

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

GENERAL OPTICAL COUNCIL

F(23)37

AND

BABER MALIK (01-22150)

**NOTICE OF INQUIRY
SUBSTANTIVE HEARING**

Take notice that an inquiry will be conducted in the above matter by the Fitness to Practise Committee of the General Optical Council.

A substantive hearing will be proceeding:

Blended hearing

This means part of the hearing will be held physically in person and part of the hearing will be held remotely via video conference facilities.

The substantive hearing will take place on:

Physically – **Monday 04 March – Tuesday 05 March 2024 at 10 Old Bailey, London, EC4M 7NG at 09:30AM.**

Remotely – **Wednesday 06 March – Wednesday 13 March 2024 via MS Teams at 09:30AM.**

The Inquiry will be based upon the allegation submitted by the Council (see below) and will determine whether the fitness to practise of **Baber Malik** is impaired by virtue of the provisions contained in section 13D(2) of the Opticians Act 1989.

Louise Hall
Operations Manager (Hearings), General Optical Council
12 February 2024

ALLEGATION

The Council alleges that in relation to you, Baber Malik (01-22150) a registered optometrist, whilst employed as a locum at Boots Opticians [redacted]:

1. Between 28 January 2022 and 7 August 2022, you did not conduct an appropriate and/or adequate referral for the following patients listed in Schedule A, in that you:
 - a. Did not appropriately and/or adequately refer Patient 7 for further investigation and/or treatment, by delaying the referral for 10 days despite clinically indicating 'flashes and floaters' – or words to that effect; and/or
 - b. Did not appropriately and/or adequately refer Patient 8 for further investigation and/or treatment, by delaying the referral for 6 days despite clinically indicating 'sudden onset floaters...dilation showed no signs of RD' - or words to that effect; and/or
 - c. Did not appropriately and/or adequately refer Patient 9 for further investigation and/or treatment, by delaying the referral for 4 days despite clinically indicating 'OCT shows subretinal fluid and RPE detachment in BE' – or words to that effect; and/or
 - d. Did not appropriately and/or adequately refer Patient 11 for further investigation and/or treatment, by delaying the referral for 10 days despite clinically indicating 'ERM and fluid at macula, Amsler no different than before' – or words to that effect; and/or
2. Between January 2022 and September 2022, you conducted sight tests on the following patients listed in Schedule A and you did not communicate effectively with the patients, in that you:
 - a. Told Patient 19 how insulted you were that she wanted a retest on her prescription, or words to that effect; and/or
 - b. Did not discuss and/or prescribe the option of 'spectacles for over contact lenses' or words to this effect, despite being requested by Patient 23; and/or
 - c. With regard to Patient 15:
 - i. Made jokes to the patient whilst you were coughing saying you had Covid19 but was okay to work, or words to that effect; and/or
 - ii. Acted impatiently towards the patient when checking her clarity of vision;
3. Between January 2022 and September 2022, you conducted sight tests on the following patients listed in Schedule A and you did not conduct an appropriate and/or adequate examination on the patients in that you:
 - a. With regard to Patient 20, you:
 - i. Provided an incorrect prescription; and/or
 - ii. Did not record the previous prism prescription; and/or
 - iii. Did not record the amount of prism; and/or

- iv. Did not perform the relevant binocular vision tests; and/or
 - v. Did not record the relevant binocular vision tests;
- b. With regard to Patient 21, you:
- i. Did not record the amount of prism; and/or
 - ii. Did not perform the relevant binocular vision tests; and/or
 - iii. Did not record the relevant binocular vision tests.
- c. With regard to Patient 23, you
- i. Failed to perform visual field tests; and/or
 - ii. Failed to record visual field tests;
4. On or around 2 September 2022, you conducted a sight test on Patient 16 and your conduct was unprofessional or otherwise inappropriate in that you:
- a. Refused to wear a face mask despite coughing throughout the test; and/or
 - b. Picked your nose throughout the test; and/or
 - c. 'Chit chatting' throughout the test; and/or

And by virtue of the facts set out above, your fitness to practice is impaired by reason of your misconduct.

Schedule A

Key	ID Number
Patient 7	[redacted]
Patient 8	[redacted]
Patient 9	[redacted]
Patient 11	[redacted]
Patient 15	----
Patient 16	----
Patient 19	[redacted]
Patient 20	[redacted]
Patient 21	[redacted]
Patient 23	[redacted]

Committee Members:	Valerie Paterson (Chair) Ben Summerskill (Lay) Diane Roskilly (Lay) Philippa Shaw (Optometrist) Gaynor Kirk (Optometrist)
Legal Adviser:	Kelly Thomas
Hearings Officer:	Arjeta Shabani
Transcribers:	Marten Walsh Cherer Limited

If you require further information relating to this hearing, please contact the Council's Hearings Manager at hearings@optical.org.