

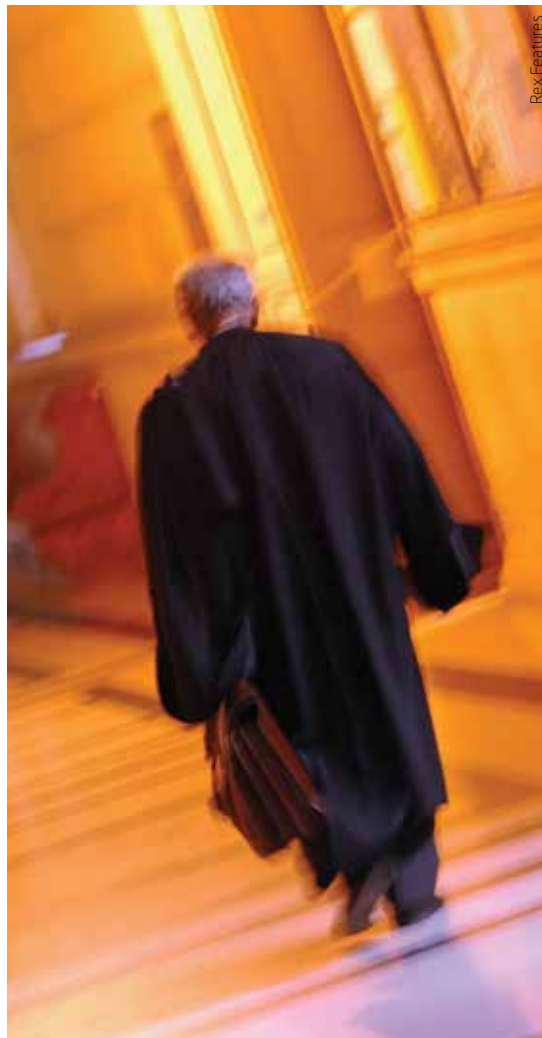
# Fitness to practise rules

**David Reissner** looks at what the GOC's new fitness to practise rules mean for optical practitioners

In recent years, the fitness to practise (FTP) procedures of all healthcare professions have come under scrutiny and it is now the turn of optometrists and dispensing opticians. The government has announced that new rules for General Optical Council cases will come into force on April 1 2014.

Allegations that a registrant's FTP is impaired must be considered by the registrar, who will give the registrant an opportunity to make written representations. These will be passed to the complainant for comment. A registrant who has been imprisoned for an offence will be referred to the FTP committee. All other cases will be passed to two case examiners (a registrant and a lay examiner). The case examiners will decide whether a case should be referred to the FTP committee. The new procedure is intended to reduce the workload of the investigation committee and speed up the processing of cases. Allegations will normally be sent to the investigation committee only if the case examiners do not agree with each other or if they consider the registrant's health should be assessed.

Assessors can be appointed to report



Rex Features

**The Law Commission has been looking at revising procedures for all healthcare professions**

on a registrant's health or standard of work. The case examiners can then decide to take no further action, to give a warning about future conduct or performance, or to refer the case to the FTP committee. The case examiners can review a decision not to refer a case to the FTP committee, for example if new evidence comes to light, but not if more than five years have passed; and they can decide to terminate a case even after it has been referred to the the FTP committee.

When a case is referred to the FTP committee, standard case management directions, including a timetable, will apply, removing the current need for procedural hearings.

In line with hearings involving other healthcare professions, the FTP committee will deliberate at up to four separate stages, deciding, whether facts have been proved (on the balance of probabilities – not beyond reasonable doubt), whether misconduct or another ground has been proved, whether FTP is impaired, and what sanction to impose.

If the new procedures result in faster and more flexible decision-making without sacrificing fairness or the quality of decisions, this will be welcome. The Law Commission has been looking at the procedures for all healthcare professions, so further changes can be expected. ●

● **David Reissner** is an expert in healthcare law

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1 Bergmann J. Clinical Ocular Anatomy and Physiology. 14th ed. Houston, Texas: Texas Eye Research and Technology Center; 2007  
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