



Ag Rialáil Gairmithe Sláinte
agus Cúraim Shóisialaigh

Regulating Health +
Social Care Professionals

Public Consultation Report

Optical Registration Board: Public Consultation on
Optical Registration Board (Regulation and Control of
Prescribing and Dispensing of Spectacles) Bye-Law
2015



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Introduction

About the Optical Registration Board

The Optical Registration Board is currently preparing for the transfer of the registration of optometrists and dispensing opticians from An Bord na Radharcmhastóirí/The Opticians Board to the Optical Registration Board.

Following the transfer, the Optical Registration Board will have statutory responsibility for the registration of members of the profession; approval and monitoring of education and training programmes; establishing the code of professional conduct and ethics and standards of performance to which optometrists and dispensing opticians must adhere and recognition of qualifications gained outside the State.

About CORU

CORU is responsible for regulating health and social care professions. It comprises the Health and Social Care Professionals Council and the registration boards established under the Health and Social Care Professionals Act 2005 (as amended).

CORU's role is to protect the public by promoting high standards of professional conduct, professional education, training and competence amongst the designated professions.

The designated professions under the Act are social workers, clinical biochemists, opticians, medical scientists, occupational therapists, orthoptists, physiotherapists, podiatrists, psychologists, radiographers and radiation therapists, social care workers, optometrists and dispensing opticians, and speech and language therapists.



The Public Consultation Process

Background

The Optical Registration Board has prepared a draft Bye-Law dealing with the regulation and control of the prescribing and dispensing of spectacles.

Publicising the Consultation Process

A public consultation on the draft Bye-Law was held between 24 June and 24 July 2015.

A number of channels were used to publicise the consultation process and invite the submission of observations. These included:

- An advertisement was placed in the Irish Times on 24 June (See appendix one for a copy of the advertisement).
- A website notice was placed on www.coru.ie (See appendix two for a copy of the website notice).
- An online survey was developed. An email with a link was also sent to a targeted list of over 700 stakeholders, including the Professional Bodies, Trade Unions, educators and other interested parties who have previously corresponded with CORU (see appendix 3 for a copy of the survey).
- Information on the consultation along with a link to the online feedback form was hosted on the CORU website.

People were invited to participate in the consultation process in a number of ways:

- They could ring CORU to request a copy of the draft Bye-Law, and to offer feedback
- They could visit CORU's office to view the draft Bye-Law, and give their feedback in person.
- They could visit www.coru.ie and choose to complete an online feedback form, to print a copy of the form and post it, or email it to CORU.
- They could email submissions to consultation@coru.ie



Overview of responses to consultation

There were three responses to the online survey. Respondents were asked to identify if they were offering feedback on their own behalf or on behalf of an institution or organisation.

Individual	2
Organisation	1
Institution	0

Email responses were received from:

- Association of Optometrists Ireland
- European Council of Optometry and Optics

Acknowledgements

CORU would like to extend our appreciation and thanks to all those that participated in the consultation process. The report from the consultation process was reviewed by the Optical Registration Board.



Issues emerging from the consultation process

Prescription of spectacles

One respondent said that there needs to be greater clarity around the meaning and wording of the bye-laws in terms of prescribing lenses. The respondent felt that the proposed bye-law made it difficult to understand who was authorised to prescribe and noted that many dispensing opticians on the contact lenses division of the register issue prescriptions for contact lenses.

Board's Response:

Section 81A (1) of the Health and Social Care Professionals Act 2005, as amended, ("the Act") provides that "A person shall not, on or after the relevant day, issue a prescription for spectacles unless he or she is a registered medical practitioner or a registrant of the designated profession of optometrist. Under Section 81A (3) of the Act it is an offence for a person to contravene this subsection. "Spectacles", as defined in the Act, includes contact lenses.

Prescriptions for spectacles (including contact lenses) can only be issued by an Optometrist or a registered medical practitioner.

It is an offence for a Dispensing Optician to issue such a prescription. A Dispensing Optician who does so is liable to prosecution.

As this position is set out in the Act, it is not necessary to repeat it in the bye-law.

No amendment to the bye-law is proposed.

Dispensing of prescriptions

One respondent was concerned that the bye law does not seem to take account of the provisions of the Health Miscellaneous Provisions Act 2015, in which it was made clear that a non-registrant (e.g. an optical assistant) can assist in the sale of spectacles. As drafted this bye law will create an anomaly whereby an optical assistant could assist in the sale of contact lenses, but a dispensing optician who is not a contact lens optician could not.

It was felt that this does not make sense and would inhibit the training of CLOs.

The respondent continued "we note the bye laws appear to replicate the current position, and we understand that the intention initially is to simply roll forward the existing system as part of the transition from the Opticians Board rather than to



substantively review regulations and guidance. However, where the Act has changed the legal position it must be wrong for the bye law to ignore the Act and attempt to apply previous legislation”.

Board’s Response:

A Dispensing Optician who is not registered in the contact lens division has the same status as a non-registrant with regard to assisting in the sale or in the conduct of the sale of contact lenses. No additional restrictions are imposed on this category of registrant.

An amendment has been made to paragraph 9 of the bye-law to remove any ambiguity in this regard.

Sale of Spectacles

There were concerns raised by one respondent in relation to the restriction on the quantity of lenses prescribed. The respondent found that this was not practical for a number of reasons including:

- Uncertainty about whether lenses can be supplied where the patient is an occasional user and will not use an entire prescription within the period of validity;
- Effective reduction in the period of validity of the prescription for those who have occasional days without lenses and who order them in 3 month batches – there are likely to require a new prescription to collect the fourth batch of lenses in a 12 month period;
- Fluctuation in patient use - practicality of a lens supplier to determine how many lenses a particular patient will use within the validity of their prescription questioned

The respondent’s suggestion was to allow for lenses to be supplied where the prescription is valid on the day of purchase

Board’s Response:

The provisions of paragraph 12 (c) of the bye-law do not represent a change from the current position under the Opticians Board Rules.

The requirement is only that the quantity sold must allow for use during the validity of the prescription, the registrant is not required to determine whether the quantity sold will in fact be used by the particular patient.



In relation to Section 12, it was suggested that the line “Satisfactory documentary evidence of these valid clinical reasons must be furnished to the selling practitioner where he is not the prescribing practitioner” does not make sense.

The respondent said that if a practitioner carries out an examination and decides to change the parameters of a lens they must make and keep an accurate record of the clinical reasons (as per the draft Code of Professional Conduct and Ethics). Once the examining optometrist has made a change to the parameters of the contact lens, this becomes a new prescription and the optometrist must furnish this new (amended) prescription to the selling practitioner.

There is no need to supply the clinical reasons for the change especially and to supply such information may actually be in breach of Data Protection and item 2 *Protect the confidentiality of patients* of the Draft Code of Conduct for Optometrists.

The respondent believed that the following wording would be more appropriate:
12 (d) Where it is proposed to change any of the parameters of the lenses, including the manufacturer, or proposed to make changes in the wearing schedule, the patient must be examined by an optometrist or medical practitioner. Satisfactory documentary evidence of these valid clinical reasons must be recorded by the examining optometrist or medical practitioner and an updated contact lens prescription be furnished to the selling practitioner where he is not the prescribing practitioner.

Board’s Response:

The Board agrees that the suggested wording is more appropriate and that paragraph 12(d) of the bye-law should be amended accordingly.

Conclusion

The Optical Registration Board considered all the submissions in detail. The Board made amendments to the bye-law as detailed in the decisions above.



Appendix 1: Website notice

July, 2015

Public Consultations – Optometrists and Dispensing Opticians

CORU is preparing for the transfer of the registers for dispensing opticians and optometrists from Bord na Radharcmhastóirí (the Opticians Board) to the Optical Registration Board at CORU, later this year.

The Optical Registration Board at CORU is currently working to put in place the standards that will determine how the two professions are regulated in the future.

The Board wants to hear the views of members of the professions, the public and stakeholders on a number of matters relating to the statutory registration of optometrists and dispensing opticians at CORU:

- Code of Professional Conduct and Ethics for Dispensing Opticians
- Code of Professional Conduct and Ethics for Optometrists
- Regulation and Control of Prescribing and Dispensing of Prescriptions and Sale of Spectacles Bye-Law 2015

By participating in this consultation process you are helping to shape how optometrists and dispensing opticians are regulated.

Please **click here** to contribute to the consultation.



Appendix 2: Copy of Advertisement



**Ag Rialáil Gairmithe Sláinte
agus Cúraim Shóisialaigh**
Regulating Health +
Social Care Professionals

**Public
Consultation**

Statutory Registration of Optometrists and Dispensing Opticians at CORU

The Optical Registration Board at CORU wants to hear the views of optometrists, dispensing opticians, and other interested parties on a number of matters relating to the statutory registration of optometrists and dispensing opticians at CORU:

- **Code of Professional Conduct and Ethics for Dispensing Opticians Bye-Law 2015**
- **Code of Professional Conduct and Ethics for Optometrists Bye-Law 2015**
- **Regulation and Control of Prescribing and Dispensing of Prescriptions and Sale of Spectacles Bye-Law 2015**

Further information on these consultations including a 'feedback form' is available on www.coru.ie or by contacting CORU on 01 2933160 or emailing consultation@coru.ie

The closing day for these consultations is 5pm on Friday, 24 July 2015. Submissions received after this date will not be considered.

CORU, 13-15 The Mall, Beacon Court, Bracken Road, Sandyford, Dublin 18.
T: 01 2933160 E: info@coru.ie W: www.coru.ie



Appendix 3: Copy of Online Feedback Form

Optical Registration Board: Public Consultation on Optical Registration Board (Regulation and Control of Prescribing and Dispensing of Prescriptions and Sale of Spectacles) Bye-Law 2015

Thank you for taking the time to participate in CORU's consultation process on this Optical Registration Board bye-law.

The Optical Registration Board was appointed by the Minister for the Health in February 2015 to regulate the professions of optometrist and dispensing optician. It is anticipated that the Optical Registration Board will take over this function from Bord na Radharcmhastóirí later this year.

As part of this transfer, the Optical Registration Board will take over responsibility for the regulation and control of prescribing and dispensing of prescriptions and sales of spectacles. These matters are currently regulated by the Opticians Board under the Opticians Board Rules 2009. The Bord na Radharcmhastóirí Rules will cease to have effect when the transfer of function from the Bord na Radharcmhastóirí to the Optical Registration Board takes place.

In order to ensure that there is continued regulation in this area, the Optical Registration Board has drafted the Optical Registration Board (Regulation and Control of Prescribing and Dispensing of Prescriptions and Sale of Spectacles) Bye-Law 2015.

The approach of CORU and the Optical Registration Board in drafting this bye-law has been to preserve the provisions of the relevant Bord na Radharcmhastóirí Rules insofar as possible as the legislative provisions under which the bye-law is to be made is similar to that which applies to Bord na Radharcmhastóirí. Certain aspects of the Bord na Radharcmhastóirí Rules will be incorporated into the Codes of Professional Conduct and Ethics for Dispensing Opticians and Optometrists and, where that is the case, they have not been replicated in this bye-law.

In the future, the Optical Registration Board intends to conduct a review of the provisions of this bye-law in order to identify any areas in which updates or improvements can be made. This bye-law may be revised at that stage.

Your views are invited on this bye-law. You can provide your feedback by completing this survey. If you have any queries about the consultation process or completing the survey, please contact CORU on 01 2933160 or email consultation@coru.ie.

The closing date for receipt of submissions is 5pm on Friday, 24 July 2015. Any submissions received after that time will not be considered.

A report on the consultation process will be published on www.coru.ie.



We want to hear the views of the public and the profession and by participating in this consultation process you are helping to shape how optometrists and dispensing opticians are regulated.

Yours faithfully,

Ginny Hanrahan
Registrar
Optical Registration Board at CORU



1. Contact Details:

You do not need to provide this information but please do if you would like us to provide you with details on the outcome of this consultation process.

First Name

Surname

Email

Telephone Number

2. Are you contributing to this survey in (please tick one)

- A personal capacity?
- On behalf of an organisation?

If on behalf of an organisation, please specify:

3. Please indicate if you would like your name and/or organisation to be kept confidential and excluded from the consultation report.

- Include in consultation report
- Exclude from consultation report

It would be helpful if you could explain if you regard the information you have provided as confidential.

4. Bearing in mind the purpose of this bye-law and the rationale of the Optical Registration Board as outlined in the Online Feedback Form, please provide any comments you have on the draft Optical Registration Board (Regulation and Control of Prescribing and Dispensing of Prescriptions and Sale of Spectacles) Bye-Law 2015.

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5. In view of the proposed approach above, is there anything you believe should be added to this Bye-Law?

A large, empty rectangular text box with a thin black border. It contains no text or other content.

**6. How did you hear about this public consultation?
(Please tick as many that apply)**

- Advertisement in a newspaper
- On www.coru.ie
- By email



Other (please specify)

Other (please specify)

Thank you for participating in this consultation process. Your views will be taken into consideration. If you have any queries please contact CORU on 01 2933160 or email consultation@coru.ie



Appendix 4: Optical Registration Board (Regulation and Control of Prescribing and Dispensing of Prescriptions and Sale of Spectacles) Bye Law 2015

S.I. No. of 2015 OPTICAL REGISTRATION BOARD (REGULATION AND CONTROL OF PRESCRIBING AND DISPENSING OF PRESCRIPTIONS AND SALE OF SPECTACLES) BYE-LAW 2015

The Optical Registration Board, in exercise of the powers conferred on it by section 81C 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:

Citation

1. This Bye-Law may be cited as the Optical Registration Board (Regulation and Control of Prescribing and Dispensing of Prescriptions and Sale of Spectacles) Bye Law 2015.

Commencement

2. This Bye-Law shall come into operation on the XX day of XX 2015.

Interpretation

3. In this bye-law, except where the context otherwise requires:-

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

‘contact lenses’ includes any device, designed to be worn in contact with the ocular surface, for the correction of vision, for the provision of a decorative or cosmetic effect, for a therapeutic purpose, or for any other reason, and regardless of the optical properties or the absence of optical properties of the device;

‘dispensing optician’ means a dispensing optician registered in the Register of Dispensing Opticians established and maintained by the Board under Section 36 of the Act;

‘registered medical practitioner’ means a medical practitioner on the register of medical practitioners established under section 43 (1) of the Medical Practitioners Act 2007;



‘optometrist’ means an optometrist registered in the Register of Optometrists established and maintained by the Board under Section 36 of the Act ;

‘prescription’ means a prescription issued by an optometrist or a registered medical practitioner

‘the Board’ means the Optical Registration Board established under Section 26(1)(da) of the Act;

‘ready-made reading spectacles’ means spectacles that have 2 single vision lenses each of which has the same positive spherical power not exceeding 4 dioptres and the purpose of which is to relieve the condition known as presbyopia;

‘spectacles’ includes

- (a) contact lenses,
- (b) pince-nez, and
- (c) monocles,

but does not include—

- (i) afocal goggles or similar articles,
- (ii) afocal sunglasses or similar articles, or
- (iii) ready-made reading spectacles;”

‘afocal goggles’ or ‘afocal sunglasses’ means goggles or sunglasses containing lenses with no optical power.

Prescription and sale of spectacles

4. An optometrist shall carry out an eye examination to determine whether or not the patient needs to use or wear spectacles. If the optometrist determines that the patient needs to use or wear spectacles, he or she shall issue a prescription for spectacles and shall give a signed and dated prescription for spectacles to the patient, if requested.
5. If the prescription is for contact lenses, paragraph 12 (c) shall also apply.



Dispensing of prescriptions

6. A dispensing optician or optometrist shall only dispense prescriptions for spectacles that have been prescribed either by a registered medical practitioner or by an optometrist in accordance with paragraphs 4 and 5 above.
7. If the prescription is for contact lenses, it may be dispensed only by a dispensing optician on the contact lens division of the register or by an optometrist or by a registered medical practitioner and paragraphs 11 and 12 shall also apply.

Sale of Spectacles

8. No dispensing optician or optometrist shall sell or offer for sale any spectacles except on a prescription issued following an examination by a registered medical practitioner or by an optometrist in accordance with paragraphs 4 and 5 and dispensed in accordance with paragraphs 6 and 7 or to replace broken spectacles or lenses.
9. A dispensing optician not on the contact lens division of the register shall not engage in the fitting or sale of contact lenses or the aftercare of contact lens patients.
10. Where contact lenses are to be fitted or sold as replacements of existing lenses or as supplies of replacement contact lenses, the dispensing optician or optometrist must be satisfied that all his or her professional obligations have been fulfilled and that the provisions of paragraph 12 have been complied with.
11. Where such sales are proposed by mail order or the internet, the dispensing optician or optometrist shall provide or arrange the provision of services to fulfil the professional obligations attached to contact lens sales.
12. The following are the provisions referred to in paragraph 10:
 - (a) A valid prescription and lens specification shall be required by the seller, to be dated within twelve months of the date of sale. This document must bear the name and signature of the prescriber.
 - (b) Where contact lenses are to be dispensed or sold, the twelve-month validity of the prescription and specification shall also apply.
 - (c) All contact lenses shall be to the exact specification and manufacturer as stated on the patient's prescription. The quantity sold must allow for use within the validity of the prescription.
 - (d) Where it is proposed to change any of the parameters of the lenses, including the manufacturer, or proposed to make changes in the wearing schedule, the patient must be examined by an optometrist or medical practitioner. Satisfactory documentary evidence of these valid



clinical reasons must be furnished to the selling practitioner where he is not the prescribing practitioner.

- (e) When contact lenses are supplied, whether initially or as replacements, the dispensing optician or optometrist shall provide documentary information to the wearer, emphasising the potential dangers of contact lens wear and the necessity of adhering to wearing and care instructions.

Penal Bye-Laws

- 13. This bye-law shall be considered a penal bye law and a dispensing optician or an optometrist who contravenes a provision of this bye-law is guilty of an offence and is liable on summary conviction to a class E fine in the case of a first offence and, in the case of a second or any subsequent offence, a class C fine.

GIVEN under the seal of the Optical Registration Board
DATE

Chairperson, Optical Registration Board

and

Member, Optical Registration Board



EXPLANATORY NOTE

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

This bye-law details the provisions for the regulation and control of prescribing of spectacles, dispensing of prescriptions, and sales of spectacles by registrants of the designated professions of optometrist and dispensing optician.