

## **The Role and Duties of the Clinical Adviser**

### **Appointment of Clinical Advisers**

Section 23E of the Opticians Act 1989 provides the powers to appoint clinical advisers and the powers to make supplementary rules as to their functions.

Clinical Advisers must have specialist expertise in a particular field or fields and must not be members of the Council. They are to be appointed for the purpose of giving advice to the Fitness to Practise and Registration Appeals Committees on health related issues under consideration by the Committee.

### **Role and Duties**

These are derived from:

- The statutory scheme (s23E of the Act and the FTP Rules 2005)
- The case law of healthcare and other regulators

### **Fitness to Practise Rules 2005**

The Rules make specific provisions in respect of the Clinical Adviser which include:

- Rule 42 (general role and function)
- Rule 48 (power to question witnesses)

### **Passive Role**

Under Rule 42 the Clinical Adviser must:

- Be present at all hearings where a registrant's physical and/or mental health is to be considered by the Committee
- Advise the Committee on the significance of any evidence before it pertaining to the registrant's physical and/or mental health
- Ensure that any advice tendered to the Committee is done so in the presence of the parties attending the hearing or if advice is tendered to the Committee in-camera, that advice must be conveyed to the parties during the next open session of the hearing.

### **Active Role**

Under Rule 48, the Clinical Adviser can ask questions of any witness, with the permission of the Chairman of the Committee, on matters relating to the physical and/or mental health of the registrant.

The Clinical Adviser does not routinely accompany the Committee during its in-camera sessions but may be invited to give advice should the Committee require such advice.

The Clinical Adviser does not play an active role in relation to the Committee's decision making process at any stage during a hearing.

**Fees and expenses**

The GOC will pay a daily attendance fee, hotel accommodation and reasonable expenses to a Clinical Adviser as is payable to FTP Panel members. Travel and accommodation will be booked by the Council.