

## POLICY ON RENEWAL OF ANNUAL PRACTISING CERTIFICATES

### Purpose:

The Optometrists and Dispensing Opticians Board (the Board) is the regulatory authority responsible for ensuring that optometrists and dispensing opticians are fit and competent to practise in New Zealand. In order to practise as an optometrist or dispensing optician in New Zealand you must be registered with the Board **and** hold a current practising certificate (renewed annually). The purpose of this policy is to inform optometrists and dispensing opticians what is required for the annual renewal of their practising certificate, how their applications will be processed, and what the repercussions are for practising without a current practising certificate.

### Important information:

#### Your responsibility

If you are currently practising as an optometrist or dispensing optician in New Zealand, it is your responsibility to complete a renewal application and submit this with payment by the due date given.

#### Deemed to hold

If you are applying to *renew* a practising certificate that is about to expire, you are considered to be the holder of a renewed practising certificate from the date your completed renewal application and payment is received in the Board's office and the certificate is issued or you are sooner notified by the Registrar that it will not be issued (section 30(3) of the Health Practitioners Competence Assurance Act 2003 refers). If you have confirmed receipt of your completed application by the Board's office, you do not need to wait to receive your renewed certificate to continue practising.

Where an applicant has **not** applied for a practising certificate **before** the expiry of their current certificate, the applicant is **not** 'deemed to hold' and may therefore **not practise** while their application is being considered.

#### Declaration

It is your responsibility to ensure that you read the application declaration carefully to ensure that the information you are providing is entirely accurate, as signing a false declaration is an offence under section 172 of the Health Practitioners Competence Assurance Act 2003 (HPCA Act) and on summary conviction can lead to a fine of up to \$10,000.00.

### Application process:

An application for a practising certificate is processed in accordance with sections 26 to 33 of the HPCA Act.

The practising year runs from 1 April to 31 March each year and optometrists and dispensing opticians are sent a communication in late January/early February to prompt them to renew their practising certificate. In addition, the Board sends a number of reminder notices by email to all practitioners ahead of 31 March.

On receipt of a practising certificate application, Board staff:

1. Check that the application is complete (includes all requested information and no further information is required to consider the application);
2. Confirm that payment has been successfully made;
3. When the payment is confirmed, staff will check the practitioner's file to ensure there is no cause for believing that a certificate should not be issued (sections 26 and 27 of the HPCAA refer);
4. When there is no cause for believing that a certificate should not be issued, the certificate will be issued and sent to the practitioner.

### **Consideration of non-complying applications:**

The following are grounds on which a certificate may not be issued under sections 26 or 27 of the HPCAA:

- Where there are outstanding costs owing as a result of Health Practitioner Disciplinary Tribunal proceedings;
- If any information provided in the application is false or misleading;
- Where the applicant has, at any time, failed to maintain the required standard of competence;
- Where the applicant has failed to fulfil, or has failed to comply with, a condition included in the applicant's scope of practice;
- Where the applicant has not satisfactorily completed the requirements of any competence programme that he or she has been ordered by the Board to complete;
- Where the applicant has not held an annual practising certificate within the 3 years immediately preceding the date of the application;
- Where the applicant is unable to perform the functions required for the applicant's profession because of a mental or physical condition;
- Where the applicant has not, within the 3 years immediately preceding the date of application, lawfully practised the profession to which the application relates.

Where the Registrar believes that any of the grounds listed above may exist, the application may be declined or conditions imposed on the practitioner's scope of practice under section 29(2) of the HPCAA. If this is the case, the Registrar will give the applicant:

- A notice containing enough particulars to inform the applicant clearly of the substance of the grounds on which a proposal to decline their application or include conditions on their scope is being made; and
- A copy of any information on which the Board is relying in making the proposal to decline their application or include conditions on their scope; and
- A reasonable opportunity to make written submissions and be heard, either personally or by a representative, in respect of the application.

Where the Registrar has been given delegation by the Board to decide on an application, the Registrar will make a decision and inform the applicant, including provision of information relating to any appeal rights.

Where the Registrar does not have delegation to decide on an application, or where unusual circumstances exist and the Registrar seeks Board comment on the decision, the application will be referred to the Board's Professional Standards Committee for consideration.

Where an applicant has applied for a practising certificate before the expiry of their current certificate, they will be 'deemed to hold' the renewed certificate while their application is being considered and may continue practising.

Where an applicant has **not** applied for a practising certificate before the expiry of their current certificate, the applicant is **not** 'deemed to hold' and may therefore **not practise** while their application is being considered. Where this is the case, the Board will endeavour to consider and determine applications as promptly as possible.

*If, at the time of application, you are aware of circumstances that may give cause for the Registrar to believe that you should not be issued with a practising certificate, e.g. you have a health condition affecting your ability to practise or you have not met the conditions imposed on your scope of practice, you should submit information to the Board along with your application explaining your situation, to assist the Board in processing your application promptly.*

## **Fees for late applications:**

A certificate can only be *renewed* up until the expiry of the current certificate. Applications received after the expiry of the current certificate (31 March) are considered to be late applications and the 'deemed to hold' provisions mentioned above do not apply. If you intend to practise on 1 April, you must ensure that your application is received by the Board's office **on or before 31 March** or you will not be able to practise until you receive notice from the Board that your application has been processed and your certificate issued.

Where a late application is received **within 10 working days of 31 March**, along with an acceptable explanation as to the reason for its lateness, the Registrar can consider the application under delegation from the Board. Such applications will be considered on a case-by-case basis and the Registrar will advise the applicant whether the late processing fee of \$240.00 (incl. GST) will apply.

Where an application is received **more than 10 working days after 31 March**, the application cannot be considered by the Board's Registrar and must be referred to the Board's Professional Standards Committee for consideration. In this instance, the **late processing fee of \$240.00** (incl GST) will apply and this fee must be paid before the application will be considered. A reason for the lateness of the application must also be provided.

When a late application is being considered the applicant **must not practise** until they receive notice from the Board that their application has been processed and a certificate has been issued.

## **Repercussions for practising without a current practising certificate:**

Practising without a current practising certificate is an offence under section 7 of the HPCA Act. If convicted of that offence you face a fine of up to \$10,000.

Other consequences of not holding a current practising certificate include:

- Your patients may not be covered by their health insurers or ACC
- You may not be covered by your own professional indemnity insurer
- For optometrist prescribers, pharmacies may not fill prescriptions for your patients
- The Board may refer you to a Professional Conduct Committee (PCC)
- Your employer is at risk of investigation by the Health and Disability Commissioner if a complaint is received about you.

### **Circumstances under which the Board may consider referral to a PCC**

The Board will take **very seriously** any registered optometrist or dispensing optician suspected of practising without a current practising certificate. Subject to the particular facts of the case, it is likely that the Board will refer an optometrist or dispensing optician to a PCC in the following circumstances:

- Where the optometrist or dispensing optician has received communication from the Board's office, either verbally and/or in writing, that they do not hold a current practising certificate and may therefore not practise, and they proceed to practise anyway
- Where information is brought to the Board's attention that suggests an optometrist or dispensing optician may be practising without a current practising certificate and the optometrist or dispensing optician has no valid explanation for believing they were entitled to practise.

The role of a PCC is to investigate the appropriateness of the conduct of a practitioner and to consider what action, if any, should be taken regarding said conduct, which can include, amongst other things, laying a charge against the practitioner before the Health Practitioners Disciplinary Tribunal (the Tribunal).

Section 100 of the HPCA Act sets out the grounds on which a health practitioner may be disciplined before the Tribunal. One of these is where 'the practitioner has practised his or her profession while not holding a current practising certificate.' The Tribunal views very seriously any practitioner practising without a valid practising certificate, even for 1 day, and Tribunal penalties can have a significant impact on a practitioner's livelihood.

Practising without a current practising certificate is never a good option, for you or your patient. You can avoid the above mentioned action by simply taking the time to renew your certificate by the due date.

The Board will review this policy regularly to ensure the information remains up-to-date and accurate.

*Approved by the Board: 7 December 2012*

*Date of last review: 2 November 2018*

*Date to be reviewed: 2 November 2021*