

## **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 this principle. 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 self-prescribed a Class C drug with the intention of supplying it to another person in order to assist them in their suicide. By the time the doctor reached the patient they intended to help commit suicide the patient was too ill to take the drugs.

Prior to this occasion the doctor had been self-prescribing themselves the same Class C drug in order to 'stockpile' it for their personal use.

### **Relevant paragraphs of *Good Medical Practice***

This case relates to the 'Health' section of *Good Medical Practice*, specifically paragraph 77.

This case also relates to the 'Being honest and trustworthy' section of *Good Medical Practice*, specifically paragraph 57.

### **Allegation<sup>1</sup>**

A. "That you were on [date removed], at XXX Police Station, cautioned for an offence, which you admitted, that on [date removed] at XXX, had in your possession 30 20mg tablets of Temazepam, a controlled drug of class C, with intent to supply it to Mr K." **Admitted and found proved**

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<sup>1</sup> The allegation has been included in this case since the determination on impairment of fitness to practise alone does not provide enough information to explain the circumstances of the case.

B. "And that, being registered under the Medical Act 1983,

'1. On the dates specified in the allegations set out below, you were a UK registered medical practitioner; **Admitted and found proved**

'2. You were interviewed under caution by the XXX Police on [date removed]; **Admitted and found proved**

'3. At the interview under caution you admitted that,

a. On [date removed]and at XXX, you submitted a prescription for and obtained, in your own name and using your GMC registration number, 30 x 20mg tablets of Temazepam, **Admitted and found proved**

b. You travelled to XXX on/about [date removed]to visit

Mr K, **Admitted and found proved**

c. On your visit to XXX you had in your possession, a quantity of approximately 60 Temazepam tablets, which included the 30 x 20mg tablets obtained by you on [date removed]at XXX, **Admitted and found proved**

d. You intended to supply Mr K with the quantity of Temazepam to assist him to commit suicide, **Admitted and found proved**

e. i. you also obtained travel-sickness tablets to provide to

Mr K to take with the Temazepam, **Admitted and found proved**

ii. the travel sickness tablets would have assisted Mr K to hold down the Temazepam, which may otherwise have been difficult for him; **Admitted and found proved**

'4. You did not eventually supply to Mr K, the Temazepam that you had intended to supply to him, as he had become too ill to take it himself; **Admitted and found proved**

'5. On [date removed], you accepted a caution from XXX Police, for the offence of having in your possession with the intent to supply to Mr K, a Class C controlled drug, namely Temazepam; **Admitted and found proved**

'6. Your actions as set out at paragraphs 3.a., c., d. and e. above were,

a. Unprofessional, **Found proved**

b. Inappropriate, **Found proved**

c. Irresponsible, **Found proved**

d. Likely to bring the profession into disrepute; **Found proved**

[In reaching its findings in relation to allegations 6a, b, c and d, the Panel took into account the undisputed evidence that you obtained in your own name Temazepam, a Class C controlled drug, immediately before travelling to XXX intending to supply it to Mr K. This was an act of deception. Moreover, on [date removed] you admitted an offence contrary to the Misuse of Drugs Act 1971 and, as a consequence, you were cautioned at XXX Police Station.

It is for these reasons that the Panel has found your actions in relation to allegations 3a, c, d and e to be unprofessional, inappropriate, irresponsible and likely to bring the profession into disrepute].

'7. You self-prescribed, during [date removed], approximately 140 20mg tablets of Temazepam, using your GMC registration; **Admitted and found proved**

'8. At the interview under caution on [date removed], you further admitted that,

a. You had self-prescribed and obtained, using your GMC registration, 20 Temazepam tablets on [date removed], being the day after your arrest, **Admitted and found proved**

b. You had been self-prescribing Temazepam over a period of time, for the purposes of stockpiling it; **Found proved**

'9. On [date removed], you self-prescribed and obtained, using your GMC registration, 30 x 20mg tablets of Temazepam, from XXX; **Admitted and found proved**

'10. On [date removed], you self-prescribed and obtained, using your GMC registration, 30 x 20mg tablets of Temazepam, from XXX; **Admitted and found proved**

'11. Your actions as set out at paragraphs 7. to 10. above were,

a. Inappropriate, **Found proved**

b. Irresponsible, **Found proved**

c. Unprofessional;' **Found proved**

[In reaching its findings in relation to allegations 11a, b and c, the Panel has taken account of your evidence that you self-prescribed Temazepam over a period of time with the intention of stockpiling the drug for your own use. The Panel finds that the quantities self-prescribed were excessive. Moreover, it is concerned that you kept these large quantities of Temazepam without secure storage arrangements. Temazepam is a drug of addiction with a street value in the illicit drugs trade. It is for these reasons that the Panel has found your actions to be inappropriate, irresponsible and unprofessional.]

### **Determination on impaired fitness to practise**

The Panel has considered the submissions made by Miss D, your own comments to the Panel and the advice of the Legal Assessor. The Panel has determined that your fitness to practise is impaired by reason of your misconduct and the Police caution.

The Panel found that the Police caution and your misconduct were sufficient for it to determine that your fitness to practise is impaired. Indeed, the Panel regard either of these matters individually as serious enough to amount to impairment.

The Panel has referred to the May 2001 edition of 'Good Medical Practice'; in particular it has noted the requirements that a medical practitioner must be honest and trustworthy and avoid abusing his position as a doctor. Furthermore, paragraph 11 of the same edition states: "Some parts of medical practice are governed by law or are regulated by other statutory bodies. You must observe and keep up to date with the laws and statutory codes of practice which affect your work". The Panel is of the view that you have been in breach of these requirements by committing the serious criminal offence of possessing Temazepam, a class C controlled drug with intent to supply. This resulted in the Police caution.

Furthermore, you admitted that you dishonestly self-prescribed this drug ostensibly for your own use when in fact it was intended for another. This, together with your repeated self-prescribing of supplies of Temazepam for the purposes of stockpiling for your own use against the advice of your general practitioner, amounts to an abuse of the trust placed in you as a doctor. In all the circumstances, you have abused your position as a doctor.