

## RECONSIDERATION OF A DECISION PROCESS

1. The Optometrist and Dispensing Optician Board's (Board) *Reconsideration of Decisions* policy (Policy) outlines the decisions that may be reconsidered by the Board including its appointed delegates/decision makers.
2. You may appeal or review certain Board decisions, these are specified in Section 106(1) of the Health Practitioners Competence Assurance Act 2003 (Act). Section 106(4) and clause 18, schedule 3 of the Act outlines the processes that must be followed in relation to an appeal or review.
3. This document outlines the process you should follow to request reconsideration of decisions that are made by the Board and which are not specified in the Act.
4. If you are dissatisfied with a Board decision, please contact the Registrar in the first instance. If, after an initial discussion, you would like to have the decision reconsidered, this document outlines the steps you must take.
5. A challenger to a Board decision may be:
  - 5.1 an education programme provider (in the case of an accreditation decision)
  - 5.2 an individual person (in the case of another decision).
6. Your request for reconsideration of a Board decision must be made in writing. The request must be received within **10 working days** of notification of the original decision.
7. Your request for reconsideration must include:
  - 7.1 your name and contact details, including email address
  - 7.2 a clear description of the issue and reason/s you believe the decision should be reconsidered, with reference to relevant Board guidelines and processes
  - 7.3 any documentation you wish to provide in support of your request
8. The original decision will not take effect until after the outcome of a request for reconsideration has been decided unless there are serious concerns for patient safety.

9. You will receive written acknowledgement of your request from Board staff within **three working days** of its receipt.
10. Board staff may ask for additional information from you or from other relevant parties.
11. The Board will undertake the reconsideration. Its decision may be made after receiving recommendation/s from a panel approved by the Board to consider the request and/or issues arising from the request. A panel may include the Board's Registrar and other Board staff, members or external parties as determined to be appropriate by the Board. The appointment and composition of any panel will depend on the nature of the request and proportionate use of Board resources.
12. At the sole discretion of the Board, a reconsideration may be undertaken as a paper review or as a meeting held by teleconference, video conference or in person.
13. You may make a submission about the request for reconsideration. If the Board has appointed or intends to appoint a panel, submissions will be made to the panel unless the Board, solely at its own discretion, allows otherwise.
14. You will be advised in writing of the date by which you must make a submission. Submissions must be in writing for a paper review or may be in person if the reconsideration is conducted in a meeting.
15. At least **10 working days** in advance of the meeting you must advise Board staff if you intend to make a submission in person, including being present at a teleconference or videoconference, and if a support person (and their name) will accompany you. Costs of your, and your support person's, attendance at the meeting must be met by you.
16. You must provide any documented information that you want to have taken into account in the reconsideration at least **10 working days** in advance of the reconsideration meeting or paper review. Exceptional circumstances may apply – any decision to admit further information is made by the Board or the chair of the panel appointed by the Board.
17. At least **five working days** in advance of the meeting or paper review, Board staff will provide you with all the documented information that will be used to make the reconsideration decision.
18. You may not provide additional documentation relating to your request within **five working days** of the reconsideration date. Exceptional circumstances may apply – any decision to admit further information is made by the Board or the chair of the panel appointed by the Board.
19. The Board's reconsideration decision will be one of:
  - 19.1 original decision upheld (unchanged), or
  - 19.2 original decision modified, with modifications outlined, or
  - 19.3 original decision revoked and new decision made.

20. You will be advised in writing of the outcome of your request. Decisions will be made as soon as practicable, taking into account the Board's resources and the Board's meeting schedules.
21. You may make **one only** further reconsideration request, in which case steps 4-21 are repeated. Further reconsideration will incur an additional Review Management Fee.

*Date approved: May 2020*

*Date to be reviewed: May 2023*