

OPTOMETRISTS BOARD HONG KONG

Disciplinary Procedures in Handling Complaints against Registered Optometrists

(This leaflet is for information only)

Introduction

The Optometrists Board is empowered by law to deal with complaints against registered optometrists touching on matters of unprofessional conduct. Complaints against registered optometrists are handled by the Optometrists Board in accordance with the Supplementary Medical Professions Ordinance (Cap. 359) and the Optometrists (Registration and Disciplinary Procedure) Regulation (Cap. 359F). The steps involved are outlined in the ensuing paragraphs.

2. The Optometrists Board has no jurisdiction whatsoever over claims for refund or compensation, which should be pursued through separate civil proceedings.

Receipt of complaint

3. On receipt of a written complaint, the Secretary will refer it to the Chairman of the Preliminary Investigation Committee (PIC) of the Board for consideration. The PIC Chairman is a member of the Board nominated by the Board and appointed by the Chairman of the Board. If the PIC Chairman is or will be unable temporarily to exercise his functions, another Board Member may be appointed as the acting PIC Chairman.

Consideration by the PIC Chairman

4. Having regard to the information available, the Chairman may require the complainant to support his complaint with a statutory declaration. Then, he will fix a date for a PIC meeting to consider whether a complaint should be referred to the Board for inquiry.

Meeting of the PIC

5. The PIC comprises, apart from the Chairman, two other registered optometrists one each from the Hong Kong Optometric Association and the Hong Kong Society of Professional Optometrists. Before the matter is discussed at a PIC meeting, the registered optometrist being complained will be informed of the substance of the complaint and be invited to give an explanation in reply.

6. At the meeting, the PIC will consider the letter of complaint, the explanation submitted by the registered optometrist and any other relevant information which is available, and decide whether to:

- (a) dismiss the complaint, or
- (b) refer the complaint in whole or in part to the Optometrists Board for inquiry.

If the complaint is dismissed by the PIC, the complainant will be informed of the brief reasons for the dismissal.

Inquiry of the Optometrists Board

7. The inquiry is conducted in accordance with a set of statutory disciplinary procedures. At the hearing, either the Secretary or the complainant may present the case against the registered optometrist. When the case against the optometrist is closed, the optometrist will be given opportunity to defend his case and to adduce evidence in support. The complainant may also be called upon to testify in person.

8. At the conclusion to the hearing, the Board may :

- (a) dismiss the complaint if the registered optometrist is not guilty of the offence charged; or
- (b) make an order against the registered optometrist if he is found guilty of the offence charged.

9. Upon the Board making a finding of guilt, by law, the registered optometrist may be punished by way of a disciplinary order. It includes the removal of the registered optometrist's name from the register of optometrists, a reprimand or a warning letter. If the registered optometrist is aggrieved by the decision of the Board, he may appeal to the Court of Appeal.

Notification of results

10. Depending on the complexity of each case, it takes generally a few months before a case can be concluded. In any event, a complainant will be informed in writing of the progress of the disciplinary proceedings as far as possible.

Secretariat of the Optometrists Board