

ADVICE & GUIDELINES ON PROFESSIONAL CONDUCT
FOR DISPENSING OPTICIANS

APPENDIX E - GUIDANCE OF LEGISLATIVE ISSUES

[2] MENTAL CAPACITY ACT 2005

Providing spectacles and contact lenses to the adult patient with learning disabilities

AE2.1 No-one can give or withhold consent to the provision of optical appliances on behalf of an adult patient without an appropriate court order. The practitioner must first assess the patient's capacity to make an informed decision about the appliance. The practitioner must then assess whether the patient is able to make a decision about whether to have the appliance. If the patient lacks the capacity to decide, provided the patient complies with the process the practitioner may provide the appliance which s/he judges to be in the patient's best interests. To have protection from liability regarding the provision, the practitioner must have a reasonable belief that the patient lacks capacity to make relevant decisions. It would be appropriate for the practitioner to make a note in the patient record of the reason.

AE2.2 Where the practitioner considers a patient to be capable of giving consent to the provision of an optical appliance, s/he should carefully explain the implications. If the patient then withholds consent, s/he must not be provided with the spectacles or contact lenses.

AE2.3 If spectacles are to be provided particular care should be paid to the dispensing. The patient may not be able to indicate when a spectacle frame is uncomfortable and irritating. Careful fitting and advice on care of spectacles is essential if they are to be of benefit to the patient.

AE2.4 Patients should be treated with dignity and respect at all times.