



MEDICAL PRACTITIONERS DISCIPLINARY TRIBUNAL

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DECISION NO: 256/03/111C

IN THE MATTER of the Medical Practitioners Act
1995

-AND-

IN THE MATTER of a charge laid by the Complaints
Assessment Committee pursuant
to Section 93(1)(b) of the Act
against **CHRISTOPHER**
SIMPSON former medical
practitioner of Auckland

BEFORE THE MEDICAL PRACTITIONERS DISCIPLINARY TRIBUNAL

TRIBUNAL: Ms P Kapua (Chair)
Ms S Cole, Dr J C Cullen, Professor W Gillett, Dr A D Stewart
(Members)
Ms K L Davies (Hearing Officer)
Mrs G Rogers (Stenographer)

Hearing held at Auckland on Wednesday 17 September 2003

APPEARANCES: Ms K P McDonald QC for the Complaints Assessment Committee
("the CAC")
Mr H Waalkens for Mr C Simpson.

Introduction

1. Mr Simpson was formerly a medical practitioner registered under the Medical Practitioners Act 1995. Mr Simpson had requested that his name be removed from the Register as from 8 February 2001. Through his Counsel, Mr Simpson advised the Tribunal that he had no plans to reapply to have his name put back on the Register.

The Charge

2. On 8 June 2003 a Complaints Assessment Committee referred a disciplinary charge to the Tribunal in relation to convictions entered against Mr Simpson in the High Court in Auckland that the Complaints Assessment Committee considered reflected adversely on the practitioner's fitness to practice medicine.
3. The particulars of the charge allege:

"1. The Complaints Assessment Committee pursuant to Section 93(1) of the Medical Practitioners Act 1995 charges that Dr Roy Christopher Simpson, being at all material times a registered medical practitioner of Auckland, on or about 12 October 2001 was convicted by the High Court and District Court in Auckland of the following offence as set out in the attached Certificate of Conviction signed by Deputy Registrar L M Coffey of the High Court at Auckland, being an offence punishable by imprisonment for a term three months or longer:

Manslaughter, Section 171 Crimes Act 1961

2. *And on or about 22 June 2001, was convicted by the District Court in Auckland of the following offences as set out in the attached Certificates of Conviction, being offences punishable by imprisonment for a term of three months or longer:*
 - 2.1 *Sold by retail a prescription medicine otherwise than under a prescription given by a practitioner or designated prescriber, Section 18(2) Medicines Act 1981x6.*
 - 2.2 *Advertised the availability of new medicines, before the consent or provisional consent of the Minister of Health to the distribution of those medicines had been notified in the Gazette, Sections 20(2) and 20(4) Medicines Act 1981x1.*
 - 2.3 *Published or caused to be published a medical advertisement which made a statement claiming approval of the advertising by the Ministry of Health in contravention of Regulation 7, Medicines Regulations 1984, Section 57(1)(e) Medicines Act 1981x1.*
 - 2.4 *Sold by retail a prescription medicine without being a pharmacist or other authorised person, Section 18(1) Medicines Act 1981x6.*
 - 2.5 *Published or caused to be published a medical advertisement that was likely to mislead any person with regard to the use and/or effect of that medicine and which failed to give sufficient information on precautions, contra-indications and the side effects required by Regulation 8, Medicines Regulations 1984, Sections 57(1)(d) and (f) Medicines Act 1981x1.*
 - 2.6 *Published or caused to be published a medical advertisement that failed to make statements required by Regulation 8, Medicines Regulations 1984 to be made in an advertisement relating to medicines of that description kind or class, Section 57(1)(d) Medicines Act 1981x3.*

and the circumstances reflect adversely on the practitioner's fitness to practise medicine."

4. Mr Simpson, through his Counsel, advised that his name was wrongly recorded in the charge and that his name was in fact Christopher Simpson.

Factual Background

5. On 14 September 2001, following trial by jury in the High Court at Auckland Mr Simpson was convicted of manslaughter and on 12 October 2001 he was sentenced to a term of three years imprisonment.
6. On 17 October 2001 Mr Simpson, having plead guilty, was convicted in the District Court in Auckland of a number of offences under the Medicines Act 1981 as set out in the charge and on the same day was sentenced to a term of two months imprisonment for the offences under Section 18 and to a term of one month imprisonment for the offences under Section 57. These sentences were to be concurrent with each other and concurrent with the three years imprisonment for manslaughter.
7. The Tribunal does not propose to go into details in respect of the charges except to state that Mr Simpson was convicted of the manslaughter of his mother Marjory Simpson, who had been diagnosed with bowel cancer in 1995 following a deterioration of her condition. She was nearing the end of her life in October 2000. The Court found that during the evening of 3 October 2000 Mr Simpson had visited his mother, and injected her with a cocktail of drugs in significant quantities in order that she might die. He opened windows to expose her to air, he proceeded to attempt to suffocate her by placing a pillow over her face and then, using the bag containing his mothers morphine pump, he twisted the cord of the bag around her neck, pulled it tight and strangled her. Strangulation was the cause of Mrs Simpson's death.
8. Mr Simpson then pulled his mother part way off the bed with her feet on the bed, called the police and stated to them that he believed his mother had fallen out of bed and strangled herself on the cord of the morphine pump bag. Mr Simpson was charged with murder, he pleaded not guilty and in his defence stated that he was suffering from bipolar disorder and that he was legally insane at the time that he killed

his mother. That defence was rejected by the jury and he was convicted of manslaughter rather than murder on the grounds of provocation.

9. In respect of the Medicines Act convictions, Mr Waalkens submitted that at the time that the charges were to be heard Mr Simpson had been convicted of manslaughter and he chose to plead guilty to the Medicines Act charges. However in pleading guilty he was convicted and sentenced in respect to those charges which largely involved internet sales of a range of prescription medicines for the treatment of impotence, erectile dysfunction and obesity.

The Decision

10. The charge against Mr Simpson has been brought under Section 109(1)(e) of the Medical Practitioners Act 1995 which sets out the grounds on which a medical practitioner may be disciplined. It states:

“(1) Subject to subsections (3) and (4) of this section if the Tribunal after conducting a hearing on a charge laid under section 102 of this Act against a medical practitioner, is satisfied that the practitioner -...

(e) has been convicted by any Court in New Zealand or elsewhere of any offence punishable by imprisonment for of three months or longer and the circumstances of that offence reflect adversely on the practitioner’s fitness to practise medicine:...

the Tribunal may make 1 or more of the orders authorised by section 110 of this Act.”

11. The Tribunal considers that the matters giving rise to Mr Simpson’s convictions are extremely serious and reflect adversely on his fitness to practise medicine. The administration of drugs to his mother and the attempts to kill her conflict with his obligation as a medical practitioner. Further, his lack of reference to patient concerns in respect of the Medicines Act convictions is a matter of practice that is not acceptable within the medical profession.

12. The fact that Mr Simpson has removed his name from the Register does not meet the principal purpose of the Act which is to protect the health and safety of the public. To that end, the Tribunal orders:
 - 12.1 That Mr Christopher Simpson's name be formally removed from the Register as from 12 October 2001; and
 - 12.2 That he be censured.

13. The Tribunal has backdated the formal removal from the Register to the date of Mr Simpson's conviction in the High Court of manslaughter. It should be noted that the backdating is reflective only of the specific circumstances relating to Mr Simpson, specifically the time of his conviction and the time that has elapsed between that conviction and the hearing of this disciplinary charge.

14. The Tribunal has heard from both Counsel in respect of the issue of costs. Mr Simpson is on a sickness benefit, has no assets of any kind and is also unable to practise as a doctor. Mr Simpson has cooperated in relation to the process and accordingly, because these are specific charges that relate to convictions in other courts, there is no order as to costs.

DATED at Auckland this 31st day of December 2003

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P Kapua
Deputy Chair
Medical Practitioners Disciplinary Tribunal