

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

GENERAL OPTICAL COUNCIL

F(19)37

AND

MR DUSTGEER GARDA (01-25173)

**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:

Physical hearing

The substantive hearing will commence at **9:30am** on **Monday 13th June 2022 to Friday 1st July 2022** and will take place at the General Optical Council, 10 Old Bailey, London, EC4M 7NG.

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

Vineeta Desai
Hearings Manager, General Optical Council

16 May 2022

ALLEGATION

The Council alleges that you, a registered optometrist:

1. In relation to all/any of the patients set out in Schedule A(1), you:-
 - a. recorded intraocular pressure ("IOP") measurements on the Socrates patient records system which were inaccurate in that you:-
 - i. failed to take repeat IOPs following the pre-screener's measurements when it was clinically indicated due to readings of greater than 21mmHg; and/or
 - ii. entered IOP measurements by using the pre-screener's results and lowering them to be below 21mmHg; or, alternatively,
 - b. Failed to adequately record the IOP measurements.
2. In relation to all/any of the patients set out in Schedule A(2), on the basis that the IOP measurements were greater than 21mmHg, you:-
 - a. failed to carry out a visual field test and/or glaucoma specific anterior eye check; and/or
 - b. failed to make a referral for further ophthalmological investigation.
3. In relation to all/any of the patients set out in Schedule A(3), you failed to set an appropriate recall date.
4. Your actions as set out at Allegation 1(a) were
 - (a) misleading
 - (b) dishonest, in that you knew the IOP measurements you recorded were false.
5. For patient 15 and/or 17 who were seen by Ms A, a pre-registration optometrist under your supervision, and whose IOP measurements were greater than 21mmHg, you failed to ensure that:-
 - b. further investigations were conducted; and/or
 - c. A referral for further ophthalmological investigation was made.

6. In respect of the matters set out at Allegation 5 above, you failed to provide an adequate level of supervision to Ms A.

10. On an unknown date in February 2015 you instructed Ms W to switch the order of Patient 20's contact lens for her right eye from EV Daily Opsys to a Clearus lens without checking the Clearus lens in situ and thereby failing to ensure that it was appropriate to switch lenses.

11. Between 3 March 2014 and 21 February 2015, in relation to all/any of the patients set out in Schedule B, who had increased risk factors for glaucoma because of an immediate family history of glaucoma, you:
 - a. failed to ensure that visual field tests were conducted; and
 - b. recorded that visual field tests had been conducted in generalised terms; or, alternatively,
 - c. failed to record adequately the visual field test result.

12. Your actions as set out in Allegation 11(b) were:-
 - a. Misleading; and/or
 - b. Dishonest in that you knew that visual field tests had not been conducted

13. Between 4 February 2014 and 3 November 2014, in relation to all/any of the patients set out in Schedule C, who had increased risk factors for glaucoma because of an immediate family history of glaucoma, you:-
 - a. failed to ensure that visual field tests were conducted, or, alternatively,
 - b. failed to record the visual field test result.

AND, in light of the above, your fitness to practise is impaired by reason of your misconduct.

SCHEDULES

Schedule A(1)

Patients concerned

Patient 1
Patient 3
Patient 4
Patient 5
Patient 6
Patient 8
Patient 9

Schedule A(2)

Patients concerned

Patient 1
Patient 3
Patient 4
Patient 5
Patient 6
Patient 8
Patient 9

Schedule A(3)

Patients concerned

Patient 1
Patient 4
Patient 5
Patient 6
Patient 9

Schedule B

Patients concerned

Patient 21
Patient 22
Patient 23
Patient 24
Patient 25
Patient 26
Patient 27
Patient 29

Patient 30
Patient 31
Patient 32
Patient 33
Patient 34
Patient 35
Patient 37
Patient 38
Patient 39

Schedule C

Patients concerned

Patient 42
Patient 43
Patient 46
Patient 52
Patient 77

Committee Members: Ms Sara Fenoughty (Lay)
Mr Mark Richards (Lay)
Mr John Vaughan (Lay)
Ms Caroline Clark (Optometrist)
Mr Alexander Howard (Optometrist)

Legal Adviser: Ms Megan Ashworth

Hearings Officer: TBC

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.