

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

**GENERAL OPTICAL COUNCIL**

**F(06)09**

**AND**

**NEIL CARTER (01-9370)**

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**DETERMINATION OF THE INQUIRY: 22 FEBRUARY 2007**

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On 22 February 2007, the Fitness to Practise Committee of the General Optical Council met to consider the following allegation against Neil Carter:

**ALLEGATION**

The Council alleges that the fitness to practise of Neil Carter (a registered optometrist) is impaired, in that:

On the 20<sup>th</sup> June 2005, Neil Carter, failed:

1. To fully investigate the symptoms suffered by Patient A, in that Mr Carter did not ask him about any related symptoms that he had been suffering.
2. To conduct a slit lamp test.
3. To maintain proper records in regards to his consultation of Patient A in that Mr Carter did not record a strategy for managing his condition, or record any of the advice given to Patient A relating to his presenting symptoms.

For the reasons set out above, Mr Carter is guilty of deficient professional performance,

**AND** in light of the above, Mr Carter's fitness to practice is impaired.

## **DETERMINATION**

### **Findings in relation to the particulars of the allegation**

The Committee found particular 2 of the allegation admitted and proven.

The Committee found particulars 1 and 3 of the allegation proven.

The Committee found Mr Carter guilty of deficient professional performance.

The Committee announced its decision as follows:

“The Committee has considered all the evidence and we have borne in mind the burden and standard of proof. We have accepted the legal advice given on the status of expert evidence and the previous inconsistent statement from Patient A. Particular 1: we have found Patient A to be a credible witness when he said in evidence “I was not asked about any related symptoms”. Notwithstanding Mr Carter’s evidence about his normal practise and contents of the record card for the relevant date, we find that he did not fully investigate the symptoms and accordingly, Particular 1 is proved.

Particular 2: the failure to conduct a slit lamp test was admitted and therefore proved.

Particular 3: we have considered the record card at page 19 of the bundle and we are sure that it is not a proper record in the light of the evidence we have heard and accepted in that Mr Carter does not record a strategy for managing Patient A’s condition, nor did it record any advice given to Patient A relating to the symptoms with which he presented. A full field test recommendation is not, in our view, a management strategy.

We are sure that in the light of the above findings, this amounts to deficient professional performance.”

### **Findings regarding impairment**

The Committee found that the fitness of Mr Carter to practise as an optometrist is impaired and announced its decision as follows:

“We have considered all the evidence before us which included a list of the CET Mr Carter has undertaken since the date of this matter. We find that Mr Carter’s fitness to practise is impaired for the following reasons:

- (a) the failings in clinical care and record keeping were significant and put Patient A’s sight at risk.
- (b) Mr Carter admitted in his evidence deficiencies in his clinical ability and admitted his need for further training.
- (c) We do not consider that the CET undertaken has addressed his admitted and proved deficiencies.”

### **Further order**

The Committee announced its decision as follows:

“The Committee find that a sanction is appropriate. We order that Mr Carter’s registration shall be conditional on him within the next eight months undergoing the following:

- (a) 3 attendances at a clinic in a hospital eye department; at least two such clinics must be retinal.
- (b) Attend a university optometry department for a minimum of 3 x 2 hour sessions of one-to-one tuition in clinical skills including the use of the slit lamp and indirect fundus examination.
- (c) Meets an independent assessor who will review a random selection of not less than 12 clinical records.
- (d) During the eight-month period, Mr Carter is not to be the only registered optometrist present and working in the relevant premises.
- (e) The review panel must be provided with written evidence from each of the hospital, university and independent assessor.

Mr Carter is to keep a record of the above conditions for submission to the Council at the review hearing in September 2007.

These conditions we are satisfied will protect patients during this period and also address identified areas of Mr Carter’s practise in need of training and assessment. We are satisfied that he has the potential to respond positively to these conditions. Further, we are satisfied that it is in the public interest and necessary for the protection of members of the public for this conditional registration to commence forthwith.”