



STATUTORY INSTRUMENTS.

S.I. No. 452 of 2015



OPTICAL REGISTRATION BOARD CODE OF PROFESSIONAL
CONDUCT AND ETHICS FOR OPTOMETRISTS BYE-LAW 2015

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The Optical Registration Board, in exercise of the powers conferred in it by section 31 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:

1. This bye-law may be cited as the Optical Registration Board Code of Professional Conduct and Ethics for Optometrists Bye-Law 2015.
2. The Optical Registration Board hereby adopts the Code of Professional Conduct and Ethics for Optometrists (the “Code”) contained in the schedule to this bye-law.
3. The Code is hereby incorporated by reference into, and forms part of, this bye-law.
4. This bye-law comes into operation on 31 October 2015.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 23rd October, 2015.*

SCHEDULE

Optical Registration Board

Code of Professional Conduct and Ethics for Optometrists

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Foreword

The Optical Registration Board (ORB) is pleased to present the new Code of Professional Conduct and Ethics for Optometrists.

Whilst the profession is currently regulated, the new standards developed under CORU are designed to further promote and develop the highest standards of patient care and facilitate the registrants' understanding of what is expected of them as a professional.

The Health and Social Care Professionals Council at CORU has developed a framework code detailing common standards across its constituent boards. The ORB has carefully built on this framework with the assistance of external experts so that the Code reflects the needs of patients and the standards they can expect when dealing with optometrists.

The Code sets out the standards of ethics, conduct and performance expected of registrants. It is a principles based document, not a complete clinical and technical guideline.

Optometrists have a duty to work in a safe manner according to a high standard of professional education, continuing training and competence. CORU will act as a fair and effective regulator to make sure that public confidence and protection is secured. It is the duty of all registrants to understand and comply with their Code, as failure to meet the standards could lead to the registrant dealing with a Fitness to Practise complaint.

As the profession continues to evolve the ORB will review these standards and develop as required.

Peter Mc Grath
Chairperson
Optical Registration Board
October 2015

About the Code

As a registrant you must comply with this Code of Professional Conduct and Ethics. It is recognised that ethical decision-making presents challenges and it is suggested that the procedure at Appendix A should be consulted.

Registrants must be aware that a breach or breaches of this Code could be held to be professional misconduct and could result in a disciplinary sanction being imposed following a fitness to practise inquiry.

In this document:

- ‘you must’ is used as an overriding principle or duty;
- ‘you should’ is used where the principle or duty may not apply in all cases or where there are factors outside your control affecting your ability to comply;
- the term “patients” includes service users, patients, clients and anyone else who uses your service.

Below is a summary of your responsibilities as a registrant grouped into three categories: conduct, performance and ethics.

Conduct

1. Act in the best interests of patients.
2. Respect the confidentiality of patients.
3. Maintain high standards of personal conduct.
4. Provide information about conduct and competence.

Performance

5. Address health issues related to your fitness to practise.
6. Obey laws and regulations.
7. Act within the limits of your knowledge, skills, competence and experience.
8. Keep your professional knowledge and skills up to date.
9. Get informed consent from patients.
10. Communicate with patients, carers and other professionals.
11. Assist and advise colleagues, recently qualified registrants and students.
12. Teach, supervise and assess students and other professionals.
13. Supervise tasks that you give to others.

14. Keep accurate records.
15. Address health and safety risks.
16. Address risks to patients.

Ethics

17. Demonstrate ethical awareness.
18. Respect the rights and dignity of people.
19. Carry out your duties in a professional and ethical way.
20. Undertake research in an ethical manner.
21. Make sure that any advertising is truthful, accurate and lawful.

Conduct

You must always keep a high standard of conduct. Your duties are to:

1. Act in the best interests of patients

You are responsible for acting in the best interests of your patient.

You must:

- a. make the care of the patient your first and continuing concern;
- b. treat patients as individuals;
- c. respect diversity, different cultures and values;
- d. respect and, where appropriate, speak out on behalf of patients and carers;
- e. support the patient's right to take part in all aspects of the service provided and to make informed choices about the service they receive;
- f. do nothing and allow nothing to be done that might put the health or safety of a patient at risk;
- g. when working in a team, be responsible for:
 - your own professional conduct,
 - any service or professional advice you give,
 - your own failure to act,
 - any appropriate tasks you delegate, and
 - any tasks delegated to you;
- h. protect patients if you believe they are threatened by a colleague's conduct, performance or health. Patient safety must always come before personal and professional loyalties;
- i. talk to a suitable professional colleague if you become aware of any situation that puts a patient at risk;
- j. provide full and accurate fee and product information to the patient or potential patient in advance of agreeing to provide your service.

You must not:

- a. for reasons of personal or commercial benefit, direct public patients to private practice;
- b. accept inducements, payment, gifts or benefits that could be reasonably perceived as affecting your professional judgement.

2. Respect the confidentiality of patients

You must:

- a. treat information about patients as confidential and use it only for the purpose for which it was given;
- b. check that people who ask for information are entitled to it;
- c. always follow 'best practice', Practice Guidelines and data protection laws when handling confidential patient information. Stay up to date with best practice developments.

You must not:

give personal or confidential patient information to anyone, except if the law or your professional practice obligations requires you to do so.

You must be aware confidentiality is not absolute. You must familiarise yourself with the circumstances in which a breach of confidentiality is appropriate and justifiable.

Disclosure of information to colleagues:

If you need to share patient information with a relevant colleague to give safe and effective care, you must make sure that they know that the information must be kept confidential.

3. Maintain high standards of personal conduct

You must:

- a. work openly and co-operatively with other healthcare and social care professionals;
- b. respect the roles and expertise of other health and social care professionals and work in partnership with them;
- c. use social media and social networking in a responsible way, in particular, to avoid any breach of your obligations in this Code such as confidentiality under clause 2 and use of records and information under clause 14.

You must not:

- a. harm, abuse or neglect patients, carers or colleagues;
- b. exploit or discriminate against patients, carers or colleagues in any way;
- c. form inappropriate personal relationships with patients;
- d. condone discrimination by patients, carers or colleagues;

- e. put yourself or others at unnecessary risk;
- f. behave in a way that would call into question your suitability to work in health and social care professional services;
- g. engage in conduct that is likely to damage the public's confidence in you or in your profession.

4. Provide information about conduct and competence

You must:

- a. inform the Optical Registration Board if you have been convicted of a criminal offence (other than a 'fixed charge' driving offence under the Road Traffic Acts). You must also inform the Board if you have been given an 'adult caution' by An Garda Síochána or a caution from the police in another country;
- b. inform the Optical Registration Board if your employer or another body has suspended you or placed restrictions on your practice because of concerns about your conduct or competence. You must co-operate with any investigations or formal inquiry into your professional conduct;
- c. report, to the appropriate authority, any serious breaches of behaviour or malpractice by yourself or others. Malpractice includes negligence, incompetence, breach of contract, unprofessional behaviour, causing danger to health, safety or the environment, and covering up or failing to report any of these issues.

You should:

inform your employer or another appropriate authority if, in your professional opinion, the practice of colleagues may be unsafe or have a negative effect on patient care.

Performance

You must always keep a high standard of performance. Your duties are to:

5. Address health issues related to your fitness to practise

You must:

- a. look after your physical, emotional and psychological health and avoid contact with patients if you are ill, emotionally distressed or on medication which may affect your judgement or performance;
- b. follow your practice's guidelines regarding personal health issues which could place patients or others at risk;
- c. limit your practice or stop practising if your performance or health could have a negative effect on patients.

6. Obey laws and regulations

You must:

- a. know and work within the laws and regulations governing your practice and keep up to date with any changes in legislation or regulation;
- b. obey the laws of the country in which you live and work in all your professional and personal practice.

7. Act within the limits of your knowledge, skills, competence and experience

You must:

- a. act within the limits of your knowledge, skills, competence and experience;
- b. practise only in areas in which you have relevant competence, education, training and experience. If a task is beyond your knowledge, skills, competence or experience, you must refer the patient to a colleague, healthcare professional or medical practitioner who has the skills to help the patient. In referring a patient onwards you should be mindful of any relevant accepted care pathways and referral guidelines;
- c. accept that a patient has the right to a second opinion. If asked, you must refer the patient promptly to another healthcare professional and co-operate as appropriate to facilitate the provision of the second opinion;
- d. make sure you understand any request from another health or social care professional. You must only assess, intervene or treat a patient if it is in the patient's best interest. If this is not the case, you must discuss the issue with the patient and the practitioner who made the referral before providing any service;

- e. be able to justify any decisions you make within your scope of practice. You are always accountable for what you do, what you fail to do, and your behaviour;
- f. meet professional standards of practice and work in a lawful, safe and effective manner.

8. Keep your professional knowledge and skills up to date

You must:

- a. ensure that your knowledge, skills and performance are of a high quality, up to date and relevant to your practice;
- b. participate in continuing professional development (CPD) on an ongoing basis by identifying your learning needs, making a personal learning plan, implementing the plan and reflecting on the learning you gained from the CPD activities;
- c. maintain clear and accurate records of your CPD and submit your records for audits of compliance when requested by the Optical Registration Board;
- d. comply with the Optical Registration Board's CPD requirements.

9. Get informed consent from patients

Where you are proposing to carry out an investigation or treatment of a patient, you must:

- a. explain the investigation or treatment along with any risks and alternatives to the patient in a way the patient can understand and give informed consent, taking into account the patient's capacity to understand the information;
- b. record the patient's decisions regarding any proposed investigation or treatment. These decisions should be shared with appropriate members of the health and social care team involved in the patient's care;
- c. make sure the patient gives consent to any investigation or treatment before it is carried out. If the patient cannot give informed consent, make sure that any actions taken are in the patient's best interests;
- d. make reasonable efforts to encourage the patient to go ahead with an investigation or treatment that you believe is in their best interest. However, you must respect the patient's right to refuse investigation or treatment;
- e. follow your practice's procedures on consent and any guidance issued by appropriate authorities.

10. Communicate with patients, carers and other professionals

You must:

- a. communicate sensitively and effectively with patients, taking into account any special needs;
- b. when something goes wrong, speak openly and honestly to the patient as soon as possible about what happened, their condition and their on-going care plan;
- c. identify yourself to patients before you commence any investigation or treatment;
- d. ensure that your name and registered profession, as contained in the Register of Optometrists, are visible and accessible to your patients.

You should:

- a. communicate sensitively and effectively with the carers and the families of patients, taking into account any special needs;
- b. co-operate and share your knowledge and expertise with colleagues and students for the benefit of patients.

11. Assist and advise colleagues, recently qualified registrants and students

You should:

help and advise colleagues, recently qualified registrants and students in your profession to develop the professional skills, values, courtesies, attitudes and behaviour they will need when dealing with patients, carers and staff.

12. Teach, supervise and assess students and other professionals

If you are involved in supervising, teaching, training, appraising and assessing students in your profession or other professions, you must:

- a. do so fairly and respectfully using agreed criteria.

You should:

- a. meet your professional obligation to teach, train and mentor other Optometrists and other healthcare professionals in specified practice areas.

13. Supervise tasks that you give to others

You must:

- a. acknowledge that patients have the right to assume that the person providing assessment, management, referral or treatment to them has the knowledge, skills and competence to do so;

- b. only delegate to a person who you believe to have the knowledge, skills and experience to carry out the task safely and effectively;
- c. always continue to give adequate and appropriate supervision, if you delegate a task;
- d. understand that you are accountable for any task you delegate to another practitioner and responsible for any task you delegate to a student, practice support staff or others;
- e. understand that if a student or another practitioner is unwilling to carry out a task because they do not think they are capable of doing so safely and effectively, you must not force them to do so. If their refusal raises a disciplinary or training issue, you must deal with this separately. The patient must never be put at unnecessary risk.

You must not:

ask anyone to do anything which is outside their knowledge, skills and experience unless they are supervised by a practitioner with competence in the relevant area.

14. Keep accurate records

You must:

- a. keep clear and accurate records in line with the policies and procedures set out in your workplace;
- b. make sure that all records are:
 - complete,
 - legible (if handwritten),
 - identifiable as being made by you,
 - dated,
 - timed where appropriate,
 - prepared as soon as practicable following assessment, intervention or treatment, and
 - clear and factual;
- c. if you supervise students, review each student's entries in the records and record that you have done so;
- d. review any information entered into the record as a result of the task delegated;

- e. protect information in records against loss, damage or access by anyone who is not allowed to access them;
- f. make sure that if records are updated, the information that was there before is not erased or made difficult to read;
- g. hold and use records according to relevant legislation.

Records are all information collected, processed and held in manual, electronic or any other format pertaining to the patient and patient care. Records include data (within the meaning of the Data Protection Acts 1988 and 2003), demographics, clinical data, images, unique identification, investigation, samples, correspondence and communications relating to the patient and their care.

15. Address health and safety risks

You must:

- a. follow risk assessment policies and procedures to assess potential risks in the workplace and your areas of practice;
- b. take any steps needed to minimise, reduce or eliminate the risks you identify;
- c. inform colleagues and the authorities about the outcomes and implications of risk assessments;
- d. read and understand the safety statement in your place or places of work.

16. Address risks to patients

You should:

inform the proper authorities about any concerns you may have about risks to patient safety and quality of care.

Ethics

You must always keep a high standard of ethics. Your duties are to:

17. Demonstrate ethical awareness

You must:

make sure you read and understand this Code of Professional Conduct and Ethics.

You must not:

enter into any agreement or contract or accept any gift that might cause you to breach this Code.

You should:

be aware of the wider need to use resources as efficiently and responsibly as is practicable. You have a duty to assist in the efficient and effective use of resources and to give advice on their appropriate allocation, whilst balancing your duty of care to the individual. Take particular care when ethical issues arise. (Please see Appendix A for a suggested procedure for ethical decision-making).

18. Respect the rights and dignity of people

You must:

always show, through your practice and conduct, respect for the rights and dignity of all individuals. In particular you must not discriminate against a person on the basis of:

- gender,
- family status,
- civil status,
- age,
- disability,
- sexual orientation,
- religion,
- ethnicity, or
- membership of the Traveller Community;

as identified under the Equal Status Act as updated from time to time.

19. Carry out your duties in a professional and ethical way

You must:

- a. carry out your duties and responsibilities in a professional and ethical way to protect the public;
- b. always behave with integrity and honesty;
- c. recognise that if there is a conflict of interest between the patient and the safeguarding of children or other vulnerable people, safeguarding should take precedence;
- d. recognise that if there is a conflict between this Code of Professional Conduct and Ethics and your work environment, your obligation is to the Code;
- e. ensure that you have adequate professional indemnity cover for all healthcare services you provide.

20. Undertake research in an ethical manner

You must:

protect and destroy data in line with relevant legislation if you are involved in research.

You should:

- a. take part in research or support the research of others where possible;
- b. submit research proposals to the relevant research ethics committees and get ethical approval before starting the research;
- c. obtain informed consent from patients in line with the procedures laid down by the ethics committee;
- d. treat all information gathered during the research confidentially and make sure that participants cannot be identified through their data;
- e. disseminate or circulate the research findings widely to further the evidence base of the profession and to improve patient examination and treatment;
- f. follow accepted guidelines in scientific journals concerning intellectual property, copyright and acknowledging the work of others;
- g. make sure you do not distort or misuse clinical or research findings;
- h. make sure that a patient's refusal to take part in research does not influence the delivery of service to that patient in any way.

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21. Make sure that any advertising is truthful, accurate and lawful

You should:

make sure that any advertising is truthful, accurate and lawful.

Appendix A

Suggested procedure for ethical decision-making

1. Identify the problem and gather as much information as you can. Ask yourself if it is an ethical, professional, clinical or legal problem.
2. Review the Code of Professional Conduct and Ethics and identify the relevant parts. Check other professional guidelines too such as those of the Health Service Executive or government departments as well as any relevant legislation.
3. Discuss the issue with professional colleagues.
4. Consider asking your professional body for advice.
5. Evaluate the rights, responsibilities and welfare of everyone affected. Remember that your first obligation is to the patient.
6. Keep notes at each stage of the process.
7. Consider different solutions and decisions.
8. Evaluate and document the potential consequences of each option.
9. Choose the best solution or decision based on your professional judgement.
10. Put the solution or decision into practice, informing all the people affected.
11. Remember that you are responsible, as an autonomous practitioner, for the consequences of the solution or decision that you choose.

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GIVEN under the seal of the Optical Registration Board,
21 October 2015.

PETER McGRATH,
Chairperson, Optical Registration Board.

and

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 adopts the Code of Professional Conduct and Ethics for Optometrists agreed by the Optical Registration Board.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
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