

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

GENERAL OPTICAL COUNCIL

F(22)04

AND

MICHAEL MOON (01-9510)

**DETERMINATION OF A SUBSTANTIVE REVIEW
9 SEPTEMBER 2025**

Committee Members:	Sara Nathan (Chair) Miriam Karp (Lay) Ann McKechin (Lay) Caroline Clark (OO) Gemma O'Rourke (OO)
Legal adviser:	Alice Moller
GOC Presenting Officer:	Neel Rokad
Registrant:	Not present, not represented
Registrant representative:	N/A
Hearings Officer:	Terence Yates
Outcome:	Erasure.

Introduction

This is a fourth substantive order review, the last concluding on 4 September 2024, when a one-year conditions of practice order was made by that Committee. The background to the matters is as follows:

The Allegation found proved at the substantive hearing was as follows (as amended)

1. *On or around 29 May 2019, you failed to conduct an appropriate examination of Patient 3's eyes in that you:*
 - a. *Failed to perform a visual fields test;*
 - b. *Failed to record a visual fields test;*
 - c. *Failed to perform IOP measurements;*
 - d. *Failed to record IOP measurements;*
 - e. *Failed to perform muscle balance or binocular vision test;*
 - f. *Failed to record muscle balance or binocular vision test;*
 - g. *Failed to perform an internal examination of the eyes;*
 - h. *Failed to record an internal examination of the eyes;*
 - i. *Failed to perform an external examination of the eyes;*
 - j. *Failed to record an external examination of the eyes;*
2. *On or around 12 June 2019, you failed to conduct an appropriate examination of Patient 8's eyes in that you:*
 - a. *Failed to perform examinations for the external eyes*
 - b. *Failed to record examinations for the external eyes*
3. *On or around 9 July 2019, you conducted a sight test on Patient 2 and behaved inappropriately by:*
 - a. *Referring to Patient 2 as a "child" or words to that effect;*
 - b. *Referring to Patient 2 as a "lady of leisure" or words to that effect;*
 - c. *Referring to Patient 2 as a "lady who lunches" or words to that effect;*
 - d. *Making remarks to Patient 2 about "women using headaches as excuses" or words to that effect;*
 - e. *Making remarks to Patient 2 about how you conducted "market research with women before proposing to your wife" or words to that effect; and/or*
 - f. *Stating to Patient 2's boyfriend "I will take her off your hands" or words to that effect;*
4. *On or around 16 July 2019, you failed to perform an appropriate examination of Patient 6's eyes in that you:*
 - a. *Failed to perform examinations for the external eyes*
 - b. *Failed to record examinations for the external eyes*
5. *On or around 6 August 2019, you amended Patient 9's records for the sight test you conducted on or around 10 July 2019 by inputting details into the ophthalmoscopy section;*
6. *Your action at 5 above was dishonest and/or misleading in that you did not record that the amendments were made retrospectively.*

And by virtue of the facts set out above, your fitness to undertake training is impaired by reason of misconduct.

Background

1. The Registrant joined the GOC as a registered optometrist on 22 October 1976 (GOC Number 01-9510). At the material time, the Registrant was employed by Vision Express Opticians as an Optometrist at its [redacted] store. He has been in practice for over 40 years.
2. On 27 September 2019, the Registrant self-referred to the GOC, setting out that he had received three complaints in a short period of time, 2 of which subsequently became Allegations 1 and 3. Following an internal disciplinary process within Vision Express, the Registrant was dismissed from his employment on or around 4 October 2019. On the same date, the GOC was given notice of the fact that the Registrant had been dismissed from his employment with Vision Express and was provided with a copy of the disciplinary letter outlining the employer's concerns as to the Registrant's conduct.
3. Allegation 1 arose following a complaint received by Vision Express from Patient 3, following an appointment that she attended with the Registrant on 29 May 2019.
4. Allegation 3 arose from a complaint received by Vision Express from Patient 2, following an appointment with the Registrant that she had attended on 9 July 2019. The complaint was included within a customer satisfaction survey completed by the patient on 15 July 2019.
5. Allegations 2 and 4 arose as a result of an audit of the Registrant's cases, conducted on 17 July 2019, following receipt of Patient 3's complaint.
6. Allegations 5 and 6 occurred during a break in the internal disciplinary hearing held into the Registrant's conduct on 6 August 2019. During the break, the Registrant was discovered in the consultation room with the patient records for Patient 9. The Registrant had performed an eye examination on Patient 9 on 10 July 2019, and the records of the eye examination were among those previously audited, showing that no record of an internal examination had been made. A subsequent computer audit trail was conducted which showed that the entry into the records had been made on 6 August 2019, during the break in the disciplinary hearing. It was alleged that the Registrant had made these retrospective entries dishonestly.
7. Following the internal disciplinary process within Vision Express, the Registrant was dismissed from his employment on or around 4 October 2019. On the same date, the GOC was given notice of the fact that of his dismissal and was provided with a copy of the disciplinary letter outlining the employer's concerns as to the Registrant's conduct.



8. Between 5-9 and 12-13 September 2022, a substantive hearing was held, which the Registrant attended but was not represented. The Committee found all facts proved save 1(c) and 3(c) and found that those facts proved amounted to misconduct. It went on to find that his fitness to practise was impaired by reason of that misconduct and imposed a conditional registration order on his registration for a period of three years, with a review after 12 months. On 27 January 2023, minor amendments were made to the conditions at a procedural hearing to correct minor errors. This was due to expire on 12 October 2025.

1st Review Hearing – 31 August 2023

9. The Conditional Registration Order was listed for a review on 31 August 2023. At that hearing the Committee determined that the Registrant's fitness to practise remained impaired on the grounds of both public protection and public interest.
10. The Committee noted the correspondence of the GOC case workers chasing the Registrant for details regarding his workplace supervisor, which the Registrant had not engaged with until around January 2023. In the Committee's judgement, this demonstrated that the Registrant had not taken on board the seriousness of either the fitness to practise process or the requirements on him of the conditions of practice order.
11. In respect of the conditions themselves, the Committee concluded that the Registrant had been practising with a supervisor for only approximately seven months of the 12 months which had been the expectation of the original Committee. The Committee concluded that the Personal Development Plan (PDP) provided was inadequate for the purposes of the requirements of the conditions, in that it was not targeted towards the specific concerns raised by the original Committee, nor did the PDP identify any steps taken by the Registrant to address them.
12. The Committee had regard to the two reports from the supervisor. It noted that for the seven months when the supervisor had been in place, the supervisor had recorded that the Registrant had made some improvements to his practice. However, the Committee was not satisfied that this shortened period of time, supported only by two supervisor's reports, was sufficient for the Registrant to discharge the persuasive burden of demonstrating that the risks of repetition were sufficiently reduced. It also considered that during this time the Registrant had not demonstrated sufficient insight into the potential risk of harm to patients as a result of his record keeping failures.
13. In respect of the Registrant's insight into his inappropriate conduct and his dishonesty, the Committee was of the view that the Registrant had still not grasped the seriousness of both these issues. In the Committee's view, he had not yet satisfactorily demonstrated that he had taken on board the true impact of

such behaviour on the reputation of the profession or public confidence in members of the profession.

14. In relation to sanction, the Committee noted that the Registrant had not engaged well with his conditions initially. The GOC had been compelled to chase the Registrant for details of a supervisor, and he had been working without a supervisor for some months (until February 2023), thereby failing to comply with conditions. The Committee considered that this was a serious failure on the Registrant's part. It was evident to the Committee that he had not fully engaged with the process or the importance of the conditions. The Committee considered that even once he had the supervisor in place, he had adopted a lax approach to the time frames in which to submit the required information. Further, the Committee considered that the PDP submitted by the Registrant fell significantly short of the requirements of the conditions.
15. The Committee was mindful that the misconduct dated back to 2019, and there had been no further allegations since that time. Whilst the Registrant had not discharged the onus on him to demonstrate that his fitness to practise was no longer impaired, the Committee considered that he was making some improvement as evidenced by the two supervisor's reports. In light of this, looking at the case objectively, the Committee did not consider that there was an enhanced risk to the public and the public interest. It therefore considered that the current Conditional Registration order, with minor amendments to the conditions, particularly in relation to the PDP, would continue to meet the risks which had been identified.
16. The Committee determined, on balance, for a number of reasons, the conditions of practice order remained proportionate. It ordered that the order should be reviewed in 12 months' time.

2nd Review Hearing – 1 March 2024

17. A second review was conducted on 1 March 2024. This was an early review requested by the Council due to its concerns regarding the Registrant's compliance with the conditions. At the hearing the Committee was informed that the Council had not received either the updated Personal Development Plan ('PDP') nor a written report from a supervisor that was due.
18. The Committee was referred to multiple chaser emails from the Council to the Registrant where these were requested and were not responded to. The Registrant then responded stating that he would deal with it, but the documents were not received.
19. The Committee noted that the misconduct that was found proved was a mix of clinical concerns, inappropriate behaviour towards a patient and a finding of dishonesty in respect of amending records. The Committee noted that whilst

some of this conduct could be classed as easily remediable, such as the clinical concerns, other aspects such as the dishonesty were more difficult to remediate.

20. The Committee considered the steps that the Registrant has taken since the imposition of the Conditions and was of the view that he had started to take some steps, including reportedly implementing changes to his practice and reportedly being supervised by his supervisor, albeit those reports were not before the Committee.
21. Email correspondence submitted by the Registrant showed that there had been a further meeting with his supervisor arranged towards the end of 2023 and a draft report was subsequently sent to the Registrant by the supervisor. That report was never actually submitted to the Council. The Committee was of the view that it remained the Registrant's responsibility to ensure that the supervisor's reports were correctly submitted to the Council in compliance with his Conditions. The Committee considered that the Registrant has not demonstrated that he has appreciated the importance of diligent and full compliance with the Conditions.
22. In relation to the Registrant's PDP, the Committee noted that the adequacy of the Registrant's PDP was an issue at the last Review hearing in August 2023 and he was given the opportunity to update it. It noted that the Registrant's position was that he could not put much in his PDP because he was close to retirement. However, the Committee was of the view that the Registrant's uploaded PDP was general in nature and more akin to a document produced by all Optometrists regarding their CPD requirements, rather than being focused upon the misconduct and impairment that had been found in this case. The Committee considered that the Registrant did not appreciate that the PDP required of him under the Conditional Registration Order was required to address the concerns arising from these proceedings, those concerns relating to clinical matters, the inappropriate conduct towards a patient and the dishonesty. Furthermore, the letter submitted to the Committee by the Registrant comprised some reflections but fell short of demonstrating insight into the allegations found proved and the steps needed to address these concerns.
23. The Committee was concerned that the Registrant had not yet taken steps to remediate the concerns arising in this case and did not appear to appreciate the seriousness of his actions, or potential impact on others, including the reputation of and public confidence in the profession. The Committee considered that the Registrant was largely in the same place as he was at the last Review and still had to develop insight and remediate, particularly in respect of the inappropriate conduct and dishonesty misconduct.
24. Given the above concerns, the Committee was not satisfied that the Registrant had discharged that persuasive burden and there remained at this time a risk of repetition.



25. As a result, there remained in the Committee's view a risk to the public and a finding of impairment was therefore required on public protection grounds. Furthermore, the Committee concluded that the public interest required a finding of current impairment on public interest grounds, as if a well-informed member of the public was aware of the facts and history of this case, they would be concerned if no finding of impairment was made. Accordingly, the Committee found that the fitness of the Registrant to practise as an optometrist is currently impaired.
26. In terms of sanction the Committee noted that the original order was imposed for serious and wide-ranging allegations and was imposed for a lengthy period of three years. The Registrant has already been subject to the Conditional Registration Order for a significant period, since September 2022, with chasers from the Council and advice at the last Substantive Review hearing. In the view of the Committee the conditions are not working, as the Registrant is not in full compliance with them.
27. The Committee considered the previous lack of compliance and the ongoing lack of evidence that the Registrant appreciates the seriousness of the case. It further noted that the Registrant has not provided any evidence of relevant re-training. He has made little progress in terms of reflection, developing insight, and completing remediation over the period of the existing Conditional Registration. In particular, the Conditions required the Registrant to formulate a PDP, specifically targeted to the conduct in this case, which was made clear at the last Review and the Committee noted that the Registrant has still not adequately done so.
28. The Committee was not satisfied that he would engage with all of the requirements of the Conditions if they were maintained or varied. The Committee considered that the Registrant did not appear to understand the significance or gravity of engaging with the Council, despite there being a duty upon all registered Optometrists to engage with the Regulator and carefully comply with the regulatory framework.
29. The Committee determined that in the circumstances, the most appropriate and proportionate sanction to impose is one of suspension for a period of six months. It further ordered that a review hearing be conducted four to six weeks prior to the expiration of the order. The Review Committee would be assisted by documentary evidence, such as records of training undertaken, reflective pieces, testimonials and a detailed personal development plan specific to the concerns raised by the previous Committees. It was noted that the Review Committee will need to be satisfied that the Registrant:
- i) has fully appreciated the gravity of the offence,
 - ii) has not re-offended and has maintained his skills and knowledge and
 - iii) that the Registrant's patients will not be placed at risk by resumption of practice

or by the imposition of conditional registration.

3rd Review Hearing – 23 August and 4 September 2024

Findings regarding impairment - 23 August 2024

30. For the purposes of this review the Committee has considered the following documentation:

- The determination from the substantive hearing, dated 13 September 2022;
- The determination from the first Review hearing, dated 31 August 2023;
- The determination from the second Review hearing, dated 1 March 2024;
- Correspondence between the GOC and the Registrant subsequent to the first Review hearing regarding the Registrant's compliance with the conditions imposed;
- A skeleton argument on behalf of the GOC, dated 19 July 2024;
- Documents submitted on behalf of the Registrant including an undated PDP, CDP statement dated 7 August 2024, references from Mr A and Mr B, a collection of CDP certificates, an email from SpaMedica confirming CDP completion, a CPD statement dated 20 August 2024 and a reflective statement.
- An audit of record cards covering the period of July to November 2023.

31. The Committee heard evidence from the Registrant, whom the Committee considered to be credible and straightforward. He confirmed that he had written the Reflective Statement and explained he understood that his dishonest conduct could adversely affect the care of patients.

32. The Registrant explained that he had found the CPD courses he had undertaken helpful but thought that the greatest improvement in his practice had come through his work with his supervisor. He was confident that the new system for record-keeping, suggested by his supervisor, would address concerns – he would fill in the required information on the newly introduced A4 record card. He felt that the CPD work he had undertaken kept him up-to-date and he intended to remain so going forward.

33. The Registrant stated that he still didn't know why he had said what he did to Patient 2 as he was not usually glib with patients. He noted that the incident had occurred outside of the examination room and that Patient 2 had not expressed any dissatisfaction with her eye-examination. He reminded the Committee that he had apologised to Patient 2 during the substantive hearing.

34. The Registrant stated that he was willing to comply with any condition that the Committee might impose. Going forward he would rely on assistance from the AOP but accepted it was his personal obligation to comply with conditions. The Registrant was asked what strategies he had in place to avoid repetition of

dishonest conduct if he found himself in a stressful situation. He stated that he would recognise it and walk away rather than engage in a dishonest act. The Registrant intended to continue, if permitted, in private practice and had kept in touch with the profession by reading and discussing matters with a handful of other practitioners. He was not able to confirm whether or not his previous supervisor would be willing to work with him again as he had not been 'brave' enough to raise the issue following his suspension.

35. The Committee then heard submissions from Mr Wigg on behalf of the Council and from Mr Mills on behalf of the Registrant. On behalf of the Council Mr Wigg asked that the Committee to find that the Registrant remained impaired. He noted that the Registrant's lack of compliance was a matter of concern which had not been adequately addressed. Mr Wigg submitted that the Registrant's lax approach had led to the imposition of a suspension and there was little before the Committee to allay the risk that he would again fail to comply with any conditions imposed. Secondly, he submitted that the evidence of insight and remediation provided by the Registrant lacked tangibility and did not demonstrate embedded remediation of the issues raised by the misconduct.
36. On behalf of the Registrant, Mr Mills submitted that significant progress had been made and the Committee had been provided with an adequate PDP, which specifically addressed the concerns raised and detailed CPD record, which showed CPD activities significantly in excess of the required level. He urged the Committee to be mindful of the fact that two supervisor reports had been submitted and so there had been a level of compliance with the conditions initially imposed. Furthermore, the failure to provide a report in December 2023 had been due, in part, to a miscommunication between the Registrant and his supervisor. Mr Mills described the Reflective Statement as detailed, candid and remarked that it addresses the areas of concern that had been previously identified.
37. Mr Mills argued that the Committee should find the risk of repetition of dishonesty and / or the clinical failure to be low, in light of the remedial work undertaken and heightened level of insight. Mr Mills noted that the Registrant had expressed a willingness to comply with any conditions the Committee might choose to impose and that he had measures that he would use to avoid any repetition of the misconduct, such as use of a diary and utilising support from third parties. This all reflected a reduced level of risk.
38. Mr Mills conceded that the Committee may decide it wishes to ensure that the progress which has been made is maintained during a further period of supervised practice and to that end find that the Registrant's fitness to practise remains impaired. In the circumstances a finding of impairment on that basis was not resisted.
39. The Committee has accepted the advice of the Legal Adviser. It was reminded that at this hearing it will need to consider the question of current impairment afresh. The Committee will, of course, be looking forward and not back although previous conduct will assist in the assessment. The Committee was referred to principles set out in the cases of *Cohen v General Medical Council* [2008] EWHC 581 (Admin), *CHRE v NMC* and *Grant* EWHC 927 (Admin), *Abrahaem v GMC* [2008] EWHC 183 (Admin) and *Khan v GPhC* [2016] UKSC 64.
40. The Legal Adviser noted that the misconduct in question involved dishonesty, which can be difficult to remediate, but by no means impossible.



41. The Committee was reminded that its focus should be on the question of future risk. The level of insight, remorse, reflections and attempts at remediation shown by the Registrant is central to a proper determination of impairment.
42. The Committee was also reminded to consider the relevant sections of the Hearings and Indicative Sanctions Guidance 2021 and that the decision to be made required the application of their judgement.
43. The Committee carefully reviewed all the evidence that had been presented. It noted that significant steps had been taken by the Registrant to address the misconduct that had been found proved. It was greatly assisted by the reflective statement provided and accepted that significant effort had been made to undertake CPD work. There was a greater appreciation of the gravity of the offence. The Registrant had clearly reflected on his conduct and practice and was willing to continue with his development. The Committee noted that a new record-keeping system had been put in place and that previous reports from the Registrant's supervisor, seen by a previous Committee, had noted improvement. There was, however, no indication that any reports postdating November 2023 had been provided. The record card audit that had been provided was of limited use bearing in mind that no explanation was given for why visual field tests had not been conducted and no comments from the reviewer had been inputted.
44. The Committee noted that the Registrant had not complied with the conditions previously imposed. In doing so it reminded itself that he had not been represented at the August 2023 and March 2024 reviews. It accepted that the Registrant now presented himself as willing to comply and that he had a better understanding of what was required of him.
45. However, despite the progress made, the Committee was not satisfied that the Registrant had yet achieved full insight or that the misconduct had been fully remediated. In respect of the Registrant's clinical practice, the Committee had been presented with evidence of the Registrant's intent and measures that had been put in place to address the risk of future misconduct but did not have before it any evidence of the product of those measures and a tangible development in the Registrant's practice. In terms of his inappropriate conduct and dishonesty, as stated above the Registrant had gained a notable level of increased insight, but this was not yet complete and there still remained a level of deflection on the part of the Registrant.
46. In all the circumstances the Committee was not satisfied that future risk did not remain, and a finding of impairment was required on public protection grounds. The Committee considered what the views of a well-informed member of the public who was aware of the facts and history of the case would be and concluded that they would be concerned if no finding of impairment was made. Therefore, impairment was also found on the grounds of the public interest.
47. The Committee found that the fitness of Mr Michael Moon to practise as an optometrist is currently impaired on the grounds of both public protection and public interest.

Sanction - 4 September 2024

48. Having decided that the Registrant's fitness to practise is currently impaired, the Committee next considered what direction it should make pursuant to s13F(7) of the Act. The Committee heard submissions from Mr Ive on behalf of the Council and from Mr Mills on behalf of the Registrant.
49. Mr Ive referred the Committee to paragraphs 14, 24.1-24.7 and 22.4.-22.6 of the Indicative Sanctions Guidance ("ISG"). He reminded the Committee that the proper approach to sanction was to weigh the interests of the public against the interests of the Registrant, balancing the mitigating and aggravating factors in the case.
50. Mr Ive invited the Committee to consider imposing an order of suspension. Mr Ive stated that the Council was neutral on the length of any suspension order. Mr Ive submitted that the Registrant continues to demonstrate a lack of insight into the misconduct and, as such, any lesser sanction would be insufficient to mitigate the risk to the health, safety and well-being of the public, uphold the public interest in promoting and maintaining proper standards and public confidence in the profession. Mr Ive stated that the Registrant had failed to comply and engage with conditional registration that had been imposed previously, and a fair-minded observer would lack confidence in the profession if a sanction lesser than suspension was imposed.
51. Mr Mills referred the Committee to paragraph 24.3 ISG and submitted that the Registrant has demonstrated that he fully appreciates the gravity of the offence, has not re-offended, and has maintained his skills and knowledge by engaging in relevant continuing professional development. Further, the Registrant's patients would not be placed at risk by the resumption of his practice. Mr Mills invited the Committee to impose a period of conditional registration, submitting that such a disposal would be appropriate in the circumstances and would be sufficient to protect the public. Conditional registration would permit the Registrant an opportunity to provide the evidence the Committee refers to in paragraph 48 of this decision. He submitted that conditions involving supervision would operate to protect the public and uphold the public interest by ensuring that the Registrant's progress in respect of examinations, record-keeping and professional interactions with patients remains. Conditions can be formulated that are appropriate, workable, measurable and proportionate. The Committee was directed to ISG paragraph 21.25, and invited to consider that factors (a), (b), (d), (e), (f) and (g) are all met in the present case. Mr Mills submitted that conditional registration for a period of 9-12 months would be sufficient in all the circumstances.
52. The Committee heard and accepted the advice of the Legal Adviser. She advised the Committee to take into account the factors on sanction as set out in the ISG. She advised that the Committee should impose the least onerous sanction sufficient to meet the risks, having regard to the principle of proportionality by weighing the interests of the Registrant against the public interest.
53. The Committee was reminded that the purpose of any sanction is not to punish, but to protect patients and the wider public interest.
54. The Committee considered the sanctions available to it from the least restrictive to the most severe, as set out in section 13F(13) of the Opticians Act 1989. The Committee applied the principle of proportionality by weighing the Registrant's interests with the public interest.

55. The Committee was of the view that it would not be appropriate or proportionate to revoke the order.
56. A financial penalty was not considered appropriate in the circumstances of this case.
57. The Committee next went on to consider whether a Conditional Registration Order is a sufficient and proportionate response to the risks identified. The Committee was mindful that the Registrant had been practising for 40 years, is of previous good character, the misconduct dated back to 2019, and bore in mind that there had been no further allegations since that time. Whilst the Registrant had not discharged the onus on him to demonstrate that his fitness to practise was no longer impaired, the Committee considered that significant steps had been taken by the Registrant to address the misconduct that had been found proved. The Committee considered that on this occasion the Registrant had demonstrated a more well-rounded appreciation of the gravity of the offence. The Committee was of the view that a Conditional Registration Order would be a sufficient and proportionate response to the risks identified. The Committee decided that the public would be protected by, and the Registrant would benefit from, more focussed, specific and detailed conditions. These conditions will give the Registrant a further period of time to reflect more fully with the assistance of a supervisor and a member of the Local Optometric Committee on the seriousness of his misconduct and the impact on the profession.
58. The Committee did consider whether suspension may be the appropriate sanction, given the lack of full compliance with the Conditional Registration Order on a previous occasion and lack of full insight into the misconduct. The Committee took into consideration the Council's submissions in this regard, but concluded that the Registrant would be unable sufficiently to remediate his practice and demonstrate development of full insight if not permitted to return to practice. The Committee determined on balance that, for the reasons given above, a Conditional Registration Order is the appropriate and proportionate sanction in all the circumstances.
59. The Committee next considered the period for which conditions ought to be imposed, bearing in mind that the maximum is three years. It concluded that a period of 12 months from the end of the current suspension order is required and proportionate.
60. The Committee is of the view that the future reviewing Committee would be greatly assisted by a further reflective piece demonstrating that the Registrant completely and fully recognises the seriousness of the misconduct and the impact it has had on the reputation of the profession.
61. The Committee therefore imposes a Conditional Registration Order for a period of 12 months which will take effect from the expiry of the Registrant's current suspension order.
62. A review hearing will be held between four and six weeks prior to the expiration of this order. The Review Committee will need to be satisfied that the Registrant:
 - has fully appreciated the gravity of the offence,
 - has not re-offended, and
 - has maintained his skills and knowledge.

Fourth Review Hearing – 9 September 2025

63. The Committee heard an application from Mr Neel Rokad for the Council for the matter to proceed in the Registrant's absence, taking account of the fact that the Council had provided good notice of the hearing to the Registrant.
64. The Council submitted evidence that, on 26 June 2025, the Council had notified the Registrant and his (then) legal representative of this review hearing by email. This notification advised the Registrant that he should notify the Council by 11 July 2025 as to whether he would attend his hearing.
65. Mr Rodak submitted that any adjournment would not be *'fruitful'* as the Registrant had indicated that he no longer wished to engage with these proceedings, so he would be unlikely to attend an adjourned hearing.
66. The Committee accepted the advice of the Legal Adviser: Rule 22 of the Fitness to Practise Rules 2013 (the Rules) provides that the Council is required to satisfy the Committee that all reasonable efforts had been made to notify the Registrant of the hearing in accordance with Section 23A of the Opticians Act 1989 and Rule 61. The Committee noted that under Rules 56 and 58, the Council had to serve the notification of the review hearing, together with specified information and documents, at least 28 days before the hearing, unless the Registrant agreed to, or the Committee was of the view that the public interest required, an earlier hearing. Over a month has elapsed since service was effected.
67. The Committee found that the Notice of Hearing emailed to the Registrant on 26 June 2025 complied with the necessary requirements. It also took account of proof of delivery on 27 June 2025 of documents posted to the Registrant, signed for by 'Moon' at 11:20.
68. On 4 July 2025, the Registrant's (then) representative, Mr Scott Shadbolt, at the Association of Optometrists (AOP) emailed the Council to say:
- 'As has been set out in previous correspondence, Mr Moon has been unable to return to practise following the Fitness to Practise Committee's decision of 4 September 2024. This is due to not being able to locate a supervisor as required by Condition A1.3.*
- Mr Moon has recently retired from optometry and intended to leave the register at the end of the 2024/25 registration period. Mr Moon did not apply for retention and expressly requested that the Registrar did not retain him on the register. A copy of that request is enclosed. Notwithstanding Mr Moon's retirement and request, the Registrar determined that Mr Moon's registration ought to be retained. Mr Moon has subsequently submitted the mandatory undertaking to not practise as an Optometrist.*
- In those circumstances, Mr Moon is of the view that there is no realistic likelihood of being able to satisfy a reviewing Committee that his fitness to practise is no longer impaired. Mr Moon is also mindful of the time and cost that would be incurred if he were to continue to engage in these proceedings. For those reasons, Mr Moon respectfully disengages from the Council's process. Please address any further correspondence in respect of this matter to Mr Moon directly.'*
69. On 21 August 2025, the Registrant's (then) representative, Mr Shadbolt, at AOP, emailed the Council to indicate that he was no longer instructed to act:



'Please note that, as set out in my letter of 4 July, Mr Moon has elected to disengage from these proceedings. Any correspondence that the GOC consider must be served upon Mr Moon should therefore be sent to Mr Moon directly and the AOP should not be copied in.'

70. When the Registrant was asked on 4 September 2025 if he had any objection to the Committee receiving evidence in advance of the hearing, he emailed the Council to say:

'Obviously I have no objections. We have closed the practice as far as eye examinations are concerned and are trying to sell the property so are continuing to offer dispensing and frame sales in the interim as my dispensing colleague is still registered with the GOC.'

The conditions imposed turned out to be far too onerous and I/we could not find an optician prepared to give the time to supervise. The main reasons were they lived too far away, or felt they were too recently qualified, or just could not spare the time. But one was quite cynical and welcomed the closure of the business as it would be less competition. The supervisor that the LOC found came from some 50 miles away and would have charged for his visit more than our practice earned in a day.

And then there is my age. Whist still fit and healthy, the idea was to retire in 2020, but the covid pandemic unfortunately put paid to that idea. But I still miss my patients and the interactions. So that is the situation. Perhaps you could convey my sentiments to the panel and the GOC. We have had a few tears with quite a number of patients, I did not quite realise the esteem that my wife and I were held in.'

71. The Committee noted that the Registrant did not indicate any intention to attend but provided the Committee with a written update as to his current situation. In these circumstances, the Committee was satisfied that there had been good service, that all reasonable efforts have been made to notify the Registrant of the hearing and that he was aware of the hearing.

Proceeding in the absence of the Registrant

72. The Committee accepted the advice of the Legal Adviser, on which there was no comment by Mr Rokad.
73. Where the Registrant is neither present nor represented at a hearing, the Committee may nevertheless proceed to consider the application, if it is satisfied that all reasonable efforts have been made to serve the Registrant with notice of the hearing in accordance with the Rules.
74. The Committee noted that the onus is on the Registrant to attend the hearing and/or to arrange legal representation: *GMC v Adeogba [2016] EWCA Civ 162*. Although attendance by the Registrant is important, it cannot be determinative, due to the adverse impact of delays on the effective running of hearings.
75. Where a hearing is to be conducted virtually, the same considerations apply. Fairness to the Registrant must be considered, as well as fairness to the Council representing the public.

76. The Committee should take account of risk to patients, as well as the need to maintain public confidence in the profession, when deciding whether to proceed in the absence of the Registrant.

Decision to Proceed in Absence

77. The Committee took account of the lack of any application to adjourn by the Registrant, as well as the correspondence above. The Committee decided that it was in the public interest for the hearing and review to proceed in the Registrant's absence. Further, the Committee found that no injustice would be caused to the Registrant, who had indicated that he did not wish to attend this hearing. Nothing would be achieved by an adjournment. The Committee decided to proceed in the absence of the Registrant.

Decision on Impairment

78. The Committee heard submissions from Mr Rokad on behalf of the Council. He said that the Registrant had not practised since September 2024, so cannot demonstrate good practice or compliance with any conditions. He has not provided any further evidence of insight or remediation since the last review hearing. Mr Rodak added that the Registrant has retired, as he no longer wishes to practice.
79. The Committee accepted the advice from the Legal Adviser. At the impairment stage, there is no burden or standard of proof. It is a question of judgment for the Committee. Impairment may be based on historical matters or a continuing situation, but it is to be decided at the time of the hearing. To do this, the Committee must look forward, taking account of any remediation, changes in behaviour, conduct or attitude since the misconduct occurred.
80. In deciding impairment, the Committee was advised to consider whether or not the Registrant poses any future risk of harm to patients or reputational damage to the profession of optometry. The need to maintain public confidence may mean that a finding of impairment is required, even in the absence of ongoing risk.
81. In its analysis, the Committee took account of the background and chronology provided in documents from the Registrant and the Council. The Committee was aware that the Registrant had previously made an effort to appreciate the impact of his behaviour on others and to remediate deficiencies in practice.
82. In its Determination dated 4 September 2024 that Review Committee said:

'The Committee heard evidence from the Registrant, whom the Committee considered to be credible and straightforward. He confirmed that he had written the Reflective Statement and explained he understood that his dishonest conduct could adversely affect the care of patients.'

The Registrant explained that he had found the CPD courses he had undertaken helpful but thought that the greatest improvement in his practice had come through his work with his supervisor. He was confident that the new system for record-keeping, suggested by his supervisor, would address concerns – he would fill in the required information on the newly introduced A4 record card. He felt that

the CPD work he had undertaken kept him up-to-date and he intended to remain so going forward.

The Registrant stated that he still didn't know why he had said what he did to Patient 2 as he was not usually glib with patients. He noted that the incident had occurred outside of the examination room and that Patient 2 had not expressed any dissatisfaction with her eye-examination. He reminded the Committee that he had apologised to Patient 2 during the substantive hearing.

The Registrant stated that he was willing to comply with any condition that the Committee might impose. Going forward he would rely on assistance from the AOP but accepted it was his personal obligation to comply with conditions. The Registrant was asked what strategies he had in place to avoid repetition of dishonest conduct if he found himself in a stressful situation. He stated that he would recognise it and walk away rather than engage in a dishonest act. The Registrant intended to continue, if permitted, in private practice and had kept in touch with the profession by reading and discussing matters with a handful of other practitioners. He was not able to confirm whether or not his previous supervisor would be willing to work with him again as he had not been 'brave' enough to raise the issue following his suspension.'

83. The Committee took account of positive factors identified in this decision, recognising that the Registrant had demonstrated partial insight and an intention to put right his clinical and other deficiencies. In 2024, the Registrant indicated that he wanted to improve his practice and change his approach where needed. The Registrant made considerable efforts to find an appropriate supervisor, but this had not proved possible, for financial and other reasons.
84. The Registrant had previously submitted certificates of continuing professional development (CPD). He had also provided a Personal Development Plan (PDP) and written reflections to a previous Review Committee.
85. However, since the last review a year ago, ending on 4 September 2024, the Registrant has provided no evidence of recent CPD, further insight or additional steps to remediate. Therefore, the Committee could not be satisfied that he had minimised any risk of repetition.
86. The Registrant could have requested an early Review to apply for conditions he found unworkable to be varied. But instead, the Registrant had effectively disengaged from these proceedings. The Committee was concerned that he had been unable to comply with conditions.
87. In its deliberations, the Committee took account of the fact that the matters found proved included clinical errors or omissions, inappropriate remarks at work and dishonesty, while he was working as a locum in 2019.
88. The Committee was aware that the Registrant had previously practised for four decades, without any other regulatory breaches, providing clinical services to his patients. His career was lengthy and his email to the Committee suggested that he had been a valued optometrist in his local community.
89. However, the Committee also took account of the lack of up-to-date evidence of insight and remediation. As he has not taken the requisite steps to minimise risk

of repetition, the Committee was concerned that clinical (or other) errors may be repeated if the Registrant were to return to practise as an Optometrist.

90. For these reasons, the Committee decided that the Registrant's fitness to practise is currently impaired.

Decision on Sanction

91. The Committee considered written and oral submissions from Mr Rokad on behalf of the Council. He said that the Registrant had not practised since September 2024, so cannot demonstrate compliance with any conditions. He has not provided any further evidence of insight or remediation. Mr Rokad reiterated that the Registrant has retired, as he no longer wishes to practise.

92. The Committee accepted advice from the Legal Adviser. Unless there are exceptional circumstances which would justify taking no action, the Committee should consider the available sanctions in ascending order of restrictiveness or severity, taking account of the *Hearings & Indicative Sanctions Guidance*.

93. If the Committee finds that a sanction is required, but considers that conditions are unworkable, it should consider suspension before erasure, taking account of written points from the Registrant, as well as submissions in support of erasure from the Council, as supplemented by Mr Rokad.

94. First, the Committee sought to identify any circumstances so exceptional that they would justify no further action. It took account of sanctions guidance indicating that no further action is a rare course of action if a registrant's fitness to practise is impaired. In such circumstances the Committee would usually take action to protect patients, maintain public confidence in the profession and uphold proper standards of conduct and behaviour.

'There may, however, be exceptional circumstances in which a Committee might be justified in taking no action. An impairment finding with no further action is a way to mark the seriousness of the misconduct in the public interest, where a restrictive sanction cannot be justified.'

95. The Committee identified the following relevant factors to consider:

- The Registrant has had a long career, providing a benefit to the public for four decades.
- There are no previous (or subsequent) regulatory breaches.
- The Registrant is [redacted].
- The Registrant said he had now retired from his Optometry Practice.

96. The Committee was also aware that the Registrant had provided the Council with an (unenforceable) undertaking not to return to practice. He has not paid to be registered since March 2025. The Registrant had informed the Council that he was trying to sell his Practice.

97. Even taking account of the above points in the context of all other information, the Committee concluded that it was unable to identify circumstances so exceptional that they would justify taking no further action to protect the public

and wider public interest. This is because the Registrant would not be precluded from returning to practice if the Committee took no further action.

98. In view of the history and the Registrant's apparent inability to comply with conditions and stated intention to retire, the Committee was unable to identify appropriate, proportionate and workable conditions of practice to protect patients and maintain public confidence in optometrists.
99. The Committee then considered whether to impose a (further) suspension order. It took account of the sanctions guidance indicating that suspension may be appropriate when some, or all, of the following factors are apparent:
 - *A serious instance of misconduct where a lesser sanction is not sufficient.*
 - *No evidence of harmful deep-seated personality or attitudinal problems.*
 - *No evidence of repetition of behaviour since incident.*
 - *The Committee is satisfied the registrant has insight and does not pose a significant risk of repeating behaviour.*
100. The Committee viewed his misconduct in 2019 as serious, but did not consider that the Registrant had deep-seated personality or attitudinal problems. There was no evidence of repetition since 2019.
101. However, the Committee was not satisfied that the Registrant had shown sufficient insight into catalysts for his misconduct or its consequences, nor had he demonstrated sufficient remediation – or recent professional development – to minimise the risk of repetition of his behaviour.
102. The Committee was also aware that the Registrant no longer wishes to be involved in further regulatory proceedings, as he would like to retire and come off the Register of Optometrists. It is unfortunate that there is no mechanism for the Registrant to provide an enforceable Undertaking not to return to practice.
103. As it was reluctant to order that the Registrant's name be erased from the Register if there were any other way for him to retire, irrevocably, from practice, the Committee asked Mr Rokad to confirm the position on this, which he did.
104. He pointed out that the Council's Advocacy Manager had informed the Registrant on 28 July 2025 that the Council understood that the Registrant was currently subject to fitness to practise proceedings, that he was no longer working as an Optometrist so was unable to comply with any conditions imposed on his registration, that he would like to be removed from the Register at the end of the 2024/2025 registration period and that he had recently retired as an Optometrist.
105. The Advocacy Manager informed the Registrant that '*... at present, we do not offer voluntary removal at the GOC. The reason for this is that there is no legal mechanism to support this request. If a person wishes to remove themselves from the GOC register and they have an ongoing fitness to practise matter, the GOC will keep the registrant on the register until the conclusion of that matter. Under such circumstances, if the Registrant does not want to engage with the GOC further, they can submit this to the panel to review at their forthcoming review hearing and the panel will consider this in line with guidance and legal advice provided by the legal assessor. I appreciate our options are somewhat limited in terms of what support we can offer you in this regard, but as it stands our rules do not support voluntary removal.*'

106. The Committee took account of the *Sanctions Guidance* on erasure. It noted that erasure is likely to be appropriate when the Registrant's behaviour is fundamentally incompatible with being a registered professional and involves:

- *Serious departure from the relevant professional standards*
- *Creating or contributing to a risk of harm to individuals*
- *Dishonesty (especially if persistent or covered up).*

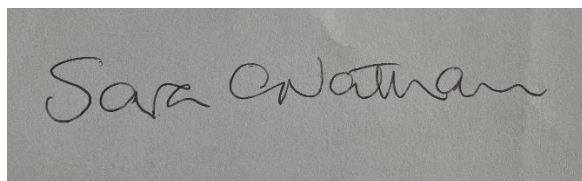
107. Although his dishonesty was an isolated incident and not persistent, dishonesty is always a concern.

108. The Committee was reluctant to prolong the Registrant's involvement with these proceedings against his express wish to '*disengage*'. However, the only way to allow (or ensure) that his name is removed from the Register, is to make an order for erasure. To order another suspension would not achieve that aim. Repeatedly asking the Registrant to engage with Review hearings against his wishes may cause him distress and would certainly be an ineffective use of resources.

109. In all the circumstances, the Committee (reluctantly) concluded that erasure is the most appropriate sanction and is not disproportionate.

110. The Committee decided to make an order of Erasure.

Chair of the Committee: Sara Nathan



Signature

Date: 9 September 2025

Registrant: Michael Moon

Signature No present

Date: 9 September 2025



FURTHER INFORMATION	
Transcript	
A full transcript of the hearing will be made available for purchase in due course.	
Appeal	
Any appeal against an order of the Committee must be lodged with the relevant court within 28 days of the service of this notification. If no appeal is lodged, the order will take effect at the end of that period. The relevant court is shown at section 23G(4)(a)-(c) of the Opticians Act 1989 (as amended).	
Professional Standards Authority	
<p>This decision will be reported to the Professional Standards Authority (PSA) under the provisions of section 29 of the NHS Reform and Healthcare Professions Act 2002. PSA may refer this case to the High Court of Justice in England and Wales, the Court of Session in Scotland or the High Court of Justice in Northern Ireland as appropriate if they decide that a decision has been insufficient to protect the public and/or should not have been made, and if they consider that referral is desirable for the protection of the public.</p> <p>Where a registrant can appeal against a decision, the Authority has 40 days beginning with the day which is the last day in which you can appeal. Where a registrant cannot appeal against the outcome of a hearing, the Authority's appeal period is 56 days beginning with the day in which notification of the decision was served on you. PSA will notify you promptly of a decision to refer. A letter will be sent by recorded delivery to your registered address (unless PSA has been notified by the GOC of a change of address).</p> <p>Further information about the PSA can be obtained from its website at www.professionalstandards.org.uk or by telephone on 020 7389 8030.</p>	
Effect of orders for suspension or erasure	
To practise or carry on business as an optometrist or dispensing optician, to take or use a description which implies registration or entitlement to undertake any activity which the law restricts to a registered person, may amount to a criminal offence once an entry in the register has been suspended or erased.	
Contact	
If you require any further information, please contact the Council's Hearings Manager at 10 Old Bailey, London, EC4M 7NG or, by telephone, on 020 7580 3898.	