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OPTOMETRISTS AND OPTICIANS ACT 2007
(ACT 36 OF 2007)

OPTOMETRISTS AND OPTICIANS (PRACTICE, CONDUCT,
ETHICS AND PUBLICITY) REGULATIONS 2008

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In exercise of the powers conferred by section 37 of the Optometrists and Opticians Act 2007, the Minister for Health, after consulting the Optometrists and Opticians Board, hereby makes the following Regulations:

PART I
PRELIMINARY

Citation and commencement

1. These Regulations may be cited as the Optometrists and Opticians (Practice, Conduct, Ethics and Publicity) Regulations 2008 and shall come into operation on 1st November 2008.

Definitions

2. In these Regulations, unless the context otherwise requires —

“aftercare” means the follow-up service provided to a patient after the prescription, fitting or supply of an optical appliance for that patient;

“contact lens practice” means acts or activities specified in items 2, 5 and 6 of Part II of the Schedule to the Act, where such acts or activities relate to contact lenses;

“contact lens practitioner” means a registered optometrist or an exempted optician permitted under the Act to carry out contact lens practice;

“exempted optician” means a person referred to in paragraph 2(1) of the Optometrists and Opticians (Exemption from Section 25(1)) Order 2008 (G.N. No. S 91/2008);

“patient” means a person who consults a registered person;

“publicity” means any form of advertisement and includes any advertisement —

- (a) printed in any medium for the communication of information;
- (b) appearing in, communicated through or retrievable from, any mass medium, electronic or otherwise; or
- (c) contained in any medium for communication produced or for use by a firm.

PART II

PRACTICE, CONDUCT AND ETHICS

General practice, conduct and ethics

3.—(1) A registered person shall maintain high standards of ethical and professional conduct and provide proper and adequate service to his patients in his practice of optometry or opticianry, as the case may be.

(2) Without prejudice to the generality of paragraph (1) and subject to the Medical Registration Act (Cap. 174), a registered person —

- (a) shall not carry out any act or activity in relation to eye care except in accordance with such guidelines or directives as the Board may, from time to time, issue; and
- (b) shall comply with such standards of ethical and professional conduct and practice which the Board may, from time to time, determine in the form of guidelines or directives.

(3) In this regulation, “act or activity in relation to eye care” means any act or activity that —

- (a) relates to eye care; and
- (b) is not specified in the Schedule to the Act.

Referral of complex cases

4.—(1) A registered person who is not a registered medical practitioner shall not hold out that he can treat any injury or disease of the eye.

(2) Where it appears to a registered person that his patient is suffering from an injury or a disease of the eye which is beyond his competence to treat, he shall, except in an emergency or where, owing to special circumstances, it is impracticable or inexpedient to do so, refer his patient to another registered person or an ophthalmologist whom he reasonably believes to be competent to treat the injury or disease of the eye, as may be appropriate.

Proper facilities and equipment

5. A registered person shall ensure that his place of practice is properly and adequately equipped for his practice as an optometrist or optician, as the case may be, and he shall not use any machinery, equipment or other facility which does not comply with the standards determined in the guidelines or directives issued by the Board.

Contact lens practice

6.—(1) Any contact lens practitioner who carries out contact lens practice shall personally carry out, and shall not permit any person who is not a contact lens practitioner or an ophthalmologist to carry out, any of the following functions in relation to his contact lens practice:

- (a) explaining the risks involved in the use of contact lenses;
- (b) counselling on the proper use of contact lenses;
- (c) prescribing and fitting contact lenses; or
- (d) providing aftercare to patients, including monitoring the patients to detect, prevent and manage problems or complications arising from the use of contact lenses prescribed, fitted or supplied in the course of his practice as a contact lens practitioner and dealing with such problems or complications.

(2) Notwithstanding paragraph (1), a contact lens practitioner who carries out contact lens practice may, with the written consent of his patient, arrange for another contact lens practitioner to carry out some or all of the functions referred to in that paragraph in respect of that patient.

Supply of optical appliances

7. A registered person shall not supply optical appliances which do not comply with the standards determined in the guidelines or directives issued by the Board.

Proper records to be kept

8. A registered person shall ensure that proper and accurate records are kept, in accordance with the guidelines or directives issued by the Board, to enable proper aftercare and service for his patients.

Use of qualifications entered in registers and approved titles, etc.

9. No registered person shall —

- (a) use, exhibit or publish in any card, letter, stationery, nameplate, signboard, placard, circular, handbill or any notice displayed at any premises used by him for his practice of optometry or opticianry, as the case may be, any qualification other than a qualification entered under his name in the Register of Optometrists or the Register of Opticians, as the case may be, or which has been approved by the Registrar for the use of the registered person; or
- (b) use any title, addition or designation relating to, or in connection with, the practice of optometry or opticianry, as the case may be, other than the title, addition or designation which has been approved by the Registrar for the use of the registered person.

Conflict of interest

10.—(1) While a patient is under the care of a registered person, that registered person shall provide reasonable care for his patient unaffected by —

- (a) any financial interest of the registered person; and
- (b) where the registered person is a director, a partner, a proprietor or an employee of a healthcare establishment or other business, any financial interest of the healthcare establishment or other business.

(2) In any case where the registered person or any healthcare establishment or other business of which the registered person is a director, a partner, a proprietor or an employee has a financial interest in —

- (a) an organisation or service which the registered person intends to refer the patient to, for the purposes of admission, treatment or investigation; or
- (b) any form of treatment or product which the registered person intends to recommend to the patient,

the registered person shall make a full and frank disclosure of such interest to the patient.

PART III**PUBLICITY****Publicity to be in accordance with these Regulations**

11. A registered person may, subject to these Regulations and such guidelines or directives as may be issued by the Board, publicise his opticianry or optometry practice or the practice of the opticianry or optometry business of which he is a partner, a director or an employee, or allow his employees or the employees of his business to do so.

General responsibilities

12.—(1) It shall be the responsibility of every registered person to ensure that any publicity relating to his opticianry or optometry

practice or the practice of the opticianry or optometry business of which he is a partner, a director or an employee complies with these Regulations, whether such publicity is conducted by him or by any other person on his behalf or on behalf of his optometry or opticianry practice.

(2) Where a registered person becomes aware of any impropriety in any publicity relating to his opticianry or optometry practice or the practice of the opticianry or optometry business of which he is a partner, a director or an employee, it shall be his responsibility to use his best endeavours to procure the rectification or withdrawal of the publicity, and to prevent its recurrence.

- (3) Where it appears to the Board that the publicity relating to —
- (a) the optometry or opticianry practice of any registered person;
 - or
 - (b) any optometry or opticianry business of which a registered person is a partner, a director or an employee,

is contrary to any provision of these Regulations, the Board may, after making due inquiry into the matter, order the registered person to alter, withdraw, remove or discontinue the publicity or cause the same to be altered, withdrawn, removed or discontinued, and the registered person shall comply with the order of the Board.

(4) The responsibility of a registered person under this regulation shall not be capable of being delegated to any other person, whether or not that other person is also a registered person.

General restrictions on publicity

13.—(1) No registered person shall publicise his opticianry or optometry practice or the practice of the opticianry or optometry business of which he is a partner, a director or an employee in a manner which —

- (a) is likely to diminish public confidence in the optometry or opticianry profession or to otherwise bring the optometry or opticianry profession into disrepute; or

(b) may reasonably be regarded as being misleading, deceptive, inaccurate, false or unbecoming the dignity of the optometry or opticianry profession.

(2) A registered person shall not tout for business or do anything which is likely to lead to the reasonable inference that it is done for the purpose of touting.

(3) For the purpose of paragraph (1)(b) —

(a) publicity shall be considered to be misleading, deceptive, inaccurate or false if —

(i) it contains a material misrepresentation;

(ii) it omits to state a material fact;

(iii) it contains any information which is exaggerated or cannot be verified; or

(iv) it is likely to create an unjustified expectation about the services provided by the registered person or the practice of the opticianry or optometry business of which the registered person is a partner, a director or an employee; and

(b) publicity shall be considered to be unbecoming of the dignity of the optometry and opticianry profession if —

(i) it appeals to the fears or concerns of members of the public;

(ii) it deprecates the skills, practices, products or services of other registered persons;

(iii) it is offensive, ostentatious or in bad taste; or

(iv) it contains any testimonial or endorsement of the services provided by a registered person, including the services of any employee of the optometry or opticianry business of which the registered person is a partner, a director or an employee.

Board to be notified of exhibitions

14.—(1) A registered person shall notify the Board of any exhibition to publicise his opticianry or optometry practice, or the practice of the opticianry or optometry business of which he is a partner, a director or an employee, not less than 14 days before the commencement of the exhibition and shall comply with any guidelines or directives issued by the Board in respect of such exhibitions.

(2) In paragraph (1), “exhibition” means any exhibition, fair, roadshow or other mass public event.

PART IV

GENERAL

Disciplinary proceedings

15. Any complaint that a registered person has contravened any provision of these Regulations shall be dealt with in accordance with the Optometrists and Opticians (Investigation of Complaints) Regulations 2008 (G.N. No. S 555/2008).

Made this 6th day of October 2008.

YONG YING-I
*Permanent Secretary,
Ministry of Health,
Singapore.*

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