

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

GENERAL OPTICAL COUNCIL

F(06)04

AND

SIMON MORELLI (01-20020)

DETERMINATION OF THE INQUIRY: 20 FEBRUARY 2007

On 20 February 2007, the Fitness to Practise Committee of the General Optical Council met to consider the following allegation against Simon Morelli:

ALLEGATION

That the fitness to practise of Simon Morelli is impaired by reason of the following:
In particular, the Council alleges that:

1. On the 7th and 10th of June 2005 Mr Morelli examined the patients identified in Schedules E and F and recorded that he had carried out the following tests:-
 - (a) Slit lamp examination;
 - (b) Lang stereotest;
 - (c) Ishihara test;

which were tests Mr Morelli had not in fact undertaken.

AND

By reason of the facts set out above Mr Morelli is guilty of misconduct.

2. On the 10th of June 2005 Mr Morelli examined the patients identified in Schedule F and recorded the results of field tests which he had not in fact undertaken.

AND

As a result of the facts set out above Mr Morelli is guilty of misconduct.

3. (a) Between the 1st of April 2004 and the 30th of June 2004 Mr Morelli examined the 49 patients identified in Schedule A.
(b) In relation to 44 of these patients Mr Morelli you incorrectly recorded a cup disc ratio for each eye of 0.2.

AND

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

4. (a) Between the 1st of December 2004 and 4th of December 2004 Mr Morelli examined Patients RD, MS and MC identified in Schedule C, and
(b) Mr Morelli's referral of these patients was inadequate in that they lacked sufficient detail to enable informed decisions to be made about the management of these patients by other practitioners.

AND

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

5. On the 9th of December 2004 Mr Morelli examined Patient JV identified in Schedule C and he failed to record a left convergent squint.

AND

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

6. (a) Between the 11th of November 2004 and the 11th of December 2004 Mr Morelli examined Patients FM, MC, JW and TR identified in Schedule C.
(b) In relation to each of these patients Mr Morelli failed to question them sufficiently upon their symptoms.

(c) Mr Morelli failed to record the results of those questions.

AND

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

7. In relation to the 38 patients examined by Mr Morelli and whose record cards are referred to in Dr Blakeney's report dated the 30th of August 2005 (updated on the 2nd of April 2006) Mr Morelli:-

(a) Recorded for each patient a slit lamp examination result of "clear R&L".

(b) Recorded for each patient a "colour vision" or "Ishihara" test as being "full R&L".

(c) The record of results referred to at (a) to (b) above demonstrate a deficiency in Mr Morelli's ability properly to undertake these tests and/or Mr Morelli's ability to assess the results of these tests.

AND

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

APPLICATION DECISION

The Committee announced its decision as follows:

"The Committee has carefully considered the application for Mrs G Huka to stand down as a member of this hearings panel due to a perception of possible bias because it is said that she acted as Chair of two previous Disciplinary hearings under the old rules which took decisions affecting the professional position of Mr Morelli in 2002 and 2003. The Committee have accepted the legal advice that there is no reason in law why Mrs Huka should stand down to meet Article 6 of the Human Rights Act. However, the Committee is anxious that there should not be any lingering perception of bias and therefore have decided to accept this application and the Committee will proceed without Mrs Huka and to ensure we have a Committee with a majority of lay members, Mr S Reily has also agreed to stand down as one of the two optometrist members of the Committee.

We are disappointed that this issue was not raised at an earlier stage so that unnecessary time is not wasted at the early stages of the hearing in having to clarify such matters. We would like to take this opportunity to stress that it is incumbent on the parties to alert the Council of any possibility of any bias arising from the membership of any Committee."

DETERMINATION

Findings in relation to the particulars of the allegation

The Committee found particulars 1 (a), (b) & (c), 2, 3 (a) & (b), 4 (a) & (b), 5 and 7 (a) & (b) of the allegation admitted and proven.

The Committee found particular 6 (a), (b) & (c) of the allegation not proven.

The Committee announced its decision as follows:

“The Committee finds Mr Morelli guilty of misconduct in regard to allegations 1 (a), (b) & (c) and 2 and Mr Morelli guilty of deficient professional performance in regard to allegations 3 (a) & (b), 4 (a) & (b) and 7 (a) & (b) and which amount to impairment. With regard to allegation 5 we find Mr Morelli guilty of deficient professional performance only.”

Findings regarding impairment

The Committee found that the fitness of Mr Morelli to practise as an optometrist is impaired.

The Committee announced its decision as follows:

“The Committee feel that honesty and professional integrity were found to be seriously lacking in that Mr Morelli claimed that he had carried out clinical tests that were not actually performed. This cast grave doubt on the accuracy of other information on his record cards including cup/disc ratios which represent a threat to patient safety. Mr Morelli also failed to provide sufficient detail for three patients as identified in schedule C in the referral letters to a consultant ophthalmologist which may have compromised the patients treatment.”

Further order

The Committee, as a first step, revoke the current interim suspension order.

The Committee announced its decision as follows:

“In coming to a decision the Committee has taken into account Mr Morelli’s admissions and the medical report from Dr M K Laker of 20th December 2006. We have considered whether any sanction is necessary and we have decided the only sanction appropriate is that of erasure from the register of optometrists. This decision has been taken because of our overriding concern in the interest of patient safety. The erasure order as provided under 13I(1) shall take effect immediately. We are satisfied that to do so is necessary for the protection for the members of the public and is otherwise in the public interest.”