



## FITNESS FOR REGISTRATION POLICY

### 1. Policy purpose and background

- 1.1. The Optometrists and Dispensing Opticians Board (ODOB) must be satisfied that any issues identified with an applicant's fitness for registration, do not reflect adversely on their ability to practice safely as a health practitioner. See Appendix 1 for the breakdown of how this is done.
- 1.2. This policy refers to what is deemed necessary to be fit for registration as an optometrist or dispensing optician in Aotearoa New Zealand (NZ).

### 2. The scope of this policy

- 2.1. This policy applies to applicants for registration and/ or restoration to the register of optometrists or dispensing opticians in NZ.
- 2.2. Fitness for registration comprises several facets under section 16 of the *Health Practitioners Competence Assurance Act 2003* (HPCA Act):
  - 2.2.1. Ability to effectively communicate in English.
  - 2.2.2. Consideration of any previous convictions.
  - 2.2.3. Inability to perform the functions due to a mental or physical condition.
  - 2.2.4. Subject to disciplinary proceedings or investigation in NZ or overseas.
  - 2.2.5. Subject to a disciplinary order in NZ or overseas, or at an educational institution.
  - 2.2.6. Other information that could endanger the health or safety of the public.

### 3. Acronyms and abbreviations

- 3.1. The following acronyms and abbreviations are used in this policy:

Aotearoa New Zealand	NZ
Health Practitioners Disciplinary Tribunal	HPDT
Health Practitioners Competence Assurance Act 2003	HPCA Act
Optometrists and Dispensing Opticians Board	ODOB
The governing Board of the Optometrist and Dispensing Opticians Board.	Board
Trans-Tasman Mutual Recognition Act 1987	TTMR Act

### 4. Definitions and interpretation

- 4.1. The following definitions and interpretations are used in this policy:

Dispensing optician (DO)	A health practitioner with a recognised qualification that is registered with the ODOB under the DO scope of practice. DOs interpret prescriptions for glasses and contact lenses, give advice to the patient in selecting spectacle lenses and frames (including their fitting). They can also teach how to use contact lenses and low vision aids and dispense a prescribed optical appliance. It is illegal for a person to call themselves a DO unless they are registered with the ODOB. A DO must hold a current practising certificate to practise in NZ. DOs are
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	required to regularly maintain their competence through a recertification programme to be allowed to keep practising.
Fitness for registration	<p>To be able to register a practitioner, the ODOB must be satisfied that:</p> <ul style="list-style-type: none"> <li>• the practitioner can communicate effectively and comprehend English sufficiently to protect public health and safety.</li> <li>• the practitioner does not suffer from a physical or mental condition which may affect their ability to practise.</li> <li>• if the practitioner has a conviction for an offence punishable by imprisonment for a term of 3 months or longer, that the offence does not reflect adversely on their fitness to practise.</li> <li>• if the practitioner is/ was under investigation or the subject of professional disciplinary proceedings in NZ (or in another country), that the investigation or matter does not reflect adversely on their fitness to practise.</li> <li>• if the practitioner is/ was subject to any of the following orders, that the order does not reflect adversely on their fitness to practise. That is: <ul style="list-style-type: none"> <li>○ an order of a professional disciplinary tribunal in NZ or overseas.</li> <li>○ an order of an accredited educational institution.</li> <li>○ an order of an authority or of a similar body in another country.</li> </ul> </li> <li>• the ODOB has no reason to believe that the practitioner may endanger the health or safety of members of the public.</li> </ul>
Good standing (professional status)	<p>A practitioner who, in the past five years, has not been the subject of:</p> <ul style="list-style-type: none"> <li>• any concerns about their ability to perform the functions of their scope of practice due to a mental or physical condition(s).</li> <li>• a competence review or required to complete a competence programme.</li> <li>• any disciplinary/ conduct proceedings, and</li> <li>• any complaints with the ODOB, HDC, or overseas authorities.</li> </ul>
Health practitioner	As defined in the HPCA Act which states a “health practitioner or practitioner means a person who is, or is deemed to be, registered with an authority as a practitioner of a particular health profession”. In this document, an optometrist and/ or dispensing optician registered with the ODOB.
Optometrist	A health practitioner with recognised qualifications registered with the ODOB, under the Optometrist, Provisional Optometrist or Specialist Optometrist scope of practice. An optometrist provides evidence-based comprehensive eye health and vision care in a professional, culturally safe, and ethical manner, in accordance with the HPCA Act and ODOB standards. Optometrists conduct eye examinations, diagnose eye disease or other conditions, and prescribe optical appliances or medications for defects in sight or diseases of the eyes. An optometrist must be registered with the ODOB and hold a current practising certificate to practise in NZ. Optometrists are required to maintain their competence through a recertification programme to be allowed to keep practising.
Scope of practice	As defined in the HPCA Act which states a “scope of practice: <ol style="list-style-type: none"> <li>a) means any health service that forms part of a health profession and that is for the time being described under section 11, and</li> <li>b) in relation to a health practitioner of that profession, means one or more of such health services that the practitioner is, under an authorisation granted under section 21, permitted to perform, subject to any conditions for the time being imposed by the responsible authority.”</li> </ol>

## 5. Declarations

- 5.1. Applicants are required to make declarations regarding their fitness to practice optometry and optical dispensing.
- 5.2. A lack of candour or false declaration/s may call into question the character of the applicant and will be considered by the ODOB when deciding on registration and may be grounds for denial of registration.

- 5.3. Under s172 of the HPCA Act, it is an offence liable on conviction to a fine not exceeding \$10,000 for a person to knowingly make a false or misleading declaration to the Board.

## 6. English language (s16(a)(b) of the HPCA Act)

- 6.1. Applicants must be able to communicate effectively in English. ODOB's requirements for demonstrating this are described in the ODOB's *English language policy*.

## 7. Criminal convictions (s16(c) of the HPCA Act)

- 7.1. Applicants are required to declare if they have any criminal convictions and provide evidence of the absence of criminal convictions. Conviction checks should be done on all possible names e.g., current and old name, if there has been a name change, or on 'English name' (preferred name), if someone mostly goes by this rather than their birth name.
- 7.2. Aotearoa New Zealand criminal history
- 7.2.1. Applicants who are currently, or have been resident, in NZ for longer than six months are required to submit Criminal Record check by the Ministry of Justice, or give consent for the ODOB to conduct a Criminal Record check by the Ministry of Justice, which covers criminal and traffic convictions.
- 7.3. Overseas criminal history
- 7.3.1. The ODOB standard process for overseas applicants, includes an international criminal history check. This could be evidenced by:
- a) providing the ODOB with original or certified copies of Record of Criminal Convictions/ Police Clearance Certificate from the appropriate overseas authority (at the applicant's own cost).
- OR**
- b) give the ODOB permission to do a criminal convictions check at the Ministry of Justice on behalf of all New Zealand applicants (included in the registration and APC fees).
- OR**
- c) contacting Fit2work, an independent company to conduct verifications on ODOB's behalf and consenting for ODOB to receive the verified results directly (at the applicant's own cost).
- 7.3.2. Other countries may have different local, state and federal authorities so international Police Clearance Checks must be requested from/ conducted at the appropriate level to include any/all criminal conviction records.
- 7.3.3. Where Fit2work is not used, applicants must provide Record of Criminal Convictions/ Police Clearance Certificate for each country consistent with the standards for Immigration New Zealand (<https://www.immigration.govt.nz/new-zealand-visas/apply-for-a-visa/tools-and-information/tools/police-certificates>). Certificates must be original or correctly certified and translated into English using nationally accredited translators, and include the translators details.
- 7.3.4. The Board requires that every NZ applicant seek from the Ministry of Justice, a Criminal Record Check (also known as a criminal conviction history). This lists only criminal and traffic convictions and sentencing from court appearances and does not include Youth Court charges. An application form for your Criminal Record Check can be obtained from your local District Court. Alternatively, can be applied for online at <https://www.justice.govt.nz/criminal->

records/ or by contacting the Privacy Assistant, Ministry of Justice, PO Box 2750, Wellington (Ph 04 918 8800).

- 7.3.5. Any Criminal Record Check or international Police Clearance Certificate must be issued within six months prior to the date of your application. Requirements for Criminal Record Checks/ Police Clearance Certificate are:
- a) Criminal Record Checks/ Police Clearance Certificate must be less than six months old at the time the application is processed. Where a police certificate expires prior to the application being completed the applicant must provide or give consent for new certificate/s.
  - b) A check should be provided for every country the applicant has lived in for more than 3 months over the last 10 years, since the applicant was 18 years old.
  - c) The costs for all overseas police checks are to be met by the applicant.
  - d) Where a conviction is identified this will be considered by the ODOB under the requirements of the ODOB's *Convictions policy*.

## **8. Health conditions: Physical or mental condition (s16(d) of the HPCA Act)**

- 8.1. Applicants are required to declare any physical or mental health conditions that may prevent them performing the functions required of an optometrist or dispensing optician, depending on their registered scope of practice.
- 8.2. Where a health condition is present this will be considered under the ODOB's *Health policy*.

## **9. Disciplinary history**

- 9.1. Applicants applying for registration are required to provide evidence of good standing from any regulatory body they are currently, or have been registered with. This includes:
- 9.1.1. applicants who have been registered as an optometrist or dispensing optician in an overseas country.
  - 9.1.2. applicants who have been registered with another authority, either in NZ or overseas.
- 9.2. Applicants are also required to disclose any previous disciplinary history, or pending disciplinary action by any authority, including educational institutions, in NZ or overseas.
- 9.3. Where disciplinary procedures have been identified or are pending the applicant will be asked to provide information about the issue which may include:
- 9.3.1. Circumstances surrounding the identified issue
  - 9.3.2. Details of the orders made or action taken (including official reports or communication)
  - 9.3.3. Outcome of the issue (including the completion of any orders or recommendations)
  - 9.3.4. A reflective statement from the applicant
  - 9.3.5. Character references (as required)
- 9.4. When considering any pending or previous disciplinary action the ODOB shall consider:
- 9.4.1. if the issue poses any risk to the health or safety of the public.
  - 9.4.2. if the issue reflects adversely on the applicant's fitness to practice as an optometrist or dispensing optician.
- 9.5. This may include considerations such as the nature of the issue, the length of time since the issue occurred, the circumstances around the issue and the fulfilment of any disciplinary requirements.

- 9.6. Where the application is for restoration of registration with the ODOB, any unresolved disciplinary history will be considered, along with any orders made by the Health Practitioners Disciplinary Tribunal (HPDT). Any debts to the ODOB will also be considered.

## 10. Character references

- 10.1. Applicants who have never been registered in NZ are required to provide references regarding their suitability for registration with the ODOB (except for those applying under the Trans-Tasman Mutual Recognition Act 1987 (TTMR Act) agreement).
- 10.2. Applicants are required to provide two references. The referees must have known the applicant for at least 12 months, and their reference must be less than 6 months old at the time a completed application is received by the Board. Additionally:
- 10.2.1. Professional reference should be:
- a) a registered optometrist or registered dispensing optician (in their country), or recent employer in an optometry or optical dispensing business, and who is not a relative.
  - b) this person is also required to give a clinical reference within the reference provided.
- 10.2.2. Character reference should be:
- a) a person who is of good standing in the community, who has no involvement in the optometric or optical dispensing profession, and who is not a relative or friend.
  - b) For instance, this could be:
    - other registered health professionals (not a dispensing optician or optometrist)
    - other registered professionals (e.g., a lawyer, accountant, teacher)
    - Justice of the peace
    - Police officer
    - Community leader, like a kaumātua at a marae, a minister of a recognised religion, a leader of a community club, and the like.
- 10.3. References must be supplied on the appropriate reference form and received by the ODOB directly from the referee. All references must be emailed to [registration@odob.health.nz](mailto:registration@odob.health.nz).
- 10.4. Referees must:
- 10.4.1. be over 18 years old
  - 10.4.2. not live at the same address as the applicant
  - 10.4.3. not be related to the applicant (e.g. not live at the same address, not be a member of the family – by marriage or partnership, i.e. husband/partner, children, stepchildren, aunts, cousins or any close member of their whānau).
  - 10.4.4. provide relevant personal information and contact details, and
  - 10.4.5. consent to being contacted by the ODOB, if required.

## 11. Other information

- 11.1. Applicants are required to make a self-declaration that they are not aware of any other information that may affect their ability to provide safe care to the public.
- 11.2. From time to time the ODOB may receive information from other sources about an applicant that relates to their fitness to practice. The ODOB will consider information that:
- 11.2.1. is relevant to the applicant's registration and practice as a dispensing optician or optometrist, and
  - 11.2.2. can be independently verified or collaborated.

- 11.3. Where information is received from a source other than the applicant, the applicant will be provided with the information and given the opportunity to make a response for the ODOB, except where extenuating circumstances apply.

## 12. Related legislation, policies, and procedures

- 12.1. *Registration policy.*

Revision history			
Version	Changes	Approval date	Next review
v1	Drafted as a result of the ODOB's 2022/2023 transformation programme that included a full review of key policies.	January 2024	2027

## APPENDIX 1

### ASSESSMENT OF FITNESS FOR REGISTRATION BREAKDOWN

The Optometrists and Dispensing Opticians Board (ODOB) must be satisfied that any issues identified with an applicant's fitness for registration, do not reflect adversely on their ability to practice safely as a health practitioner. The following table explains how this is done:

<b>Component to check fitness for registration</b>	<b>Relevant ODOB policy</b>	<b>Relevant HPCA Act section</b>
Effective communication/English Proficiency	English language Policy	16 (a) and (b)
Criminal convictions	Convictions Policy	16 (c)
Can perform required functions	Health Policy	16 (d)
Disciplinary proceedings	Disciplinary policy	16 (e)(f)(g)
Endanger the health or safety of the public	Other information	16 (h)