

Authority

This standard has been approved by the Australian Health Workforce Ministerial Council on 31 March 2010 pursuant to the *Health Practitioner Regulation National Law (2009)* (the National Law) with approval taking effect from 1 July 2010.

Summary

The Optometry Board of Australia has established this standard in accordance with section 38(1)(a) of the National Law.

A registered optometrist must not practise the profession of optometry unless insured or indemnified, in a manner and to an extent approved by the Board, against civil liabilities that might be incurred by the optometrist in connection with the provision of optometric services. Annual renewal will require a declaration that the registrant is covered for all aspects of his or her practice. Such declarations will be subject to audit.

Scope of application

This standard applies to all registered optometrists except for those who hold nonpractising registration. It does not apply to registered optometry students.

Requirements

1. A person must not practise as an optometrist in Australia unless they have professional indemnity insurance arrangements in force for all aspects of their practice, in each context and location of practice, whether they are practising full or part time, paid or unpaid.
2. The Board will specify a minimum level of cover in guidelines issued from time to time under this standard.
3. The insurance policy must include:
 - a) unlimited retroactivity of cover
 - b) 'run-off' cover
 - c) two automatic reinstatements.
4. Optometrists who are employed may meet this standard through cover provided under their employer's insurance policy. However, the cover must meet this standard and the optometrist must hold documentary evidence of the cover.
5. Optometrists may meet this standard through cover provided with their membership of a union or professional association. However, the cover must meet this standard and the optometrist must hold documentary evidence of the cover.

6. If an optometrist is specifically precluded from cover for any aspect of practice under their indemnity or insurance arrangements, they must not practise in that area.

Compliance assessment

At initial registration

Applicants for registration as an optometrist will be required on application to make a declaration that they will not practise the profession unless they have professional indemnity insurance arrangements in place that meet this standard.

At renewal of registration

All registered optometrists will be required to make a declaration at annual renewal that:

1. they have not practised the profession during the preceding period of registration without having professional indemnity arrangements in place that meet this standard (section 109(1)(a)(iv)); and
2. if their registration is renewed, they will not practise the profession unless they have professional indemnity insurance arrangements in place that meet this standard (section 109(1)(a)(v)).

During the registration period

The Board may, at any time, require a registrant to provide evidence that they have appropriate professional indemnity insurance in force (section 129(2)).

Audit

On request, a registered optometrist must provide the Board with proof and details of their professional indemnity cover, to enable the Board to assess compliance with this standard.

Consequences of noncompliance

Practising without professional indemnity insurance that meets this standard is a breach of the legal requirements for registration and will be viewed by the Board as a professional conduct matter. At annual renewal, where an optometrist is unable to make a declaration that appropriate indemnity arrangements are, or will be, in place for the period of the proposed registration or renewal, the Board may refuse to renew the optometrist's registration.

Knowingly making a false declaration will be considered by the Board to be a professional conduct matter and as such, may be dealt with by the Board through the disciplinary mechanisms available under the National Law. These mechanisms include the imposition of sanctions ranging from caution or reprimand, to suspension or cancellation of registration.

Definitions

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 working 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 and/or use their professional skills.

Professional indemnity insurance arrangements means arrangements that secure for the practitioner insurance against civil liability incurred by, or loss arising from, a claim that is made as a result of a negligent act, error or omission in the conduct of the practitioner. This type of insurance is available to practitioners and organisations across a range of industries and covers the costs and expenses of defending a legal claim, as well as any damages payable. Some government organisations under policies of the owning government are self-insured for the same range of matters.

Run-off cover means insurance that protects a practitioner who has ceased a particular practice or business against claims that arise out of activities which occurred when he or she was conducting that practice or business. This type of cover may be included in a PII policy or may need to be purchased separately.

Notification means a notification to the national agency under the National Law, for example from a client or patient complaining about the conduct of a health practitioner.

Review

This standard applies from 1 July 2010. The Board will review this standard at least every three years.