

Medical Practitioners Disciplinary Tribunal

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DECISION NO.: 22/97/15C

IN THE MATTER of Section 104 of the Medical
Practitioners Act 1995

AND

IN THE MATTER of disciplinary proceedings against **R**
medical practitioner of xx

BEFORE THE MEDICAL PRACTITIONERS DISCIPLINARY TRIBUNAL

HEARING by telephone conference on Thursday 4 December 1997

PRESENT: Mr P J Cartwright - Chairperson

Dr R A Cartwright, Dr J W Gleisner, Dr B J Trenwith,

Ms S Cole (Members)

DECISION ON APPLICATION FOR INTERIM SUSPENSION OF REGISTRATION:

- 1.1** A Complaints Assessment Committee ("CAC") has charged Dr R with disgraceful conduct in a professional respect. The charge follows conviction of Dr R in the High Court of xx on 7 April 1997 on one charge of sexual violation and two charges of indecent assault. Dr R was sentenced to varying terms of imprisonment, the sentences to be concurrent. The charge of disgraceful conduct in a professional respect is to be heard before the Medical Practitioners Disciplinary Tribunal on 18 February 1998.
- 1.2** **THE** CAC has recommended to the Tribunal that pending determination of the charge, the registration of Dr R be suspended pursuant to Section 104 of the Medical Practitioners Act 1995.
- 1.3** **RELEVANTLY** summarised Section 104 of the Act provides that at any time after notice of disciplinary proceedings have been given to a medical practitioner, the Tribunal may, if it is satisfied that it is necessary or desirable to do so having regard to the need to protect the health or safety of members of the public, make an order that, until the disciplinary proceedings in respect of which that Notice was issued have been determined, the registration of that medical practitioner be suspended.
- 1.4** **SUB-SECTION 3** of Section 104 provides that the Tribunal shall not be obliged to give any notice to a medical practitioner that it intends to make an interim suspension of registration order. Nonetheless notice to this effect was given to Dr R via his legal counsel on 21 November 1997.

Dr R's response to counsel was:

"I am quite happy to make an undertaking not to get back to practice between my release from prison and the tribunal sitting on 18th of February 1998. I had expected not to be able to work for quite a few months. I expect that I will be struck off the register."

2.0 ORDER:

UNTIL the charge of disgraceful conduct in a professional respect against Dr R has been determined, that his registration as a medical practitioner be suspended pursuant to Section 104 of the Act.

3.0 STATEMENT OF REASONS FOR ORDER:

THE convictions entered against Dr R represent serious charges involving more than one patient over more than one period of time. The doctor/patient relationship is one of trust. Therefore having regard to the need to protect the health and safety of members of the public, it would be prudent to suspend Dr R's registration until the disciplinary proceedings against him have been determined.

DATED this 11th day of December 1997

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P J Cartwright
CHAIRPERSON