence-based, English language proficiency requirement will be introduced shortly.
- The credential assessment agencies used by OOM -- IQAS, WES and ICES -- are all members of the Alliance of Credential Evaluation Services of Canada and are committed to its comprehensive 'Quality Assurance Framework'. This framework lays out a variety of practice standards directed at ensuring fair and objective assessments.
- Alternative documentation is considered by OOM in circumstances where an IEO applicant cannot, with good reason, provide required documents.
- Criteria are not formally articulated for OOM's initial PLAR eligibility assessment or for its PLAR assessment outcomes. Formalizing these criteria will help ensure reliability and promote transparency.
- OOM's PLAR assessment for IEOs supports an in-depth, meaningful evaluation of knowledge and skills. Qualifications acquired through work experience are recognized and applicants show evidence of competence through a self-assessment test and an interview.
- A variety of measures are in place to ensure the validity and reliability of OOM's PLAR assessment; items on the self-assessment test are grounded in NACOR's 'Canadian Competencies for Opticians', interview guidelines are in place and assessors are trained in interview protocols.
- The content and format of NACOR's National Exams are subject to regular psychometric scrutiny. Candidate and examiner instructions are established for each section of the exam. NACOR sends trained 'Examination Moderators' to each exam sitting and provides 'examination kits' for each section of the exam.
- Detailed written reasons that identify qualification gaps are not provided for OOM's initial PLAR eligibility assessment. Likewise, the detailed results of OOM's PLAR assessment are not disclosed to applicants. Detailed results are provided for NACOR's National Exam.
- An appeal process is in place for OOM's eligibility assessment and PLAR process and NACOR National Exams. Appeal information is presented in the registration material. This information, however, fails to indicate that NACOR National Exam results are subject to appeal.
- For highly qualified applicants, either or both of NACOR's National Exams can be waived.
- Supervised Manitoba practice and online, distance gap training opportunities through the Northern Alberta Institute of Technology are available for IEOs

to redress deficiencies identified in OOM's PLAR assessment.

- OOM is a not-for-profit organization and fees appear reasonable.
- The assessment and registration process is structured to support timeliness and efficient application: application can be initiated abroad; communication throughout the registration process is systematic and active; the licensing regime allows for supervised practice and separate dispensing and contact lens licenses allow IEOs more timely entry to practice where individuals can pursue contact lens registration after they have been working in the field.

Commendable Practices

A number of OOM's assessment and registration practices deserve to be recognized as exemplary, fair practices. Most of these will have already been described above or in other areas of this report, but the most significant bear repeating.

- OOM's PLAR assessment process represents a dedicated assessment solution for Internationally Educated Opticians (IEOs). Applicants from diverse academic backgrounds and diverse practice experience have an opportunity to have their qualifications fairly considered and recognized. Remedial coursework is available that allows individuals to redress specific gaps.
- OOM's assessment process allows qualifications acquired through work experience to be evaluated and recognized.
- Promoting timely, cost-effective entry to practice, applicants that fully meet OOM's qualification standards may have one or both of the National Exams waived.
- OOM's new IEO information portal provides clear language, step-by-step information about the assessments process and is a valuable information resource for internationally educated applicants.
- Benchmarking professional practice and the assessment process for English language proficiency demands will allow OOM to establish an objective and fair language proficiency standard and will serve the interests of second language applicants and the profession alike.
- OOM's assessment and registration process is timely and cost effective. Several measures have been put in place to ensure systematic communication, expedient assessments and timely entry into practice.
- The fair and objective assessment of IEOs is an expressed commitment of OOM. This is reflected both in the dedicated PLAR process and numerous policies accommodating and supporting the fair consideration of IEOs as well as the commitment and leadership role played by the Registrar, Carol Ellerbeck and the Vice Chair of OOM's Council, Heather Powers.

A note on Third Parties

Following *The Fair Registration Practices in Regulated Professions Act* (Act), the role of any third party in the assessment and registration process is evaluated as part of a registration review. Regulators subject to the Act are held responsible for the third parties they employ and must take reasonable measures to ensure fair practice. Any recommendation from the Fairness Commissioner that speaks to compliance issues with third party practice is directed to the regulator as responsible for the service it employs.

Administering the National Exams, the National Association of Canadian Optician Regulators (NACOR) plays a significant role in OOM's assessment process for IEOs. This is reflected in the review findings and some of the Fairness Commissioner's recommendations.

Fairness Standard & Criteria Document – OOM Review Findings

<p>Standard: Dedicated and fair practices are in place for the assessment and registration of internationally educated applicants. Policies and procedures are documented, consistently followed and periodically reviewed to ensure effectiveness.</p>				
Elements	Criteria	Assessment		Office of the Manitoba Fairness Commissioner's Findings
		Compliant	Improvement Needs	Non-compliant
1. Applicants are provided clear, complete and accurate information about assessment and registration process.	1. Qualification requirements and the criteria used to assess qualifications.		V	<p>Qualification requirements and the criteria used to assess qualifications are not fully clear. There are a few issues:</p> <ol style="list-style-type: none"> Information provided on OOM's website and the soon-to-be-introduced IEO information package or portal about the education requirement is somewhat light on detail and confusing. These sources of information suggest graduation from a National Association of Canadian Optician Regulators (NACOR) approved optician education program or a program of substantive equivalence is required. OOM does not in fact require graduation from an opticianry educational program. It is possible for applicants with appropriate training and work experience to have little in the way of formal opticianry education. Information about the qualifications needed and assessment criteria used by OOM to determine, upon initial application whether an Internationally educated optician (IEO) will qualify for a PLAR assessment is not present in the registration material or in the new IEO information portal. Applicants are advised they must meet "Manitoba Standards", but no further explanation is provided. All internationally educated opticians (IEOs) must undergo OOM's PLAR process to determine equivalency to the entry to practice standards as defined by NACOR's 'Canadian Competencies for Opticians'. In many respects the information provided about the PLAR process is exemplary. However, in terms of evaluation criteria, little information is provided. Well-defined and comprehensive standards and competency documents do permit a sense of what individuals will be assessed against, but no explicit criteria for the various assessments in the PLAR process are presented. The nature of this PLAR assessment allows for the consideration of a wide breadth of evidence from work experience, education, past regulatory assessment and exams, as well as the opportunity to demonstrate knowledge through a self-assessment Gap Analysis test and Interview.

Standard: Dedicated and fair practices are in place for the assessment and registration of internationally educated applicants. Policies and procedures are documented, consistently followed and periodically reviewed to ensure effectiveness.

Elements	Criteria	Assessment			Office of the Manitoba Fairness Commissioner's Findings
		Compliant	Improvement Needs	Non-compliant	
1. Applicants are provided clear, complete and accurate information about assessment and registration process.	1. Qualification requirements and the criteria used to assess qualifications.		V		<p>A variety of types of outcomes for the PLAR assessment are identified: full recognition where applicants are not required to take the NACOR exams; recognition of qualification but the NACOR exams are required; partial recognition where academic upgrading courses are required; little or no recognition where applicants are advised of complete programs available to further pursue a career in opticianry. Information about the criteria used by OOM to determine these outcomes is critical for a transparent assessment process.</p> <p>OOM recognizes the need to develop qualification and assessment criteria that can be provided to applicants. OOM is currently seeking support from the OMFC to work with NACOR to develop a self-assessment tool that will allow applicants the ability to better determine their likely readiness and eligibility for the PLAR assessment. We note that for OOM, part of the challenge providing good qualification and criteria information revolves around a need to formalize criteria involved in its initial application assessment and the PLAR assessment.</p> <p>We note that the OOM's website is out of date and in some respects inaccurate. A new, dedicated information package for IEOs has been developed and is expected to be launched shortly. OOM has also engaged the services of a contractor to revise its website over the next 12 months.</p> <p>We also note the personal support and assistance applicants receive from the OOM staff throughout the registration process, mitigate some of the concerns we are identifying with the quality of information found on the OOM's website and with its new IEO information package.</p>
1. Applicants are provided clear, complete and accurate information about assessment and registration process.	2. Documentation requirements.		V		<p>Documentation requirements are not currently provided on OOM's website. For the most part, they are clearly presented in the new IEO information portal. The portal mistakenly suggests a 'basic' as opposed to a 'comprehensive' credential report may be an option. In fact, only comprehensive reports are acceptable. This information will be corrected before the new portal is launched.</p>
1. Applicants are provided clear, complete and accurate information about assessment and registration process.	3. Fees and fee payment options.		V		<p>Fees posted on OOM's website are incomplete and some are out of date. The 'Process Overview' page of the new IEO information portal presents complete, up-to-date fee information. However there is no mention of fee payment options – certified cheques, Visa or Mastercard. It would be helpful if this information were introduced.</p>

Standard: Dedicated and fair practices are in place for the assessment and registration of internationally educated applicants. Policies and procedures are documented, consistently followed and periodically reviewed to ensure effectiveness.

Elements	Criteria	Assessment			Office of the Manitoba Fairness Commissioner's Findings
		Compliant	Improvement Needs	Non-compliant	
1. Applicants are provided clear, complete and accurate information about assessment and registration process.	4. A realistic sense and range of the full costs involved in the process, including common associated costs.		⚠		The 'Registration and Licensing Process Overview' page of the new IEO information portal provides a detailed breakdown of fees by step and an estimated total of full, direct cost. There is no mention of common associated costs. It would support better planning for applicants if these were identified: e.g., possible translation costs for documents, bridging coursework fees, potential travel expenses for the PLAR Interview and National Exams.
1. Applicants are provided clear, complete and accurate information about assessment and registration process.	5. Financial support opportunities.	✓			
1. Applicants are provided clear, complete and accurate information about assessment and registration process.	6. Timelines and key dates.		⚠		Specific timelines are not provided for the key assessment steps – OOM's initial application assessment, PLAR results or the length of time to receive national Exam results. This information is needed to support planning for IEOs.
1. Applicants are provided clear, complete and accurate information about assessment and registration process.	7. A realistic sense and time range of how long the entire process often takes.		⚠		The 'Registration and Licensing Process Overview' page of the new IEO information portal provides a time range of 4 to 7 months for the initial application and PLAR assessment. This does not include the time required for an applicant to collect the required documents, acquire a credential assessment or complete the National Exams. A significantly longer period will likely be required for those applicants in need of bridge coursework. A more complete time range picture would be of benefit for IEOs.
1. Applicants are provided clear, complete and accurate information about assessment and registration process.	8. Step-by-step, easy-to-navigate path of the registration process.	✓			

Standard: Dedicated and fair practices are in place for the assessment and registration of internationally educated applicants. Policies and procedures are documented, consistently followed and periodically reviewed to ensure effectiveness.

Elements	Criteria	Assessment		Office of the Manitoba Fairness Commissioner's Findings	
		Compliant	Improvement Needs	Non-compliant	
1. Applicants are provided clear, complete and accurate information about assessment and registration process.	9. Information provided about opportunities for general and occupation-specific upgrading.	✓			
2. Standards of practice are identified and periodically reviewed.		✓			
3. Required qualifications are relevant and necessary for competent professional practice.		✓			
4. Documentation requirements are reasonable. Alternative documentation opportunities are available and explained to applicants	1. Difficult-to-provide documents – e.g. originals, syllabus – are warranted.	✓			
4. Documentation requirements are reasonable. Alternative documentation opportunities are available and explained to applicants	2. Alternative documentation opportunities are available and clearly explained.	✓			
4. Documentation requirements are reasonable. Alternative documentation opportunities are available and explained to applicants	3. Criminal records policy is warranted and clearly explained.	✓			

Standard: Dedicated and fair practices are in place for the assessment and registration of internationally educated applicants. Policies and procedures are documented, consistently followed and periodically reviewed to ensure effectiveness.

Elements	Criteria	Assessment			Office of the Manitoba Fairness Commissioner's Findings
		Compliant	Improvement Needs	Non-compliant	
5. Any third party assessments in the registration process are transparent, objective, impartial and fair.	1. Applicants are provided clear, complete and accurate information about the role of third party assessments in the registration process.	✓			
5. Any third party assessments in the registration process are transparent, objective, impartial and fair.	2. Measures are in place to ensure third party assessment policy and practice is fair.	✓			
5. Any third party assessments in the registration process are transparent, objective, impartial and fair.	3. Third party assessment decisions are subject to appeal.		⚠		NACOR's National Exam results are subject to appeal. However, this is not made clear in either on NACOR's or OOM's websites; nor is appeal information provided in the exam results letter.
6. Assessment of qualifications is transparent, objective, impartial and fair.	1. Valid and reliable methods of assessment are employed for internationally educated applicants.		⚠		Eligibility for PLAR is based upon OOM's initial application assessment of an applicant's education, work experience, possible registration experience, resumé and letters of reference. OOM acknowledges a need to develop formal criteria for this initial assessment both to better support the validity and reliability of these assessments and to allow for greater transparency for applicants. Likewise, formal criteria need to be articulated for OOM's assessment of an applicant's Competency Gap Analysis and Interview results. Currently, NACOR is considering implementing a self-assessment tool for PLAR eligibility that will support the identification of formal criteria for OOM's initial application assessment.
6. Assessment of qualifications is transparent, objective, impartial and fair.	2. Assessment methods and tools are subject to psychometric scrutiny and cultural review.	✓			

Standard: Dedicated and fair practices are in place for the assessment and registration of internationally educated applicants. Policies and procedures are documented, consistently followed and periodically reviewed to ensure effectiveness.

Elements	Criteria	Assessment		Office of the Manitoba Fairness Commissioner's Findings	
		Compliant	Improvement Needs	Non-compliant	
6. Assessment of qualifications is transparent, objective, impartial and fair.	3. Multiple assessment methods are available. Applicants have the opportunity to demonstrate competence.	✓			
6. Assessment of qualifications is transparent, objective, impartial and fair.	4. Knowledge and skills acquired through work experience are assessed, including international work experience.	✓			
6. Assessment of qualifications is transparent, objective, impartial and fair.	5. International educational credentials are subject to a reasonable, valid equivalency assessment: reasonable measure has been taken to acquire an informed understanding of the content of international educational programs and their equivalence to Canadian programs.	✓			
6. Assessment of qualifications is transparent, objective, impartial and fair.	6. The regulator has objective standards and criteria to assess knowledge and competencies acquired through work experience.	✓			

Standard: Dedicated and fair practices are in place for the assessment and registration of internationally educated applicants. Policies and procedures are documented, consistently followed and periodically reviewed to ensure effectiveness.

Elements	Criteria	Assessment		Office of the Manitoba Fairness Commissioner's Findings	
		Compliant	Improvement Needs	Non-compliant	
7. Staffs responsible for assessment, appeals and working with internationally educated applicants received appropriate training and possess relevant expertise	1. Training for the assessment academic qualifications.	✓			
7. Staffs responsible for assessment, appeals and working with internationally educated applicants received appropriate training and possess relevant expertise	2. Training for the assessment of work experience	✓			
7. Staffs responsible for assessment, appeals and working with internationally educated applicants received appropriate training and possess relevant expertise	3. Appeal training	✓			
7. Staffs responsible for assessment, appeals and working with internationally educated applicants received appropriate training and possess relevant expertise	4. Cross-cultural training.	✓			

Standard: Dedicated and fair practices are in place for the assessment and registration of internationally educated applicants. Policies and procedures are documented, consistently followed and periodically reviewed to ensure effectiveness.

Elements	Criteria	Assessment			Office of the Manitoba Fairness Commissioner's Findings
		Compliant	Improvement Needs	Non-compliant	
8. English and French language proficiency requirements for registration and professional practice are reasonable.	1. French or English language proficiency levels are identified and based on the language demands of the profession.				Not applicable. Currently, there is no English language proficiency level required for registration. Work is underway benchmarking the profession and assessment process and an evidence-based language proficiency requirement will be introduced shortly. The new IEO information portal makes clear the importance of English language proficiency and provides useful information about language assessment and upgrading opportunities.
8. English and French language proficiency requirements for registration and professional practice are reasonable.	2. Level of language proficiency identified at key points in the registration process – e.g., entry to practice vs. application or entry to gap training.	✓			
8. English and French language proficiency requirements for registration and professional practice are reasonable.	3. The identification of the nature and type of communicative demands for professional practice and the assessment process	✓			
8. English and French language proficiency requirements for registration and professional practice are reasonable.	4. The appropriate use of language proficiency tests, expiration dating and test-scores.				N/A
8. English and French language proficiency requirements for registration and professional practice are reasonable.	5. A variety of English language test are recognized				N/A

Standard: Dedicated and fair practices are in place for the assessment and registration of internationally educated applicants. Policies and procedures are documented, consistently followed and periodically reviewed to ensure effectiveness.

Elements	Criteria	Assessment			Office of the Manitoba Fairness Commissioner's Findings
		Compliant	Improvement Needs	Non-compliant	
9. Assessment and registration process is relationally fair.	1. Written reasons accompany assessment results.			✗	Sufficient written reasons are not provided for either OOM's initial application assessment results or for the PLAR assessment results. Applicants denied eligibility for a PLAR assessment are given little explanation about how their qualifications fell short relative to OOM's PLAR eligibility standards. Likewise with respect to the PLAR assessment results/registration decision letter, the applicant's qualification deficiencies are not disclosed or described in any detail.
9. Assessment and registration process is relationally fair.	2. Detailed feedback is provided about qualification gaps.			✗	Although OOM's PLAR process results in a very detailed, comprehensive assessment, applicants are currently provided little detailed feedback. Applicants do not have access to either the results of their Competency Gap Analysis or OOM's "Recommendation Report" that results from their Interview. The provision of reasonably detailed assessment results is critical for a transparent process.
9. Assessment and registration process is relationally fair.	3. Applicants have the opportunity to discuss assessment and registration decisions of concern.	✓			
9. Assessment and registration process is relationally fair.	4. Applicants without appropriate qualifications receive advice and information about alternative careers.	✓			
10. Registration process allows for different levels of recognition.	1. Opportunity for restricted or conditional license and supervised practice.	✓			

Standard: Dedicated and fair practices are in place for the assessment and registration of internationally educated applicants. Policies and procedures are documented, consistently followed and periodically reviewed to ensure effectiveness.

Elements	Criteria	Assessment			Office of the Manitoba Fairness Commissioner's Findings
		Compliant	Improvement Needs	Non-compliant	
10. Registration process allows for different levels of recognition.	2. Re-assessment only required in areas where competence has not been demonstrated.	✓			
10. Registration process allows for different levels of recognition.	3. Time-frames for re-assessment are consistent with currency of practice standards.	✓			
11. A fair appeal or review process is available.	1. All assessment and registration decisions that deny or condition registration are subject to appeal	✓			
11. A fair appeal or review process is available.	2. Appeal or review committee members are independent from those responsible for the original decision	✓			
11. A fair appeal or review process is available.	3. Timely hearings and appeal decisions	✓			
11. A fair appeal or review process is available.	4. Detailed, written reasons are provided to appellants for unfavorable decisions.		✓		OOM has no policies or procedures in place concerning the provision of written reasons for appeal decisions. We note they have yet to have an unfavorable appeal decision to write. The need to improve written reasons for its other assessment decisions suggests that a policy for appeal decisions would make sense as well.

Standard: Dedicated and fair practices are in place for the assessment and registration of internationally educated applicants. Policies and procedures are documented, consistently followed and periodically reviewed to ensure effectiveness.

Elements	Criteria	Assessment			Office of the Manitoba Fairness Commissioner's Findings
		Compliant	Improvement Needs	Non-compliant	
11. A fair appeal or review process is available.	5. Applicants are advised of their right to appeal.		✓		For the most part, reasonable appeal information is provided in the registration information. The process and timelines are well explained. However, the material gives the impression that reviews are restricted to issues of the correct implementation of policies and procedure. This suggests the content, standards or policies cannot themselves be challenged. The OMFC understands that OOM has no restrictions on the character of appeals it will hear.
11. A fair appeal or review process is available.	6. Appeal information accompanies any assessment and registration decision subject to appeal.		✓		Appeal information does not accompany assessment decisions subject to appeal.
12. Legal exceptions notwithstanding, applicants have full and timely access to their assessment results and records associated with registration.	1. There is a process under which requests for records are considered. Fees for access to records are reasonable and do not exceed cost recovery.	✓			
12. Legal exceptions notwithstanding, applicants have full and timely access to their assessment results and records associated with registration.	2. Applicants are informed of their access to records and the process for requesting records.		✓		Applicants have access to records upon request. No information about access to records is presented in the registration material.
13. Fees involved in the assessment and registration process are reasonable.	1. Fees do not exceed cost recovery.	✓			

Standard: Dedicated and fair practices are in place for the assessment and registration of internationally educated applicants. Policies and procedures are documented, consistently followed and periodically reviewed to ensure effectiveness.

Elements	Criteria	Assessment		Office of the Manitoba Fairness Commissioner's Findings	
		Compliant	Improvement Needs	Non-compliant	
14. Assessment and registration process is timely.	1. Reasonable measure is taken to ensure the prompt processing of applications and assessments.	✓			
14. Assessment and registration process is timely.	2. Communication with applicants is timely and systematic.	✓			
14. Assessment and registration process is timely.	3. Assessment and registration process is structured efficiently and minimizes unnecessary delays.	✓			

Fairness Commissioner's Recommendations

As a result of the OMFC's registration review of the Opticians of Manitoba (OOM) and to ensure compliance to *The Fair Registration Practices in Regulated Professions Act*, the Fairness Commissioner recommends:

1. With regard to the assessment and registration information, *that OOM provide clear, complete and accurate information about:*
 - a. Manitoba Standards and qualification criteria;
 - b. The academic training requirement;
 - c. The eligibility criteria for the PLAR assessment and the criteria determining the various PLAR assessment outcomes;
 - d. The need for a basic versus a comprehensive credential assessment;
 - e. Assessment results timelines, better time range information and common associated costs in the registration process;
 - f. Access to records.
2. With respect to the appeal process:
 - a. *That OOM ensure the National Exam results are subject to appeal, either working with the National Association of Canadian Optician Regulators to develop a review process or assuming responsibility to ensure Manitoba's exam candidates have opportunity to appeal;*
 - b. *That OOM's appeal information make clear that appeal opportunities are not restricted to issues of procedure;*
 - c. *That OOM introduce a pre-appeal step in the appeal process;*
 - d. *That OOM's appeal information accompany any assessment decision subject to appeal.*
3. *That OOM develop formal criteria for its initial PLAR eligibility assessment and for the PLAR assessment outcomes;*
4. *That OOM provide sufficient written reason for registration decisions that deny eligibility for the PLAR assessment, that condition registration upon a PLAR assessment result or that uphold registration decisions upon appeal;*
5. *That OOM disclose to applicants the detailed results of their PLAR assessments.*

OOM's Action Plan

In response to the Fairness Commissioner's Recommendations, the Opticians of Manitoba proposed the following action plan as of November 2012. The plan is reprinted in its entirety under the 'OOM's Action Plan' column in the table below.

The OOM's Action Plan will form the basis of its relationship with the OMFC moving forward. The plan is monitored by the OMFC and will be tracked in the 'Completion Date' box of the Action Plan as it comes to fruition. As the report will be available online, this allows any interested party to see the progress to date.

OMFC's Recommendation	Planned Action(s)	Short Term Less than 3 months	Medium Term 3 months to 1 year	Long Term 1 year or more	Completion Date
<p>1. With regard to the assessment and registration information, <i>that OOM provide clear, complete and accurate information about:</i></p> <p>a. Manitoba Standards and qualification criteria;</p> <p>b. The academic training requirement;</p>	<p>The definition of an optician is being revised and expanded to provide greater clarity for applicants and will be completed and available in the portal for Internationally Educated Opticians on the Opticians of Manitoba's (OOM)website. Information about the qualifications needed and formal assessment criteria used by the Opticians of Manitoba to determine upon initial application whether an Internationally Educated Optician (IEP) will qualify for a PLAR assessment will be added to the registration material on the portal for IEP'S on the OOM website.</p> <p>The information on academic training requirements included in the portal of the Opticians of Manitoba's website for Internationally Educated Opticians will be expanded to include following statement, "applicants with appropriate work experience who have little or no formal training or education in opticianry are also eligible for the PLAR assessment. It should be noted however that it is more likely that the required standard will be met where the applicant has had formal education in opticianry.</p>		✓		

OMFC's Recommendation	Planned Action(s)	Short Term Less than 3 months	Medium Term 3 months to 1 year	Long Term 1 year or more	Completion Date
c. The eligibility criteria for the PLAR assessment and the criteria determining the various PLAR assessment outcomes;	<p>A Competencies Steering committee was set up by NACOR this past year to update the National Competencies for Canadian Opticians 2007 edition. The writing group will begin its work in January 2013 and Canadian regulatory bodies will have the approved essential core competencies for an entry level optician which will include performance indicators and cues, available for implementation and use by April ,2013 We will then have formal updated criteria to be used in determining results of the initial assessment of qualifications, to support the validity and reliability of the GAP analysis and interview results and to support the recommendations for bridging programs , thereby providing greater transparency and ensuring fairness for applicants . These updated competencies will also be in a newer format which should make it easier to understand and follow.</p>		V		

OMFC's Recommendation	Planned Action(s)	Short Term Less than 3 months	Medium Term 3 months to 1 year	Long Term 1 year or more	Completion Date
<p>d. The need for a basic versus a comprehensive credential assessment;</p> <p>e. Assessment results timelines, better time range information and common associated costs in the registration process;</p> <p>f. Access to records.</p>	<p>Manitoba requires applicants to provide a comprehensive assessment. The information in the portal for Internationally Educated Professionals on the Opticians of Manitoba's website will be clarified and corrected to read "comprehensive credential assessment".</p> <p>Specific timelines and dates for the following key assessment steps will be added to the information on the portal for IEPS on the OOM website; estimated time required to accumulate documents required for the initial application and the translation of documents, length of time to receive PLAR results, fees for the NACOR exam and length of time to receive the results of the NACOR exam, additional fee information including estimated fees for initial translation and assessment of documents, cost for travel and accommodation if the applicant wishes to write the national exam in another province, bridging courses and fee payment options</p> <p>The following sentence will be added to the Information on the portal for IEP'S on the OOM website and to the decision letter which is sent to applicants following with their assessment results their interview: "Applicants have the right to access their records. This includes your detailed assessment records. IF you wish to see your records please send your request in writing by email to the Registrar of the Opticians of Manitoba."</p>	✓	✓	✓	

OMFC's Recommendation	Planned Action(s)	Short Term Less than 3 months	Medium Term 3 months to 1 year	Long Term 1 year or more	Completion Date
<p>2. With respect to the appeal process:</p> <p>a. <i>That OOM ensure the National Exam results are subject to appeal, either working with the National Association of Canadian Optician Regulators to develop a review process or assuming responsibility to ensure Manitoba's exam candidates have an opportunity to appeal;</i></p> <p>b. <i>That OOM's appeal information make clear that appeal opportunities are not restricted to issues of procedure;</i></p>	<p>The National exam results are currently subject to appeal. The letters regarding the national exams are sent out by NACOR. The OOM will therefore be required to work with NACOR to ensure that the letters contain the information regarding the candidates right to appeal.</p> <p>The OOM will develop a policy/procedure for appeal of decisions which will include the requirement for the provision of written reasons in plain language, for appeal decisions.</p> <p>The information regarding appeals and the policy and procedure for submitting a request for an appeal will be included on the IEP portal of the OOM website.</p> <p>The information regarding appeals in the decision letter will be expanded so that it is clear to applicants that the OOM has no restrictions on the characteristics of appeals that it will hear, i.e. appeal opportunities are not restricted to issues of procedure. However, the merit of the reason for the appeal will also be taken into consideration.</p>		✓		

OMFC's Recommendation	Planned Action(s)	Short Term Less than 3 months	Medium Term 3 months to 1 year	Long Term 1 year or more	Completion Date
<p>c. That OOM introduce a pre-appeal step in the appeal process;</p> <p>d. That OOM's appeal information accompany any assessment decision subject to appeal.</p> <p>3. That OOM develop formal criteria for its initial PLAR eligibility assessment and for the PLAR assessment outcomes;</p>	<p>This has already been implemented, i.e. the first step in the appeal process is a decision review. The information regarding this step will be added in the section on appeals in the OOM Decision letter as well as in the portal for IEPs on the OOM website.</p> <p>The information regarding appeals in the decision letter will be expanded so that it is clear to applicants that the OOM has no restrictions or characteristics of appeals that it will hear, i.e. appeal opportunities are not restricted to issues of procedure.</p> <p>The definition of an optician is being revised and expanded to provide greater clarity for applicants and will be completed and available in the portal for Internationally Educated Opticians on the Opticians of Manitoba's (OOM)website . Information about the qualifications needed and formal assessment criteria used by the Opticians of Manitoba to determine upon initial application whether an Internationally Educated Optician (IEP)will qualify for a PLAR assessment will be quantified where possible, e.g.</p> <ol style="list-style-type: none"> 1. the number of hours of experience working in the industry can be quantified and a description of the types of tasks that their experience must include 2. the number of fittings required can be quantified. 3. the documentation that is required to prove this experience <p>This will be added to the registration material on the portal for IEP'S on the OOM website.</p>	✓	✓		

OMFC's Recommendation	Planned Action(s)	Short Term Less than 3 months	Medium Term 3 months to 1 year	Long Term 1 year or more	Completion Date
<p>4. <i>That OOM provide sufficient written reason for registration decisions that deny eligibility for the PLAR assessment, that condition registration upon a PLAR assessment result or that uphold registration decisions upon appeal;</i></p> <p>5. <i>That OOM disclose to applicants the detailed results of their PLAR assessments.</i></p>	<p>Applicants' qualifications deficiencies will be disclosed in detail, in plain language so that applicants can see with specificity where they failed to meet the criteria for eligibility for the PLAR assessment.</p> <p>The detailed results of their PLAR assessments will be disclosed to applicants in plain language. This will include the online GAP Analysis results for each section/topic area and the report which includes the Recommendations made following the interview so that applicants can see specifically where they failed to meet the pre-established performance criteria and standards.</p> <p>We are in the process of gathering samples from Ontario and British Columbia of more detailed decision letters that they are using in order to include the same amount of detail in our letters. We will include this level of detail in future letters.</p> <p>The following statement will be added to the section on Registration and Licensing Step 1. PLAR Gap Analysis in the portal for Internationally Educated Professionals on the Opticians Of Manitoba website :</p> <p>“ If the Registration Committee decides that further assessment and/or training is required prior to registration after reviewing all of your documentation, work experience, Gap Analysis, interview results and recommendations, you will receive detailed information on the results of your online GAP Analysis and in-person interview. This information will be included either with or in the decision letter.”</p>	✓			

Fairness Commissioner's Statement of Compliance

The Opticians of Manitoba's Action Plan is a progressive and comprehensive response to the recommendations that resulted for the OMFC's registration review. These actions will strengthen a well designed assessment and recognition strategy and are fully consistent with *The Fair Registration Practices in Regulated Professions Act.*

OOM's commitment to effective, efficient and fair assessment and registration practice for IEOs is evident. OOM's innovative assessment process involving prior learning self-assessment, interview and competency-based examinations, allows IEOs of diverse training and professional experience the opportunity to have their skills recognized. Online, distance bridging programming, allows those with gaps an efficient route to meet professional standards. This is regulation in the progressive spirit that benefits all Manitobans.

We truly appreciate the leadership, awareness and openness of OOM's staff and council. Their continued willingness to improve OOM's process, their engagement with the OMFC in the review process and with our activities with other Manitoba regulators, all speak to the dedication of the individuals involved.

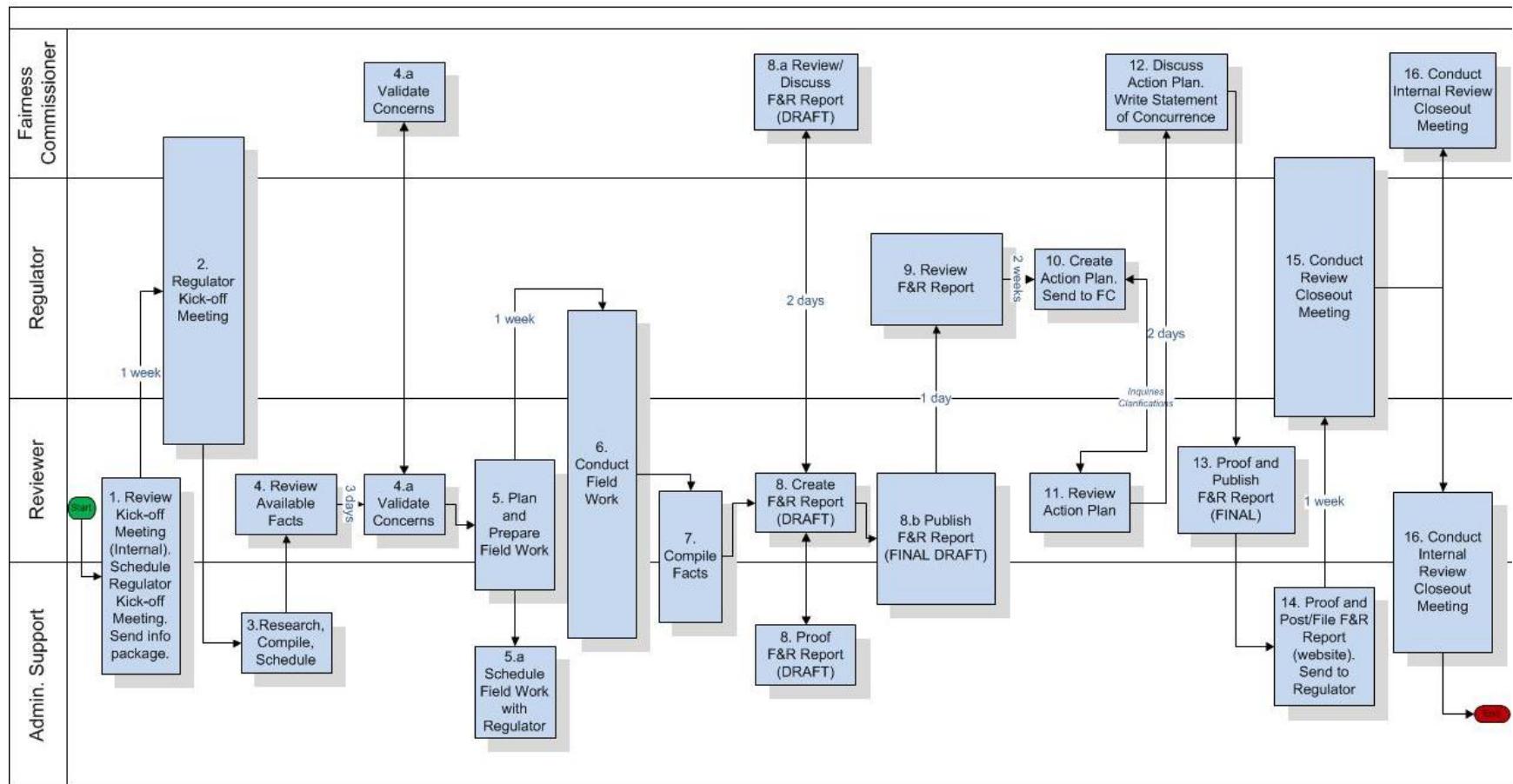
We look forward to OOM's continued contribution advancing progressive regulatory practices in Manitoba's opticianry profession.



Ximena Munoz
Manitoba Fairness Commissioner

Appendix A

OFFICE OF THE MANITOBA FAIRNESS COMMISSIONER Registration Review Process



Appendix B

OOM's Registration Review		
Activity	Description	Date
Kick-Off Meeting	<ul style="list-style-type: none"> • Launch of OOM's registration review; • Key decisions makers from regulator in attendance; • Collect requested documentation; • Fieldwork planned. 	<ul style="list-style-type: none"> • September 27, 2012
Fieldwork	<ul style="list-style-type: none"> • Collect information otherwise unavailable through public information and policy documents; • Clarify information and acquire a more in-depth understanding of policy and practice. 	<ul style="list-style-type: none"> • October 26, 2012
Findings and Recommendations Report	<ul style="list-style-type: none"> • OOM receives a report with the review findings, the Fairness Commissioner's recommendations and a request for an Action Plan. • Findings and Recommendations Meeting 	<ul style="list-style-type: none"> • November 5, 2012 • November 7, 2012
Action Plan	<ul style="list-style-type: none"> • OOM's Action Plan submitted to OMFC. 	<ul style="list-style-type: none"> • November 21, 2012
Final Registration Review Report	<ul style="list-style-type: none"> • Final report submitted to OOM; • Report contains the review findings, the Fairness Commissioner's recommendations, OOM's Action Plan, and the Fairness Commissioner's Compliance Statement 	<ul style="list-style-type: none"> • November 29, 2012
Registration Review Closeout Meeting	<ul style="list-style-type: none"> • Discuss review results & Action Plan; Final report uploaded to OMFC's website 	<ul style="list-style-type: none"> • December 19, 2012



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