



**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
23 August and 4 September 2024**

Committee Members:	Anne Johnstone (Chair) Ben Summerskill (Lay) David Abbott (Lay) Caroline Clark (Optometrist) Maninder Gudray (Optometrist)
Legal adviser:	Ini Udom (23 August 2024) Lara Akande (4 September 2024)
GOC Presenting Officer:	Mr Leonard Wigg (23 August 2024) Mr Richard Ive (4 September 2024)
Registrant:	Present and represented
Registrant representative:	Mr Alex Mills Scott Shadbolt (AOP)
Hearings Officer:	Terence Yates
Outcome:	<i>Conditional Registration Order for 12 months</i>

DETERMINATION

Allegations found proved at the substantive hearing were 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.*

Preliminary matters

1. At the outset of the hearing Mr Mills on behalf of the Registrant explained that there was an objection to the inclusion of documents relating to non-compliance with conditions before the second (early) review hearing and the Registrant's self-referral to the GOC in September 2019 on the basis that the material was not relevant and that its inclusion was unfair as it risked disproportionate weight being given to previous non-compliance, particularly when material which is positive for the Registrant, such as his supervisor reports before the first review hearing, had not been included in the bundle. Mr Mills stated that so long as it is agreed or accepted that the Committee need to be assiduous not to give these documents disproportionate weight, then the defence are content for the hearing to proceed with the documents in the bundle. Mr Wigg, on behalf of the GOC undertook to place no reliance on the material and agreed with the approach advocated by Mr Mills.
2. The Committee sought advice from its Legal Adviser who confirmed the test for admissibility was indeed fairness and relevancy. The Legal Adviser reminded the Committee that it should not seek to re-litigate the substantive decision but was rather engaged in a forward-looking exercise, which would be informed, of course, by past events. The Committee was advised to deal with the material with care and to ensure that it is not given undue weight.
3. The Committee determined that it would proceed as suggested by Mr Mills. It also enquired as to whether the supervisor reports were available and both parties undertook to make enquiries. The Committee was later provided with a spreadsheet that appeared to be a record card audit covering the period of July to November 2023.

Background

4. 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.

5. 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.
6. 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.
7. 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.
8. 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.
9. 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.
10. 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.

Substantive – September 2022

11. 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 conditions of practice 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 Sub Review – 31 August 2023

12. The Conditions of Practice 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.
13. 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.
14. 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.
15. 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.
16. 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.
17. 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.

18. 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 conditions of practice order, with minor amendments to the conditions, particularly in relation to the PDP, would continue to meet the risks which had been identified.
19. 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 Sub Review – 1 March 2024

20. 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.
21. 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.
22. 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.
23. 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.

24. 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.
25. 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 Conditions of Practise 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 charges found proved and the steps needed to address these concerns.
26. 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.
27. 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.
28. 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.

29. 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 conditions of practice 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.
30. 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 Conditions of practice. 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.
31. 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.
32. 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 Sub Review – 28 August & 4 September 2024

Findings regarding impairment (28 August 2024)

33. 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.

34. 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.

35. 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.

36. 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.

37. 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.

38. 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.
39. 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.
40. 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.
41. 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.
42. 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*.
43. The Legal Adviser noted that the misconduct in question involved dishonesty, which can be difficult to remediate, but by no means impossible.

44. 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.
45. 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.
46. 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.
47. 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.
48. 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.
49. 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.
50. 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)

51. 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.
52. 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.
53. 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.
54. 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.
55. 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.
56. The Committee was reminded that the purpose of any sanction is not to punish, but to protect patients and the wider public interest.

57. 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.
58. The Committee was of the view that it would not be appropriate or proportionate to revoke the order.
59. A financial penalty was not considered appropriate in the circumstances of this case.
60. 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.
61. 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.
62. 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.
63. 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.
64. 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.



65. 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.

Chair of the Committee: Anne Johnstone

Signature

Date: 4 September 2024

Registrant: Michael Moon

Signature present and received via email

Date: September 2024

CONDITIONS

<p>A1.1 Informing others</p>	<p>You must inform the following parties that your registration is subject to conditions. You should do this within two weeks of the date this order takes effect.</p> <ul style="list-style-type: none"> a. Any organisation or person employing or contracting with you to provide paid or unpaid optical services, whether or not in the UK (to include any locum agency). b. Any prospective employer or contractor where you have applied to provide optical services, whether or not in the UK. c. The Chair of the Local Optometric Committee for the area where you provide optometric services. d. The NHS body in whose ophthalmic performer or contractor list you are included or are seeking inclusion.
<p>A1.2 Employment and work</p>	<p>You must inform the GOC within two weeks if:</p> <ul style="list-style-type: none"> a. You accept any paid or unpaid employment or contract, whether or not in the UK, to provide optical services.



	<p>b. You apply for any paid or unpaid employment or contract to provide optical services outside the UK.</p> <p>c. You cease working.</p> <p>This information must include the contact details of your prospective employer/ contractor and (if the role includes providing NHS ophthalmic services) the relevant NHS body.</p>
<p>A1.3 Supervision of Conditions</p>	<p>You must:</p> <ul style="list-style-type: none"> a. Identify a supervisor who is a registered optometrist who is not related to you who would be prepared to monitor your compliance with the conditions A1.3 (e), (f) and (g) set out below. b. Ask the GOC to approve your supervisor within 2 weeks of the date this order takes effect. If you are not employed, you must ask us to approve your workplace supervisor before you start work. c. Identify another supervisor if the GOC does not agree to your being monitored by the proposed supervisor. d. Place yourself under the supervision of the approved supervisor and remain under their supervision for the duration of these conditions. e. Arrange for your supervisor to review 10 randomly selected patient records each month upon the GOC's approval of your nominated supervisor. f. At least once every 3 months meet your supervisor to review compliance with your conditions and your progress with any personal development plan, focusing on the following areas; <ul style="list-style-type: none"> i) demonstrate how you have ensured that your clinical records accord with the standards expected of a GOC registered Optometrist. ii) demonstrate how you have adapted your practice to ensure that your clinical assessments of patients accord with the standards expected of a GOC registered Optometrist. iii) demonstrate how you have developed your approach and skills to interact with patients and colleagues in a professional environment. g. Within 14 days of the meetings referred to at f. above and at least 1 month before each review hearing or upon request by the GOC, submit a written report from your



	<p>supervisor to the GOC, detailing how you have complied with the conditions which the supervisor is monitoring.</p> <ul style="list-style-type: none"> h. Develop a structured system to enable patients to give you feedback on their experience of being treated by you and to take action to address any issues which may arise. i. Maintain an ongoing personal development plan, including proposals for training, which should be specifically designed to address deficiencies in those areas of your practice identified by the committee, in particular, your record keeping, your assessment of patients and your interaction with patients. j. Arrange to submit your updated personal development plan to the GOC for the review hearing details and examples of how you have complied with conditions in f. above. k. Inform the GOC of any proposed change to your supervisor and again place yourself under the supervision of someone who has been agreed by the GOC.
A1.4	<p>You must:</p> <ul style="list-style-type: none"> a. In consultation with a member of your Local Optometric Committee, identify an independent assessor willing to review a random selection of your patient records. b. Arrange for the assessor to review 10 randomly selected patient records each month upon the appointment of the assessor. c. At least 1 month before the next review hearing, provide the GOC with a written report from the independent assessor, setting out their views on the quality of the records he reviewed.
A1.5 Other Proceedings	<p>You must inform the GOC within two weeks if you become aware of any criminal investigation or disciplinary investigation against you.</p>
A1.6 Registration Requirements	<p>You must continue to comply with all legal and professional requirements of registration with the GOC.</p> <p>A review hearing will be arranged at the earliest opportunity if you fail to:</p> <ul style="list-style-type: none"> a. Fulfil all CPD requirements; or b. Renew your registration annually.



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.