

OPTOMETRISTS BOARD OF QUEENSLAND

Newsletter

GPO Box 2438

BRISBANE QLD 4001

E-Mail: optometry@healthregboards.qld.gov.au

Web Site address: <http://www.optomboard.qld.gov.au>

DECEMBER 2002

CHAIRPERSON'S MESSAGE

Welcome to the Board Newsletter for 2003. This has been a challenging year for the Board, working with the *Health Practitioners (Professional Standards) Act 1999* and the implementation since 1 February 2002 of the profession specific legislation, the *Optometrists Registration Act 2001*.

All registrants should be mindful of the changes which occur as result of this new Act. In this newsletter, the Board has outlined some of the more important aspects of the Act that directly affect you as a registrant. Please take note of these points. I would strongly recommend that all registrants avail themselves of copies of both the Acts described above, and read and understand the contents.

On behalf of the Members of the Board, thank you for your support. May you and your families have a safe and a very Merry Christmas and a Happy New Year.

Ian Kent

MISSION STATEMENT

In exercising and discharging the powers conferred and imposed upon it by the Act, the Board shall promote the highest level of Optometric care to protect the health, safety and welfare of the Queensland public.

The Board shall ensure:

- That only those persons suitably qualified are registered to practice Optometry;

persons covered by the Act complies with the highest standards of professional conduct.

MEMBERS OF THE BOARD

The following persons are appointed to the Board for the current term until 27 September 2003:

- Mr IC Kent (Chairperson)
- Mr CA Waldron (Deputy Chairperson)
- Professor LJ Carney
- Mr R Cooper
- Mr DJ Lowe
- Dr K Schmid
- Ms A Webber
- Ms S Scott (representative of the users of the services of optometrists, Board Treasurer)
- Ms S Manger (solicitor)

Complaints and Disciplinary Proceedings

During the 2001-02 financial year the Board considered four complaints of which one was dealt with under the *Optometrists Act 1974* (repealed) and three under the *Health Practitioners (Professional Standards) Act 1999* ("Professional Standards Act").

Complaints under the *Optometrists Act 1974*

The one complaint considered under the *Optometrists Act 1974* (repealed on 1 February 2002) was carried over from the previous year. It related to advertising by an Optometrist on the internet and alleged breaches of the advertising provisions of the *Optometrists By-law 1996* made pursuant to section 40 of the Act.

The Board contacted the Optometrist concerned and sought relevant information in relation to the business name used in the advertising. On receipt of the requested information, the Board determined that the Optometrist had no case to answer.

Complaints under the Health Practitioners (Professional Standards) Act 1999

The following summary information is provided, as required by section 264(1) of the Professional Standards Act, on the Board's handling of complaints, disciplinary proceedings and health assessments under the Professional Standards Act during 2001-02:

- The Board received three complaints directly from clients of practitioners. It did not receive any complaints on referral from the Health Rights Commissioner.
- The Board referred all three complaints to the Health Rights Commissioner.
- The three complaints received concerned:
 - ⇒ the quality of care provided by Optometrists (two complaints); and
 - ⇒ dissatisfaction with optical appliances dispensed by an optical dispensing store (one complaint).
- No investigations were conducted by the Board.
- No disciplinary proceedings were undertaken by the Board.
- No Board funds were spent on investigations.
- No Board funds were spent on health assessments of practitioners.

During 2001-2002 the Board did not enter into any undertakings under sections 118 (1)(c)(iv), 165(2)(b), 276(2)(a) and 299(2)(c) of the Health Practitioners (Professional Standards) Act 1999 with registrants about the professional conduct or practice of the registrants. Consequently, no copies of undertakings with registrants were provided to the Health Rights Commissioner pursuant to section 379(5) of the *Health Practitioners (Professional Standards) Act 1999*.

Renewal of general registration (s.68)

Registrants will be applying to renew their registration each year. Under the new legislation the Board has the power to introduce "recency of practice requirements" eg maintaining an adequate connection with the profession by undertaking continuing professional education or undertaking a minimum number of practice hours within a specific period of time.

However, until such time as the Board introduces "recency of practice requirements" the Board must renew the application for general registration.

Registrants will be given adequate notification before "recency of practice requirements" are introduced. This is anticipated to be a joint introduction from the 13 Health Practitioner Boards.

Advertising (s.128)

The advertising provisions in the new Act are, broadly, that a person must not advertise in a way that:

- is false, misleading or deceptive;
- offers discounts, gifts or other inducements to attract business;
- refers to or cites endorsements or testimonials;
- is disparaging of another professional service, business or registrant;
- is likely to harm a person to whom a service is provided;
- indicates the registrant has expertise in a field unless the registrant has those skills, knowledge, training or qualifications.

Restoration of General Registration (s.76)

A person can only apply for restoration of general registration within 3 months after the expiry date.

They are restored to the date the Board approves the restoration (there is no provision for backdating) therefore registrants will have a "gap" in their registration if they apply to be restored after their registration has expired. If a registrant fails to restore within the 3 month period they will then need to apply for General Registration and if they have antecedent qualifications then registration will not be automatic.

IT IS IMPORTANT FOR REGISTRANTS TO MAINTAIN REGISTRATION

Notification of business names (s.126)

Optometrists carrying on a business under a business name other than their own must notify the Board of the name and address of the business (including directors names, if a corporation). A Notification of Business Name form is supplied with this newsletter.

Extension of Use of Therapeutic Drugs

The Board has supported a submission from the Optometrists Association of Australia to the State Minister for Health relating to the extended use of therapeutic drugs by Optometrists in Queensland.

Change to registration period

As you will have noticed you have been charged a six month registration fee. The fee will then change to a yearly fee based on Financial rather than Calendar years. Therefore you will receive in April an application to renew your registration for 1 July 2002 until 30 June 2003.

The future for optometry in Queensland will be a challenge for all of us. Your Board works very hard and is proud of its role. All optometrists must be prepared for the future and careful examination of the new legislation will hold you in good stead.

Duty to Notify the Board of Certain Matters

An amendment to the *Health Practitioners (Professional Standards) Act 1999*, which came into force on 20 August 2001, makes it an offence for a registrant to fail to notify the Board of the following information:

- A conviction of an indictable offence
- A conviction of an offence under any health practitioner registration Act in *any* jurisdiction (including foreign countries)
- A judgement or settlement of a negligence matter to which the registrant is a party
- Disciplinary action or the cancellation, suspension or imposition of conditions or undertakings imposed on the registrant's registration under *any* health practitioner registration Act in any jurisdiction (including foreign countries).

Notification must be made (in a form approved under the above Act) within 30 days of the event occurring as set out in the Act. Failure to notify the Board of this information makes an optometrist liable to a penalty of up to \$3,750 and/or disciplinary action.

Registrants are directed to sections 385A - 385C of the *Health Practitioners (Professional Standards) Act 1999* for further information about this matter. This Act can be accessed on the website: <http://www.legislation.qld.gov.au/Legislation.htm>

PLEASE NOTE:

It is a registrant's responsibility to maintain registration

and

notify the board of any change of name and address.

New Privacy Rules Apply to Registrants In Private Sector

From 21 December 2001 the *Privacy Act 1988 (Clth)* applied to most private sector organisations, including optometrists in private practice and optometrists working for private sector organisations.

The new rules, known as the National Privacy Principles or NPPs, regulate matters such as the collection, use and disclosure, storage and security of personal information, including health information. Under the NPPs, clients have a right to access their health records and to require errors to be corrected.

All registrants practising in the private sector must be aware of their duties under the *Privacy Act 1988* and comply with this law. A breach of privacy may be the subject of a complaint to the Federal Privacy Commissioner and also provides grounds for disciplinary action against the registrant concerned.

Fact sheets about the new privacy rules and the Health Privacy Guidelines can be obtained from <http://www.privacy.gov.au>.

Queries regarding the new privacy rules may be directed to the Office of the Privacy Commissioner on 1300 363 992.

ANNUAL LICENCE FEE

The 2002 registration fee for Optometrists will be for a six month period and is \$86. Please ensure your payment is received at the Office of the Board by 31 January 2003.

If your annual licence fee is not received by 31 January 2003, your name will be removed from the Register of Optometrists.

The Office of the Board is located at:

19th Floor
Forestry House
160 Mary Street
BRISBANE QLD 4000

Ph: 61 7 3225 2517
Fax: 61 7 3225 2527

E-mail: optometry@healthregboards.qld.gov.au
Website: <http://www.optomboard.qld.gov.au>

Correspondence to the Board should be addressed to:

The Executive Officer
Optometrists Board of Queensland
GPO Box 2438
BRISBANE QLD 4001

**THE BOARD'S OFFICE WILL BE CLOSED
FROM 25 DECEMBER 2002
TO 1 JANUARY 2003, INCLUSIVE.**



SEASONS GREETINGS
AND A
HAPPY NEW YEAR