



STATUTORY INSTRUMENTS.

S.I. No. 454 of 2015



OPTICAL REGISTRATION BOARD RETURN TO PRACTICE BYE-
LAW 2015

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The Optical Registration Board, in exercise of the powers conferred on it by section 31 of the Health and Social Care Professionals Act 2005 (as amended), with the approval of the Health and Social Care Professionals Council, hereby makes the following bye-law:

1. (1) This bye-law may be cited as the Optical Registration Board Return to Practice Bye-Law 2015.

(2) This bye-law comes into operation on 31 October 2015.

2. In this bye-law—

“Act” means the Health and Social Care Professionals Act 2005 (No. 27 of 2005), as amended from time to time;

“applicant” means either:

- (a) a person who applies to resume practice of the profession in the Register of Optometrists or in a division of the Register of Dispensing Opticians after not having practised the profession in the register or division of the register in question for two years or more, or
- (b) a person who, having been at any prior time registered in the Register of Optometrists within the meaning of the Opticians Act 1956, applies for registration in the Register of Optometrists after not having practised the profession of optometrist for two years or more, or
- (c) a person who, having been at any prior time registered in the Register of Dispensing Opticians within the meaning of the Opticians Act 1956, applies for registration in the general division of the Register of Dispensing Opticians after not having practised the profession of dispensing optician for two years or more, or
- (d) a person who, having been at any prior time registered in the Register of Dispensing Opticians within the meaning of the Opticians Act 1956, applies for registration in the contact lenses division of the Register of Dispensing Opticians, after not having practised in the area previously confined to registrants in the Register of Dispensing Opticians within the meaning of the Opticians Act 1956 with entitlement to fit contact lenses for two years or more.

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 23rd October, 2015.

“attesting signatory” means a registrant who has been in practice for a minimum period of three years, has not been subject to any disciplinary sanction under the Act and who satisfies such other conditions as the Board may determine from time to time;

“Board” means the Optical Registration Board;

“contact hours” means hours spent by the applicant actively engaged in activities relevant to the profession for the purposes of the period of updating;

“division” means either the general division or contact lenses division of the Register of Dispensing Opticians;

“learning plan” shall have the meaning specified in paragraph 5;

“period of updating” means the requisite period of time specified in paragraph 4 during which an applicant engages in activities to refresh, update and improve his or her skills, knowledge and performance as are relevant for practice of the profession in the register or division of the register to which the application relates;

“practice” means the practice of the profession and includes, in relation to the profession of dispensing optician, the practice of professional activities which are now confined to persons registered in the contact lenses division of the Register of Dispensing Opticians and were previously confined to registrants in the Register of Dispensing Opticians within the meaning of the Opticians Act 1956 with entitlement to fit contact lenses;

“profession” means either the profession of optometrist or the profession of dispensing optician;

“register” means either the Register of Optometrists or the Register of Dispensing Opticians;

“Register of Optometrists” means the register of optometrists established and maintained by the Board under Section 36 of the Act;

“Register of Dispensing Opticians” means the register of dispensing opticians established and maintained by the Board under Section 36 of the Act;

“registrant” means a person whose name is on the register or division of the register to which the application to resume practice relates; and

“supervisor” means a registrant who has been in practice for a minimum period of three years, has not been subject to any disciplinary sanction under the Act and who satisfies such other conditions as the Board may determine from time to time.

3. For the purposes of sections 31, 37 and 38 of the Act, the Board has determined that where an applicant makes an application for registration, the criteria and conditions set out in this bye-law must be satisfied and that person must

provide satisfactory evidence of his or her compliance with this bye-law in his or her application for registration.

4. (1) An applicant who has not practised the profession, including in the particular division to which the application to resume practice relates, for a period of between 2 and 5 years must complete a period of updating consisting of not less than 210 contact hours, no more than half of which may comprise of private study.

(2) An applicant who has not practised the profession, including in the particular division to which the application to resume practice relates, for any period greater than 5 years must complete a period of updating consisting of not less than 420 contact hours, no more than half of which may comprise of private study.

(3) An applicant must have completed his or her period of updating within the two year period prior to the date of submission of his or her application, unless the Board permits otherwise.

(4) The period of updating shall consist of contact hours spent by the applicant engaging in:

- (a) supervised practice;
- (b) formal study; and/or
- (c) private study.

(5) The applicant shall keep an accurate record in reasonable detail of his or her period of updating and, if requested to do so, shall provide such record to the Board.

5. (1) For the purposes of the period of updating, supervised practice shall, subject to paragraph 8, consist of the applicant practising the profession:

- (a) under the guidance of a supervisor;
- (b) in a structured manner in accordance with a learning plan which has been agreed between the applicant and his or her supervisor; and
- (c) in accordance with such guidelines as the Board may publish from time to time.

(2) The learning plan shall:

- (a) be structured in a manner which is consistent with the standards of proficiency published by the Board from time to time; and
- (b) provide for the applicant to develop, demonstrate and apply his or her knowledge and skills in the profession;

having regard to:

- (c) the applicant's experience in the profession;
- (d) the applicant's intended area of practice upon resumption of practice;
- (e) the length of time the applicant has not practised the profession;
- (f) any relevant developments in the profession during the period the applicant has not practised the profession; and
- (g) any relevant knowledge and/or skills acquired or developed by the applicant during the period the applicant has not practised the profession.

(3) The supervisor shall make reasonable efforts to monitor and supervise the applicant's practice of the profession during the supervised practice and to provide input, assistance and guidance to the applicant as the supervisor deems fit, having regard to each of the factors specified in paragraph 5(2)(c) to (g).

6. (1) For the purposes of the period of updating, formal study shall, subject to paragraph 8, consist of the applicant undertaking and participating in educational courses, training or programmes of education and/or training (including structured educational courses or training delivered electronically and/or through distance learning) relevant to the practice of the profession in the register or division of the register to which the application relates.

(2) Formal study may include group learning whether undertaken by means of a lecture, workshop, seminar, tutorial, video-conferenced lecture or tutorial or in such other manner as may be acceptable to the Board from time to time.

7. For the purposes of the period of updating, private study may, subject to paragraph 8, consist of the applicant engaging in one or more of the following:

- (a) reading professional journals or publications relevant to his or her area of practice;
- (b) engaging in research relevant to the profession generally and/or his or her area of practice;
- (c) engaging in online study or e-learning consisting of education and/or training that is generated, communicated, processed, sent, received, recorded, stored and/or displayed by electronic means or in electronic form including that provided through the internet or other computer network connections, sound and/or visual formats provided through an electronic file, and/or provided through digital or other electronic means;
- (d) publishing written materials in relation to the profession and/or his or her area of practice; and
- (e) such other activities as may be acceptable to the Board from time to time.

8. The Board may publish guidance materials from time to time for the purposes of providing additional guidance and/or specifying any restrictions or other limitations which apply for the purposes of this bye-law in relation to the period of updating, contact hours and/or the nature of any supervised practice, formal study or private study undertaken by an applicant.

9. (1) An applicant must complete, in writing or by electronic means, such Return to Practice form as is provided from time to time by or on behalf of the Board and submit same to the Board with his or her application for registration.

(2) Where the applicant's period of updating includes a period of supervised practice, the applicant must ensure that his or her supervisor(s) signs the relevant section(s) of the Return to Practice form.

(3) An applicant must ensure that an attesting signatory verifies that the applicant has completed the period of updating, takes reasonable steps to satisfy himself or herself that the applicant has completed the requisite period of updating and signs the Return to Practice form to indicate same.

(4) An attesting signatory shall take reasonable steps to satisfy himself or herself that the applicant has completed the requisite period of updating.

(5) The applicant must provide such additional information or supporting materials to evidence his or her completion of the period of updating to the satisfaction of the Board as the Board may request.

10. The Board shall evaluate and verify the education and training undertaken by the applicant during the period of updating and such other information as it deems appropriate, for the purposes of satisfying itself that the applicant has met the requirements of this bye-law.

11. Without prejudice to any bye-laws which the Board may from time to time make pursuant to section 31(1)(e) of the Act, the Board may require any person who:

(a) applies for registration; and

(b) has been engaged in the practice of the profession outside of Ireland for two years or more,

to furnish detailed particulars of his or her practice, experience and evidence of registration with any regulatory body outside of Ireland for the purposes of satisfying itself that the nature of the person's practice and experience outside of Ireland is equivalent or sufficiently similar to the practice of the profession in the register or division of the register in which the applicant wishes to be registered in Ireland. In the event that the Board is not so satisfied, the Board:

(c) may require such person to:

(i) comply with the requirements of this bye-law; or

- (ii) undertake such activities, education and/or training as the Board may specify in order to refresh, update and/or improve his or her skills, knowledge and performance as are relevant for practice in the profession in the register or division of the register in which the applicant wishes to be registered in Ireland.



GIVEN under the seal of the Optical Registration Board
21 October 2015.

PETER MCGRATH,
Chairperson, Optical Registration Board.

and

OWEN BLEE,
Member, Optical Registration Board.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

This bye-law details the criteria and conditions which must be satisfied by an applicant to the Register of Optometrists or to a division of the Register of the Dispensing Opticians if he or she wishes to resume practice of the profession after not having practised the profession, including insofar as the practice of the profession concerns the practice of the profession in the Contact Lenses Division of the Register of Dispensing Opticians if he or she has not practised in the area of that profession now confined to persons registered in that division of the Register of Dispensing Opticians and previously confined to registrants in the Register of Dispensing Opticians within the meaning of the Opticians Act 1956 with entitlement to fit contact lenses, for two years or more.

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