

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

GENERAL OPTICAL COUNCIL

F(06)10

AND

ANTHONY VAUGHAN JONES (01-9489)

DETERMINATION OF THE INQUIRY: 20-21 MARCH 2007

On 20 & 21 March 2007, the Fitness to Practise Committee of the General Optical Council met to consider the following allegation against Anthony Vaughan Jones:

ALLEGATION

A. On 6th January 2005 Mr Jones examined Patient A and he:

- (i) Did not carry out indirect ophthalmoscopy through a dilated pupil.
- (ii) Did not carry out dynamic assessment of the anterior vitreous.
- (iii) Did not perform a visual field test examination on Patient A.
- (iv) Did not enquire as to the full history of any recent ocular symptoms including details about any flashes and floaters.
- (v) Did not refer Patient A.
- (vi) Did not sufficiently note details of Patient A's symptoms and history on the record card.
- (vii) Did not note details of ophthalmoscopy on the record card.

And by reason of the facts set out above, Mr Jones is guilty of deficient professional performance.

DETERMINATION

Findings in relation to the particulars of the allegation

The Committee found particulars (i), (ii), (iii) & (v) of the allegation admitted and proven as matters of fact.

The Committee found particular (vi) of the allegation proven.

The Committee found particulars (iv) and (vii) of the allegation not proven.

The Committee announced its decision as follows:

"The Committee took account of the submissions made on behalf of the Council by Mr Foster and on behalf of the registrant, Mr Jones, by Mrs Kapila and accepted the advice of the Legal Adviser. In reaching our decisions as to the particulars of the allegation, we bore in mind that the burden of proof remained upon the Council throughout and the standard of proof was that we must be sure before finding any particular of the allegation proved. We further bore in mind that with regard to the allegation of deficient professional performance it would be a matter for our judgement as to whether Mr Jones was guilty or not.

Mr Jones is an optometrist of 30 years experience in practise and an accredited member of the Primary Eye Acute Referral Service of Wales. On 6 January 2005 Patient A visited Mr Jones for a routine eye examination and claimed during the consultation she had reported "shading" in her right eye. In his evidence Mr Jones said that the patient did not mention this to him. Mr Jones examined Patient A and recorded the consultation. The examination was to a basic standard and did not include indirect ophthalmoscopy, dynamic assessment of the anterior vitreous and visual field examinations. On 24 January 2005, Patient A returned to Mr Jones' practice and was examined by another optometrist who found retinal tearing of the right eye and arranged an immediate referral to the Royal Gwent Hospital. The following day Patient A underwent successful remedial surgery at the University Hospital of Wales, Cardiff.

We considered the evidence of Patient A and could not be satisfied so that we were sure that at the consultation on 6 January 2005 she mentioned "shading" in her right eye to Mr Jones. Medical records from the Royal Gwent Hospital indicate that Patient A stated that she had experienced "flashes" in her right eye for a period of six weeks – that is - some time before the appointment with Mr Jones on 6 January 2005. In her evidence to the Committee, Patient A's recollection was that the "flashes" had begun between the appointment with Mr Jones and the subsequent appointment on 24 January 2005. Consequently, we considered that no blame could be attached to Mr Jones with regard to his conduct as alleged in particulars (i), (ii), (iii) and (v).

With regard to particular (iv) we could not be satisfied so that we were sure that Mr Jones had not taken a full history of any recent ocular symptoms but neither did he record such history as he claims he took.

With regard to particular (vii) we concluded that he had noted a minimum of detail of the ophthalmoscopy that he had carried out.

With regard to particular (vi) we considered that Mr Jones' note keeping fell well below the standard expected of a reasonably competent optometrist and because of this we have found Mr Jones to be guilty of deficient professional performance."

Findings regarding impairment

The Committee found that the fitness of Mr Jones to practise as an optometrist is not impaired and announced its decision as follows:

"We took account of the submissions put before us on behalf of the Council and on behalf of Mr Jones and accepted the advice given by the Legal Adviser. We also took account of the professional references provided by the registrant. We reminded ourselves that in reaching a decision on impairment we should exercise our own judgement.

In considering the matter we took account of the need to protect the public and maintain public confidence in the profession, the reputation of the profession and the individual interest of the registrant. We noted that the matter found proven leading to the finding of deficient professional performance was a single instance of a falling short of standards required of a reasonably competent optometrist and the relevant professional guidance. We also noted that Mr Jones in his evidence demonstrated insight into this deficiency in that he admitted that the standard of record keeping in the case of Patient A was poor and that he has now taken the appropriate remedial action in his practice. In balancing these matters and in the proper exercise of our judgement, we concluded that, in this case, impairment was not found but that there may well be cases where poor record keeping could lead to a finding of deficient professional performance and consequently impairment.

We would wish to make clear that whilst we considered the professional references put before us, we found this evidence to be of limited assistance because whilst it addressed the issue of Mr Jones' practice in general terms, none of the evidence dealt directly with the issue of record keeping.

Mr Jones, notwithstanding this decision, under rule 13F(5), it is within our power to issue a warning. You should be in no doubt that the Council considers maintenance of full, comprehensive and contemporaneous records to be a most serious matter and you must ensure that your record keeping is at an appropriate standard throughout your future practice."