**Consultation document:**

**Statement on verification of contact lens specifications and definition of aftercare**

1. **Overview**

Section 27 of the Opticians Act 1989 (‘the Act’) sets out the requirements for the sale and supply of prescription contact lenses. In order to be supplied with prescription contact lenses, a person must have an in-date contact lens specification which has been issued following a contact lens fitting. Where the sale is being made under the general direction (rather than supervision) of a registrant, and a copy[[1]](#footnote-1) of the contact lens specification is provided, section 27(3)(ii) of the Act requires the copy of the specification to be verified with the person who provided the original specification.

Section 27(3B) of the Act requires that the seller must make arrangements for the buyer “to receive aftercare in so far as, and for as long as, may be reasonable in his particular case” but does not provide a definition of aftercare.

Following a call for evidence on the Act in 2022, our view is that:

* verification of a copy of a contact lens specification is no longer necessary, provided that the specification is clear, does not contain any obvious errors and has not obviously been tampered with; and
* a definition of aftercare should be provided that gives sufficient detail to ensure the public is protected.

We have drafted a statement setting out our position. The draft statement, together with a draft impact assessment, is available on our consultation hub in the ‘related’ section at the end of the page.

1. **Why we are consulting**

We are interested in stakeholders’ views on this statement to ensure that there are no unintended consequences of this statement and/or risks that cannot be mitigated against.

This consultation will last for a period of eight weeks.

Please refer to our privacy statement for more information about privacy, right to erasure and our role as a data controller: [Privacy - General Optical Council - Citizen Space](https://consultation.optical.org/privacy_policy/)

If you are unable to use the online survey to submit your response, please email it to: [consultations@optical.org](mailto:consultations@optical.org)

1. **Background and proposed way forward**

**Verification of contact lens specifications**

Since the Act was written, the internet has come into common use and it is now commonplace for documents to be provided as electronic copies, for example, a scan or a photograph of an original document. We think the requirement for verification of a copy of a contact lens specification is outdated and an unnecessary burden on the original provider of the specification, potentially creating delays and costs to patients.

We consulted on the need to verify a copy of a contact lens specification as part of our call for evidence on the Act in 2022. We issued a response to the call for evidence indicating our view that verification of a copy of a contact lens specification is no longer necessary, provided that the specification is clear, does not contain any obvious errors and has not obviously been tampered with. We said that we intend to seek legislative change to allow us to set out more detailed requirements in rules/guidance. We also said that we would consider issuing a position statement to set out our position that we will not enforce the requirement to verify a copy of a specification.

The analysis of the consultation responses relevant to verification of contact lens specifications is available in section 6.2 of the [GOC response to the call for evidence](https://consultation.optical.org/policy-and-communications/call-for-evidence/results/gocresponsetocallforevidenceonopticiansactfinalapril2023.pdf). The main points in support of not needing to verify a copy of a specification were:

* it shouldn’t be necessary to verify a copy of a signed and in-date contact lens specification (unless clarification is required) – virtual/scanned copies should be accepted;
* it can be difficult to verify a contact lens specification with the exact person who signed it; and
* verification creates inefficiencies that are then passed on as costs to patients.

We heard stakeholders’ views that it was still necessary to verify the particulars of a specification where a person has not provided the original or a copy of the contact lens specification (section 27(3)(iii) of the Act), because of the risks that these patients might not have had a (recent) contact lens fitting. We are therefore not proposing to make any changes in this area.

We also considered extending this statement to prescriptions for spectacles. However, we decided not to as there is no specific requirement in the Act to verify spectacles prescriptions. We will consider the matter again when we discuss the Sale of Optical Appliances Order 1984 with the Department of Health and Social Care as part of the legislative reform programme.

**Definition of aftercare**

The Act does not contain a definition of aftercare required under section 27(3B).

We consulted on the need to define aftercare as part of our call for evidence on the Act in 2022. We issued a response to the call for evidence which said that we would consider whether it would be helpful to provide a definition of aftercare in a GOC position statement so that it is clear what sellers of contact lenses are obliged to do in order to meet their legal obligations.

The analysis of the consultation responses relevant to aftercare is available in section 6.2 of the [GOC response to the call for evidence](https://consultation.optical.org/policy-and-communications/call-for-evidence/results/gocresponsetocallforevidenceonopticiansactfinalapril2023.pdf). The main relevant points in support of providing a definition of aftercare were that it should:

* be in line with recommendations from the professional bodies;
* include information around the cleaning regime, handling and compliance with wearing time; and
* include giving advice on how to identify signs of infection/harm and what to do in this event.

Our draft statement provides a suggested definition of aftercare under section 27(3B) of the Act. In drawing up this definition, we reviewed guidance by the professional bodies and have used those elements that we consider are proportionate and would deliver appropriate public protection. We have not included the guidance to have a local contact/helpline for advice or to monitor whether aftercare arrangements are effective and work for the patient, as we considered those requirements are not strictly necessary – the patient is sufficiently protected if they have information on how to wear and care for the lenses, know what signs and symptoms to look out for and know who to contact if they have any problems. In addition, patients may change their contact lens supplier on a regular basis, so it would be inconvenient for them to be contacted by multiple providers as part of a contact lens supplier’s monitoring arrangements. It is still open to registrants to follow the advice of the professional bodies if they wish to do so.

Aftercare in this context should not be confused with assessing the fit of contact lenses, sometimes referred to as a contact lens fitting, check or check-up by optical businesses. Fitting of contact lenses is covered by section 25 of the Act and the duty at section 25(5)(b) to “provide the individual with instructions and information on the care, wearing, treatment, cleaning and maintenance” of the lenses.

**2006 statement on sale and supply of optical appliances**

If our draft statement on verification and aftercare comes into effect, it will contradict part of the contents of our [2006 statement on the sale and supply of optical appliances](https://optical.org/en/publications/position-statements-and-useful-information/sale-and-supply-of-optical-appliances/) in relation to verification. We are considering removing the 2006 statement as its original purpose has been replaced by a definition of supervision within our [Standards of Practice for Optometrists and Dispensing Opticians](https://optical.org/en/standards-and-guidance/standards-of-practice-for-optometrists-and-dispensing-opticians/). The 2006 statement also references the professional bodies being asked to review and update their guidance as necessary, which has long since taken place.

**Views**

We are interested in stakeholders’ views on our draft statement, particularly to identify where there might be any unintended consequences or risks that cannot be mitigated against.

**Consultation**

**Introduction**

If you select that you are responding on behalf of an organisation, please ensure that you have consent from the organisation to do so.

1. **What is your name?**
2. **What is your email address?**
3. **Are you responding on behalf of an organisation?**

* Yes
* No

If yes, specify name of organisation:

1. **Which category best describes you or the organisation you are responding on behalf of?**

* Member of the public
* Optical patient
* Optometrist
* Dispensing optician
* Therapeutic prescribing optometrist
* Contact lens optician
* Student optometrist
* Student dispensing optician
* Business registrant / employer
* CPD provider
* Education provider
* Patient representative charity/organisation
* Optical professional/representative body
* Government department
* Commissioning body
* Other

If other, please specify:

**Statement**

1. **To what extent do you agree with the content of the draft verification and aftercare statement?**

* Strongly agree
* Agree
* Neither agree nor disagree
* Disagree
* Strongly disagree

If you answered ‘disagree’ or ‘strongly disagree’, please explain your reasons.

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| --- |
| ***Draft verification statement:***  ***ABDO would agree that an in-date contact lens specification signed by an appropriate registrant (including their GOC number and UK practice address) should not require further verification.***  ***Verification should also always be sought if there is any confusion regarding the specification details, concerns with the validity of the specification (or copy specification), or any ambiguity around who has issued the document.***  ***If a patient does not have a specification that meets this requirement, or there are any concerns with the specification (or copy) then the supplier must seek to verify with the issuer as per section 27(3)(iii) of the 1989 Opticians Act.***  ***In the event of the supplier being unable to verify the contact lens specifications then it should not be able to supply contact lenses to the patient.***  ***Verification of contact lens specifications should apply to both prescription and non-prescription (plano) contact lenses.***  ***Aftercare statement:***  ***ABDO does not agree with the aftercare statement.***  ***Both professional bodies (ABDO & College of Optometrists) supply detailed advice and guidance on aftercare which allows registrants to utilize their clinical skills and judgement for the benefit of patients attending for aftercare appointments. Part of this is tailoring the aftercare for the specific patients’ needs based on their contact lens history, contact lens type, modality, risk factors etc. A “blanket definition” would not be helpful and may indeed create addition risk factors for patients as aftercare could be reduced to a standardized “tick box exercise” and not take into account the patients’ specific circumstances.***  ***ABDO’s Advice and Guidance Section C5.2.5.2 and C5.2.5.3 covers our expectations for members and in particular highlights that it should be “Individual aftercare arrangements” that are in place.***  ***ABDO is also of the strong opinion that all suppliers of contact lenses (whether prescription or plano) should ensure defined aftercare arrangements are in place and should not be expecting practitioners or the hospital eyecare service to provide non-routine aftercare.*** |

1. **Is there anything unclear or missing in the draft verification and aftercare statement?**

* Yes
* No
* Not sure

If you answered ‘yes’, please give details.

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| **Yes:**  ***Draft verification statement:***  ***should be inclusive of both prescription and plano contact lenses.***  ***Aftercare statement:***  ***The suggested “aftercare” statement is simply inadequate and the suggestion that “Aftercare in this context should not be confused with assessing the fit of contact lenses, sometimes referred to as a contact lens fitting, check or check-up by optical businesses****”* ***is misleading.***  ***An aftercare appointment is recognised as a bespoke appointment led by a clinician. As per our previous comments, this appointment is tailored to the specific needs of the patient including medical history, previous wear, modality, visual performance of the contact lenses, patient’s modality, compliance (including wear time and cleaning), an “on the eye” assessment of fit and contact lens condition, eye health in specific relation to contact lens wear (i.e. signs of over wear, dryness, incompatibility with solutions etc), discussion of the “do’s and don’ts” and advice on signs and symptoms.***  ***We suggest that the GOC should consider a definition more aligned with the following:***  **“An appointment with an appropriately qualified clinician at intervals determined purely by clinical advice, during which a clinical examination tailored to the individual patient's needs is carried out and appropriate patient safety advice is provided”.**  ***The present suggested “definition of aftercare” is disappointingly little more than the equivalent of the patient safety leaflet supplied in a packet of over the counter medication- and is as highly likely to be ignored.***  ***Far better this be renamed “General patient safety advice to be issued by suppliers during an aftercare appointment” and allow further discussion on a suitable definition of “aftercare/check-ups” which recognize the importance of them being clinician led and incorporates our suggestion above.*** |

1. **Are there any unintended consequences of the draft verification and aftercare statement or risks that cannot be mitigated against that the GOC should consider?**

* Yes
* No
* Not sure

If you answered ‘yes’, please give details.

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| ***Yes:***  ***Draft verification statement:***  ***If the requirement is withdrawn without robust drafting of the replacement statement, then we may see suppliers continue and possibly increase substitution.***  ***Aftercare statement:***  ***Please see our response to Q6. ABDO feel the proposed “aftercare statement” is inadequate to protect patients and may lead to aftercare/check-ups etc becoming simply tick box exercises to the detriment of the patient’s eye health.***  ***It will be confusing to patients who may well feel they have received adequate “aftercare” from the contact lens supplier when in fact they have received instead some “high level advice and guidance”.***  ***It would be far better for the GOC to re-visit this statement in light of concerns from across the professional bodies, sector organisations, supplier and manufacturer representatives to ensure that patients are protected.***  ***It would seem that in this statement the GOC are seeking to redefine aftercare as a simple “do’s and don’ts” for contact lens wearers rather than recognize it is a bespoke clinical appointment vital to the success of a patients long term contact lens wear.*** |

1. **Are there any aspects of the draft verification and aftercare statement that could discriminate against stakeholders with specific characteristics? (Please consider age, sex, race, religion or belief, disability, sexual orientation, gender reassignment, gender identity, gender expression, pregnancy or maternity, caring responsibilities or any other characteristics.)**

* Yes
* No
* Not sure

If you answered ‘yes’, please give details.

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| ***Not sure***  ***We are not confident that any member of the public, be it those with special characteristics or not, will be protected adequately by suggested “aftercare statement”.*** |

1. **Are there any aspects of the draft verification and aftercare statement that could have a positive impact on stakeholders with specific characteristics? (Please consider age, sex, race, religion or belief, disability, sexual orientation, gender reassignment, gender identity, gender expression, pregnancy or maternity, caring responsibilities or any other characteristics.)**

* Yes
* No
* Not sure

If you answered ‘yes’, please give details.

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| ***No***. |

1. **Are there any other impacts (including financial) of the draft verification and aftercare statement that you would like to tell us about?**

* Yes
* No
* Not sure

If you answered ‘yes’, please give details.

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| ***No*** |

1. **Are there any unintended consequences of removing our 2006 statement on the sale and supply of optical appliances?**

* Yes
* No
* Not sure

If you answered ‘yes’, please give details.

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| ***Yes:***  ***Please see our concerns regarding the “aftercare statement” above.***  ***If this suggested style of definition is introduced, then patients will be ill served by a move from clinician led care to a “tick box” exercise.***  ***We are concerned that the basic premise that contact lenses are medical devices seems to have been again overlooked in this consultation and in particular the situation in regard to the provision of and aftercare for, plano lenses.*** |

**Consent to publish your response**

If you select ‘Yes’, this option will allow us to use quotations from your response alongside you or your organisation’s name.

If you select ‘Yes, but please keep my name and my organisation’s name private’, this option will allow us to use quotations from your response but we will not use your or your organisation’s name.

If you selected ‘No’, this option will allow us to take your response into account as part of our analysis but we will not be able to use quotations from your response.

1. **Can we publish your response?**

* Yes
* Yes, but please keep my name and my organisation’s name private
* No

**Equality, diversity and inclusion**

We welcome consultation responses from everyone, regardless of their background. We don’t want anybody to miss out or be disadvantaged because of the way we work and we try hard to make sure this doesn’t happen. The following questions help us to understand who we are reaching with our surveys, so that we can make sure that everybody has the opportunity to get involved.

You do not have to answer these questions (just click ‘continue’ at the bottom of this page if you don’t want to) but we would be grateful if you did. Your answers to these questions will be treated as confidential and held securely in line with data protection requirements. They will not be considered or published alongside your name or anything else that might identify you.

For more information about how we use information like this across the General Optical Council, please visit the [equality, diversity and inclusion](https://optical.org/en/about-us/how-we-work/equality-diversity-and-inclusion/) section of our website.

If you are responding on behalf of an organisation, please do not respond to these questions.

1. **Age**

* Under 25
* 25 - 34
* 35 - 34
* 45 -54
* 55 - 65
* 65+

1. **Gender identity**

* Male
* Female
* Intersex
* Non-Binary
* Prefer not to say

1. **Is the gender you identify with the same as your sex registered at birth?**

* Yes
* No
* Prefer not to say

1. **Sexual orientation**

* Heterosexual/Straight
* Gay/Lesbian
* Bisexual
* Prefer not to say

1. **Marital status**

* Civil partnership
* Divorced or civil partnership dissolved
* Married
* Separated
* Single
* Widowed
* Prefer not to say

1. **Ethnicity**

* White: Irish
* White: English, Welsh, Scottish, Northern Irish, British
* White: Gypsy or Irish Traveller
* Other White background
* Black or Black British - Caribbean
* Black or Black British - African
* Other Black background
* Asian or Asian British - Indian
* Asian or Asian British - Pakistani
* Asian or Asian British - Bangladeshi
* Asian or Asian British - Chinese
* Other Asian background
* Mixed - White and Black Caribbean
* Mixed - White and Black African
* Mixed - White and Asian
* Other mixed background
* Other- Arab
* Other ethnic group
* Prefer not to say

1. **Religion or belief**

* No religion or belief
* Buddhist
* Christian (including Church of England, Catholic, Protestant and all other Christian denominations)
* Hindu
* Jewish
* Muslim
* Sikh
* Prefer not to say

1. **Do you consider yourself to have a disability?**

* Yes
* No
* Prefer not to say

1. **Are you pregnant, on maternity leave, or returning from maternity leave?**

* Yes
* No
* Prefer not to say

1. **Do you perform the role of a carer?**

* Yes
* No
* Prefer not to say

NB We would be grateful if you could input your responses into our [consultation hub](https://consultation.optical.org/policy-and-communications/verification-and-aftercare-statement). If this is not possible, please email your response to [consultations@optical.org](mailto:consultations@optical.org)

1. A copy can be a physical copy or an electronic copy. [↑](#footnote-ref-1)