

**Reprint
as at 1 July 2014**



**Medicines (Designated Prescriber:
Optometrists) Regulations 2005**

(SR 2005/256)

Medicines (Designated Prescriber: Optometrists) Regulations 2005: revoked, on 1 July 2014, by section 51(b) of the Medicines Amendment Act 2013 (2013 No 141).

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.

Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.

Note 4 at the end of this reprint provides a list of the amendments incorporated.

These regulations are administered by the Ministry of Health.

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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 conviction by a fine not more than \$500.

Regulation 10(3): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Schedule

r 4

**Substances that are optometric medicines
if they are prescription medicines**

Schedule: substituted, on 2 August 2007, by regulation 4 of the Medicines (Designated Prescriber: Optometrists) Amendment Regulations 2007 (SR 2007/183).

- 1 Aciclovir
- 2 Atropine
- 3 Betamethasone
- 4 Chloramphenicol
- 5 Ciprofloxacin
- 6 Cyclopentolate
- 7 Dexamethasone
- 8 Diclofenac
- 9 Fluorometholone
- 10 Flurbiprofen
- 11 Framycetin
- 12 Fusidic acid
- 13 Gentamicin
- 14 Gramicidin
- 15 Homatropine
- 16 Hyoscine
- 17 Ketorolac
- 18 Neomycin
- 19 Olopatadine
- 20 Polymyxin B

- 21 Prednisolone
- 22 Tobramycin
- 23 Trimethoprim
- 24 Tropicamide

Diane Morcom,
Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 1 September 2005.

Reprints notes

1 *General*

This is a reprint of the Medicines (Designated Prescriber: Optometrists) Regulations 2005 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Medicines Amendment Act 2013 (2013 No 141): section 51(b)

Criminal Procedure Act 2011 (2011 No 81): section 413

Medicines (Designated Prescriber: Optometrists) Amendment Regulations 2007 (SR 2007/183)
