

GENERAL OPTICAL COUNCIL

**Minutes of the 31st Meeting of the Standards Committee
held on Thursday 19 April 2007**

Present: Professor R J Buckley (in the Chair)
Miss R E Bailey, Mr R W Chappell,
Mr I Hamer, Ms G Morgan, Mr D W Pyle,
Mrs R Varley

Advisers: Mr R Carswell, Mr F Munro

In attendance: Mr J Levett, Director of Standards
Ms M Claridge, Project Support Officer
Miss H Stanforth, Consultant to GOC

Apologies for absence

1031. Apologies were received from Ms M Black, Mr N J Rumney and Mr J Russell. The Chairman welcomed Members to the meeting and introduced Ms Claridge, who had been appointed as Project Support Officer for the implementation of the White Paper *Trust, Assurance and Safety - the Regulation of Health Professionals in the 21st Century* (referred to hereafter as 'the White Paper'). The Chairman indicated that Mr G Tomison had been invited to attend the meeting as adviser from the corporate sector but had been unable to do so. Copies of an email from Mr Tomison commenting on various agenda items were tabled.

Declarations of interest/Confidentiality

1032. The Chairman reminded Members and Advisers of the provisions of paragraph 6(a) of the Council's Code for Members with regard to declarations of interest, and Standing Orders 5.23 to 5.26 with regard to the confidential nature of the Committee's proceedings.

Minutes

1033. The minutes of the 30th meeting held on 15 February 2007 (**SD(07)2M**) were approved and signed by the Chairman.

Matters Arising

1034. **Minutes 973 and 1015-1016:** Members noted the paper from the Director of Standards relating to the White Paper and arrangements for its implementation by the GOC. As part of those arrangements, it was proposed to disband the Revalidation Working Group in favour of a smaller Revalidation Workstream group and the Chairman of the GOC gave the background to the reasons for the proposed membership of the latter group. She reminded Members that there would be a separate section on the GOC website for White Paper implementation and information would therefore be available to all Council members on an ongoing basis.

1035. RESOLVED:

to disband the Revalidation Working Group.

1036. **Minute 1030:** It was noted that ABDO and FODO had not made any suggestions with regard to the appointment of an adviser for Northern Ireland. The College of Optometrists had suggested Mr Raymond Curran, an independent practitioner. Mr Curran had also been proposed by Optometry Northern Ireland, who had been contacted at the AOP's suggestion. Members supported this nomination.

1037. RESOLVED:

to appoint Mr Raymond Curran as adviser to the Standards Committee on service development matters in Northern Ireland.

1038. In the light of this appointment, Members reviewed the skills mix of the Standards Committee's current membership and considered that there was a lack of expertise from the optical corporate sector. It was felt particularly important to rectify this omission in view of the White Paper's reference to the role of employers in future revalidation and other processes. In addition, the Committee had only two dispensing optician Members. It was noted that the Committee had an option to appoint a fourth adviser and it was suggested that this option now be taken up by appointing an adviser from the optical corporate sector. It was felt highly desirable that this person should be a dispensing optician. It was suggested that proposals for a suitable person should be sought from the optical bodies and from all Members of the GOC. Comment was made that clarification was needed with regard to the definition of an employer in terms of the regulation of health professions outside medicine and nursing, for whom the NHS was implicitly understood as the employer.

1039. RESOLVED:

to appoint a fourth adviser, that adviser to be from the optical corporate sector and preferably a dispensing optician.

to seek names of suitable candidates from the ABDO, AOP, COpt and FODO, and from all GOC Members.

Directive on Professional Qualifications

1040. Members received an update on progress in transposing into UK law the EU Directive on the Recognition of Professional Qualifications, together with a report on the stakeholders meeting hosted by the DfES on 13 March 2007 (**SD(19)07**). It was proving extremely difficult to comment on draft legislation promulgated by the Department of Health in relation to implementation of the Directive for healthcare professions, since the draft legislation referred to General Systems Regulations and these had not yet been published for consultation. Furthermore, the stakeholders meeting on 13 March had not provided any clarity with regard to the meaning of temporary and occasional registration.

1041. Concern was expressed that the CHRE did not appear to be debating the issues of concern to the healthcare regulatory bodies. The Chairman of the GOC was a member of the CHRE and would raise these concerns.

1042. The view was expressed that partial provision of services would create another set of problems and might lead to conflict with current modes of NHS service provision. The issues of language knowledge and criminal disclosure measures also had to be considered. It appeared that the Government was taking a very liberal approach to implementation of the Directive, which conflicted with the conclusions of the White Paper. All these issues reinforced the importance of CHRE involvement.

Composition of Working Groups

1043. The Standards Committee reviewed the membership of the Contact Lens Working Group, the Sale of Optical Appliances Working Group and the Therapeutics Working Group **(SD(20)07)**. It had been proposed to retain the current membership of the Contact Lens Working Group but at its meeting earlier in the day, the CLWG had identified a deficiency in its skills mix and had concluded that it required a corporate sector perspective. The Standards Committee agreed with this view and suggested that a member should be found from the corporate sector who worked in the contact lens area or who had had clinical experience in contact lens practice. The Chairman, who also chaired the CLWG, agreed to seek informal views from FODO and other sources and to report back to the CLWG.

1044. RESOLVED:

to retain the existing membership of the Contact Lens Working Group, viz. Professor Buckley, Miss Bailey and Mr Cameron, and to seek an additional member from the corporate sector with experience in the contact lens area.

1045. Consideration was given to the proposed membership of the Sale of Optical Appliances Working Group. The Chairman of the GOC reminded the Standards Committee that working group members did not have to be confined to Members of the GOC.

1046. RESOLVED:

that the membership of the Sale of Optical Appliances Working Group would comprise Professor Buckley, Mr B Carroll, Mr Chappell, Mr Russell, Mr Harris and Mrs Varley.

1047. The Standards Committee agreed the proposed membership of the Therapeutics Working Group (TWG) and noted that a meeting would take place at the Commission for Human Medicines (CHM) on 17 May 2007 when proposals for independent prescribing by optometrists would be presented to Ministers. It would therefore be necessary for the TWG to meet soon after that date. It was suggested that membership of the TWG could usefully be augmented by a practitioner with experience in one of the optometric schemes for collaborative management of eye disease. It was agreed to give further consideration to this suggestion once the outcome of the CHM meeting was known.

1048. RESOLVED:

that the membership of the Therapeutics Working Group would comprise Professor Buckley, Professor Anderson, Mr Cameron, Mr Kyle, Professor Lawrenson, Mr Pyle, Mr Rumney and Professor Tomlinson.

Competencies

1049. Consideration was given to a draft consultation paper produced by the Competencies Working Group **(SD(21)07)**. The intention of the paper was to consult on a proposal to unify the framework within which were expressed the core competencies and the specialist competencies for dispensing opticians in contact lens practice. It was noted that the exercise would not apply to the specialist competencies for optometric therapeutic prescribing. It would be inappropriate to restructure these at present since they were based on the National Prescribing Centre structure for nurse prescribing.

1050. It was suggested that Question 2 of the consultation paper should read: *Should all GOC competencies (with the exception, at present, of those for therapeutic prescribing) be set within the proposed framework?* It was also suggested that in the interests of clarity, Question 1 be split into (i) and (ii), with the latter being the current Question 2 (ii), making Questions 3 and 4 into Questions 2 and 3.

Sale and Supply of Optical Appliances

1051. The Standards Committee reviewed ABDO's guidance on the sale and supply of spectacles **(SD(22)07)**. It was noted that there remained a couple of areas still under discussion between ABDO and COptom, and that the latter would be revisiting its own guidance in this area at its Guidance Review Group meeting on 9 May.

1052. The Committee welcomed the statement of principle in the ABDO guidance that supervision should also apply to sales that would be unregulated if made outside optical practice. It was not known whether the College would adopt this view and pending the Guidance Review Group meeting, ABDO had agreed not to publish its own document. .

1053. The Standards Committee agreed that if the COptom guidance adopted the same stance as the ABDO guidance, the Chairman and the Director of Standards would advise Members accordingly and no further debate would be necessary. If this was not the case, a teleconference would be arranged for Members to discuss the issue.

1054. Consideration was given to a discussion paper on proposals for revising the Sale of Optical Appliances Order **(SD(23)07)**. It was agreed that the current Order was difficult to understand and would benefit from rewriting for the sake of clarity. The opportunity should be taken to update the references to British Standards, to include provisions for sports eyewear and to put in place safeguards in the case of internet or other third party supply. The view was expressed that unless a very strong case was put forward, it would be difficult to persuade the Department of Health to introduce regulation of sales that were currently deregulated.

1055. RESOLVED:

that the Sale of Optical Appliances Working Group should develop proposals for redrafting the Sale of Optical Appliances Order and to develop regulatory impact assessments for those proposals.

Contact Lens Working Group

1056. It was noted that legal advice had been received on the proposal to draft Contact Lens (Supply) Rules. This had been circulated prior to the meeting and copies were tabled. Members were reminded that the reason for the proposal was the omission in the legislation of any requirement to supply contact lenses to the specification issued to the patient, although this was implicit in the Opticians Act. The legal advice had confirmed the GOC's power to make such Rules and suggested ways in which this could be applied. The advice had also urged the GOC to develop a policy briefing and regulatory impact assessment rather than concentrate on drafting the specific wording of the Rules. This would be essential if the Department of Health was to be persuaded of the need for such Rules.

1057. Concern was expressed that the proposed Rules would prevent professionals from providing a supply of contact lenses to a patient in an emergency unless they had in stock lenses identical to those currently worn by the patient. It was for the practitioner's clinical judgement to decide whether or not to refit a patient in these circumstances. Furthermore, the proposed Rules would only affect registered suppliers and would not, therefore, address the issue of substitution by unregulated suppliers. It could be damaging to relations between the GOC and the professions if it was perceived that they were subject to additional regulation whilst unregistered suppliers continued to flout the law.

1058. It was noted that this issue had been identified as one of the priority items to be put forward when the Department of Health approached the healthcare regulatory bodies for proposals for a future Section 60 Order. The same work would be required to support an amendment to the Opticians Act via an Order as would be required to support the argument for new Rules. It was therefore agreed that the Director of Standards would proceed with the drafting of a regulatory impact assessment, as had been suggested by the Contact Lens Working Group at its meeting earlier in the day. The document would show the commercial, as well as clinical, impact and risks, and would be useful in highlighting any gaps in the evidence base. It could be used as the basis of discussions to formulate the GOC's position.

1059. RESOLVED:

That a draft regulatory impact assessment would be prepared, for consideration by the Standards Committee at its next meeting, on the impact of legislation to ensure that supply of contact lenses was in accordance with the specification.

Date and time of next meeting

1060. It was noted that the next meeting of the Standards Committee would be held on **Thursday 13 September 2007 at 10.30 a.m.**