

## Statement

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29 August 2014

### When it is necessary to be registered as an optometrist

#### Purpose

This statement provides advice to help optometrists decide whether or not they should be registered.

#### Why National Boards are publishing this information

The National Boards have defined 'practice' in a number of their registration standards as:

***Practice** means any role, whether remunerated or not, in which the individual uses their skills and knowledge as a health practitioner in their profession. For the purposes of this registration standard, practice is not restricted to the provision of direct clinical care. It also includes using professional knowledge in a direct non-clinical relationship with clients, working in management, administration, education, research, advisory, regulatory or policy development roles, and any other roles that impact on safe, effective delivery of services in the profession.*

The definition was intended to be broad and inclusive. It allows individuals with qualifications as a health practitioner to be registered if they are using their skills and knowledge as a health practitioner, regardless of whether or not they are treating persons<sup>1</sup>. Registered health practitioners can use the protected title related to their profession and must comply with their National Board's approved registration standards.

Many qualified health practitioners who use their skills and knowledge in a range of activities outside direct patient care may not need to be registered. This statement clarifies the circumstances in which the Optometry Board expects health practitioners to be registered. This advice is based on the Health Practitioner Regulation National Law Act (the National Law) as in force in each state and territory, and the level of risk to the public that the 'practice' poses.

#### The National Law

Optometrists are registered under the National Law. The National Law limits the use of certain titles. The protected titles for optometry are optometrist and optician (see s.113 of the National Law). Other than restricted dental acts, prescription of optical appliances and manipulation of the cervical spine<sup>2</sup>, as defined in the National Law, the National Law does not specify the activities that require registration as an optometrist. That is, it is not a breach of the National Law for an optometrist to use their knowledge and skills relating to the optometry profession without being registered if the individual does not breach the sections of the National Law related to the protection of title or to the specific practice protections.

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<sup>1</sup> In this document 'the person' has been used to describe a person receiving clinical services. It includes patients, clients and consumers.

<sup>2</sup> Part 7, Division 10, Sub-division 2.

Under the National Law, a person must be a registered health practitioner if they:

1. Use the title 'registered health practitioner' with or without any other words (s. 116(a)).
2. Take or use a title, name, initial, symbol, word or description that, having regard to the circumstances in which it is taken or used, indicates or could be reasonably understood to indicate, that the person is a health practitioner (includes optometrists) or is authorised or qualified to practise in a health profession (s. 116(b)).
3. Claim to be registered under the National Law or hold themselves out registered under the National Law (s. 116(c)).
4. Claim to be qualified to practise as a health practitioner (s. 116(d)).
5. Undertake a restricted act (which are specific dental acts, prescription of optical appliances and manipulation of the cervical spine).

The online national Register of Practitioners allows the public to identify who is a registered health practitioner. Optometrists who are registered must meet the registration standards set by the Optometry Board of Australia. The public can therefore be confident that a registered practitioner meets the relevant requirements for professional indemnity insurance, continuing professional development and recency of practice.

### **The Optometry Board's advice on who should be registered**

Any optometrist who is qualified and meets the applicable registration standards of the Optometry Board of Australia may apply for registration.

It is up to each individual to decide whether or not they need to be registered on the basis of their own circumstances and the criteria listed below. Under the National Law this is not a decision the Optometry Board can make in the absence of an application for registration.

### **The Optometry Board provides the following advice, based on the objectives of the National Law to help practitioners decide whether or not they should be registered**

As the primary purpose of registration is to protect the public, the Optometry Board considers that practitioners should be registered if they are providing treatment or opinion about the physical or mental health of a person, including prescribing or formally referring to other registered health practitioners, or when a person may reasonably believe that the practitioner is registered.

The Optometry Board of Australia believes that registration as an optometrist is required for any person who meets any of the following criteria:

1. they have direct clinical optometry contact, and/or
2. their work impacts on safe, effective delivery of optometric care to individuals, and/or
3. their employer and their employer's professional indemnity insurer requires a person in that role to be registered, and/or
4. the practitioner's professional peers and the community would expect a person in that role to comply with the Optometry Board's registration standards for professional indemnity insurance (PII), continuing professional development (CPD) and recency of practice, and/or
5. the person is required to be registered under a law to undertake a specific activity (for optometry this includes prescription of optical appliances) , and/or
6. the person wishes to use a protected title which is reserved for registered health practitioners, and/or
7. they wish to be eligible for a Medicare provider number and/or Pharmaceutical Benefit prescriber number, and/or
8. they are an examiner, assessor or supervisor of optometry students, when the student are treating patients or members of the public as part of the assessment or examination.

### **Roles in which individuals may not have to be registered**

The following examples are provided to assist individuals to decide whether or not they ought to be registered. The examples are not exhaustive. They have been selected based on common queries raised with National Boards.

Each individual practitioner will need to decide whether or not they should be registered on the basis of their own circumstances and using the criteria listed above.

Practitioners engaging in the following activities may not require registration:

- An examiner or assessor for an accreditation council, when the council does not believe that registration is necessary for the scope of activity undertaken and provided the examiner/assessor is not supervising or assessing candidates who are treating persons as part of the assessment.
- A tutor or teacher working in:
  - settings which involve persons to demonstrate examination or consulting technique but not the actual delivery of care
  - settings which involve simulated persons.
- A researcher whose work does not include any human subjects and whose research facility does not require them to be registered.
- A practitioner who has been invited to talk publicly about an optometric topic and who will not be giving any specific advice.
- A practitioner discussing the health of another person in a social setting but not providing specific advice or opinion.
- A practitioner serving on a board, committee or accreditation body, when their appointment is not dependent on their status as a 'registered practitioner'.
- A person providing first aid in an emergency.
- A person who may be using skills and knowledge gained from an approved qualification but is not using a protected title, or claiming or holding themselves out to be registered, such as a person in a non-clinical advisory or policy role.
- A practitioner who is registered overseas and is visiting for any role not involved in providing treatment or opinion about the physical or mental health of any individuals, for example a course presenter from overseas who uses a protected title with words explaining their registration status in Australia e.g. optometrist (registered in the United Kingdom, or not registered in Australia).

If you do not require registration, but wish to continue using a protected title, you may wish to consider non-practising registration.

### **Non-practising registration**

This type of registration is open to people who are not practising. It allows a person to remain on the register and to continue to use the protected title 'optometrist'. Anyone with non-practising registration must not provide care, treatment or opinion about the eye care of an individual. They are not able to prescribe or to formally refer to other health practitioners. People with this type of registration remain subject to the Optometry Board's jurisdiction in relation to their professional conduct. They are not required to take any steps to meet the Board's registration standards in relation to professional indemnity insurance, continuing professional development or recency of practice as these standards specifically exclude those with non-practising registration.

The Optometry Board of Australia advises that it would be appropriate for those with non-practising registration to engage in the activities listed as not requiring registration, but not those activities listed as requiring registration.

### **Further advice**

If you require further assistance to help you decide whether or not you need to be registered, you should consult your employer, professional indemnity insurer or other legal adviser.