

Medical Practitioners Disciplinary Tribunal

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DECISION NO: 83/99/42D

IN THE MATTER of the Medical Practitioners
Act 1995

-AND-

IN THE MATTER of a charge laid by Director of
Proceedings pursuant to
Section 102 of the Act
against **COLIN
FREDERICK
WAKEFIELD** medical
practitioner of Havelock
North

BEFORE THE MEDICAL PRACTITIONERS DISCIPLINARY TRIBUNAL

TRIBUNAL: Mr P J Cartwright (Chair)
Mr P Budden, Dr R S J Gellatly, Dr J M McKenzie,
Dr D C Williams (Members)
Ms G J Fraser (Secretary)
Mrs G Rogers (Stenographer)

Hearing held at Napier on Wednesday 30 June 1999 and hearing by teleconference on Friday 16 July 1999

APPEARANCES: Ms T W Davis, Director of Proceedings
Mr C J Hodson QC for Dr C F Wakefield.

1. INTERIM DECISION:

1.1 AT the hearing in Napier on 30 June 1999 Dr Wakefield faced a charge that on or about 4 March 1997 while treating a patient, he acted in such a way that amounted to professional misconduct, in that he provided services of an inadequate professional standard. Particularised the charge states that Dr Wakefield:

1. Failed to properly inform his said patient that he intended to undertake a full medical examination including a breast screening examination.
2. Failed to obtain his said patient's informed consent for a full medical examination including a breast screening examination.
3. Lifted his said patient's underpants and looked at and/or touched her groin and/or her pubic area.
4. Undertook a clinically inadequate breast screening examination of his said patient.
5. Failed to record in his said patient's clinical records that a breast screening examination was undertaken and the findings of the examination.

1.2 DURING the course of the hearing the Director of Proceedings withdrew the third particular of the charge.

1.3 THE hearing concluded part-heard because the members did not have time to complete their deliberations before dispersing for the purpose of return travel. Those deliberations were concluded at the teleconference on 16 July 1999.

1.4 THIS Interim Decision issues now to ensure a minimum of continuing uncertainty between date of hearing and date of issue of a reasoned Decision.

1.5 IT is the majority determination of the Tribunal that the charge against Dr Wakefield be dismissed in its entirety. Full reasons for that determination will be given in a written Decision which will issue at a later date.

DATED at Auckland this 22nd day of July 1999

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P J Cartwright

Chair

Medical Practitioners Disciplinary Tribunal