

Facilitated Resolution Agreement and Undertaking

BETWEEN:

Randy Neefs, Lic. # 210

("Investigated Person")

- and -

Julie Therou Zechel

("Complaints Director")

WHEREAS:

- a) The College of Opticians of Alberta (the "College") is a corporation pursuant to the *Health Professions Act*, R.S.A. 2000, c. H-7 ("HPA").
- b) The Investigated Person is a regulated member of the College and was a regulated member at all material times.
- c) On June 28, 2021, the College received a written complaint (the "Complaint") dated June 9, 2021, from the Complainant indicating that the Investigated Person may have engaged in unprofessional conduct including but not limited to failing to disclose the nature of the service provided.
- d) The Complainant sent investigation documents that indicated that the Investigated Person had failed to inform The Complainant that the service rendered was not a full eye health examination.
- e) During the College's follow-up investigation, it was also discovered that The Complainant's patient record did not include important pieces of information required by the College's Standards of Practice.
- f) The Complaints Director, under the authority of s. 55(2)(a.1) of the HPA, has obtained consent from the Complainant and the Investigated Person to attempt to resolve the Complaint as an alternative to this matter proceeding to a hearing.

IN CONSIDERATION OF the terms and conditions set out herein, the parties hereby agree as follows:

1. The Investigated Person Hereby acknowledges that:
 - a. He failed to keep a full and accurate patient record for Ms. Lavallee; and
 - b. He failed to sufficiently inform Ms. Lavallee of the limitations of the sight test/refraction.
 - c. His conduct constitutes “unprofessional conduct” and more particularly, the conduct:
 - i. Harms the integrity of the Opticianry profession and contravenes the HPA;
 - ii. Contravenes the COA Standards of Practice and Code of Ethics; and
 - iii. Contravenes the *Health Information Act*
2. The Investigated Person hereby acknowledges and agrees that:
 - a. The signed Agreement and Undertaking shall serve as a reprimand.
 - b. He will demonstrate that he has read and reflected on current COA Standards of Practice, in particular record keeping, refracting, professionalism, and restricted activity authorization in a manner and timeframe agreed to by the Complaints Director.
 - c. He will pay a fine to the COA of \$500 by a date agreed to by the Complaints Director.
3. Pursuant to s. 119 of the HPA, the College will comply with its disclosure obligations and may publish information related to the Complaint and this Agreement and Undertaking in the College’s Annual Report or other College publications.
4. The Investigated Person acknowledges that if a further complaint is received by the College after the date of this Agreement and Undertaking, and that complaint results in a hearing before a Hearing Tribunal with a finding of unprofessional conduct, that the circumstances surrounding the Complaint and this Agreement and Undertaking may be considered by the Hearing Tribunal for the purposes of determining penalty, regardless of the passage of time.
5. If the Investigated Person fails to comply with the terms of this Agreement and Undertaking, the Complaints Director may treat the non-compliance as the basis for a new complaint pursuant to s. 56 of the HPA and act on the new complaint pursuant to s. 55.

I, Randy Neefs, acknowledge that I have had the opportunity to consult with legal counsel. I hereby acknowledge that I voluntarily enter into this Agreement and Undertaking, and I understand that the successful completion of the Agreement and Undertaking will constitute a full and complete resolution of the Complaint.

5. If the Investigated Person fails to comply with the terms of this Agreement and Undertaking, the Complaints Director may treat the non-compliance as the basis for a new complaint pursuant to s. 56 of the HPA and act on the new complaint pursuant to s. 55.

I, Randy Neefs, acknowledge that I have had the opportunity to consult with legal counsel. I hereby acknowledge that I voluntarily enter into this Agreement and Undertaking, and I understand that the successful completion of the Agreement and Undertaking will constitute a full and complete resolution of the Complaint.

June 21/2022

Date

Randy Neefs

Regulated Member

Mediated by:

06/26/2022

Date

John

Complaints Director