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# OPTOMETRISTS REGISTRATION BOARD OF WESTERN AUSTRALIA

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## **National Registration & Accreditation Scheme for the Health Professions**

### **Consultation Paper on proposed arrangements for information sharing and privacy**

#### **Submission by the Optometrists Registration Board of WA (ORBWA)**

#### **Proposal 3.1.1**

The Optometrists Registration Board of Western Australia (“ORBWA”) supports the proposal that all requests for which information is collected will indicate the purposes for which it is being collected.

#### **Proposal 3.1.2**

The ORBWA supports the proposal and considers that a Certificate of Good Standing should be received from all countries and not just the most recent. It may be that a person has moved from one country to another before a matter came to light in the first country and as such would not have become aware to the second country at the time of their registration of the applicant. However to avoid the necessity of an applicant having to source Certificates of Good standing from Boards where the practitioner has not practised for some time, that a time limit for when a Certificate of Good Standing would be required, of say the last 5 years, would apply.

#### **Proposal 3.8.1-3.8.3**

At present Optometrists are not required to provide any workforce data and question why this would be a requirement of registration. In principal ORBWA accepts that the collection of workforce data is convenient at the point of registration, provided there are sufficient safeguards as to the practitioner’s privacy and the cost of collection is not born by the national boards and therefore the practitioners through their registration fees. There may be issues with privacy as some practitioners in rural and remote Australia may be easily identifiable by their work and home post codes. That said the information that we are told is wanted is relatively innocuous. There would seem to be no reason why the practitioners should bear the cost of something that is collected for national planning purposes. That costs should be borne by the whole community being assisted, by way of government. The purpose for which this information is required should be identified in the registration details, and a person should not be denied registration if they do not provide the information either in whole or in part, that is it should be voluntary (except for those aspects where the information is required information for registration). Whilst most people are likely to be happy to comply with the request there are going to be

some that maintain a conscientious objection to providing personal information to a branch of government. It is neither fair nor in the interests of the public to deny a person registration where they have not provided workplace data.

#### **Proposal 3.8.4**

At present Optometrists are not required to provide any workforce data and question why this would be a requirement of registration. It should be possible for software to be developed which can de-identify and collate this information in a way which would require little or no effort for the Boards collecting the information to pass the information on in the form required. That should, however, be developed at the cost of the entities wanting the data, and not the Boards or practitioners (through registration fees).

#### **Proposal 3.8.5**

At present Optometrists are not required to provide any workforce data and question why this would be a requirement of registration.

#### **Proposal 4.2.1**

The purpose of the register is to tell the public that certain people are registered and therefore are entitled to practice in a particular profession. If you are not registered you are not entitled to practice in the profession. That protects the public. ORBWA can't see any additional public interest in telling the public, for example, that a person has been de-registered. If the concern is that a previously registered person is going to continue to treat patients after being de-registered, noting on the register is not going to assist those patients any more than simply not having the practitioner's name on the register.

#### **Proposal 4.3.1**

ORBWA does not consider it is a feasible option to say, as is proposed, that a practitioner has a health issue but not tell the public what the health issue is. ORBWA is concerned that a blanket requirement that this information be on the registers may cause injustice to the practitioner with no real benefit to the public. If a practitioner has a health issue and conditions are imposed on his or her practice as a result neither the health issue or the conditions should be noted on the register unless a positive decision has been made (by the body imposing the conditions) that it is in the public interest (that is, it is necessary to protect the public) that that information appear on the register (essentially being an additional condition of registration). There are a number of medical conditions where, if conditions are imposed to ensure adequate treatment, review and ongoing evidence of compliance with the conditions, the conditions are, in themselves, sufficient for the protection of the public interest, and where the publication of the 'health problem' and the conditions may exacerbate the illness (depression for example). It is necessary to keep in mind the purpose of placing conditions, which is to protect the public. The revelation of personal information should only occur when that function requires it. If it were necessary in the public interest to inform the public that the person had a health issue and the conditions he or she was under, that practitioner should probably not be practicing. These comments apply with the same force to conditions generally, that is they should be noted on the registers (in addition to publishing

the disciplinary action and its result) unless it is considered necessary to do so to protect the public in the particular case.

#### **Proposal 4.5.1**

ORBWA considers that the power to refuse a copy of the register should only be refused if it is considered that it is **not** in the public interest to do so, rather than if a decision is made that it is in the public interest to do so.

**COLIN D EMMOTT  
REGISTRAR**