

## ***39 Sale and Supply of Spectacles***

### **Guideline**

- 39.01** The optometrist should ensure that all patients are fully advised of their needs for spectacle frames and lenses and that all spectacles are properly measured for fit and are fitted to the patient and are checked against relevant standards.

### **Advice**

- 39.02** The optometrist should ensure that, when supplying spectacles to a patient, all appropriate measurements are taken for the lenses and frame, that checks are made against the relevant Standards, and that the spectacles are fitted to the patient to ensure that the lenses are fitting in the correct plane, at the correct height, and the frames are adjusted to hold the spectacles in the correct position.
- 39.03** Registered optometrists, dispensing opticians and medical practitioners are allowed to dispense spectacles to a prescription that is more than 2 years old. They may also make up spectacles without a prescription e.g. by duplicating an existing pair of spectacles. Practitioners should be aware that if the patient has not had a recent eye examination, they may - by making up spectacles to an out of date prescription - inadvertently encourage patients to delay having another eye examination. This should only be done in exceptional circumstances and the practitioner should consider what is in the best interests of the patient.
- 39.04** The College believes that the dispensing of all spectacles or other optical appliances sold or supplied should be carried out by or under the supervision of a registered optician, this applies even if the sale could otherwise be conducted by an unregistered person. The practitioner should decide what is in the best interests of the patient.
- 39.05** Optometrists/dispensing opticians should ensure the following when supplying spectacles to a patient:
- a) The purpose and function of an appliance is fully and clearly explained to the patient and should be suitable for their particular needs;
  - b) Facial, frame and other appropriate measurements are taken as necessary and recorded prior to ordering the appliance;
  - c) The spectacles are appropriate, accurate, CE marked and of an appropriate quality;
  - d) The finished spectacles are checked on the patient for fit, function and comfort and any necessary adjustments made before they are taken from the practice. This should, where appropriate, include checking against a letter chart to ensure the correct acuity is obtained
  - e) Patients know and understand the financial costs of the professional services and products offered before they are asked to commit themselves to payment. To this end, patients should be informed in advance, itemising the options available for lenses and frames and of any additional features such as coatings or tints. Similarly itemised statements of account should be rendered. (The conditions of the Consumer Protection Act Part III and the

Price Marking Order 2004<sup>1</sup> must be complied with). See also 1.27 of this guidance.

### **Supervision**

**39.06** When supervising dispensing, the actual work of supplying the spectacles can be delegated but the supervising practitioner remains responsible for the whole process of supervised dispensing. The supervising practitioner must be on the premises at key stages of the dispensing.

**39.07** The optometrist should ensure, when supervising a person who is supplying spectacles to a patient, that the supervisee is aware of the need to

- take appropriate measurements for the lenses and frame,
- check the lenses against the relevant Standards,
- fit the spectacles to the correct plane and height, and
- adjust the frames to hold the spectacles in the correct position.

The supervising practitioner should satisfy themselves that any person under their supervision is able to carry out these measurements or adjustments, or where this is not the case intervene as necessary to ensure these are carried out correctly.

**39.08** Where the supply of spectacles is made under the supervision of a registered professional, the supervisor retains full responsibility for the supply. The supervisor must be on the premises, aware of the procedure and in a position to intervene if necessary to ensure that no untoward consequences to the detriment of the patient can arise from the actions of such a person who is being supervised. In the case of *General Optical Council v Vision Direct* (1989) it was held that supervision by an optometrist (or dispensing optician) means that the optometrist (or dispensing optician) is able to exercise his or her professional skill and judgement as a clinician. It does not mean supervision by someone performing a purely clerical or even managerial function, even if the person who is performing that function happens to be an optometrist (or dispensing optician).

### **Remote dispensing**

**39.09** The supply of spectacles without practice support or individual consultation regarding patients' measurements, visual requirements, verification and aftercare can put the patient at risk. A dispensing service should not be provided by a procedure where the aforementioned measurements, requirements, verification and aftercare cannot be ensured. These important patient safeguards should apply to any supply of spectacles whether regulated or unregulated. If an optometrist is supervising the supply of spectacles s/he must ensure that they are in a position to intervene in the supply and exercise clinical skill and judgement if necessary.

### **Ready made reading spectacles**

**39.10** As with any other optical appliance, when selling or supplying a pair of ready made reading spectacles the optometrist has a duty of care to satisfy him/herself that the appliance is suitable for the patient's needs.

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<sup>1</sup> SI 102 of 2004

## Information

### Regulation

39.11 Statutory regulation applies to the dispensing of spectacle prescriptions of a kind that unqualified persons are not permitted by law to dispense to children under 16 and patients who are registered as severely visually impaired or visually impaired (blind or partially sighted) <sup>2</sup>. Sales of spectacles to persons in these classes can only be made by or under the supervision of a registered practitioner.

39.12 Various statutory restrictions apply to dispensing by unregistered persons <sup>3</sup>. One of the restrictions is that the prescription must be less than 2 years old. These restrictions do not apply to registered optometrists or dispensing opticians but if the optometrist or dispensing optician decides to make up spectacles to a patient who has not had a recent eye examination they should ensure they are acting in the best interests of the patient - see paragraph 39.03 above.

### Standards

39.13 On-line access to the relevant Standards is available to College members through the College Library. For the appropriate user name and passwords, contact the Librarian (e-mail: [Librarian@college-optometrists.org](mailto:Librarian@college-optometrists.org)). Non-members can obtain these from the British Standards Institute.

### Sports eyewear

39.14 Pending a Privy Council order, prescription sports eyewear can only be supplied under the same conditions as other optical appliances.

### 'In-House' glazing

39.15 Practitioners are advised that because lenses and frames are viewed as medical devices, practitioners must register with the MHRA if they assemble spectacles. This would apply to practices which carry out their own glazing, as well as those where the frame is traced and the lenses are edged remotely before being sent to the practice for assembly into the new frame. This only applies to new products so practitioners do not need to register if they are simply reglazing patients' own frames. There is a one-off fee for registration. The registration form can be downloaded from the AOP/FODO/ABDO websites.

### Additional information

The following information is relevant to this section:

Medical Devices Regulations 1994 SI 1994/3017

Medical Devices Directive. Directive 93/42/EEC UK regulations SI 618 of 2002. An introduction to this is available on the MHRA website: [www.medical-devices.gov.uk/mda/mdawebsitev2.nsf/131befb47bba57d100256a7600410669/f23bd16e4c0bc2ed00256a8f0035026a/\\$FILE/opt-regs.pdf](http://www.medical-devices.gov.uk/mda/mdawebsitev2.nsf/131befb47bba57d100256a7600410669/f23bd16e4c0bc2ed00256a8f0035026a/$FILE/opt-regs.pdf) accessed 5/6/05

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<sup>2</sup> Opticians Act 1989, s.27

<sup>3</sup> Sale of Optical Appliances Order 1984