

Health Professionals (ACT Optometrists Board Standards Statements) Approval 2008 (No 1)

Notifiable instrument NI2008–89

made under the

Health Professionals Regulation 2004, Section 134 (Standards Statement)

1. Name of instrument

This instrument is the *Health Professionals (ACT Optometrists Board) Standards Statements) Approval 2008 (No 1)*.

2. Revocation

This instrument revokes NI2007-7.

3. Commencement

This instrument commences on the day after notification.

4. Standards Statements

In accordance with Regulation 134 (3) of the *Health Professionals Regulation 2004* the ACT Optometrists Board has approved the following Standards Statements.

Dr Mark Feltham
President
29 March 2008

OPTOMETRISTS BOARD OF THE ACT

STANDARDS STATEMENTS

CONTENTS

The following standards statements must be observed by registered optometrists in the ACT.

1. Optometrists Code of Conduct
2. Standards of Practice
3. Continuing Professional Development
4. Recency of Practice
5. Sick Certificates
6. Scope of Practice
7. Non-Practising Registration
8. Insurance

Legislative requirements

The *ACT Health Professionals Act 2004* states, inter alia, that persons registered as optometrists must be physically and mentally competent and have the appropriate skills, including communication skills, in order to practise as an optometrist in the ACT. Further, that the person must not engage in any improper or unethical conduct and must exercise adequate judgement and care while practising as an optometrist.

The Act can be accessed at <http://www.legislation.act.gov.au/a/2004-38/default.asp>

Standards Statements issued by the Optometrists Board are designed to raise awareness of the standard of practice required from a registered optometrist to be competent to practise, or to help the practitioner improve his or her suitability to practise. The information contained in these statements is to be used as a guideline for optometrists to follow and reflects the interpretation of the Health Professionals Act 2004 by the Board. Non-adherence or breach of the statements may be grounds for finding of a breach of the Act.

Disclaimer

In the case of any conflict or discrepancy between this document and legislation, the legislation prevails.

OPTOMETRISTS BOARD OF THE ACT

STANDARDS STATEMENT

1. OPTOMETRISTS CODE OF CONDUCT

Guideline Document

1. Optometrists Association Australia (OAA) Code of Ethics

In assessing competence and behaviour in relation to the above, the ACT Optometrists Board will use the OAA Code of Ethics, current at the time, as a guideline document. Copies of this document can be obtained from the OAA or from the ACT Optometrists Board or accessed through the internet at <http://www.optometrists.asn.au/optometry/code> .

OPTOMETRISTS BOARD OF THE ACT

STANDARDS STATEMENT

2. STANDARDS OF PRACTICE

Guideline Documents

1. Standards of Practice for ACT Allied Health Professionals, ACT Health, September 2004.

The Board endorses the Standards of Practice for Allied Health Professionals ACT Health September 2004 published in May 2005 – Publication No 05/0471 (2000). Optometrists are required to comply with the standards of practice included in that publication. This document is available from the Board Registrar or from the Allied Health Boards website.

2. Optometrists Association Australia competency standards.

The Optometrists Board endorses the OAA practice standards and recommends that Optometrists be members of the OAA. The OAA documents are accessible at: <http://www.optometrists.asn.au/gui/search/?searchQuery=competency+standards> or from the Board registrar.

OPTOMETRISTS BOARD OF THE ACT

STANDARDS STATEMENT

3. CONTINUING PROFESSIONAL DEVELOPMENT

Guideline Documents

1. Continuing Professional Development (CPD) Information for Health Professionals, ACT Health, May 2005.

The Board endorses the Continuing Professional Development information for Health Profession Boards published by ACT Health in May 2005 – Publication No 05/0471 (2000). This document is available from the Board Registrar or from the Allied Health Boards website.

2. Optometrists Association of Australia continuing professional development recommendations.

The Optometrists Board endorses the OAA (OAA) continuing professional development recommendations and courses and recommends that Optometrists be members of the OAA. Optometrists should keep a record of their CPD activities to be produced upon request by the Board.

This document is available from the OAA or from the Board Registrar.

THERAPEUTICS CPD

Those optometrists who hold a prescribing authority must maintain additional CPD in relation to therapeutics. The latest Edition of the OAA Practice Standards publication and the OAA journal 'Optometry' provide information on appropriate ongoing reading and reference documents for CPD for therapeutics and general optometry.

OPTOMETRISTS BOARD OF THE ACT

STANDARDS STATEMENT

4. REGENCY OF PRACTICE REQUIREMENTS FOR REGISTRATION AND PRACTICE

The Board has a legislative responsibility to be satisfied that registrants are competent to practise optometry. The following arrangements have been adopted to meet this requirement.

This policy applies to:

1. Applicants with accepted optometry qualifications who have not worked for a significant period in optometrical practice within the last five years; or
2. Therapeutically endorsed optometrists who have not undertaken therapeutics prescribing in optometrical practice for three years.

These applicants must meet the following requirements before they will be granted either full or unconditional registration or, in the case of already registered optometrists, before they will be considered competent to prescribe therapeutics.

- Applicants must have at least 50 hours of supervised practice in a multi-person practice approved by the Board, or a period as determined by the Board;
- The 50 hours must be completed within a six-month period, or other period as determined by the Board; and
- Once a practice or practices has/have been located which will undertake the supervisory role, the applicant must contact the Registrar before commencing work and the Board must give approval of the practice/s for that role.

Criteria for approval of a practice in this role will include that it is a multi-optometrist practice with experienced optometrists available (not new or relatively new graduates) to supervise at all times.

After the required hours of supervision are completed, a report from the supervising practice will be considered in the decision to be made regarding the applicant's registration or competence to prescribe.

A judgement will be made by the Board regarding the amount of practice undertaken in the previous five years or prior to that five years by the applicant to determine the period of supervised practice necessary for them to gain full registration.

OPTOMETRISTS BOARD OF THE ACT

STANDARDS STATEMENT

5. SICK CERTIFICATES

The Workplace Relations Act 1996 regulations provide that registered health practitioners may issue medical certificates within their area of professional expertise or terms of registration under state or territory law.

The following guidelines are provided in relation to the issuing of medical certificates:

- The optometrist may only issue a medical certificate for conditions within his or her area of professional expertise or terms of registration.
- The optometrist may only issue a medical certificate if he or she is satisfied that the person has an eye-related condition that will preclude them from doing his or her work effectively.
- The optometrist must see the applicant in person to assess the eye-related condition.
- The optometrist must refer the applicant to a medical practitioner if there is any reason to suspect that the person may have an underlying medical condition requiring the advice of a medical practitioner.

OPTOMETRISTS BOARD OF THE ACT

STANDARDS STATEMENT

6. SCOPE OF PRACTICE

The practice of optometry involves a service, attendance or procedure, or the giving of advice, that includes one or more of the following:

- i. Diagnosis and/or treatment of conditions of the eye and the ocular adnexa, including the prescription and administration of ocular medications;
- ii. Diagnosis of conditions affecting vision, including employment of methods for the measurement of the powers of vision;
- iii. Prescription and dispensing of optical devices and optical appliances used to correct, remedy or relieve defects of the eye/vision;
- iv. Prescription and fitting of contact lenses;
- v. Vision therapy.

Persons other than a registered practising optometrist may perform and collect results of some standardised eye sight tests under these categories. However, standardisation and interpretation of these eye tests must be undertaken by a registered practising optometrist or medical practitioner.

For example, standardised screening of sight – for drivers’ licences and standardised school eyesight screening.

Optical dispensers may undertake the craft of lens grinding and spectacle making according to a current written prescription from an optometrist or a medical practitioner.

Occupational therapists who have undertaken the necessary training may perform vision therapy.

OPTOMETRISTS BOARD OF THE ACT

STANDARDS STATEMENT

7. NON-PRACTISING REGISTRATION

Non-practising registration is available to those qualified optometrists who are eligible for registration by virtue of their qualifications but who may not be working for a range of reasons. The reasons may include, for example, retirement, parenting, illness or being overseas. The purpose of the non-practising registration is to facilitate contact with the profession during the period in which they are not practising, and where applicable, facilitate re-entry to the profession.

Persons who are registered as non-practising optometrists may not practise optometry. They will receive conditional registration, with the condition being **that they do not practise optometry.**

Those optometrists who take up the conditional non-practising registration for a time, but who do intend to return to the workforce (for example, those out of the workforce for parenting or health reasons) are urged to maintain their continuing professional development as far as practicable to facilitate their re-entry into the workforce, if that should occur.

Persons taking up non-practising registration should make themselves familiar with the Recency of Practice Standards Statement which is accessible from the Board's website. A period of more than five years absence from the professional workforce triggers the requirement for a period of supervised practice when re-entering the optometry workforce.

Persons taking up non-practising registration are not required to hold professional indemnity insurance.

A fee for the non-practising registration is payable by 30 June each and every year.

OPTOMETRISTS BOARD OF THE ACT

STANDARDS STATEMENT

8. INSURANCE

The primary role of the ACT Optometrists Board is to protect the public and maintain high professional standards of registrants. The Health Professionals Act 2004, the Health Professionals Regulation 2004 and Schedule 11 to the Regulation regulate the practice of optometry in the ACT.

Persons practising as optometrists in the ACT are required to hold professional indemnity insurance and to comply with this standard.

The Board requires that each applicant for registration (and each registered optometrist upon renewal of registration) undertakes that at all times while practising, the registrant will be covered by professional indemnity insurance which complies with this standards statement.

Each registered optometrist is responsible for ensuring that the cover obtained under their insurance policy provides appropriate protection for the risks arising from their optometry practice and meets this standard.

All registered optometrists are required to obtain and maintain cover through a policy for professional indemnity insurance which provides at least for the minimum cover as determined by the Board. **The Board has determined that the 'level approved by the board' in section 11.6 (1) of the Schedule to the *Health Professionals Regulation 2004* (below) is commensurate with the current level afforded by insurance through the Optometrists Association Australia (OAA).**

Each registered optometrist must ensure that he or she is, and will be, covered by professional indemnity insurance consistent with this standard for an appropriate period after he or she ceases to practice or retires as an optometrist. Determining what is an appropriate period for each registered or former optometrist may require individual advice from the insurer, insurance broker or an adviser.

Relevant sections of the legislation are as follows:

***Health Professionals Act 2004, s75* No insurance**

- (1) This section applies if-
 - a. A registered health professional is required under the regulations to have insurance; and
 - b. While registered, the health professional ceases to have the insurance.
- (2) The health professional commits an offence if, as soon as practicable (but in any case within 1 month) after ceasing to have insurance, the health professional fails to tell the relevant health profession board, in writing, about the insurance ceasing.

Maximum penalty: 5 penalty units.

The Optometrist Schedule 11 to the *Health Professionals Regulation 2004* states:

11.6 Required insurance policy—Act, s 37 (1) (d)

- (1) An optometrist must maintain a policy of professional indemnity insurance at a level approved by the board.
- (2) However, subsection (1) does not apply to an optometrist if the optometrist—
 - (a) is covered by professional indemnity insurance (the *other insurance*) other than insurance maintained by the optometrist; and
 - (b) only practises as an optometrist while covered by the other insurance.

[Note: the *other insurance* may be provided by the optometrist's employer.]