

OPTOMETRISTS BOARD OF QUEENSLAND

Newsletter

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DECEMBER

CHAIRPERSON'S MESSAGE

Welcome to the Board Newsletter for 2002. This has been a challenging year for the Board, working with the *Health Practitioners (Professional Standards) Act 1999* and preparing for the implementation of the profession specific legislation, the *Optometrists Registration Act 2001*. When the Act commences in early 2002, it will be the culmination of a great deal of input by this and previous Boards.

All registrants should be mindful of the changes in the 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

FUNCTIONS OF THE BOARD

The major functions of the Board are:

- to keep a Register of Optometrists;
- to determine applications for the registration of Optometrists;
- to promote high standards of practice of profession;
- to monitor and enforce compliance with the Act;
- to investigate complaints made in relation to the practice of Optometry and to take disciplinary action where appropriate under the *Health Practitioners (Professional Standards) Act 1999*; and
- to inform registrants and the public about the operation of the legislative scheme.

MEMBERS OF THE BOARD

On 27 August 2000 the term of appointment of the Members of the Board ended and the following persons were appointed to the Board:

- 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)
- Ms S Manger (solicitor)

The Board recognises the services of the former Board Members: Ms Caroline Evans, Mr Geoff Fitzpatrick, Ms Merrilee Melville, Mr David Webster, Mrs Pauline Keneally and Mr Paul Clauson.

COMPLAINTS

During the 2000-2001 financial year the Board dealt with three complaints, two related to alleged breaches of the advertising By-law and the third matter related to alleged unsatisfactory professional conduct as defined in the *Health Practitioners (Professional Standards) Act 1999*.

The optometrist was found guilty of 15 charges against the *Health Insurance Act 1973* and subsequently was referred by the Board to the Health Practitioners Tribunal. The Tribunal ordered that:

- the registrant be cautioned;
- a condition be imposed that the registrant not practise on her own account as a principal for a period of 6 months;
- a condition be imposed that the registrant attend the Health Insurance Commission for counselling in relation to the making and processing of Medicare claims;
- the registrant was ordered to pay the Board's costs.

Optometrists Registration Act 2001

This has been an extra-ordinary year of change in the history of Optometry in Queensland. The new *Optometrists Registration Act 2001* was passed by Parliament on 11 May 2001 and is due to commence on 1 February 2002.

It is vital that every Optometrist and their employees understand the changes and the implications. An overview of the significant changes will be highlighted in this newsletter. However, it is suggested all Optometrists peruse the new Act which is accessible on the website: www.legislation.qld.gov.au or obtain a hard copy from Goprint: 07 3246 3399.

Categories of registration (Part 3)

The categories of registration under the new Act will be:

- General Registration (with or without conditions)
- Special Purpose Registration
- Provisional Registration.

All Optometrists currently registered will be transferred over to the category of General Registration (without conditions).

Special Purpose Registration is for a person to undertake activities relating to the profession such as:

- Study or train at postgraduate level;
- Teach;
- Engage in research;
- Give clinical demonstrations.

Recognised qualifications

Only current Australian and New Zealand qualifications, eg B Optom QUT, will be prescribed by regulation. **Registrants with antecedent qualifications, eg Dip App Sc (Optom) QIT, should maintain registration as antecedent qualifications are not considered to be current .**

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.

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 a 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. General Registration will only be 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.

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).

Ownership of Practice

One change in the *Optometrists Registration Act 2001* is the deregulation on the ownership of optometry practices. While one needs to be qualified and registered to practice as an optometrist, anyone will be able to own an optometry practice. This brings us into line with most professions.

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

Currently, the registration year is a calendar year. In 2003 the registration period will be changed to a financial period rather than a calendar period. Further information will be provided following the commencement of the new legislation.

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.

New 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: www.legislation.qld.gov.au

PLEASE NOTE:

It is a registrant's responsibility to maintain registration and notify the board of any change of address.

New Privacy Rules Apply to Registrants In Private Sector

From 21 December 2001 the *Privacy Act 1988 (Clth)* will apply 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 annual licence fee for Optometrists increased from \$164.00 to \$168.00. Please ensure your payment is received at the Office of the Board by 31 January 2002.

If your annual licence fee is not received by 31 January 2002, your name will be removed from the Register of Optometrists.

The Office of the Board is located at:

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160 Mary Street
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