



STATUTORY INSTRUMENTS.

S.I. No. 80 of 2018



OPTICAL REGISTRATION BOARD (REGULATION AND CONTROL
OF PRESCRIBING AND DISPENSING OF PRESCRIPTIONS AND SALE
OF SPECTACLES) BYE-LAW 2018

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The Optical Registration Board, in exercise of the powers conferred on it by section 81C of the Health and Social Care Professionals Act 2005 (as amended), with the approval of the Health and Social Care Professionals Council, hereby makes the following bye-law:

Citation

1. This Bye-Law may be cited as the Optical Registration Board (Regulation and Control of Prescribing and Dispensing of Prescriptions and Sale of Spectacles) Bye Law 2018.

Commencement

2. This Bye-Law shall come into operation on the 14 day of March 2018 and the Optical Registration Board (Regulation and Control of Prescribing and Dispensing of Prescriptions and Sale of Spectacles) Bye-Law 2015 is hereby revoked.

Interpretation

3. In this bye-law, except where the context otherwise requires:-

‘the Act’ means the Health and Social Care Professionals Act 2005 (No.27 of 2005), as amended from time to time;

‘contact lenses’ includes any device, designed to be worn in contact with the ocular surface, for the correction of vision, for the provision of a decorative or cosmetic effect, for a therapeutic purpose, or for any other reason, and regardless of the optical properties or the absence of optical properties of the device;

‘dispensing optician’ means a dispensing optician registered in the Register of Dispensing Opticians established and maintained by the Board under Section 36 of the Act;

‘registered medical practitioner’ means a medical practitioner on the register of medical practitioners established under section 43 (1) of the Medical Practitioners Act 2007;

‘optometrist’ means an optometrist registered in the Register of Optometrists established and maintained by the Board under Section 36 of the Act;

‘prescription’ means a prescription issued by an optometrist or a registered medical practitioner;

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 16th March, 2018.

‘the Board’ means the Optical Registration Board established under Section 26(1)(da) of the Act;

‘ready-made reading spectacles’ means spectacles that have 2 single vision lenses each of which has the same positive spherical power not exceeding 4 dioptres and the purpose of which is to relieve the condition known as presbyopia;

‘spectacles’ includes

- (a) contact lenses,
- (b) pince-nez, and
- (c) monacles,

but does not include—

- (i) afocal goggles or similar articles,
- (ii) afocal sunglasses or similar articles, or
- (iii) ready-made reading spectacles;

‘afocal goggles’ or ‘afocal sunglasses’ means goggles or sunglasses containing lenses with no optical power.

Prescription and sale of spectacles

4. An optometrist shall carry out an eye examination to determine whether or not the patient needs to use or wear spectacles. If the optometrist determines that the patient needs to use or wear spectacles, he or she shall issue a prescription for spectacles and shall give a signed and dated prescription for spectacles to the patient, if requested.

5. If the prescription is for contact lenses, paragraph 12 (c) shall also apply.

Dispensing of prescriptions

6. A dispensing optician or optometrist shall only dispense prescriptions for spectacles that have been prescribed either by a registered medical practitioner or by an optometrist in accordance with paragraphs 4 and 5 above.

7. If the prescription is for contact lenses, it may be dispensed only by a dispensing optician on the contact lenses division of the register or by an optometrist or by a registered medical practitioner and paragraphs 11 and 12 shall also apply.

Sale of Spectacles

8. No dispensing optician or optometrist shall sell or offer for sale any spectacles except on a prescription issued following an examination by a registered medical practitioner or by an optometrist in accordance with paragraphs 4 and 5 and dispensed in accordance with paragraphs 6 and 7 or to replace broken spectacles or lenses.

9. A dispensing optician not on the contact lenses division of the register shall not conduct the sale of contact lenses or engage in the fitting of contact lenses or the aftercare of contact lens patients, but is not otherwise prevented from assisting in the sale or in the conduct of the sale of contact lenses provided such sale is carried out in accordance with this bye-law and with section 81B of the Act.

10. Where contact lenses are to be fitted or sold as replacements of existing lenses or as supplies of replacement contact lenses, the dispensing optician or optometrist must be satisfied that all his or her professional obligations have been fulfilled and that the provisions of paragraph 12 have been complied with.

11. Where such sales are proposed by mail order or the internet, the dispensing optician or optometrist shall provide or arrange the provision of services to fulfil the professional obligations attached to contact lens sales.

12. The following are the provisions referred to in paragraph 10:

- (a) A valid prescription and lens specification shall be required by the seller to be dated within twenty four months, or such shorter period as may be specified therein, of the date of sale. This document must bear the name and signature of the prescriber.
- (b) Where contact lenses are to be dispensed or sold, the period of validity of the prescription and specification referred to in sub-paragraph (a) shall also apply.
- (c) All contact lenses shall be to the exact specification and manufacturer as stated on the patient's prescription. The quantity sold must allow for use within the validity of the prescription.
- (d) Where it is proposed to change any of the parameters of the lenses, including the manufacturer, or proposed to make changes in the wearing schedule, the patient must be examined by an optometrist or medical practitioner. Satisfactory documentary evidence of these valid clinical reasons must be recorded by the examining optometrist or medical practitioner and an updated contact lens prescription be furnished to the selling practitioner where he is not the prescribing practitioner.
- (e) When contact lenses are supplied, whether initially or as replacements, the dispensing optician or optometrist shall provide documentary information to the wearer, emphasising the potential dangers of contact lens wear and the necessity of adhering to wearing and care instructions.

Penal Bye-Laws

13. This bye-law shall be considered a penal bye-law and a dispensing optician or an optometrist who contravenes a provision of this bye-law is guilty of an offence and is liable on summary conviction to a class E fine in the case of a

first offence and, in the case of a second or any subsequent offence, a class C fine.



GIVEN under the seal of the Optical Registration Board,
14 March 2018.

PETER MCGRATH,
Chairperson, Optical Registration Board.

OWEN BLEE,
Member, Optical Registration Board.

EXPLANATORY NOTE

(This note is not part of the bye-law and does not purport to be a legal interpretation).

This bye-law details the provisions for the regulation and control of prescribing of spectacles, dispensing of prescriptions, and sales of spectacles by registrants of the designated professions of optometrist and dispensing optician.

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