

GENERAL INTEREST ARTICLE

The New Era of Eye Care

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As our world changes, so do the needs and priorities of its population. From a health care perspective, these changes are driven by many factors, including aging, the introduction of new technologies and products, a changing business landscape, as well as shortages in the supply of health human resources. These factors bring forward a host of new challenges that can only be addressed by re-examining the way health care is provided, and by allowing new models and business practices to emerge to keep pace with the changing needs of patients and providers.

Over the past decade, federal and provincial governments across Canada have grappled with implementing broad-based health care reforms. As part of this process, they have examined new ways to maximize the best that each health care profession has to offer in order to provide better outcomes for patients. The result is a move to transform and enhance the roles and responsibilities of many health professionals across Canada, such as pharmacists and registered nurses. If optometry is to continue to flourish, be productive, and meet the changing needs of Canadians, it too must be part of this transformation.

Among the most contentious issues in the profession of optometry are restrictions on inter-professional collaboration and on the business structure of optometric practices. In a study of self-regulated professions released in November 2007¹, the Competition Bureau noted that restrictions discouraging or prohibiting optometrists from associating with non-optometrists are prevalent throughout Canada, including restrictions on optometrists' ability to have any interest in, or agreement with optical outlets, firms, dispensaries, or laboratories. In Ontario, the restrictions are particularly excessive. Current regulations enacted by the College of Optometrists of Ontario more than 30 years ago stipulate that it is a conflict of interest for the public entrances and exits of optometrists' premises to be within or interconnecting with the premises of optical retailers. Furthermore, optometrists may not practise in association, partnership or otherwise with registered opticians or any other persons or corporations except optometrists or legally qualified medical practitioners.

Despite arguments from many colleges of optometry that regulations such as these are intended to protect against conflicts of interest, the Competition Bureau concludes in its study that the activities of optometrists, opticians and ophthalmologists are complimentary and therefore, have the potential to deliver greater efficiencies through innovative business models not available to professionals working separately.

IRIS The Visual Group is an example of a new model of eye care that has emerged as part of a transformation in the way optometry is practiced. IRIS began in 1986 as a small optometric practice in Baie-Comeau on Quebec's remote North Shore. Since then, this privately-owned corporation has grown into a network that includes more than 500 optometrists, opticians, and ophthalmologists working together to provide patients with a full range of eye care under one roof. Under its collaborative model of eye care - which includes two ophthalmology clinics primarily focused on laser refractive surgery, - IRIS offers options for the different members of the eye care team to become partners, owners, and franchisees within its network.

Throughout its growth period, IRIS has faced significant challenges with the respective colleges of optometry in the provinces in which it established locations, with issues ranging from its business model of open collaboration to its branding and advertising practices. While these challenges were eventually overcome in other provinces (including British Columbia, where rules preventing optometrists from entering into business arrangements with non-optometrists who sell optical services or products were challenged and struck down in the B.C. Supreme Court in 1998²), IRIS encountered similar obstacles when it expanded its network into Ontario in January 2007. Six months after first opening the doors to its locations in Waterloo and Guelph, and not having received word from the College in response to requests for open dialogue, IRIS received notice that legal and disciplinary proceedings were being filed against four local optometrists practicing in those locations. The charges reflected the College's position that IRIS's business practices violated its regulations regarding signage, advertising, and alliances with non-optometrists.

In interviews with the Kitchener Waterloo Record and the Waterloo Chronicle last November, College representatives noted that the regulations at the heart of the legal case were indeed enacted some 30 years ago during a time when there was one corporation in Ontario in control of the optical industry, prompting rules designed to maintain optometrists' independence and prevent any perceived pressure to prescribe eyeglasses or products for a company operating on a retail model. While the College acknowledged that today's optical environment is vastly different than what it was when the rules were originally developed, it has an obligation to uphold current regulations. In response, IRIS filed a legal challenge under the Charter of Rights and Freedoms arguing that the enforcement of the current regulations violated basic freedoms of expression and association.

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This past May, both IRIS and the College agreed to withdraw their respective legal and disciplinary actions, coming to the mutual agreement that little would be gained with further litigation when both parties agree that the current regulations are in need of modernization. However, despite the end of the legal proceedings, the main issues concerning the regulations that formed the very basis of the lawsuits remain unresolved.

In mid-2007, the College submitted new amendments to the regulations to the Ministry of Health and Long-Term Care (MOHLTC) which, among other things, included provisions to allow certain relationships between optometrists and opticians. In its February newsletter, the Ontario Association of Optometrists (OAO) showed support for the amendments and noted they would also permit the employment of registered opticians by optometrists and allow for more latitude in practice identification and promotion. In IRIS's view, the amendments, while a step in the right direction, are vague in scope and require further clarity.

The following points are worthy of consideration:

- 1) In their current form, the proposed amendments stipulate that optometrists may only be permitted to associate with opticians if they employ the optician or practice as "independent" contractors. The term "independent" is somewhat ambiguous in this context, as there are no College guidelines defining an "independent contractor." This is something that could be enforced against optometrists in certain practice arrangements in the future, based on the interpretation of the College members currently serving on the executive committee.
- 2) The amendments do not change the current restrictions that prevent optometrists from forming business alliances with opticians or non-optometrists. Both the Health Professions Regulatory Advisory Council (HPRAC)³ and the Competition Bureau encourage open models of collaboration among health professionals to enhance the delivery of quality care within and across settings. While HPRAC encourages Colleges across a variety of professions to examine new mechanisms to facilitate and support enhanced collaboration, the Competition Bureau recommends that the colleges of optometry remove restrictions that prohibit or discourage the development of more efficient business models, including complimentary arrangements between optometrists and opticians, as a means of fostering further quality and innovation. While the amendments appear to encourage collaboration to a certain degree, they stop short of allowing interdisciplinary relationships to reach their full potential. On June 19, 2008 the Competition Bureau communicated this view in a letter to the Ontario Ministry of Health and Long Term Care.⁴
- 3) The amendments also continue to enforce a ban

on the use of trade names in optometry and joint advertising with anyone other than an optometrist. The use of trade names or branding is important to consumers. In the current marketplace where consumers have many choices, a brand name creates a feeling of security and trust when making a purchase. The act of preventing optometrists from branding their practices significantly disadvantages optometry from competing with large optical retailers. Also, in preventing optometrists from accessing co-op marketing with optical suppliers, it reduces the marketing resources available to an optometrist. The result is that an optometrist's practice location will continue to be less identifiable to the public than that of an optical retailer. As noted in the Competition Bureau study, some advertising restrictions currently in place in Ontario and other provinces appear to go beyond what is necessary to protect the public from harm. In fact, they have the potential to limit the availability of legitimate information that benefits consumers and fosters competition. In IRIS's view, an optometrist's ethics and level of professional service is not influenced by a trade name and the public can be protected by holding all professionals accountable for advertising.

It seems that many of the issues that plague the eye care industry, as with other health professions, can be traced to an oversight of competition issues at the time when regulatory frameworks were created – a time when the Canadian economy and health landscape were vastly different from today's climate. Canada's aging population and the heightened future demand for eye care services, coupled with various factors restricting supply in the optometry profession, speak loudly to a need to review current restrictions to ensure that competition is not hampered unnecessarily. All members of the eye care team must be able to work to their fullest potential.

It is the belief of IRIS that enabling optometrists, opticians, and ophthalmologists to work closely together in the environment of their choosing, results in a higher standard of eye care to patients. A higher standard of eye care is achieved because solutions and treatments for issues related to corrective lenses, pathology and other eye conditions can be approached collaboratively with the patient. Lifting restrictions on advertising and practice identification will help make optometric practices better known to eye care patients, and further educate consumers about the differences between the roles, functions, and qualifications of the professionals that form an eye care team.

In Ontario, for the first time in an entire generation, a new set of proposed regulations for the profession of optometry are now before the Ministry, awaiting further evaluation and approval. While it is not known at this time whether they will pass the review process, it is imperative that all possible avenues are followed

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to ensure that any amendments to the current regulations are clear, concise, and leave no room for misinterpretation.

The eye care industry cannot flourish in an environment where more emphasis is placed on restricting the business practices of optometrists than on enforcing standards of patient care. At IRIS, we fully believe optometrists have the right to practice their chosen profession in the environment of their choice with patient needs at the forefront. This includes their right to effectively and accurately communicate their role and services to the public.

We also believe the highest standards of patient care can best be achieved through increased collaboration among all eye care professionals in Canada. In order to meet the public's ever-changing needs, many professions are reshaping the way they deliver health care services. Optometrists need to be part of this transformation if they are to keep pace with the rest of the eye care industry. The time has come for a fresh perspective.

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Conflict of interest disclosure:

Dr. Daryan Angle, O.D., is the vice president of professional relations at IRIS The Visual Group, Canada's largest eye care provider. In his role, Dr. Angle works to develop and expand the IRIS network of locations and eye care professionals across Ontario. He also leads information sessions to educate emerging optometrists about the expanding role of eye care in the province and the benefits of inter-professional collaboration under the IRIS model of care. He can be reached at daryan.angle@iris.ca.

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4. Interventions; Letter from Competition Bureau of Canada to Ontario Ministry of Health and Long Term Care June 19, 2008.