EXPLANATORY MEMORANDUM TO

THE GENERAL OPTICAL COUNCIL (INJURY OR DISEASE OF THE EYE AND CONTACT LENS (QUALIFICATIONS ETC)) (AMENDMENT) RULES ORDER OF COUNCIL 2005

2005 No. 1476

1. This explanatory memorandum has been prepared by the Department of Health and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 The Rules amend the Rules relating to Injury or Disease of the Eye 1999 and the Contact Lens (Qualifications Etc.) Rules 1988.

2.2 Rule 2 makes amendments to the Rules relating to Injury or Disease of the Eye 1999 ("the 1999 Rules"). Rule 3 of the 1999 Rules imposes a duty on a registered optometrist or dispensing optician to refer a patient to a registered medical practitioner where it appears that the patient is suffering from an injury or disease of the eye. New rule 7 of the 1999 Rules (inserted by rule 2(4) of the Rules approved by this Order) provides a discretion for the optometrist or dispensing optician to refer to other persons or bodies. New rule 7A of the 1999 Rules sets out various requirements to be met where a referral is made under rule 7. New rule 7B of the 1999 Rules exempts a registered optometrist with a supplementary prescribing specialty who is acting in accordance with a clinical management plan from the duty to refer under rule 3 of the 1999 Rules.

2.3 Rule 3 amends rule 15 of the Contact Lens (Qualifications Etc) Rules 1988, which concerns the duty on registered opticians to provide aftercare to those persons for whom they have supplied contact lenses. This arose from a drafting mistake in the amendments to the Act made in the recent Opticians Act Amendment (Order) 2005/848. **[DN presumably instead of the last sentence we want to say what the amendment does.]**

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

4. Legislative background

4.1 Under the Act the GOC is empowered to make Rules with regard to referrals of patients by registered optometrists and registered dispensing opticians. In addition under section 27(3B) the GOC may make Rules concerning the aftercare arrangements to be put in place when contact lenses are supplied.

4.2 These Rules are made by the GOC, in the exercise of the powers conferred upon them by sections 27(3B) and 31(5) and (5A) of the Act.

5. Extent

5.1 This instrument applies to the United Kingdom.

6. European Convention on Human Rights

6.1 N/A

7. Policy background

7.1 In 1999, the Review of Prescribing, Supply and Administration of Medicines led by Dr June Crown suggested the introduction of a new form of prescribing, to be undertaken by non-medical health professionals after a diagnosis had been made and a Clinical Management Plan drawn up for the patient by a doctor. Section 63 of the Health and Social Care Act 2001 allows Ministers, by Order, to designate new categories of prescriber, and to set conditions for their prescribing.

7.2 The Government will be amending the Prescription Only Medicines (Human Use) Order to add registered optometrists with the relevant specialty entered on the GOC register to the list of health professionals who may act as supplementary prescribers. This is due to come into force on 30 June 2005. It is proposed that on the same date, the General Optical Council (Registration Rules) will come into force. Those Rules will establish supplementary prescribing for registered optometrists as a specialty which may be entered on the GOC register. The amendments in the present Rules are necessary to enable the functioning of the supplementary prescriber arrangement.

7.3 The Rules also make provision about the referral of a patient by a registered optometrist or registered dispensing optician to persons providing clinical and medical treatment, other than a registered medical practitioner.

7.4 The Rules which are the subject of this memorandum form part of a package of fundamental changes to the GOC and the law of optics. The Act was substantially amended by the Opticians Act Amendment (Order) 2005 (S.I. 2005/848), most of the provisions of which are due to come into force on 30 June 2005.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

8.2 There are no identified costs to either the public or the Exchequer arising from this Instrument.

9. Contact

Paul Atkinson at the Department of Health (telephone: 0113 254 5311or e-mail: paul.atkinson@dh.gsi.gov.uk) can answer any queries regarding the instrument.