

**BEFORE THE FITNESS TO PRACTISE COMMITTEE  
OF THE GENERAL OPTICAL COUNCIL**

**GENERAL OPTICAL COUNCIL**

**IO(09)06**

**AND**

**AVELINE HORTON (01-12451)**

**PRIVATE HEARING**

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**DETERMINATION OF A 3<sup>rd</sup> REVIEW OF AN INTERIM ORDER  
16 FEBRUARY 2011**

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The Fitness to Practise Committee reviewed an interim conditional order in respect of Aveline Horton. .

The Committee agreed to hear this matter in private **Redacted**.

**Decision**

The Committee has accepted the advice of its clinical adviser and its legal adviser.

This is a review of the continuation of an interim conditional registration order. On 25 September 2009 an interim suspension order was made for a period of 9 months.

The Committee on that occasion found that such a sanction was necessary for the protection of the public and/or necessary in the registrant's own interests. **Redacted**.

**Redacted**.

At the review hearing in May 2010, the Committee noted the submissions of Mr McGee, who appeared for the registrant, that in the registrant's own opinion she is fit to practise given conditions and drew the Committee's attention to the recommendations in the two reports that the registrant is fit to practise. The registrant's representative proposed that a monitoring regime be put in place as a condition of registration.

The Committee agreed with the original view that it was necessary for the protection of members of the public and in the interests of the registrant to impose an interim suspension order at the time. In light of the new evidence placed before it on that occasion, the Committee was satisfied that while some issues remain the registrant had moved significantly towards addressing the issues **redacted**. The Committee was, therefore satisfied that for the protection of members of the public and in the interests of the registrant

it was appropriate to replace the interim suspension order with an order for conditional registration having effect for the remainder of the term of the former order.

In June 2010 the Council applied to the High Court to extend the order; the Court granted an extension of 12 months effective to June 2011

The Committee has heard submissions today from Mr Hepworth on behalf of the Council and Mr Singh on behalf of the registrant. Mr Hepworth has submitted that the appropriate order under Section 13L(4)(c)(i) of the Opticians Act is one of interim suspension. He finds that application upon the events of Saturday 12 February 2011 **redacted**. He submits that an order for suspension is necessary for the protection of patients. Mr Singh resists that application and submits that conditions are sufficient.

The Committee reminds itself that it is not a fact finding body but is required to exercise its judgment in deciding whether it is satisfied that it is necessary for the protection of the public to impose conditions or order interim suspension.

The registrant has been in practice subject to conditions. **Redacted**.

The Committee having reviewed all the evidence before it and particularly that relating to the events of 12 February 2011 is satisfied that it is necessary for conditions to be imposed and that an order for suspension would be disproportionate.

The conditions are shown below:

Condition 1 - The GOC will enter these conditions against your name in the register save any conditions which relate to your health. You must allow the Registrar to share any information, including confidential information, with any employer, supervisor, professional colleague or any organisation for which you provide ophthalmic services for the duration of your conditional registration.

You must also allow the Registrar to share this information with other regulatory bodies and the Department of Health.

Condition 2 - You must notify the Registrar within 14 days of commencement of any professional appointment you accept whilst you are subject to these conditions (this includes any teaching posts) and provide contact details of your employer and if providing ophthalmic services under a NHS contract, the PCT on whose ophthalmic practitioners list you will be included (this includes any equivalent employer in the EC).

Condition 3 - You must inform the Registrar:

- a. If you cease working;
- b. If your work takes you out of the UK for a significant period of time; or
- c. Of any employment you apply for outside of the UK (and in which countries)

as conditions of registration only apply to practice undertaken in the UK (you must consider whether your time out of work or out of the UK will allow you to fulfil the conditions during the period of conditional registration). The Registrar may inform the relevant competent authorities in that country of your current conditions of UK registration.

Condition 4 - You must continue to fulfil the CET requirements under the GOC CET scheme to secure appropriate points for continued inclusion on the GOC register.

Condition 5 - You must inform the following parties that your registration is subject to conditional registration:

- a. Any organisation or person employing or contracting with you to undertake ophthalmic services (to include any locum agency);
- b. Any prospective employer (whether within the UK or EC);
- c. Chairman of the Local Optometric Committee;
- d. The PCT in whose ophthalmic practitioners list you are included or seeking inclusion.

Condition 6 - You must register and remain under the care of a general practitioner (name and contact details to be passed to the Registrar) and inform that GP that you are subject to supervision and conditions under the GOC FTP procedures. **Redacted.**

Condition 7 - **Redacted.**

Condition 8 – You must:

- (a) **Redacted**
- (b) **Redacted**

The Committee notes that this order expires in June 2011 and the substantive hearing has been listed on 8-10 June 2011. As the substantive hearing will be held before the expiration of today's order, no further review is ordered.

**Chairman of the Committee: Peter North**

Signed \_\_\_\_\_

Date 16 February 2011