

Fitness to Practise 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

The doctor stole and falsified prescriptions in order to obtain prescription drugs for his own use. He was convicted and given community sentences.

Relevant paragraphs of *Good Medical Practice*

The case relates to the *Probity* section of GMP, specifically paragraphs 56 and 57 on being honest and trustworthy and paragraph 63 on signing documents. It also relates to the *Health* section, specifically paragraph 77.

Determination on impaired fitness to practise

“Dr X

On [date removed], you were convicted of one offence of theft and five offences of using a false instrument with intent at XXXX Crown Court; contrary to Section 1(1) of the Theft Act 1968 and Section 3 of the Forgery and Counterfeiting Act 1981. You were given community sentences for 12 months in respect of two of the offences of using a false instrument with intent, to run concurrently, and were ordered to pay costs of £612.

Mr B, on your behalf, has admitted the allegations and the Panel has found these proved.

In considering whether your fitness to practise is impaired, the Panel has had regard to all the information presented to it, and the submissions made by Ms B, Counsel, on behalf of the General Medical Council (GMC) along with those made by Mr B, Counsel, on your behalf.

The Panel has considered the evidence from XXXX Constabulary, which made the Council aware of the acts which led to your conviction. On [date removed], a handwritten prescription form for Zopiclone 75mg tablets was tendered at a pharmacy, in

London, which was considered suspicious due to the quantity and its origin and subsequently it was not fulfilled.

This prescription was sent to XXXX Constabulary who investigated, carried out searches and arrested you on [date removed]. In their searches blank FP10 prescriptions and packets of Zopiclone bearing labels not in your name were found.

When the police interviewed you on [date removed], you denied stealing prescriptions and falsifying them for your own use in the first three interviews. Only during your fourth interview, did you admit to any wrongdoing.

As a result of your actions you were summarily dismissed from your employment on the grounds of gross misconduct, which included not following the policies and procedures of the company.

The Panel has taken into account the contents of the GMC publication "Good Medical Practice" (edition of May 2001) and the Council's "Indicative Sanctions Guidance". "Good Medical Practice" requires doctors to be honest and trustworthy at all times.

The "Indicative Sanctions Guidance"(S1-9 paragraph 44) states that:

"dishonesty, even where it does not result in direct harm to patients but is, for example, related to the doctors private life is particularly serious because it undermines the trust the public place in the profession."

Doctors occupy a privileged position in society. Members of the public expect doctors to be honest and trustworthy at all times, not just in the realm of their professional activities. The Panel considers that your behaviour in stealing and falsifying prescriptions, represents acts of deliberate dishonesty, and an abuse of your position as a doctor. Furthermore, in attempting to maintain the deception and not admitting it at the earliest opportunity, but continuing to lie to police officers during interviews you compounded your offence. You also involved other people in your actions. In acting in this way, you fell well below the standards expected by members of the public of a registered medical practitioner.

In all the circumstances, the Panel has determined that your fitness to practise is impaired by reason of conviction.