

Fitness to Practise Panel Determination

The following case was heard by a Fitness to Practise Panel. It is presented here to give an example of one possible outcome of breaching a principle in *Good Medical Practice*. It is not intended to give a clear threshold between acceptable and unacceptable behaviour. Each case which comes before a Fitness to Practise Panel is judged on its own merits and assessed on the particular circumstances of the case.

Summary

A man died from an overdose of ecstasy after spending some time with the doctor and other friends at the doctor's flat. Before the man's death, the doctor had written a private prescription for diazepam for his flatmate while under the influence of alcohol.

Relevant paragraphs of *Good Medical Practice*

This case relates to the *Probity* section of GMP, specifically paragraphs 56 and 57 on being honest and trustworthy, and paragraph 67 on giving evidence. It also relates to the *Good clinical care* section, specifically paragraphs 2a and 3b on providing good clinical care, and paragraph 52 of the *Working with colleagues* section on sharing information.

Determination on impaired fitness to practise

"The Panel has considered, on the basis of the facts admitted and found proved, whether your fitness to practise is impaired pursuant to Section 35C (2) (a) of the Medical Act 1983, as amended, by reason of your misconduct.

The Panel has given detailed consideration to the facts found proved and the submissions in relation to impairment made by Mr Y on behalf of the General Medical Council as well as your own submissions. It has also noted and accepted the advice of the Legal Assessor as to the relevant factors to consider at this stage. The Panel has also had regard to those sections of the GMC's *Indicative Sanctions Guidance* relating to the issue of impairment as well as the duties of a doctor as set out in *Good Medical Practice* (May 2001).

Between [date removed] and [date removed] you practised within NHS Greater Glasgow as a Staff Grade in Addiction Psychiatry. On [date removed] you attended the 30 th birthday party of DS and spoke to Dr M, a friend of DS's. The Panel has

heard from Dr M that during this conversation you suggested “getting the party started” or words to that effect, and you produced from your person a polythene bag which you stated contained six grammes of cocaine. You then indicated that you were prepared to supply the cocaine to another.

On the evening of [date removed] you visited the XXXX Lounge Bar in XXXX with BH your flat mate; and met with other persons including DS. In the early hours of the next morning you went to DS's house in the company of others. Thereafter, with others, including DS, you spent time at your home at XXXX Wharf, XXXX.

The party continued at your home throughout the day and alcohol was available and was drunk by various people present at your home, including yourself. On that day, you wrote a private prescription for 28 diazepam tablets for BH, whilst under the influence of alcohol. You knew that BH had a general practitioner, but failed to make any attempt to contact him. You knew or ought to have known that BH was under the influence of alcohol at the time you wrote the prescription.

You knew or ought to have known that BH was therefore unfit to collect the prescription or administer or manage the medication. You drove GS to a pharmacy to collect the prescription for BH and he subsequently left the bottle of diazepam on the living room table of your flat. The Panel has already recorded that your actions were irresponsible and an abuse of your position as a doctor.

At approximately 4 a.m. on [date removed] it was discovered that DS was dead. The emergency services were called, but before the police arrived, you tidied your flat in order to convey a false impression of the circumstances in the flat that had existed at the time of the discovery of DS's death.

Subsequently, DS was found to have taken a combination of drugs including ecstasy, cocaine, heroin and diazepam; heroin and ecstasy were taken within 24 hours of his death. His death resulted specifically from an overdose of ecstasy.

The Panel accepted the evidence of the expert witness, that a lethal cocktail of drugs was taken by DS within 11 hours before he died. During that time, DS was at a party that you were hosting at your premises. The Panel also noted that you have given no explanation of how at least 18 of the 19 diazepam tablets, which you had prescribed during the course of the party, went missing. DS was shown to have taken only a therapeutic dose (i.e. one tablet) before his death.

You stated in a witness statement to the police dated [date removed] that you had placed the diazepam in an unlocked medical cabinet, then stated when interviewed by the police on [date removed] that you had placed the diazepam in a locked cabinet and kept the key. The Panel has found that you were dishonest at both police interviews and that you had never placed those tablets in a cabinet at all; further it is certain that the diazepam was never intended for BH's use exclusively, contrary to what you had maintained to the police in your interview with them on [date removed], and to the Panel during this hearing. At that interview, three months

after the death of DS, you told the police that you had made notes of a consultation with BH on [Date removed], namely a couple of days before the party at your house, and as a result of that consultation, wrote a prescription two days later, for diazepam. The Panel was entirely convinced that these notes had been fabricated by you, after DS's death and before the police interview in [date removed], in order to justify the prescribing of diazepam and its presence in your home.

Your actions, not only in your irresponsible prescribing, but also in your attempts to cover up the circumstances of DS's death, and in lying to the police and to the Panel during this hearing, were and are abuses of your position as a doctor. Doctors hold a position of trust in society and you have abused that trust by being repeatedly dishonest about events prior to and subsequent to the death of DS.

In all the circumstances, the Panel has found that your fitness to practise is impaired by reason of your misconduct.”