

MEDIATION & DISCIPLINE

COMPLAINT PROCESS

As the licensing and governing body for Optometrists in the Province of Saskatchewan the College takes your complaint seriously and will investigate the situation. All optometric patients have the right to expect professional care from their Optometrist. If you have concerns with the professional care you have received and are dissatisfied, first discuss your concerns with your Optometrist. If you are still unsatisfied you should contact the College of Optometry at the Saskatchewan Association of Optometrists.

Upon receiving a call, the SAO office will ask for a written account of your complaint. Forms and information required are listed on the SAO website at www.optometrists.sk.ca or the forms can be sent to you. The package includes a release form, which allows the College to access the patient's optometric file and investigate the situation.

Each complaint is individually reviewed by members of the Mediation Committee of the College of Optometry of the Saskatchewan Association of Optometrists. Depending on the relevant information provided the Committee may contact the parties involved to further discuss the issues. Each situation is investigated thoroughly and the patient and Optometrist are informed of the recommendations. Often the complaint process takes several months depending on the complexity of the complaint. Each situation is investigated thoroughly and the patient and Optometrist are informed of the recommendations and outcome as soon as possible.

If you have been examined or treated by more than one practitioner, either before or after the matter in question, and if it appears that another practitioner might have information relevant to the matter, you will be requested to provide consent for the College to obtain a report from that practitioner.

In some cases, other persons may have information that would help the College make a fair and appropriate decision. In such cases those persons would be contacted too and we would require your consent to contact them.

If the Committee has concerns with the quality of care provided, unprofessional conduct or suspected criminal actions, the complaint will be referred to the College Discipline Committee. If corrective action is warranted, the College has the authority to impose penalties ranging from mandatory continuing education courses to upgrading skills to suspension or loss of license.

What can you expect as an outcome of a complaint?

The mediation process is designed to help you and your optometrist resolve any misunderstandings. Most complaints are a result of miscommunication and are resolved to the patient's satisfaction. Sometimes the optometrist may be asked to reimburse the patient for costs, arrange replacements or arrange an alternate provider.

While the majority of optometrists follow the Mediation Committee recommendations, the College does not have any legal authority to enforce a recommendation upon patients, third party carriers or Optometrists.

If, after using the mediation process, you are still dissatisfied with the restitution from your optometrist you may want to seek legal advice. Please note that under the Statute of Limitations Act, there is a limited time frame during which you can initiate civil court actions. Please ask your lawyer on how this Act affects your circumstances.

The SAO's role is to regulate the profession to ensure public safety in Saskatchewan. The College has no authority to discipline optometrists who currently practice outside the province of Saskatchewan. Any complaints involving this optometrist should be addressed to the provincial licensing board where the optometrists currently practices.

The Complaint Process

You may wish to lodge a formal written complaint if the problem has not been resolved successfully. The information in your complaint will be reviewed and a letter confirming receipt of your complaint will be sent to you. The College will need your consent for your optometrist to release information from your clinical record to the College. If it is determined that the matter is an "inquiry" and not a complaint, an explanation will be provided to you either by telephone or letter.

Once you file a formal complaint, the optometrist will be notified of the complaint, in writing, within 14 days. It is the policy of the College to send a copy of your complaint to the optometrist.

Every Complaint has Two Sides

The optometrist is invited to provide a written response to the complaint and is given suitable time which we strive to keep under thirty days to do so. A copy of the optometrist's response to your complaint will be sent to you. This way, you have the opportunity to hear and understand the optometrist's side of the story. Just as the optometrist was invited to respond to your letter of complaint, you will be invited to comment on the optometrist's response.

Where There is More Than One Practitioner

If you have been examined or treated by more than one practitioner, either before or after the matter in question, and if it appears that another practitioner might have information relevant to the matter, you will be requested to provide consent for the College to obtain a report from that practitioner.

In some cases, other persons may have information that would help the College make a fair and appropriate decision. In such cases, those persons would be contacted too.

When the Investigation is Drawing to an End

Once the initial investigation is completed, all of the available information is compiled and if the issues involved in the matter are clear, the Mediator may arrive at a decision based on the facts of the investigation. At other times, the optometrist and/or the complainant may be asked to clarify certain information.

The Mediation Committee has no authority to assess damages against an optometrist or to direct reimbursement of funds by the optometrist to the complainant. Only the courts can do this.

The Written Decision

Where, in the opinion of the mediation committee, there are reasonable grounds for believing that a member may have acted in a manner described in subsection (3), it shall lay before the discipline committee a charge stating the grounds for complaint against the member. A written decision is prepared and submitted to the Discipline Committee. Both the claimant and the member will receive a copy of the report.

Discipline Committee

The Discipline Committee:

- (a) may on its own motion, where it has received a complaint in writing from any person that a member has acted in a manner described in subsection 25(3);
- (b) shall, where it is directed to do so by the council; or
- (c) shall, where a charge is laid before it pursuant to subsection 25(5);
- (d) inquire into and make a determination respecting the allegation that the member has acted in a manner described in subsection 25(3).

(1) Notice of an inquiry mentioned in section 26 is to be Notice served on the person whose conduct is the subject of inquiry.

(2) The notice mentioned in subsection (1) is to:

- (a) contain or be accompanied by a copy of the charges made or the subject matter of the inquiry;
- (b) specify the time and place for holding the inquiry; and
- (c) be signed by the chairman or the secretary of the discipline committee.

Service of a notice or document required by the disciplinary provisions of the Optometry Act or the Professional Optometric Bylaws may be affected by registered letter addressed to the last known residence or business of the person to be served and proof that the letter was so addressed and mailed is proof of service.

The Discipline Committee will then proceed to a hearing pending the outcome and decisioning if a member committed professional misconduct.

The Member and the Complaint will be informed and receive written notice of the final Order of Council.