

SUMMARY OF COMPLAINTS/DISCIPLINE PROCESS

Manitoba Association of Optometrists

1. A written complaint is received by the Association Office. It is immediately forwarded by the Registrar to the Complaints Committee for review, to the optometrist against whom the complaint was made for a response, and to the Assistant Registrar for information.
2. The Complaints Committee conducts a preliminary investigation. If the nature of the complaint indicates a serious risk to the public, the Committee may suspend the member's certificate of registration pending the outcome of its investigation and a disciplinary hearing. The member may appeal such a suspension to the Court of Queen's Bench.
3. The Complaints Committee may resolve the matter informally, direct that no further action be taken, issue a formal caution (written reprimand to the member's file) or refer the matter to the Discipline Committee for a formal hearing. To assist in resolving the matter, the Complaints Committee may, if it deems it appropriate in the circumstances, recommend that the optometrist refund part or all of the fees paid; **however, it has no power to impose an order for repayment on the optometrist.** The optometrist is consulted to see if the Committee determines that a formal caution is warranted and, if he or she disagrees, the matter is instead referred to the Discipline Committee for a formal hearing.
4. A complainant has 30 days from notification of a Complaints Committee decision to appeal a direction that no further action be taken. An Appeals Committee is struck to review the matter, including all information considered by the Complaints Committee, plus additional submissions the optometrist and complainant wish to put forward. The Appeals Committee has the same decision-making power as the Complaints Committee (i.e. direct that no further action be taken, issue a formal caution or refer the matter to the Discipline Committee). It can confirm the Complaints Committee decision, refer the matter back to the Complaints Committee for further consideration, or make its own directive in keeping with this authority. The decision of the Appeals Committee is final.
5. If either the Complaints or Appeals Committees refer a matter to the Discipline Committee for formal hearing (most likely serious matters, constituting alleged professional misconduct or unskilled practice), the Discipline Committee is struck to formally hear the matter. Hearings are generally open to the public but must respect the confidentiality of both the practitioner's and complainant's identity. If a Discipline Committee finds an optometrist guilty of charges of professional misconduct or unskilled practice, it may order a reprimand, suspension with or without conditions, restrictions or conditions on practice, repayment of fees, revocation of registration and/or fines and costs of the hearing.
6. The optometrist who is being investigated may appeal a decision of the Discipline Committee to the Court of King's Bench.