

## TELEHEALTH STANDARDS

### Key points

This document is a standard of the Optometrists and Dispensing Opticians Board (ODOB, theBoard).

As technology advances, so does the way in which health services can be provided. In certain circumstances, telehealth (as defined in this document) may be the most appropriate way to provide optometry and optical dispensing services to members of the public that ensure that their eyecare issues are managed safely.

The Board's role is to regulate the professions of optometry and optical dispensing, not the technology used in the practice of optometry and optical dispensing. The use of information and communication technologies (ICTs) to deliver services does not alter the ethical, professional and legal requirements imposed on optometrists and dispensing opticians to provide competent, ethical, and appropriate care.

This document sets out the *Telehealth standards* expected of optometrists and dispensing opticians when providing telehealth services to members of the public, and provides access to further guidance on good telehealth practice.

### Background

1. The principal purpose of the Health Practitioners Competence Assurance Act of 2003 (the HPCA Act) is to protect the health and safety of the public by ensuring that health practitioners are competent and fit to practise their professions.
2. Under section 118 of the HPCA Act, the Board has an obligation to (among other things) set standards to be observed by optometrists and dispensing opticians.

### Relevant definitions

3. In-person: The provision of health services delivered when the optometrist or dispensing optician and patient are physically present in the same consultation room.
4. Telehealth: The provision of health services delivered when the optometrist or dispensing optician and patient are not in the same physical location. Services may be delivered via information and communication technologies including but not limited to telephone, text, app-based systems and video conferencing.

### Standards

The *Telehealth standards* sets out the standards expected of optometrists and dispensing opticians when providing telehealth.

5. If you are an optometrist or dispensing optician providing optometric or optical dispensing services, respectively, of any kind to patients in Aotearoa New Zealand (NZ), you must be registered with the Board and hold a current practising certificate.
6. The provision of telehealth services to patients in NZ is subject to the same laws, regulations, and the Board's standards, as optometry and optical dispensing services provided in-person. If you provide telehealth services to patients in NZ, you must be aware of, and comply with, the HPCA Act and all other relevant legislation, including (but not limited to):
  - (a) the Privacy Act of 2020 and the Health Information Privacy Code of 2020; and
  - (b) the Code of Health and Disability Services Consumers' Rights (Code of Rights).
7. If you are registered as an optometrist or dispensing optician in NZ, the provisions of the HPCA Act (including management of complaints, competence and conduct issues) apply to you, regardless of where the eyecare services were provided or where the patient is located. The Board may also notify the appropriate regulatory authorities in other countries where you are providing services if concerns have been raised about your practice. The Health and Disability Commissioner Act of 1994 and the Code of Rights apply to all telehealth services provided to patients in NZ.
8. When providing care from NZ to patients in another country, you remain subject to NZ law in areas such as prescribing and you may be subject to other legal obligations, requirements or liabilities in the jurisdiction where your patient is located. You may also be subject to the jurisdiction of authorities in your patient's home country, and may be liable if you assist patients to contravene that country's laws or regulations, for example, any importation and possession requirements. You should seek legal advice in that country if necessary, and check with your insurance provider as to whether you are indemnified if you offer services to people outside of NZ.
9. In providing telehealth services, you **must**:
  - (a) Only provide services that fall within your scope of practice (including any limitations or conditions included in that scope of practice) and your personal level of competence.
  - (b) Be aware of the limits of telehealth, and ensure that you do not attempt to provide a service which puts patient safety at risk.
  - (c) Ensure you provide the same standard of care as in an in-person consultation. If, due to technological limitations, you believe you are unable to provide a service to the same standard, then you must advise the patient of this. Make sure your patient is fully informed about the limitations of a virtual consultation, makes an informed choice, and provides their consent before you provide a telehealth service.
  - (d) Ensure services are consistent with the standards of care that are required for delivery of services in-person (including relevant standards of clinical, ethical and cultural competence and cultural safety).
10. In addition, **Optometrists must**:
  - (a) Consider whether the telehealth medium affords adequate assessment of the presenting problem, and whether a physical examination would add critical information before providing care. If a physical examination is likely to add critical information, then you should not proceed until a physical examination can be arranged – whether that is conducted by you or another suitably qualified health practitioner in the patient's location. You remain responsible for the

clinical decisions you make based on the information you receive.

- (b) Not prescribe an ophthalmic appliance, optical appliance or ophthalmic medical device intended for remedial or cosmetic purposes or for the correction of a defect of sight without an in-person physical examination. Such prescribing is a restricted activity under section 9 of the HPCA Act. This restriction is intended to address the significant risk of asymptomatic eye disease associated with the dispensing of an ophthalmic appliance, optical appliance or ophthalmic medical device, without the first step of a diagnosis by a registered health practitioner. The Board's view is that an in-person physical examination is necessary to assess the risk of asymptomatic eye disease.
- (c) Only issue prescriptions for medication (including repeat prescriptions) where you:
  - have adequate knowledge of the patient's health obtained by gathering and considering the patient's relevant medical history and all other relevant clinical information (preferably including the patient's full clinical record); and
  - are satisfied that the medicines are in the patient's best interests.
- (d) Consider whether the telehealth medium is adequate for the purpose of performing the delegated task, before delegating tasks to dispensing opticians. You should only delegate tasks that a dispensing optician can perform to the same standard as services delivered in person.

### **Guidance and resources**

- 11. For guidance and resources to set up or improve a telehealth service in NZ, refer to the:
  - (a) NZ Telehealth Forum and Resource Centre which is supported by the Ministry of Health (<https://www.telehealth.org.nz/>)
  - (b) Whakarongarau Aotearoa/ New Zealand Telehealth Services (<https://whakarongarau.nz/>).
- 12. For guidance on practitioner legal and ethical obligations when conducting practice or parts of your practice using the internet or electronic communication, refer to the Board's *Statement on Internet and Electronic Communication* (<https://www.odob.health.nz/i-am-registered/practice-standards/statements-and-guidelines/>).
- 13. The Australian Health Practitioner Regulation Agency (Ahpra) and the National Board's developed an FAQ document, Telehealth guidance for practitioners (the telehealth guidance) (2020) (<https://www.ahpra.gov.au/News/COVID-19/Workforce-resources/Telehealth-guidance-for-practitioners.aspx>)

### **Acknowledgments**

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### **Endorsements**

This standard is endorsed by the NZ Telehealth Forum.