

2008 No. 0000

HEALTH CARE AND ASSOCIATED PROFESSIONS

OPTICIANS

**The General Optical Council (Therapeutics and Contact Lens
Specialties) Rules Order of Council 2008**

Made - - - - *date*

Coming into force - - *date*

At the Council Chamber, Whitehall, the ... day of ... 2008

By the Lords of Her Majesty's Most Honourable Privy Council

In exercise of their powers under sections 10(1), 10(1A), 11A and 31(1)(e), (5) and (5A) and 31A of the Opticians Act 1989(a), the General Optical Council has made the General Optical Council (Therapeutics and Contact Lens Specialties) Rules 2008 as set out in the Schedule to this Order:

In accordance with section 34(1) of that Act, such Rules shall not come into force until approved by Order of the Privy Council:

Having considered the Rules, Their Lordships, having taken these Rules into consideration, are pleased to, and do hereby approve them.

This Order may be cited as the General Optical Council (Therapeutics and Contact Lens Specialties) Rules Order of Council 2008, and shall come into force on2008.

Name
Clerk of the Privy Council

SCHEDULE

**The General Optical Council (Therapeutics and Contact Lens Specialties)
Rules 2008**

The General Optical Council, in exercise of its powers under sections 10(1), 10(1A), 11A and 31(5) and (5A) and 31A of the Opticians Act 1989(a) hereby make the following Rules—

(a) 1989 c.44: sections 10 and 31 were amended by and sections 11A and 31A inserted by S.I. 2005/848; sections 10 and 11A were amended by S.I. 2007/3101; section 31 was amended by section 30 of the National Health Service (Primary Care) Act 1997 c.46.

Citation, commencement and interpretation

1.—(1) These Rules may be cited as the General Optical Council (Therapeutics and Contact Lens Specialties) Rules 2008 and shall come into force on2008.

(2) In these Rules “the CET Rules” means the General Optical Council (Continuing Education and Training) Rules 2005(b).

Amendments to the General Optical Council (Registration) Rules 2005

2.—(1) The General Optical Council (Registration) Rules 2005(c) shall be amended in accordance with this rule.

(2) After the entry for “Fitness to Practise Committee” in rule 2(1) (interpretation) there shall be inserted—

““independent prescribing specialty” means the specialty described in columns 2 and 3 of the entry at row D of the Table in rule 10;”.

(3) A new paragraph (1A) shall be inserted after paragraph (1) of rule 9 (information required for entry of particulars of a specialty or restoration of such an entry)—

“(1A) Where the application is for an entry relating to the independent prescribing specialty, the application shall include details of the applicant’s practical experience relating to the work and activities listed in column 3 of the Table in rule 10 in relation to that specialty.”

(4) New row “D” shall be added to the Table in rule 10 (work or activities permitted for persons with register entries relating to specialties) below the entry at row C—

“D”	Registered optometrist	Independent prescribing specialty	the prescribing, administration or giving of directions for the administration of medicinal products that are— (a) for the treatment of ocular conditions affecting the eye or adnexa; and (b) specified in article 3 of the Prescription Only Medicines (Human Use) Order 1997(d), other than those that are controlled drugs or for parenteral administration”.
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(5) A new rule 11A shall be inserted after rule 11 (performance of work or activities without entry in the register relating to specialty)—

“Exceptions in relation to performance of work or activities without entry in the register relating to a specialty

11A. Rule 11 shall not apply to the work or activities listed in column 3 of the entry at row A of the Table in rule 10 where performed by—

- (a) a registered optometrist;
- (b) a registered dispensing optician who is undertaking a course of study which will lead, after successful completion of an examination, to an approved qualification—

(a) 1989 c.44: sections 10 and 31 were amended by and sections 11A and 31A inserted by S.I. 2005/848; sections 10 and 11A were amended by S.I. 2007/3101; section 31 was amended by section 30 of the National Health Service (Primary Care) Act 1997 c.46.
 (b) Scheduled to S.I. 2005/1473 and amended by S.I. 2006/2901.
 (c) Scheduled to S.I. 2005/1478 and amended by S.I. 2007/3101.
 (d) S.I. 1997/1830 amended by S.I. 1998/108, S.I. 2002/549, S.I. 2003/696 and S.I. 2008/464.

- (i) in the fitting of contact lenses; or
 - (ii) as an optometrist; or
 - (c) a registered student who may fit a contact lens pursuant to rule 3 of the Rules on the Fitting of Contact Lenses 1985(a).”.
- (6) In rule 13(1) (entry and restoration of an entry relating to a specialty in a register), new subparagraph (aa) shall be inserted after subparagraph (a)—
- “(aa) in the case of the independent prescribing specialty, the applicant has had adequate practical experience relating to the work or activities listed in column 3 of the Table in rule 10 in relation to that specialty;”.
- (7) Rule 20 (removal of registration) shall be amended as follows—
- (a) a new paragraph (1A) shall be inserted after paragraph (1)—
- “(1A) The registrar may remove the entry of an independent prescribing specialty against the name of a registrant whose name is entered on an appropriate register if he is not satisfied that that registrant is entitled, under rule 13, to have that specialty entered against his name on that register.”; and
- (b) the following paragraph shall be substituted for paragraph (2)—
- “(2) Where, pursuant to this rule, the registrar removes from a register a registrant’s name or the entry against his name for an independent prescribing specialty, the registrar shall send a notice to the registrant giving details of the action taken and stating the reasons for it.”.

Amendment to the General Optical Council (Continuing Education and Training) Rules 2005

- 3.—(1) The CET Rules shall be amended in accordance with this rule.
- (2) In rule 2(1)(interpretation) omit “;and” at the end of the definition of “specialist CET point”; and after that definition insert—
- ““the 2007 to 2009 relevant period” means the period commencing on 1st January 2007 and ending on 31st December 2009;
- “therapeutics specialty” means one of the specialties described in columns 2 and 3 of the entries at lines B, C and D of the Table in rule 10 of the General Optical Council (Registration) Rules 2005; and”.
- (3) Rule 12 (requirement to obtain general CET points) shall be amended as follows—
- (a) in paragraph (1) substitute “paragraph (3)” for “paragraphs (2) and (3)”;
 - (b) paragraph (2) is deleted; and
 - (c) in paragraph (3) “subsequent” is deleted.
- (4) Rule 13 (requirement to obtain specialist CET points) shall be amended as follows—
- (a) in paragraph (1)—
 - (i) insert “, other than a therapeutics specialty,” after “relating to a specialty”; and
 - (ii) substitute “paragraph (3)” for “paragraph (2) and (3)”;
 - (b) paragraph (2) is deleted;
 - (c) in paragraph (3), “subsequent” is deleted; and
 - (d) in paragraph (4), “(2) or” is deleted.
- (5) A new rule 13A shall be inserted after rule 13 (requirement to obtain specialist CET points)—

(a) Scheduled to S.I. 1985/856 and amended by S.I. 2005/848.

“Requirement to obtain specialist CET points for therapeutics specialties

13A.—(1) A registrant against whose name, in an appropriate register one or more entries relating to a therapeutics specialty is made shall obtain the number of specialist CET points determined under paragraphs (2) and (3).

(2) In respect of the 2007 to 2009 relevant period, the required number of specialist CET points is the number equivalent to half of the number of whole months during the period for which he has any entry relating to a therapeutics specialty in the appropriate register—

- (a) beginning with the date on which the first such entry was made or the date these rules come into force, whichever is the later; and
- (b) ending on the 31st December 2009.

(3) In respect of each subsequent relevant period, the required number of specialist CET points is the number equivalent to half of the number of whole months during the relevant period for which the registrant has any entry relating to a therapeutics specialty in the appropriate register.

(4) If the required number of specialist CET points as determined under paragraph (2) or (3) would include any fraction of a whole number, the required number of specialist CET points shall be the nearest whole number below the number so determined.”.

(6) Rule 14 is deleted.

(7) In rule 15(1), add “13A,” after “13,”.

(8) In rule 26 (restoration of an entry relating to a specialty)—

- (a) insert “Subject to paragraph (2A)” at the beginning of paragraph (2); and
- (b) insert the following new paragraph after paragraph (2)—

“(2A) Where a person makes an application for restoration of more than one therapeutics specialty—

- (a) paragraph (2) shall apply as if the application was for the restoration of just one therapeutics specialty; and
- (b) for the purposes of subparagraph (b) of paragraph (2) the date of first entry shall be the earliest date upon which an entry for a therapeutics specialty was made in the 12 month period preceding the month in which the application was received.”.

Transitional provision in relation to the CET Rules 2005 and therapeutics specialties in the 2007 to 2009 relevant period

4.—(1) Any requirement to obtain specialist CET points as a result of a registrant having one or more entries for a therapeutics specialty against his name in an appropriate register in force before the relevant day shall continue to have effect notwithstanding the changes made by these Rules, so that by the end of the 2007 to 2009 relevant period, the registrant shall obtain such points as are required under the CET Rules, both—

- (a) as they were in force from 1st January 2007 until immediately prior to the relevant day; and
- (b) in force from the relevant day until 31st December 2009.

(2) In this rule “2007 to 2009 relevant period”, “registrant”, “specialist CET point” and “therapeutics specialty” shall have the same meaning as they have in the CET Rules and “relevant day” means the day on which these rules come into force.

Amendment to the Contact Lens (Qualifications Etc.) Rules 1988

5. In rule 3 (qualifications required for fitting of contact lens by a registered optometrist or registered dispensing optician) of the Contact Lens (Qualifications Etc.) Rules 1988(a) between “and” and “the fitting” there shall be inserted “, in the case of a registered dispensing optician,”.

Given under the official seal of the General Optical Council on theday of.....2008.

Attested by:

Name
Member of Council

Name
Member of Council

Name
Registrar

(a) Scheduled to S.I. 1988/1305 and amended by S.I. 2005/848.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, which is made under the Opticians Act 1989, approves Rules made by the General Optical Council setting out requirements in relation to a specialty for independent optometrist prescribers (“the specialty”).

Rule 2 makes amendments to the General Optical Council (Registration) Rules 2005 (“the 2005 Rules”) for the purposes of removing spent provision and the introduction of the specialty. The specialty may be entered against an optometrist’s name in the register, who may then prescribe certain licensed medicines. The registrar must be satisfied that an applicant for the entry of the specialty has had adequate practical experience relating to the specialty. The registrar may remove an entry for the specialty where not satisfied that the registrant remains entitled to the specialty and must then so notify the registrant.

Rule 2 also inserts new rule 11A to the 2005 Rules to permit registered optometrists and those registered dispensing opticians who are studying to fit contact lenses to fit contact lenses.

Rule 3 amends the General Optical Council (Continuing Education and Training) Rules 2005 (“the CET Rules”) to provide for the required continuing education and training requirements in relation to the specialty and the two other existing therapeutics specialties. These provide that a registrant who has more than one therapeutics specialty need only obtain one set of CET points per three year CET cycle. Rule 4 makes transitional provision with regard to the continuing education and training cycle for the period 2007 to 2009.

Rule 5 amends rule 3 of the Contact Lens (Qualifications Etc.) Rules 1988 to clarify that a registered optometrist does not need a specialty in contact lens fitting in order to do so.