

2008 No. 0000

HEALTH CARE AND ASSOCIATED PROFESSIONS

OPTICIANS

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

<i>Made</i> - - - -	<i>date</i>
<i>Laid before Parliament</i>	<i>date</i>
<i>Coming into force</i> - -	<i>date</i>

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

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

Whereas, 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), and of all other powers enabling it in that behalf, 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:

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

Now, therefore, 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

(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.

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—

Citation and commencement

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

Amendments to the General Optical Council (Registration) Rules 2005

2.—(1) The General Optical Council (Registration) Rules 2005(b) 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	<p>the prescribing, administration or giving of directions for the administration of medicinal products that are—</p> <p style="padding-left: 20px;">(a) for the treatment of ocular conditions affecting the eye or adnexa; and</p> <p style="padding-left: 20px;">(b) specified in article 3 of the Prescription Only Medicines (Human Use) Order 1997(c),</p> <p>other than those that are controlled drugs or for parenteral administration.”</p>
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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)—

(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. 2005/1478 and amended by S.I. 2007/3101.
 (c) S.I. 1997/1830 amended by S.I. 1998/108, S.I. 2002/549, S.I. 2003/696 and S.I. 2008/464.

“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—
 - (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 General Optical Council (Continuing Education and Training) Rules 2005(b) 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) For rule 13 (requirement to obtain specialist CET points) there shall be substituted—

“Requirement to obtain specialist CET points for specialties other than therapeutics specialties

13.—(1) A registrant, who has against his name in an appropriate register one or more entries relating to a specialty, other than a therapeutics specialty, shall obtain in respect of

(a) Scheduled to S.I. 1985/856 and amended by S.I. 2005/848.
(b) Scheduled to S.I. 2005/1473 and amended by S.I. 2006/2901.

each specialty the number of specialist CET points determined in accordance with paragraphs (2) and (3).

(2) Subject to paragraph (3), the required number of specialist CET points required under paragraph (1) is the number equivalent to half the number of whole months during the relevant period for which he has the entry relating to each specialty entered against his name in the appropriate register.

(3) If the required number of specialist CET points, as determined in accordance with paragraph (2) in relation to one specialty, would include any fraction of a whole number, the required number of specialist CET points in respect of that specialty, shall be the nearest whole number below the number so determined.

Requirement to obtain specialist CET points for therapeutics specialties in the 2007 to 2009 relevant period where entry is made before coming into force of these Rules

13A.—(1) This rule applies in respect of the 2007 to 2009 relevant period where one or more entries relating to a therapeutics specialty is made against a registrant's name in an appropriate register before the date these Rules come into force.

(2) Subject to paragraph (5), the registrant shall obtain the number of specialist CET points that is the number equivalent to the sum of the numbers determined in accordance with paragraphs (3) and (4).

(3) The required number of specialist CET points that the registrant shall obtain in respect of each therapeutics specialty in relation to which he has an entry against his name in a register, is half of the number of whole months during the period—

- (a) beginning with the entry on the register or the beginning of the 2007 to 2009 relevant period, whichever is the later; and
- (b) ending on the date these Rules come into force,

during which he has such an entry against his name in the register.

(4) In respect of the remainder of the 2007 to 2009 relevant period, the total number of specialist CET points that the registrant shall obtain in respect of all such entries is the number equivalent to half of the number of whole months during the relevant period for which he has any such entry in a register.

(5) If the required number of specialist CET points, as determined in accordance with paragraphs (2) to (4), 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.

Requirement to obtain specialist CET points for therapeutics specialties in the 2007 to 2009 relevant period where entry is made after the coming into force of these Rules

13B.—(1) This rule applies in respect of the 2007 to 2009 relevant period where one or more entries relating to a therapeutics specialty is made against a registrant's name in an appropriate register after the date these Rules come into force.

(2) Subject to paragraph (3), the total number of specialist CET points that the registrant shall obtain in respect of all such entries is the number equivalent to half of the number of whole months during the relevant period for which he has any such entry in the register.

(3) If the required number of specialist CET points, as determined in accordance with paragraph (2), 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.

Requirement to obtain specialist CET points for therapeutics specialties subsequent to the 2007 to 2009 relevant period

13C.—(1) This rule applies in respect of relevant periods subsequent to the 2007 to 2009 relevant period where a registrant has one or more entries relating to a therapeutics specialty against his name in an appropriate register.

(2) Subject to paragraph (3), the total number of specialist CET points that the registrant shall obtain in respect of all such entries is the number equivalent to half of the number of whole months during the relevant period for which he has any such entry in the register.

(3) If the required number of specialist CET points, as determined in accordance with paragraph (2), 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.”.

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

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

“**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.”.

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

4. 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:

Member of Council

(L.S.)

Member of Council

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)