

# *Medical Practitioners Disciplinary Tribunal*

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**DECISION NO.:** 119/00/57D

**IN THE MATTER** of the Medical  
Practitioners Act 1995

- AND -

**IN THE MATTER** of a charge laid by the  
Director of Proceedings  
pursuant to Section 102 of  
the Act against J medical  
practitioner of xx

## **BEFORE THE MEDICAL PRACTITIONERS DISCIPLINARY TRIBUNAL**

**TRIBUNAL:** Mrs W N Brandon (Chair)  
Ms S Cole, Dr R S J Gellatly, Dr L Henneveld, Dr M G Laney  
(Members)  
Ms G J Fraser (Secretary)  
Ms H Gibbons (Stenographer)

Hearing held at Auckland on Thursday 11 May 2000

**APPEARANCES:** Mr R Harrison QC, for the Director of Proceedings, Ms T W Davis  
assisting  
Mr A H Waalkens, for Dr J.

## 1. THE CHARGE:

### 1.1 AT the hearing in Auckland on 11 May 2000 Dr J faced a charge that:

On or between 20 April 1997 and 9 July 1999 he was guilty of disgraceful conduct in a professional respect in that:

- (1) In the course of treating a patient, the late A at xx in xx on 20 April 1997 he failed:
  - (a) to take any or proper steps to investigate, diagnose or treat the cause and symptoms of illness presented by Mr A;
  - (b) to take any steps to investigate, diagnose or treat the cause or causes of an abnormally low reading of Mr A's blood pressure together with an elevated temperature and general weakness;
  - (c) to explain adequately or at all to Mr A or his wife or daughter the true nature of his condition or to advise on a course of remedial treatment.
  
- (2) Subsequently for the purposes of misleading the Health and Disability Commissioner when undertaking an investigation into his conduct under Part IV Health and Disability Commissioner Act 1994 he:
  - (a) prepared and presented to the Commissioner a false handwritten note purporting to record the text of a consultation with a medical registrar at either xx or xx Hospitals either during or immediately following his consultation with Mr A;
  - (b) advised the Commissioner falsely that he had obtained a second and favourable reading of Mr A's blood pressure before completion of his consultation with him;

(c) advised the Commissioner falsely that at the time of Mr A's departure from xx his consultation with him had not concluded.

**1.2 THE** hearing concluded at 7.30 pm and the Tribunal commenced deliberations immediately thereafter. The deliberations were able to be concluded later that evening.

**1.3 HOWEVER** due to the various other commitments of Tribunal members, it may not be possible to issue a full and reasoned Decision within one month of the hearing date, and it is now almost three years since the events which are the subject of the charge occurred. Accordingly, in fairness to Mrs A, Ms A and Dr J, the Tribunal wishes to advise that it has determined the charge of disgraceful conduct is not upheld and accordingly is dismissed.

**1.4 FULL** reasons for this determination will be given in a written Decision which will issue at a later date. The Tribunal's interim orders suppressing the publication of Dr J's name remain in place until further order of the Tribunal.

**DATED** at Auckland this 12<sup>th</sup> day of May 2000

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W N Brandon

Chair

Medical Practitioners Disciplinary Tribunal