

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

GENERAL OPTICAL COUNCIL

IO(11)08

AND

LEE WILSON (D-12584)

**DETERMINATION OF APPLICATION FOR AN INTERIM ORDER
1 DECEMBER 2011**

Decision

The Committee heard evidence from the registrant together with submissions from the parties and accepted the advice of the Legal Adviser. The Legal Adviser referred the Committee to the case of *Sheikh* and the more recent decision of *Sandler-v-GMC* and the guidance given in those two authorities to the test to be applied in interim order applications.

The Registrant is a registered Dispensing Optician. He owns and manages an opticians practice. He does not have a contact lens speciality registered with the General Optical Council. The Registrant completed the theory parts of the contact lens qualification in 2008, but did not carry out the practical parts required to complete that qualification. Issues over his qualification to deal with contact lenses were brought to his attention in June of this year by the NHS and the matter referred to the GOC. He gave evidence that when it was brought to his attention he suspended himself from work within his practice.

It is clear from the material placed before the Committee, and it is accepted by the Registrant himself when he gave evidence, that he was seeing members of the public and fitting contact lenses in circumstances where he should not have been doing so. He said that this was not intentional on his part and was simply an innocent mistake. The Committee is satisfied that anyone seeking to undertake a course leading to contact lens qualification would have been aware of all of the requirements necessary to complete that qualification, and the pitfalls of not doing so.

The Registrant gave evidence that optometrists working within the practice were 'supervising' him in his work although the degree to which they were properly

supervising all of the work he did on the provision of contact lenses is of concern. The evidence he gave was that the supervision was of the nature that if a problem occurred one of the optometrists would come and see the patient, and there was discussion of cases within the practice. This is very different to direct supervision of all of his work.

The Committee is satisfied that in the circumstances of the facts of this case it is necessary for the protection of the public, and also is otherwise in the public interest for an interim order to be imposed.. The Committee is of the view that the proportionate order in this case is one of suspension. This is so particularly in light of the length of time over which members of the public were being seen by the registrant, and during which he was inappropriately fitting contact lenses. The Committee is satisfied that this is the appropriate order to be made on this Registrant.

The Committee ordered that the Registrant's registration be suspended for a period of 18 months from today. This is a case where the facts are straight forward. In giving evidence to the Committee the Registrant accepted the facts underlying this complaint. As such it is hoped that this matter can be resolved well within that period of time. The order will be reviewed within 6 months from today unless all matters are resolved within that time, or earlier should new evidence be made available, or if the registrant, at any time after three months from today's date, requests an early review.

Chairman of the Committee: Sir Alistair Graham

Signed _____

Date 1 December 2011