

Public Consultation Paper

Draft *Registration standard for limited registration for teaching or research*

Introduction

The Optometry Board of Australia is undertaking a public consultation on its proposed draft *Registration standard for limited registration for teaching or research*.

Section 38 of the Health Practitioner National Law Act (the National Law) as in force in each state and territory, empowers the Board to develop, and recommend to the Australian Health Workforce Ministerial Council (the Ministerial Council), registration standards to deal with issues relevant to the eligibility of individuals for registration in the optometry profession or the suitability of individuals to competently and safely practise the profession.

The Board has developed and previously consulted on a range of registration standards that have been approved by the Ministerial Council. The approved standards can be accessed under *Registration standards* of the Board's website.

The National Law requires the Board to undertake wide-ranging consultation on the content of proposed registration standards.

At the completion of the consultation on the content of this registration standard, the Board will recommend it to the Ministerial Council with any amendments deemed appropriate arising from the submissions received in the consultation process.

Making a submission

The Board invites interested parties to address their written comments on the content of the draft registration standards to Mr Colin Waldron, Chair, Optometry Board of Australia, by COB Tuesday 23 October 2012.

Electronic submissions are preferred and can be made at optomconsultation@ahpra.gov.au.

Submissions are also able to be posted to the attention of the Chair, Optometry Board of Australia, GPO Box 9958, Melbourne Vic 3001.

How submissions will be handled

As part of the consultation process, the Board will acknowledge submissions received.

Submissions will generally be published unless you request otherwise. The Board publishes submissions on its website to encourage discussion and inform the community and stakeholders.

However, the Board will not place on its website, or make available to the public, submissions that contain offensive or defamatory comments or which are outside the scope of reference. Before publication, we may remove personally-identifying information from submissions, including contact details.

The views expressed in the submissions are those of the individuals or organisations who submit them and their publication does not imply any acceptance of, or agreement with, these views by the Board.

The Board also accepts submissions made in confidence. These submissions will not be published on the website or elsewhere. Submissions may be confidential because they include personal experiences or other sensitive information. Any request for access to a confidential submission will be determined in accordance with the *Freedom of Information Act 1982* (Cth), which has provisions designed to protect personal information and information given in confidence.

Please let us know if you do not want us to publish your submission, or want us to treat all or part of it as confidential.

Background

The Optometry Board of Australia has drafted the registration standard to describe the requirements for limited registration for teaching or research. The registration standard sets out both the initial and ongoing requirements.

This limited registration category is for those optometrists, not qualified for general registration, wishing to obtain registration for a limited period of time to undertake a teaching or research position that requires registration as an optometrist. Potential applicants for this registration category should refer to the Board's statement *When it is necessary to be registered as an optometrist* listed under *Registration* on the Board's website.

In order to be eligible for limited registration, these limited registrants are required to only practice in a Board approved position with an education provider and/or recognised research facility. Optometrists who are granted limited registration for teaching and research may undertake clinical practice in this approved position within the supervision requirements specified by the Board.

The Board requires all applicants for limited registration to meet the requirements of its English Language Skills, Recency of Practice, Professional Indemnity Insurance, Criminal History and Continuing Professional Development registration standards.

The Board has prepared a *Statement of assessment against AHPRA's procedures for development of registration standards* (attachment B).

Attachments

Attachment A: *Draft Registration standard for limited registration for teaching or research*

Attachment B: *Statement of assessment against AHPRA's procedures for development of registration standards*



REGISTRATION STANDARD

Limited Registration for teaching or research (section 69)

Authority

This registration standard has been approved by the Australian Health Workforce Ministerial Council on [insert date on approval] pursuant to the *Health Practitioner Regulation National Law Act* (the National Law) as in force in each state and territory.

Summary

Section 69 of the National Law refers to limited registration for teaching or research.

The registration standard sets out the requirements for the Board to register optometrists under section 69 of the National Law who are not qualified for general registration. These limited registrants are required to be in an employment relationship with an education provider and/or recognised research facility in order to be eligible for limited registration.

The registration standard sets out both the initial and ongoing requirements of limited registration for teaching or research.

Scope of application

This registration standard applies to overseas trained optometrists applying for limited registration to fill a teaching or research position under section 69 of the National Law or for renewal of limited registration for teaching or research under Part 7 Division 9 of the National Law.

Requirements

The Board requirements for Limited registration for teaching and research are:

1. Compliance with the eligibility requirements of section 65 of the National Law for limited registration. (refer appendix A).
2. A qualification that provides eligibility¹ to sit the Competence in Optometry Examination conducted by the Optometry Council of Australia and New Zealand.
3. Evidence of current registration to practise optometry.
4. Evidence of work practice history that meets the Board's recency of practice registration standard.
5. Practice only in accordance with the Board's *Supervision Guidelines for Optometrists* and comply with the planning or supervision requirements as set out in an approved supervised practice plan if required.
6. Compliance with the following mandatory Registration Standards, as well as all relevant Codes and Guidelines of the Board:

¹ As defined in *Explanatory Notes* published on the examination section of the OCANZ website at www.ocanz.org.au.

- Recency of practice registration standard
 - Continuing professional development registration standard
 - English language skills registration standard
 - Professional indemnity insurance arrangements registration standard, and
 - Criminal history registration standard
7. A written position description for approval by the Board, with verification from the employer of the teaching or research position (inclusive of the details of supervised clinical practice which the limited registrant will undertake).
8. An approved position description may include some supervised practice. Private practice and practice not associated with the approved position description is not permitted.

Length of registration period

The length of the limited registration period is related to the period of employment of the registrant in a teaching and research position and the period of registration determined by the Board. In accordance with section 72 of the National Law, the Board can grant limited registration for up to 12 months. The Board will publish the *limited registration period* on its website. Where the approved teaching or research position ceases or is terminated, the limited registration for teaching and research will end 30 days thereafter.

Ability to renew Limited registration

Limited registration, as set out by section 72 of the National Law must be renewed after a period of 12 months and can be renewed a maximum of three (3) times. After this time a new application for limited registration can be made and will need to meet the requirements of this Registration Standard and any other registration requirements as set by the Board at that time.

Board's ability to refuse to renew Limited Registration for Teaching or Research

The Board may refuse to renew the Limited registration for teaching or research if any one of the following applies:

- a) the registrant's employment ceases or is terminated
- b) the registrant has not complied with or practised in accordance with the *approved position description*
- c) the registrant has not complied with the requirements of the Board's *Supervision Guidelines for Optometrists*
- d) the registrant cannot demonstrate compliance with all or any of the terms, conditions or requirements on the limited registration
- e) the registrant has demonstrated unsatisfactory professional performance in the teaching or research position, or
- f) is considered unsuitable to hold limited registration under section 70 of the National Law.

Non-compliance with Registration Standards

A breach of any of the requirements of this Registration Standard or any of the Board's Registration Standards may be a basis to consider the breach 'unprofessional conduct' or 'unsatisfactory professional performance' in accordance with the National Law.

Purpose of registration and notation on the Register of Optometrists

Optometrists granted Limited registration for teaching or research should note that the registration is granted for the particular purpose which is the teaching or research employment position in accordance with the *approved position description*. An optometrist registered under this category of Limited registration will not be eligible to undertake private practice. The terms of the Limited registration for teaching or research will be notated on the Register of Optometrists and any practice outside those terms **is not permitted**.

The type of notation that will appear on the public register will be for example:

Limited registration for teaching or research is granted under section 69 of the Health Practitioner Regulation National Law Act from <date> to <date> for the purpose of <description of teaching position and/or research role and supervision arrangements> at <location/s>. Private practice and practice outside these parameters is not permitted.

In addition to the requirements of this Registration Standard the Board may grant limited registration subject to any conditions for teaching or research, in accordance with section 83 of the National Law. The Board may consider conditions on registration necessary or desirable in the circumstances.

Applications for variation in changed circumstances

If a registrant in Limited registration for teaching or research has a **significant change** in circumstances, such as a change in the employment position they must submit a new application for limited registration. However, registrants can apply to the Board for a variation if there is a minor change to their circumstances, a change in the *approved position description* or change in their supervisor.

Definitions

Supervised practice plan means a plan that is agreed between the Optometry Board of Australia, the supervisor and the supervisee that sets out the objectives for, levels, type and amount of supervision required and how the supervision is to occur.

The supervised practice plan should reflect a balance between the need for supervision, the practitioner's current level of training, competence and scope of practice and the position in which the supervisee will be practising.

Supervision report a document submitted in the format approved by the Board at intervals agreed in the Supervised Practice Plan and details progress against the Supervised Practice Plan.

Approved position description means a written position description inclusive of the details of practise which the limited registrant will undertake in the teaching or research position, verified by the employer and approved by the Board at the time of granting limited registration. The *approved position description* may be reviewed by the Board during the period of Limited registration.

Review

The Board will review this registration standard every three years from the date of publication.

Attachment A Relevant sections of the National Law

Division 4 Limited registration

65 Eligibility for limited registration

- (1) An individual is eligible for limited registration in a health profession if—
 - (a) the individual is not qualified for general registration in the profession or specialist registration in a recognised speciality in the profession; and
 - (b) the individual is qualified under this Division for limited registration; and
 - (c) the individual is a suitable person to hold limited registration in the profession; and
 - (d) the individual is not disqualified under this Law or a law of a co-regulatory jurisdiction from applying for registration, or being registered, in the health profession; and
 - (e) the individual meets any other requirements for registration stated in an approved registration standard for the health profession.
- (2) Without limiting subsection (1), the National Board established for the health profession may decide the individual is eligible for registration in the profession by imposing conditions on the registration under section 83.

69 Limited registration for teaching or research

- (1) An individual may apply for limited registration in a health profession to enable the individual to fill a teaching or research position.
- (2) The individual is qualified for the limited registration applied for if the National Board established for the health profession is satisfied the individual's qualifications are relevant to, and suitable for, the position.

70 Unsuitability to hold limited registration

- (1) Section 55 applies to a decision by a National Board that an individual is not a suitable person to hold limited registration in a health profession.
- (2) For the purposes of subsection (1), a reference in section 55 to general registration in the health profession is taken to be a reference to limited registration in the health profession.

71 Limited registration not to be held for more than one purpose²

An individual may not hold limited registration in the same health profession for more than one purpose under this Division at the same time.

72 Period of limited registration

- (1) The period of registration that is to apply to a health practitioner granted limited registration in a health profession is the period (the registration period), not more than 12 months, decided by the National Board established for the profession and published on the Board's website.
- (2) If the National Board decides to register a health practitioner in the health profession during a registration period, the registration—
 - (a) starts when the Board makes the decision; and
 - (b) expires at the end of the last day of the registration period.
- (3) Limited registration may not be renewed more than 3 times.

Note. If an individual had been granted limited registration in a health profession for a purpose under this Division, had subsequently renewed the registration in the profession for that purpose 3 times and at the end of the period wished to continue holding limited registration in the profession for that purpose, the individual would need to make a new application for limited registration in the profession for that purpose.

² Section 71 of the National Law provides that a practitioner may not hold limited registration in the same profession for more than one purpose at the same time. However, a practitioner may hold a category of limited registration and undertake activities within that registration which relate to another category of limited registration. For example, a practitioner may hold limited registration for teaching or research, but their approved position description may include some supervised practice.



Board statement of assessment against AHPRA's procedures for development of registration standards

Registration standard - limited registration for teaching or research

The Australian Health Practitioner Regulation Agency (AHPRA) has *Procedures for the Development of Registration Standards* which are available at: www.ahpra.gov.au.

Below is the Optometry Board of Australia's assessment against the three elements outlined in the AHPRA procedures for its proposed registration standard for limited registration for teaching or research.

1. The proposed registration standard takes into account the objectives and guiding principles of the National Law (section 3)

Board assessment

The Board considers that its proposed registration standard meets the objectives and guiding principles of the National Law.

The registration standard strikes an appropriate balance between protecting the public and the other objectives and guiding principles of the National Law, including the continuous development of a flexible, responsive, and sustainable Australian health workforce and the resources to facilitate the provision of high-quality education and training.

2. The proposed registration standard meets the consultation requirements of the National Law

Board assessment

The National Law requires wide-ranging consultation on proposed registration standards. The Board is ensuring that there is public exposure of its proposed registration standard and the opportunity for public comment by undertaking an eight week public consultation process.

This process includes the publication of the consultation paper and draft registration standard on the website. The Board will draw this paper to the attention of the 13 other National Boards, AHPRA, governments and the accreditation body for the optometry profession and now submits it to the profession and the broader public for review and comment.

The Board will take into account the comments it receives when finalising its draft limited registration standard for submission to the Ministerial Council for approval.

3. The proposed Registration standard for limited registration for teaching or research takes into account the COAG principles for best practice regulation

Board assessment

In developing the proposed limited registration standard for consultation, the Board has taken into account the Council of Australian Governments (COAG) Principles for Best Practice Regulation.

As an overall statement, the Board has taken care not to propose unnecessary regulatory burdens that would create unjustified costs for the profession or the community.

The Board believes the proposed registration standard imposes reasonable requirements on individuals with optometry qualifications, who are not qualified for general registration in Australia, and who wish to apply for limited registration for a teaching or research position by requiring them to satisfy the Board that they are appropriately qualified for the specific role; will be appropriately supervised; and will practise in accordance with the particular purpose for which limited registration is granted.

The Board specifically addresses the four COAG principles as follows:

- a. The Board considered whether the proposed limited registration standard would result in unnecessary restriction of competition among health practitioners and decided that they did not. The registration standard sets appropriate and reasonable requirements for individuals with optometry qualifications, who are not qualified for general registration in Australia, to be granted limited registration. The Board's requirements ensure suitably qualified applicants have appropriate supervision in an approved position.
- b. The Board considered whether the proposed limited registration standard would result in an unnecessary restriction of consumer choice and decided that rather than restricting consumer choice, the proposed standard has the potential to increase the optometry workforce in Australia and the resources to facilitate the provision of high-quality education and training of the optometric workforce.
- c. The Board considered that the overall costs of the proposed limited registration standard to members of the public and/or registrants and/or governments are reasonable in relation to the benefits to be achieved. Whilst there are a number of requirements that a practitioner must satisfy to be eligible for limited registration, this is consistent with the objectives and guiding principles for the National Registration and Accreditation Scheme and is appropriate to ensure that practitioners have the necessary knowledge, skill and attributes to practise the profession, for the protection of the public. The proposed registration standard does not impose an additional cost burden
- d. The Board has procedures in place to ensure that the limited registration standard remains relevant and effective over time. The standard will be reviewed within three years of its commencement. The Board may choose to review an approved registration standard at an earlier point in time, if it is necessary to ensure the standard's continued relevance and workability and to continue its protection of the public.