

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

GENERAL OPTICAL COUNCIL

IO(11)01

AND

MARK MORGAN (01-19963)

**DETERMINATION OF A 1ST REVIEW OF AN INTERIM ORDER
- 29 JUNE 2011 -**

The Fitness to Practise Committee conducted an early review, on the request of the Council, of an Interim Order for the imposition of conditional registration of Mark Morgan for a period of 18 months made by the Fitness to Practise Committee on 24 March 2011.

Decision

The Committee today has considered whether it is necessary for an interim order to continue and whether the current conditional registration order should be replaced with an interim suspension order pursuant to Section 13L (4) of the Opticians Act 1989.

The Committee has reached its determination taking into account the material placed before it, the submissions of Counsel and the advice of the Legal Adviser.

The Committee has considered the representations made by Mr Micklewright on behalf of the Council. The Council's position is that an interim order remains necessary for the protection of the public. This position was accepted by Ms Sanderson, on behalf of the registrant. Further, Mr Micklewright contended that the current conditional registration order should be replaced with an order for interim suspension. Again, Ms Sanderson accepted this position on the basis that the registrant had been unable to comply with the conditions set out in the determination of 24 March 2011.

The Council also alleged there had been a breach by the registrant of the conditional registration order in that the registrant had worked outside the terms of the order.

Ms Sanderson did not accept that there had been a breach, deliberate or otherwise, by the registrant.

The Committee has not concerned itself today with the issue as to whether there has been a breach of the conditional registration order. Both parties agreed that the Committee should make an interim suspension order today and that there are no workable conditions to replace the existing conditions.

The conduct alleged against the registrant amounts to a prolonged period in which he dishonestly recorded tonometry examinations on patients which he had not carried out. He has admitted that this was the case. The Committee is satisfied that in the light of these allegations it is necessary for the protection of the public to continue the interim order and to replace the current conditional registration order with a interim suspension order. It leaves open the issue as to whether there has been a breach.

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: Peter North

Signed _____

Date 29 June 2011