

BOARD NOTICE 98 OF 2020

HEALTH PROFESSIONS COUNCIL OF SOUTH AFRICA

HEALTH PROFESSIONS ACT, 1974 (ACT NO. 56 OF 1974)

ETHICAL RULES OF CONDUCT FOR PRACTITIONERS REGISTERED UNDER THE HEALTH PROFESSIONS ACT, 1974: AMENDMENT

The Health Professions Council of South Africa intends, under section 49 read with section 61A (2) of the Health Professions Act, 1974 (Act No. 56 Of 1974) and in consultation with the Professional Board for Optometry and dispensing Opticians, to make the rules in the schedule.

Interested persons are invited to submit any substantiated comments or representations in writing on the proposed amendments to the Registrar, Health Professions Council of South Africa by:

- (a) Post to: P.O. Box 205, Pretoria 0001;
- (b) E-mail to: ntsanem@hpcs.co.za; and
- (c) Hand to: 572 Madiba Street, Arcadia, Pretoria

(for the attention of the Legal Advisor: Legislative drafting) within three months from date of publication of this Notice.



Digitally signed by Dr
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DR. M A KWINDA
ACTING REGISTRAR
DATE:

SCHEDULE

Definitions

1. In these rules “**the Ethical Rules of Conduct**” means the Ethical rules of conduct for practitioners registered under the Health Professions Act, 1974 published under Government Notice No. R. 717 of 04 August 2006, as amended by Government Notice Nos. R. 68 of 02 February 2009, R. 654 of 30 July 2010, and Board Notice No. 26 of 01 March 2013 and any word or expression to which a meaning has been assigned in the rules shall have that meaning, unless the context otherwise indicates.

Amendment of Annexure 8 of the Ethical Rules of Conduct

2. Annexure 8 of the Ethical Rules of Conduct is hereby amended by –
 - (a) the substitution for rule 3 of the following rule:

“3. **Performance of professional acts by dispensing optician**

- (a) A dispensing optician shall not dispense in any way spectacles to any person except on a prescription written and signed by a medical practitioner or an optometrist: Provided that this rule shall not apply to the repair or replacement of such spectacles or lenses or frames for such spectacles.
- (b) Notwithstanding rule 8, a dispensing optician shall not employ an optometrist.”

- (b) the addition of the following rule:

“5. **Performance of the professional acts by an orthoptist**

An orthoptist shall -

- (1) only undertake orthoptic acts falling within the scope of practice of orthoptists under the direction and control of a registered optometrist or ophthalmologist; and
- (2) not apply medicines or surgery in the treatment of any person.”

- (c) the addition of the following rules:

“6. Online sale of optical assistive devices (i.e. Spectacles, Low vision Optical Devices or contact lenses)

- (1) A practitioner registered under the ambit of the professional board for optometry and dispensing opticians may sell optical assistive devices online provided that:
 - (a) the selling of optical assistive devices falls within the scope of practice of the practitioner;
 - (b) in the case of contact lenses, only soft contact lenses are sold
 - (c) the practitioner has a physical practice where confirmation, verifications, fittings, and adjustments can be made;
 - (d) in the case of a patient who is not located in the selling practitioner's area of practice, the selling practitioner has arranged for confirmation, verifications, fittings, and adjustments with a practitioner at a physical practice closest to the location of the patient;
 - (e) the sale shall only be limited to frame selection and pre-ordering of lenses based on a valid prescription that is less than a year from the date of eye examination;
 - (f) the actual dispensing, follow-up and remediation of the patient's complaints arising from the online sale of spectacles, low vision optical devices or contact lenses shall take place at a dispensing practitioner's physical practice;
 - (g) the actual dispensing must be physically conducted by an optometrist or dispensing optician;
 - (h) the selling practitioner must keep record of every online sale of spectacles or contact lenses that has been dispensed; and
 - (i) the record referred to in paragraph (h) of this sub rule must include the name of the patient, the date the spectacle or contact lenses were dispensed, the name of the practitioner who dispensed the spectacles or contact lenses and a copy of prescription.

- (2) A valid prescription must, at least, contain the following information:
 - (a) in the case of spectacle lenses,
 - (i) optical power,
 - (ii) brand of the lens,
 - (iii) monocular pupillary distance,
 - (iv) segment heights where applicable,

- (v) add on's where applicable, and
 - (vi) other facial and lens measurements specific to the lens type and design.
- (b) in the case of soft contact lenses,
- (i) optical power,
 - (ii) base curve,
 - (iii) diameter,
 - (iv) optic zone,
 - (v) brand and design of the lens, and
 - (vi) soft lens material
- (c) in the case of optical low vision devices,
- (i) type of device,
 - (ii) power of the device, and
 - (iii) make and manufacturer of the device