



## Optometrists and Dispensing Opticians Board

Te Poari o ngā Kaimātai Whatu me ngā Kaiwhakarato Mōhiti

# CONSULTATION – PROPOSAL TO AMEND RECERTIFICATION PROGRAMMES FOR DISPENSING OPTICIANS & OPTOMETRISTS

**Released: 29 July 2019**

**Submissions Due: 6 September 2019**

## Introduction

- 1 The principal purpose of the Health Practitioners Competence Assurance Act 2003 (the Act) is to protect public health and safety by ensuring health practitioners are competent and fit to practise.
- 2 Section 41 of the Act sets out that for the purpose of ensuring that health practitioners are competent to practise within the scopes of practice in respect of which they are registered, each authority may from time to time set or recognise recertification programmes for practitioners who are registered with the authority. A recertification programme may require a practitioner to do any one or more of the following:
  - (a) pass any examinations or assessments, or both:
  - (b) complete a period of practical training:
  - (c) undertake a course of instruction:
  - (d) permit a health practitioner specified by the authority to examine—
    - (i) any or all of his or her clinical and other practices:
    - (ii) any or all of his or her relations with other health practitioners:
    - (iii) any or all of the clinical records of the practitioner in relation to his or her patients or clients:
  - (e) undergo an inspection:
  - (f) adopt and undertake a systematic process for ensuring that the services provided by the practitioner meet the required standard of competence.
- 3 If a health practitioner who is required to complete a recertification programme does not satisfy the requirements of the programme, in accordance with section 43 of the Act, the responsible authority may make either of the following orders:
  - (a) that the health practitioner's scope of practice be altered—

- (i) by changing any health services that the practitioner is permitted to perform; or
  - (ii) by including any condition or conditions that the authority considers appropriate:
- (b) that the practitioner's registration be suspended.

## Background

4 In 2009, following consultation with the profession and relevant stakeholders, the Board set the following recertification requirements for Dispensing Opticians for the purposes of ensuring that Dispensing Opticians remained competent to practise:

- to obtain 20 Continuing Professional Development (CPD) credits on a biennial basis; and
- to complete a self audit of their practice in the event that the required number of CPD credits were not obtained (also known as a deficit self audit).

In addition, the Board specified that it would require up to 40 percent of practising dispensing opticians to complete a random self audit of their practice at any time during the recertification cycle in order to assure the public that the profession were generally maintaining their competence. Attached as **Appendix 1** is a copy of the current recertification programme.

5 In 2010, following consultation with the profession and relevant stakeholders, the Board set the following recertification requirements for Optometrists for the purposes of ensuring that Optometrists remained competent to practise:

- to obtain a minimum of 40 CPD credits every two years to 31 October, including 20 clinical diagnostic (CD) credits
- to complete a self audit of their practice in the event that the required number of CPD credits were not obtained (also known as a deficit self audit).

In addition, the Board specified that it would require up to 40 percent of practising optometrists to complete a random self audit of their practice at any time during the recertification cycle in order to assure the public that the profession were generally maintaining their competence. Attached as **Appendix 2** is a copy of the current recertification programme.

6 The Board's expectation for both professions was that they would choose a wide variety of CPD activities relevant to their individual practice, and covering:

- clinical competence
- cultural competence
- ethical conduct.

Up until this time, the Board has not policed compliance with this expectation, and instead has relied on individuals to ensure they were undertaking a wide variety of activities covering these

three areas of competence. However, practitioner responses to the ethical and cultural competence compliance questions in the Board self audit questionnaire indicate that practitioners may be avoiding or struggling to address all of these competence areas and/or are unclear how they relate to maintenance of their ongoing safe practice.

In addition, with the recent amendments to the HPCA Act, in particular, a requirement for the Board to ensure its competencies enable effective and respectful interaction with Maori, the Board believes that in addition to providing more guidance to practitioners on these competence areas, it may be appropriate to implement some minimum and maximum point requirements for these CPD areas each cycle to ensure optometrists and dispensing opticians are adequately recertifying and the Board can assure the public that they are maintaining their clinical and cultural competence as well as their ethical conduct for safe practise.

## Proposal

7 The Board proposes to **amend** the two current recertification programmes to require the following:

- Cultural Points - **minimum** of 1 point per cycle and a **maximum** of 5 points per cycle.
- Ethical Points - **minimum** of 1 point per cycle and a **maximum** of 5 points per cycle.

The remainder of the points required for the cycle must be clinical.

The Board has intentionally proposed that the requirements be the same for the two professions.

8 Compliance with these requirements will be verified at the conclusion of each cycle and practitioners found to be non-compliant will be asked to provide an explanation for their non-compliance and a plan to rectify the situation. In addition, depending on the degree of non-compliance, the Board may propose to make orders in accordance with paragraph 3 above. It is intended that monitoring of compliance with the above minimum requirements would commence from the *next* cycle for each profession. For dispensing opticians, this is the cycle commencing 1 December 2019. For optometrists, this is the cycle commencing 1 November 2020.

## Summary

9 The Board has provided details above, of the amendment it proposes to make to the current recertification programmes it has set for the two professions, including the reasons for this proposed amendment. Stakeholders are now invited to provide submissions on this proposed amendment.

## **How to have your say**

- 10 If you wish to make submissions, please provide them in writing **by 5.00 pm on the 6th of September 2019**. The Board does not guarantee that submissions received at the Board's offices after that date will be considered.

**Appendix 1** – *Recertification programme for the continuing professional development of Dispensing Opticians*

**Appendix 2** - *Recertification programme for the continuing professional development of Optometrists*

### **Submissions can be sent to:**

The Registrar  
Optometrists and Dispensing Opticians Board  
PO Box 9644  
Wellington 6141

Email: [registrar@odob.health.nz](mailto:registrar@odob.health.nz)

## Appendix 1:

# RECERTIFICATION PROGRAMME FOR CONTINUING PROFESSIONAL DEVELOPMENT OF DISPENSING OPTICIANS

## Background

The principal purpose of the Health Practitioners Competence Assurance Act 2003 (Act) is to protect public health and safety by ensuring health practitioners are competent and fit to practise. The Optometrists and Dispensing Opticians Board (the Board) is charged with ensuring that dispensing opticians are competent and fit to practise when they apply for registration and on an ongoing basis.

The Act requires the Board to have evidence that each dispensing optician is competent in the following aspects of practice before it can issue an annual practising certificate (APC):

- clinical competence
- cultural competence
- ethical conduct.

## What is a recertification programme?

A recertification programme is a programme set or recognised by the Board to ensure that dispensing opticians are competent to practise within their scope of practice. The Board has set the following recertification programme under the provisions of section 41 of the Act.

## Policy

The Board's view is that one of the key elements contributing to the maintenance of an individual dispensing optician's competence is participation in CPD activities. For the purposes of ensuring that dispensing opticians are competent to practise, the Board has historically required all practising dispensing opticians to:

- obtain the required number of CPD credits on a biennial basis;
- complete a self audit of their practice in the event that the required number of CPD credits have not been obtained.

Where there was no other information to indicate the contrary, compliance with the Board's CPD requirements, combined with the satisfactory completion of a CPD deficit or random audit if required, has been regarded as sufficient to assure the Board that the dispensing optician is competent to practise.

The Board has adopted these CPD requirements, under section 41(3)(f) of the Act, as a recertification programme for all dispensing opticians who hold a current practising certificate. The full requirements of the recertification programme are set out below.

If a dispensing optician does not satisfy the biennial requirements of the recertification programme, the Board may consider taking steps under section 43 of the Act including limiting the dispensing optician's scope of practice, or, in some circumstances, suspending the dispensing optician's registration.

Compliance with the requirements of the recertification programme will also be relevant to renewal of a dispensing optician's APC. The Board must not decide to issue an APC unless it is satisfied that the applicant meets the required standard of competence. Failure to satisfy the requirements of the recertification programme may be viewed by the Board as a failure to maintain the required standard of competence, and this may impact on the Board's willingness or otherwise to issue an APC.

The recertification programme is an ongoing requirement for all dispensing opticians holding a practising certificate.

## Recertification programme

### CPD requirements

Dispensing opticians are required to obtain a minimum of 20 CPD credits every two years. As a guide, dispensing opticians should aim to have acquired at least 10 CPD credits at the end of the first year of the cycle. If a dispensing optician plans to take an extended period of leave at any point during the cycle, he/she should plan to cover that by increasing CPD activity in the remaining period.

The Board expects dispensing opticians to choose a wide variety of CPD activities relevant to their individual practice, and covering:

- clinical competence
- cultural competence
- ethical conduct.

### Credit requirements for dispensing opticians who obtain an APC part way through a recertification cycle

The number of CPD credits a dispensing optician is required to obtain by 30 November depends on the month that the first APC is issued. CPD credits required at the time of APC issue are:

Month (Year 1)	Credits required	Month (Year 2)	Credits required
December	20	December	11
January	20	January	10
February	19	February	9
March	19	March	8
April	18	April	7
May	18	May	6
June	17	June	5
July	16	July	4
August	15	August	3
September	14	September	2
October	13	October	1
November	12	November	0

Dispensing opticians may not be credited for the same CPD activity if repeated within two years. At the start of each new CPD cycle (on 1 December every odd-numbered year), any excess credits will be carried over to the next cycle at a rate of 50 percent, to a maximum of 30 credits.

### **Recording CPD**

The Association of Dispensing Opticians of New Zealand (ADONZ) is contracted by the Board to record individual dispensing opticians' CPD activity. This is done automatically if the dispensing optician is a member of the ADONZ, and upon application to the ADONZ by a non-member.

Enquiries about membership or to apply to have CPD credits recorded should be directed to:

ADONZ

PO Box 173

Morrinsville

info@adonz.co.nz

Tel/fax: 07 824 1044

For information on the accreditation of activities for CPD credits, please refer to the Board's *Policy on Accreditation of Continuing Professional Development Activities for Dispensing Opticians*.

### **CPD Deficit Audit requirements**

Where a dispensing optician has failed to demonstrate that he/she has obtained the required number of CPD credits, the dispensing optician will be required to provide the Board with a proposed plan for addressing the deficit, and to complete a CPD Deficit Audit. This audit differs from a random self audit that a dispensing optician may be asked to complete from time to time. For information on random self audits, please refer to the *Random Self Audits* page of the Board's website located at [www.odob.health.nz](http://www.odob.health.nz).

### **CPD Deficit Audit - Process**

Dispensing opticians required to complete a CPD Deficit Audit are asked by the Board to complete a questionnaire about their practice, to provide examples of cases they have managed, and to demonstrate their understanding of and compliance with the Board's:

- *Standards of Clinical Competence*
- *Standards of Cultural Competence*
- *Standards of Ethical Conduct*.

The information in the CPD Deficit Audit is assessed by the Board to identify whether there are any areas of practice indicating wider competence concerns, and/or to assure the Board of the dispensing optician's competence. The Board will contact the dispensing optician if further information is required, or if the Board seeks an explanation on one or more parts of the CPD Deficit Audit.

### **CPD Deficit Audit results**

If the Board makes a preliminary finding that the CPD Deficit Audit results indicate wider concerns about the dispensing optician's competence, the Board will write to the dispensing optician with the particulars of its concerns, and invite the dispensing optician to provide any further information they deem relevant for the Board's consideration. Such information may include but is not limited to:

- examples of cases managed to demonstrate that the area of concern is an exception to the dispensing optician's usual practice

- further information on the reasons that the dispensing optician chose the particular course of action in the matter of concern
- information on steps taken by the dispensing optician to make changes to their practice as a result of the issues raised by the Board
- details of any recent education the dispensing optician has undertaken in the area(s) of concern.

Upon receipt and consideration of the required information, the Board will make a final decision on whether the dispensing optician has met the requirements of the CPD recertification programme, having regard to the totality of the information relating to the dispensing optician, including but not limited to:

- the size of the deficit in CPD credits
- the adequacy of the dispensing optician's proposed plan to address the CPD deficit
- the CPD Deficit Audit results
- whether the dispensing optician was in CPD deficit at the completion of the previous recertification cycle
- any other information submitted by the dispensing optician.

### **Notification of satisfactory compliance with Recertification programme**

Where the Board finds that a dispensing optician has satisfied the requirements of the CPD recertification programme, the dispensing optician will be advised in writing within 10 working days of the Board's decision.

### **Random self audit**

The Board may ask up to 40 percent of practising dispensing opticians to complete a random self audit of their practice at any time during the recertification cycle. The random self audit is a separate requirement from the CPD deficit audit. When asking a dispensing optician to complete any self audit, the Board will clearly advise that practitioner whether they are completing a random self audit or a CPD deficit audit.

As with the CPD deficit audit, in the event that an individual dispensing optician's random self audit raises concerns, the Board will write to the dispensing optician with the particulars of its concerns, and invite the dispensing optician to provide any further information they deem relevant for the Board's consideration. Upon receipt and consideration of that information, the Board will make a final decision on whether any further steps are required.

## **Failure to satisfy recertification requirements**

Where a dispensing optician fails to demonstrate that he/she has met the requirements of the recertification programme, the Board may make an order (in accordance with section 43 of the Act) to:

- alter the dispensing optician's scope of practice:
  - by changing any health services that the dispensing optician is permitted to perform; or
  - by including any condition or conditions that the Board considers appropriate;
- suspend the dispensing optician's registration.

Conditions that may be included in the dispensing optician's scope of practice under section 43 include, but are not limited to:

- a requirement to undertake education in the area(s) of concern, as specified by the Board



- a requirement to work under the clinical supervision of a Board nominated practitioner for a period specified by the Board. The Board nominated practitioner must have been registered for at least two years in at least an equivalent scope of practice and must hold a current APC.

Before deciding whether any of the above orders are to be made, the Board will give the dispensing optician:

- notice of the reasons that it is considering making such an order
- a copy of any information on which the Board is relying in its proposal
- the opportunity to make written submissions and/or be heard on the matter.

Upon receipt and consideration of submissions (if any) the Board will make a final decision on whether to make any orders under section 43. Any orders made remain in effect until the dispensing optician has satisfied the requirements of the relevant biennial cycle of the CPD recertification programme.

### **Refusal to complete the recertification programme**

If a dispensing optician refuses to complete the requirements of the recertification programme, including, where necessary, the completion of a CPD Deficit Audit in the event that the required number of CPD credits have not been obtained, or a Random Audit has been requested, this will be deemed by the Board to be a failure to satisfy the requirements of the recertification programme. In those circumstances, the Board may consider making an order under section 43 of the Act.

## **Exemptions**

Under section 41(5) of the Act, the Board may exempt any practitioner or class of practitioner from all or any of the requirements of a recertification programme. The Board has exempted all dispensing opticians who do not hold a current APC (i.e. non practising dispensing opticians) from all requirements of the CPD recertification programme.

The Board may consider individual applications for exemption from some or all requirements of the CPD requirements of the recertification programme, where the dispensing optician can provide evidence of extenuating circumstances limiting the dispensing optician's ability to meet the requirements over the previous two years. The Board expects that such an exemption would only be granted in exceptional circumstances.

In the event that an individual practitioner needs to apply for an exemption, this can be done at any point during the recertification cycle, or within one calendar month of the end of the two year cycle (30 November every odd-numbered year).

### **Part time practice**

There is no exemption or reduction in requirements for dispensing opticians in part time employment. All dispensing opticians who hold a current APC must demonstrate that they meet the required standard of competence, regardless of the number of hours they work.

## **Issuing of annual practicing certificates**

Under section 29 of the Act the Board must not issue a dispensing optician with an APC unless it is satisfied that the dispensing optician meets the required standard of competence. As noted above, compliance with the requirements of the recertification programme will be relevant to renewal of a dispensing optician's APC. Failure to satisfy the requirements of the recertification programme may be viewed by the Board as a failure to maintain the required standard of competence.

Individual dispensing opticians completing a biennial CPD cycle will not be issued with a practising certificate until they have demonstrated that they have satisfied the requirements of the recertification programme.

Where a dispensing optician has obtained the required number of CPD credits, and where there are no other matters that may impact on the issuing of an APC, a practising certificate will be issued within one month of the application being received by the Board. Where a dispensing optician is required to complete a CPD Deficit or Random Audit, that dispensing optician's application for an APC will be referred to the Board for its consideration.

## **Other provisions**

### **Competence Review**

Under section 36(4) of the Act, the Board may at any time review the competence of a practising dispensing optician, whether or not it has reason to believe that the dispensing optician's competence may be deficient. Where concerns about a dispensing optician's competence are identified by the Board at any point in the recertification cycle the Board may require the dispensing optician to undertake a competence review in addition to the requirements of the recertification programme.

### **Risk of Harm**

Under section 35 of the Act, whenever the Board has reason to believe that the practice of a dispensing optician may pose a risk of harm to the public, the Board must promptly give written notice to the ACC, the Director-General of Health, the Health and Disability Commissioner and any person who, to the Board's knowledge, employs the dispensing optician. The Board will meet its obligations in this regard if, during the recertification process, it forms the view that a dispensing optician's practice may pose a risk of harm to the public.

#### *Related policies:*

- Statement on continuing professional development
- Policy on accreditation of continuing professional development activities for dispensing opticians
- Policy on dispensing opticians rejoining the workforce
- Policy on risk of harm
- Supervision guidelines

## Appendix 2:

# RECERTIFICATION PROGRAMME FOR CONTINUING PROFESSIONAL DEVELOPMENT OF OPTOMETRISTS

## Background

The principal purpose of the Health Practitioners Competence Assurance Act 2003 (Act) is to protect public health and safety by ensuring health practitioners are competent and fit to practise. The Optometrists and Dispensing Opticians Board (the Board) is charged with ensuring that optometrists are competent and fit to practise when they apply for registration and on an ongoing basis.

The Act requires the Board to have evidence that each optometrist is competent in the following aspects of practice before it can issue an annual practising certificate (APC):

- clinical competence
- cultural competence
- ethical conduct.

## What is a recertification programme?

A recertification programme is a programme set or recognised by the Board to ensure that optometrists are competent to practise within their scope of practice. The Board has set the following recertification programme under the provisions of section 41 of the Act.

## Policy

The Board's view is that one of the key elements contributing to the maintenance of an individual optometrist's competence is participation in CPD activities. For the purposes of ensuring that optometrists are competent to practise, the Board has historically required all practising optometrists to:

- obtain the required number of CPD credits on a biennial basis;
- complete a CPD deficit audit in the event that the required number of CPD credits have not been obtained.

Where there was no other information to indicate the contrary, compliance with the Board's CPD requirements, combined with the satisfactory completion of a CPD deficit or random audit if required, has been regarded as sufficient to assure the Board that the optometrist is competent to practise.

The Board has adopted these CPD requirements, under section 41(3)(f) of the Act, as a CPD recertification programme for all optometrists who hold a current practising certificate. The full requirements of the CPD recertification programme are set out below.

If an optometrist does not satisfy the biennial requirements of the recertification programme, the Board may consider taking steps under section 43 of the Act including limiting the optometrist's scope of practice, or, in some circumstances, suspending the optometrist's registration.

Compliance with the requirements of the recertification programme will also be relevant to renewal of an optometrist's APC. The Board must not decide to issue an APC unless it is satisfied that the applicant meets the required standard of competence. Failure to satisfy the requirements of the recertification programme may be viewed by the Board as a failure to maintain the required standard of competence, and this may impact on the Board's willingness or otherwise to issue an APC.

The recertification programme is an ongoing requirement for all optometrists holding a practising certificate.

## Recertification programme

### CPD requirements

All practising optometrists are required to obtain a minimum of 40 CPD credits every two years to 31 October, including 20 clinical diagnostic (CD) credits. Optometrists are expected to acquire these credits at appropriate intervals throughout the two year cycle, rather than in a brief timeframe within the cycle.

An educational activity will attract CD credits when it primarily deals with the differential diagnosis and management of sight or health threatening conditions that carry the risk of serious or permanent harm.

The Board expects optometrists to choose a wide variety of CPD activities relevant to their individual practice, and covering:

- clinical competence
- cultural competence
- ethical conduct.

### Credit requirements for optometrists who obtain an APC part way through a recertification cycle

The number of CPD credits an optometrist is required to obtain by 31 October depends on the month that the first APC is issued. CPD credits required at the time of APC issue are:

Month APC issued (Year 1)	Total credits required	CD credits required
November - April	40	20
May – October	30	15
Month APC issued (Year 2)	Credits required	CD credits required
November	20	10
December	20	10
January	18	9
February	16	8
March	14	7
April	12	6
May	10	5

June	8	4
July	6	3
August	4	2
September	2	1
October	0	0

CD credits can be used towards the general CPD credit requirements if not used as CD credits. Optometrists may not be credited for the same CPD activity if repeated within two years. At the start of each new CPD cycle (on 1 November every even-numbered year), any excess CD credits will be converted to general credits, and any excess general credits will then be carried over to the next cycle at a rate of 50 percent, to a maximum of 45 credits.

### **Recording CPD credits**

The New Zealand Association of Optometrists (NZAO) is contracted by the Board to record individual optometrists' CPD activity. This is done automatically if the optometrist is a member of the NZAO, and upon application to the NZAO by a non-member.

Enquiries about membership or to apply to have CPD credits recorded should be directed to:  
 NZAO CPD Recording Programme  
 PO Box 51008  
 Tawa  
 WELLINGTON 5249

[cpd@nzao.co.nz](mailto:cpd@nzao.co.nz)

Tel: 0800 4 EYECARE

Tel: 0800 439 322

Tel: +64 4 473 2322

Fax: +64 4 473 2328

For information on the accreditation of activities for CPD credits, please refer to the Board's *Policy on Accreditation of Continuing Professional Development Activities for Optometrists*.

### **CPD Deficit Audit requirements**

Where an optometrist has failed to demonstrate that he/she has obtained the required number of CPD credits, the optometrist will be required to provide the Board with a proposed plan for addressing the deficit, and to complete a CPD Deficit Audit. This audit differs from a random self audit that an optometrist may be asked to complete from time to time. For information on random self audits, please refer to the Board's website.

### **CPD Deficit Audit - Process**

Optometrists required to complete a CPD Deficit Audit are asked by the Board to complete a questionnaire about their practice, to provide examples of cases they have managed, and to demonstrate their understanding of and compliance with the Board's:

- *Standards of Clinical Competence*
- *Standards of Cultural Competence*
- *Standards of Ethical Conduct.*

The information in the CPD Deficit Audit is assessed by the Board to identify whether there are any areas of practice indicating wider competence concerns, and/or to assure the Board of the optometrist's competence. The Board will contact the optometrist if further information is required, or if the Board seeks an explanation on one or more parts of the CPD Deficit Audit.

### **CPD Deficit Audit results**

If the Board makes a preliminary finding that the CPD Deficit Audit results indicate wider concerns about the optometrist's competence, the Board will write to the optometrist with the particulars of its concerns, and invite the optometrist to provide any further information they deem relevant for the Board's consideration. Such information may include but is not limited to:

- examples of cases managed to demonstrate that the area of concern is an exception to the optometrist's usual practice
- further information on the reasons that the optometrist chose the particular course of action in the matter of concern
- information on steps taken by the optometrist to make changes to their practice as a result of the issues raised by the Board
- details of any recent education the optometrist has undertaken in the area(s) of concern.

Upon receipt and consideration of the required information, the Board will make a final decision on whether the optometrist has met the requirements of the CPD recertification programme, having regard to the totality of the information relating to the optometrist, including but not limited to:

- the size of the deficit in CPD credits
- the adequacy of the optometrist's proposed plan to address the CPD deficit
- the CPD Deficit Audit results
- whether the optometrist was in CPD deficit at the completion of the previous recertification cycle
- any other information submitted by the optometrist.

### **Notification of satisfactory compliance with Recertification programme**

Where the Board finds that an optometrist has satisfied the requirements of the CPD recertification programme, the optometrist will be advised in writing within 10 working days of the Board's decision.

### **Failure to satisfy recertification requirements**

Where an optometrist fails to demonstrate that he/she has met the requirements of the recertification programme, the Board may make an order (in accordance with section 43 of the Act) to:

- alter the optometrist's scope of practice:
  - by changing any health services that the optometrist is permitted to perform; or
  - by including any condition or conditions that the Board considers appropriate;
- suspend the optometrist's registration.

Conditions that may be included in the optometrist's scope of practice under section 43 include, but are not limited to:

- a requirement to undertake education in the area(s) of concern, as specified by the Board
- a requirement to work under the clinical supervision of a Board nominated optometrist for a period specified by the Board. The Board nominated optometrist must have been registered for at least two years in at least an equivalent scope of practice and must hold a current APC.

Before deciding whether any of the above orders are to be made, the Board will give the optometrist:

- notice of the reasons that it is considering making such an order

- a copy of any information on which the Board is relying in its proposal
- the opportunity to make written submissions and/or be heard on the matter.

Upon receipt and consideration of submissions (if any) the Board will make a final decision on whether to make any orders under section 43. Any orders made remain in effect until the optometrist has satisfied the requirements of the relevant biennial cycle of the CPD recertification programme.

### **Refusal to complete the recertification programme**

If an optometrist refuses to complete the requirements of the recertification programme, including, where necessary, the completion of a CPD Deficit Audit in the event that the required number of CPD credits have not been obtained, or a Random Audit has been requested, this will be deemed by the Board to be a failure to satisfy the requirements of the recertification programme. In those circumstances, the Board may consider making an order under section 43 of the Act.

## **Exemptions**

Under section 41(5) of the Act, the Board may exempt any practitioner or class of practitioner from all or any of the requirements of a recertification programme. The Board has exempted all optometrists who do not hold a current APC (i.e. non practising optometrists) from all requirements of the recertification programme.

On a case by case basis, the Board will consider individual applications for small point reductions, or in very rare circumstances, a full exemption from the CPD requirements of the recertification programme where the optometrist can provide evidence of extenuating circumstances limiting the optometrist's ability to meet the requirements over the previous two years. The Board expects that such point reductions or exemptions would only be granted in exceptional circumstances, but may include such circumstances as parental leave, serious illness or natural disaster (e.g. earthquakes)

In the event that an individual practitioner needs to apply for an exemption, this should be done as soon as the practitioner is aware that he/she may have difficulty meeting requirements. This can be done at any point during the recertification cycle, or by 30 November following the end of the two year cycle (31 October every even-numbered year).

NB: In some cases, the Board may require provision of evidence to support an application, e.g. a medical certificate.

### **Part time practice**

There is no exemption or reduction in requirements for optometrists in part time employment. All optometrists who hold a current APC must demonstrate that they meet the required standard of competence, regardless of the number of hours they work.

## **Issuing of annual practising certificates**

Under section 29 of the Act the Board must not issue an optometrist with an APC unless it is satisfied that the optometrist meets the required standard of competence. As noted above, compliance with the requirements of the recertification programme will be relevant to renewal of an optometrist's APC. Failure to satisfy the requirements of the recertification programme may be viewed by the Board as a failure to maintain the required standard of competence.

Individual optometrists completing a biennial CPD cycle will not be issued with a practising certificate until they have demonstrated that they have satisfied the requirements of the recertification programme.

Where an optometrist has obtained the required number of CPD credits, and where there are no other matters that may impact on the issuing of an APC, a practising certificate will be issued within one month of the application being received by the Board. Where an optometrist is required to complete a CPD Deficit or Random Audit, that optometrist's application for an APC will be referred to the Board for its consideration.

## **Other provisions**

### **Competence Review**

Under section 36(4) of the Act, the Board may at any time review the competence of a practising optometrist, whether or not it has reason to believe that the optometrist's competence may be deficient. Where concerns about an optometrist's competence are identified by the Board at any point in the recertification cycle the Board may require the optometrist to undertake a competence review in addition to the requirements of the recertification programme.

### **Risk of Harm**

Under section 35 of the Act, whenever the Board has reason to believe that the practice of an optometrist may pose a risk of harm to the public, the Board must promptly give written notice to the ACC, the Director-General of Health, the Health and Disability Commissioner and any person who, to the Board's knowledge, employs the optometrist. The Board will meet its obligations in this regard if, during the recertification process, it forms the view that an optometrist's practice may pose a risk of harm to the public.

#### *Related policies:*

- Statement on continuing professional development
- Policy on accreditation of continuing professional development activities for optometrists
- Policy on optometrists rejoining the workforce
- Policy on risk of harm
- Supervision guidelines

*Approved by the Board: 6 October 2010*