

Public consultation on draft registration standards

May 2014

Responses to consultation questions

Please provide your feedback as a word document (not PDF) by email to optomconsultation@ahpra.gov.au by close of business on 14 July 2014.

Stakeholder Details

If you wish to include background information about your organisation please provide this as a separate word document (not PDF).

Organisation name
Optometry Australia
Contact information <i>(please include contact person's name and email address)</i>
Genevieve Quilty Chief Executive Officer Optometry Australia 204 Drummond St Carlton, Victoria, 3053 (03) 9668 8500 g.quilty@optometry.org.au

Your responses to consultation questions

Registration standard: Professional indemnity insurance arrangements (PII) <i>Please provide your responses to any or all questions in the blank boxes below</i>
1. From your perspective how is the current PII registration standard working?
<p>Optometry Australia believes that a mandatory professional indemnity insurance (PII) registration standard is required and that the standard provides significant protection for both the public and practitioners. We support a minimum level of cover of \$10 million as an adequate and appropriate level of indemnity for a practitioner.</p> <p>However, it has been the view of Optometry Australia that the current PII registration standard required revision. We note a number of these revisions addressed in the revised standard.</p> <p>Overall we believe the revised standard is much improved and more clearly outlines the PII arrangements optometrists must hold as part of registration. Recommendations are made below to</p>

Registration standard: Professional indemnity insurance arrangements (PII)

Please provide your responses to any or all questions in the blank boxes below

further enhance the clarity and usability of the standard.

2. Is the content and structure of the draft revised PII registration standard helpful, clear, relevant and more workable than the current standard?

See above

3. Is there any content that needs to be changed or deleted in the draft revised PII registration standard?

We note that on p. 7 it is stipulated that PII cover must include run-off cover. We also note that this draft registration standard does not specify the actual quantity/term of run-off cover required, so it may be assumed that a policy with run-off of one day would meet the standard. Given the dual role of the Board to protect the public and mitigate risk to the practitioner we believe the Board should, at a minimum, recommend to registrants that they consider a minimum run-off period of either specific or minimum duration. We note that the medico legal sector in this country considers 7 years a minimum run-off period for risk mitigation purposes. The Board might also consider whether it is sound risk management on behalf of the profession to recommend 10 years or unlimited run-off as the minimum requirement.

We question the use of 'occurrence—based' cover as an option as suggested on p.7. This type of policy, as far as we are aware, is not available for purchase in the Australian medico-legal marketplace. Negligence policies in this country are based on 'claims-made'. Of note, occurrence based policies also create greater risk for the policy-holder in instances of clinical negligence as often claims arise many years in the future and there is a chance that the insurer may no longer be operational at that point in time. We believe the inclusion of 'occurrence-based' cover as an option creates unnecessary risk for registered practitioners and that the standard should not support this as an appropriate PII option. In line with this, we recommend that the definition of 'occurrence-based' insurance is removed from the registration standard in line with the above comment about removing the option of 'occurrence-based' insurance from standard.

We support the intent that PII arrangements must be held by optometrists undertaking continuing professional development activities (of a practical nature) provided this is the intent of the Board. However, we suggest that the wording on p.8 that specifies this intent requires amendment as it currently reads that an optometrist under an employer based PII arrangement must complete additional continuing professional development by virtue of that arrangement. We do not believe that was the intent of the Board. We recommend that the requirement that practitioners must hold additional PII arrangements outside of their stated employment to ensure they meet the requirement to hold PII for all aspects and locations of their practice should be emphasised.

The revised standard states on p.8 that optometrists are required to declare at renewal that they have not practised without appropriate PII arrangements and will not practise without appropriate PII arrangements. We recommend the second point be reworded slightly to make it very clear that the optometrist is required to declare they will not practise without appropriate PII arrangement *in the upcoming period of registration*.

We recommend that the definition of run-off cover be amended to improve clarity. The intent of the definition should be to outline that run-off cover is cover which a practitioner must hold when they cease all optometric practise and not 'a particular practice'. This has potential to confuse registrants, particularly given the stated requirement that all policies must hold run-off cover.

4. Is there anything missing that needs to be added to the draft revised PII registration standard?

Registration standard: Professional indemnity insurance arrangements (PII)

Please provide your responses to any or all questions in the blank boxes below

We commend the Board on the inclusion of the requirement that 'registrants who take out their own PII policy must do so with a reputable insurer regulated by the APRA'. For clarity, we recommend this is amended to state that 'registrants must hold a PII policy that meets the minimum cover as required in this registration standard, including holding insurance with a reputable insurer regulated by the APRA'.

Optometry Australia also recommends that the Board insert the requirement that practitioners must show coverage for all past practice for random compliance purposes as required, including to the extent of requiring practitioners to seek evidence that all past insurers remain financial to avoid risk in the event a claim is realised.

5. Do you have feedback on whether the Board continues to state the minimum \$20 million level of cover; or whether it should not specify a level of cover, or specify a lower level of cover?

We question the revised standard stating that PII cover must include automatic reinstatement (see p. 7). While we recognise the risk-reduction approach of the Board it is the view of Optometry Australia that where an optometrist is covered by their own policy or where covered under a master policy no reinstatements should be required with a limit of \$10 million. This view is based on discussions with Avant (the longstanding Optometry Australia PI insurer under which the vast majority of registered optometrists in Australia are covered) and knowledge of the frequency and size of claims in the optometry profession. Given this we believe that a minimum level of \$10 million cover with no reinstatement (if the \$10 million was to be exhausted across one or more claims) - this is more than adequate for the optometry sector at this point in time; this limit would be extremely unlikely to be exhausted. We strongly recommend the requirement for an automatic reinstatement be removed from the registration standard.

6. Should there be any requirement on optometrists to also have cover for tribunal/disciplinary proceedings representation?

No. This should not be considered part of the minimum PII arrangements required to protect the public and practitioner. We support that this type of cover be an option for each registered optometrist.

7. Do you have any other comments on the draft revised PII registration standard?

No

Registration standard: Recency of practice (ROP)

Please provide your responses to any or all questions in the blank boxes below

1. From your perspective how is the current ROP registration standard working?

Optometry Australia supports the current objectives of the ROP registration standard to ensure practitioners maintain an adequate connection with the profession and are educated and competent to practice. We believe however that communication of the registrant recency of practice requirements and the processes through which they are administered and audited could, and should,

Registration standard: Recency of practice (ROP)

Please provide your responses to any or all questions in the blank boxes below

be improved.

Since the introduction of the National Registration and Accreditation Scheme (NRAS) and the initial ROP registration standard many registrants have reported limited direction and feedback when seeking the advice of AHPRA and the Board to try to understand their requirements under the current ROP standard. Clarity and consistency in this area is essential to optometrists so they can accurately plan their return to work in the event of any absence. This clarity and consistency is likely to become even more necessary given that greater proportions of the workforce are expected to have time away from practice and less will be engaged in ongoing full-time employment in the same position for many years.

We note the revised standard provides for the Board to publish guidelines on recency of practice. We strongly recommend the Board do so. Such guidelines should include a clear and consistent statement of the standard as it applies to all practitioners and provide more detailed and relevant examples than the current information made available by the Board. Further, information developed for registrants such as the current *Information sheet for optometrists returning to practice or significantly changing their scope of practice* should be expanded to increase relevance and usefulness to practitioners.

We recommend a guideline that includes further clarity on the types of scope of practice changes and associated pathways for registrants renewing as compared to changing registration categories. There should be clear information on not only process but timeframes to guide practitioners in planning any return to practice after an absence. The documents required to be supplied by optometrists when the Board requires a return to practice and/or professional development plan be submitted must be clearly outlined along with details of when, where and how such documents need to be submitted.

2. Is the content and structure of the draft revised ROP registration standard helpful, clear, relevant and more workable than the current standard?

Optometry Australia supports the amendment of the ROP registration standard that removes the requirement for 150 hours of relevant practice in the last year. In our view the requirement of 450 hours in the preceding three years is an appropriate threshold. In effect this means the practitioner who has not practised within the previous three years must complete additional requirements to confirm their competence to practise safely prior to recommencing practice. We believe this strikes a reasonable balance between the obligations of returning optometrists and protecting public health and safety.

We also support the proposed revisions to the ROP standard that provide an improved, more user-friendly and clearer registration standard with clearly articulated minimum requirements of practitioners. As noted above, it is our view that the success of this registration standard is dependent upon clearer supplementary information and guidelines being made available to registrants.

Is there any content that needs to be changed or deleted in the draft revised ROP registration standard?

Feedback from the profession over the initial years of the National Scheme has demonstrated much uncertainty among registrants returning to practice after an absence.

The revised registration standard states that optometrists who wish to return to practice in their

Registration standard: Recency of practice (ROP)

Please provide your responses to any or all questions in the blank boxes below

previous scope must complete a plan for professional development and re-entry to practice. We suggest the Board more clearly define these plans in the document and link to supplementary information. While we note that there is a general reference and link included (www.optometryboard.gov.au) we recommend that both the professional development plan and the return to practice plan be referenced separately and each reference contain a more specific link that takes the user to the actual webpage where such information is found.

As those practitioners proposing a change to their scope must themselves determine whether this requires a professional development/return to practice plan and consult with the Board, we recommend the Board consider the kinds of scope of practice changes which would be expected to trigger consultation and provide this advice either through the standard or supplementary resources.

We also suggest that 'competency assessment' and 'examination approved by the board' be included in the definitions list of the revised standard. Such definitions should be developed to improve clarity and provide information on what this actually means for applicants relevant to the recency of practice standard.

On p.16 under the heading 'At renewal of registration', we recommend the addition of a sentence that specifies that recent graduate optometrists automatically meet this standard provided they have successfully completed an approved program of study within the prior three-years

On p.16 under the heading 'You may be audited', we recommend that a suitable specific reference is made that directs practitioners to the relevant information on what records are expected to be kept to satisfy the recency of practice requirements.

On p.16 under the heading 'What happens if I don't meet this standard' we recommend the insertion of further information that notes process for an optometrist renewing compared to one moving from non-practising to general registration if they do not meet the standard. At a minimum, this insertion could be general and direct a practitioner to the relevant information in supplementary information and guidelines. As an example, the Board should consider improved clarity around the process for a practitioner who after an absence has re-entered general registration just prior to the annual renewal time. This practitioner will then be asked if they meet the recency of practice requirements. It should be made clear to such practitioners how they should complete the annual renewal if they are in this situation.

3. Is there anything missing that needs to be added to the draft revised ROP registration standard?

Despite being brief as compared to the current ROP registration standard, Optometry Australia believes that the revised standard more clearly outlines the recency requirements for practitioners. However to support the standard and the revision we recommend all supporting information and guidelines be carefully revised and enhanced.

4. Do you have feedback on the definition of a recent graduate?

For the purpose of the recency of practice registration standard it is our view that the definition of recent graduate as someone who has graduated a relevant entry-level course within the last two years is appropriate.

5. Do you have any other comments on the draft revised ROP registration standard?

No.

