

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

GENERAL OPTICAL COUNCIL

IO(09)06

AND

AVELINE HORTON (01-12451)

PRIVATE HEARING

**DETERMINATION OF REVIEW OF AN INTERIM ORDER
6 MAY 2010**

The Fitness to Practise Committee reviewed a 9 month interim suspension order in respect of Aveline Horton made on 25 September 2009. After hearing submissions from the parties, the Committee agreed to hear this matter in private. The Committee has previously met on two occasions – 22 and 31 March 2010 – and on both occasions the matter was adjourned for further advice and additional tests.

Decision (Redacted)

This is the adjourned Review hearing of the registrant. On September 25, 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.

We were also assisted by the various submissions made by Mr Hepworth and Mr Toomey.

At this hearing today, the Committee noted submission 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 agrees 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 today, the Committee is satisfied that while some issues remain the registrant has moved

significantly towards addressing the issues. The Committee is therefore satisfied that for the protection of members of the public and in the interests of the registrant it is 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.

The Committee has in mind to impose the following conditions subject to submissions from the parties:

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 (Redacted) - 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. .

Condition 7 - Redacted.

Condition 8 - Redacted

Having consulted with the parties, the above conditions will apply with immediate effect.

The interim order is due to expire on 24 June 2010 and therefore the jurisdiction of this Committee expires with this order. The Council may wish to apply to the High Court for an extension of the order and in these circumstances the Committee does not order a further review before the expiry date.

Chairman of the Committee: Francesca Jones

Signed _____

Date 6 May 2010