

STANDARDS OF ETHICAL CONDUCT FOR 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.

Under section 118((i) of the Act the Board is required to set standards of:

- clinical competence
- cultural competence
- ethical conduct.

Policy

Dispensing opticians who believe, in good faith, that a colleague has breached ethical standards are obliged to bring that matter to the attention of the Registrar of the Board. The Board will consider how to proceed with the matter, but before doing so will usually seek a response from the dispensing optician about whom the matter was raised.

Options open to the Board in dealing with a potential breach may include:

- taking no further action
- in the case of a low level breach, writing to the practitioner with the Board's view on how the matter giving rise to the concern should have been dealt with, and/or a warning about expected behaviour
- where a complaint has been made that the practice or conduct of the dispensing optician has affected a health consumer, referring the matter to the Health and Disability Commissioner in accordance with section 64 of the Act
- referring the matter to a Professional Conduct Committee
- referring the matter to a more appropriate authority (eg Advertising Standards Authority, Privacy Commissioner).

Standards

1.0 Compliance and legislation

1.1 Dispensing opticians are personally responsible for adhering to all laws, regulations and Codes relevant to practice, including (but not limited to):

- Advertising Standards Authority Advertising Codes, including:
 - Therapeutic Products Advertising Code
 - Therapeutic Services Advertising Code
 - Advertising Code of Ethics
 - Code for Comparative Advertising
- Consumer Guarantees Act 1993
- Fair Trading Act 1986
- Health Act 1956 (s 22)
- Health and Safety in Employment Act 1992
- Health Information Privacy Code 1994
- Health (Retention of Health Information) Regulations 1996
- Health Practitioners Competence Assurance Act
- Privacy Act 1993
- The Health and Disability Commissioner (Code of Health and Disability Consumers' Rights) Regulations 1996

1.2 Regardless of individual practice and employment settings, Dispensing opticians must maintain a working knowledge of, and comply with all Board policies, guidelines and standards applicable to optical dispensing, including these Standards of Ethical Conduct.

2.0 Responsibility to the patient

2.1 The patient's welfare is paramount. The dispensing optician must ensure that their commercial interests or those of their employer are not permitted to override the independent exercise of their professional judgment with regard to a patient, or to compromise the standard of care provided, or to affect their cooperation with other healthcare providers. Dispensing opticians who are employers must likewise refrain from exerting pressures on their staff that may compromise patient welfare.

2.2 Patients have the right to be treated without discrimination.

2.3 Patients have the right to be provided with sufficient information to make informed decisions about their care.

2.4 Where a patient's needs are beyond the scope or skills of the dispensing optician, the dispensing optician will advise the patient of this, and will refer the patient to a practitioner who has the necessary skills, knowledge, qualifications and experience to address the patient's needs.

3.0 Standards of care

3.1 Dispensing opticians will only practise in those areas in which they are trained and competent.

- 3.2 Dispensing opticians must strive through continuing education and training to maintain a high standard of skill and knowledge to ensure competence is maintained.
- 3.3 Dispensing opticians shall ensure that comprehensive, accurate and up to date clinical records are kept, and that appropriate privacy provisions are in place.
- 3.4 Dispensing opticians should take reasonable steps to ensure that the person to whom a task is delegated, has the appropriate qualifications, experience, knowledge and skills to provide the care required. The dispensing optician must understand that although a delegating practitioner will not be accountable for the decisions and actions of those to whom he/she delegates, he/she remains responsible for the overall management of the patient, and for the decision to delegate.
- 3.5 Dispensing opticians should ensure that all non-qualified staff are aware of their legal and ethical obligations.

Approved by the Board: 28 January 2011

Date reviewed: May 2014

Date to be reviewed: May 2017