



Medicines (Designated Prescriber: Optometrists) Regulations 2005

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 29th day of August 2005

Present:

Her Excellency the Governor-General in Council

Pursuant to sections 105 and 105B of the Medicines Act 1981, Her Excellency the Governor-General, acting on the advice of the Minister of Health tendered after consultation with organisations or bodies appearing to be representative of persons likely to be substantially affected, and acting on the advice and with the consent of the Executive Council, makes the following regulations.

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Regulations

1 Title

These regulations are the Medicines (Designated Prescriber: Optometrists) Regulations 2005.

2 Commencement

These regulations come into force on 1 October 2005.

3 Purpose of these regulations

The purpose of these regulations is to—

- (a) authorise optometrists who meet specified requirements for competence, qualifications, and training to prescribe certain prescription medicines; and
- (b) specify and provide for the specification of the requirements; and
- (c) prohibit optometrists who fail to comply with the requirements from prescribing the medicines; and
- (d) make contraventions of that prohibition an offence.

4 Interpretation

In these regulations, unless the context otherwise requires,—

Board means the Optometrists and Dispensing Opticians Board

optometric medicine means a prescription medicine that is a substance listed in the Schedule

optometrist means a person who is registered, or deemed to be registered, with the Board as a practitioner of optometry.

5 Authority to prescribe optometric medicines

An optometrist may prescribe an optometric medicine if he or she meets—

- (a) the requirements in regulation 6 for commencing for the first time to prescribe the medicine; and
- (b) the additional requirements (if relevant) in regulations 7 and 8 for prescribing the medicine.

6 Requirements for commencing for first time to prescribe

Before commencing for the first time to prescribe an optometric medicine, an optometrist must—

- (a) have obtained a qualification that is specified for the purposes of this paragraph by the Board by notice in the *Gazette*; and
- (b) have undertaken the training (if any) that is specified for the purposes of this paragraph by the Board by notice in the *Gazette*; and
- (c) have demonstrated, to the satisfaction of the Board, that he or she is sufficiently knowledgeable to safely prescribe all optometric medicines.

7 Other training to be undertaken

To prescribe an optometric medicine, an optometrist must—

- (a) have undertaken successfully the training (if any) that is specified for the purposes of this regulation by the Board by notice in the *Gazette*; and
- (b) have done so within the periods, or at the times, specified in the notice, if the training is of an ongoing nature.

8 Assessments of competence to be completed

To prescribe an optometric medicine, an optometrist must—

- (a) have completed successfully the assessment (if any) of competence to prescribe the medicine that is specified for the purposes of this regulation by the Board by notice in the *Gazette*; and
- (b) have done so within the periods, or at the times, specified in the notice, if the assessment is to be completed at regular intervals.

9 Gazette notices

- (1) For the purposes of these regulations, a notice in the *Gazette*—
 - (a) comes into force on the 28th day after publication or on a later day specified in the notice; and
 - (b) may specify when it ceases to have effect.
- (2) Within 5 working days after publication of a notice in the *Gazette* for the purposes of these regulations, and while the notice remains in force, the Board must ensure that members of the public may inspect copies of the notice at all reasonable times, free of charge,—

- (a) at every office of the Board that deals with the issue of prescriptions for medicines by optometrists; or
- (b) at a site on the Internet established and maintained by or on behalf of the Board.

- 10 Prohibition on prescribing without meeting requirement**
- (1) An optometrist must not prescribe an optometric medicine if he or she fails to comply with a requirement in regulation 6, 7, or 8 relating to the medicine.
 - (2) A person commits an offence if he or she contravenes or fails to comply with subclause (1).
 - (3) The offence is punishable on summary conviction by a fine not more than \$500.

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Schedule
Substances that are optometric medicines if they are
prescription medicines

- 1 Aciclovir
- 2 Atropine
- 3 Betamethasone
- 4 Chloramphenicol
- 5 Ciprofloxacin
- 6 Dexamethasone
- 7 Diclofenac
- 8 Fluorometholone
- 9 Flurbiprofen
- 10 Framycetin

- 11 Fusidic acid
- 12 Gentamicin
- 13 Gramicidin
- 14 Homatropine
- 15 Hyoscine
- 16 Ketorolac
- 17 Neomycin
- 18 Olopatadine
- 19 Polymyxin B
- 20 Prednisolone
- 21 Tobramycin
- 22 Trimethoprim

Diane Morcom,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations commence on 1 October 2005.

They authorise optometrists registered with the Optometrists and Dispensing Opticians Board to prescribe certain prescription medicines if the optometrists meet certain requirements relating to competence, qualifications, and training. The details of some of

those requirements will be specified by the Board by notice in the *Gazette*.

Optometrists who do not meet those requirements must not prescribe prescription medicines, and commit an offence if they do.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 1 September 2005.
These regulations are administered in the Ministry of Health.
