



MEDICAL PRACTITIONERS DISCIPLINARY TRIBUNAL

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DECISION NO: 192/00/69C

IN THE MATTER of the Medical Practitioners Act 1995

-AND-

IN THE MATTER of a charge laid by a Complaints
Assessment Committee pursuant to
Section 93(1)(b) of the Act against
GRAHAM KEITH PARRY
medical practitioner of Whangarei

BEFORE THE MEDICAL PRACTITIONERS DISCIPLINARY TRIBUNAL

TRIBUNAL: Ms P Kapua (Chair)
Dr F E Bennett, Mrs J Courtney, Dr R S J Gellaltry, Dr A D Stewart
(Members)
Ms K G Davenport (Legal Assessor)
Ms G J Fraser (Secretary)
Mrs G Rogers (Stenographer)

Hearing held at Whangarei on Tuesday 16 and Wednesday 17 October
2001

APPEARANCES: Ms K P McDonald QC for a Complaints Assessment Committee ("the
CAC")

Mr A H Waalkens for Dr G K Parry.

Supplementary Decision

1. In its decision 179/00/69C dated 16th November 2001 this Tribunal found Dr Parry guilty of conduct unbecoming a medical practitioner in his care and treatment of Mrs Marinkovich and that conduct reflects adversely on his fitness to practise medicine. In keeping with its usual practice, this decision should be read in conjunction with that decision ("the substantive decision").
2. The finding of conduct unbecoming was based on a determination that Dr Parry's lack of action regarding post operative management fell short of his professional obligations and acceptable standards.
3. It is acknowledged that the finding was at the lesser level of conduct unbecoming. It is also acknowledged that the internal management of Whangarei hospital in 1996 contributed to the situation that resulted in the complaint against Dr Parry. The internal changes at Whangarei Hospital that have subsequently been made have hopefully gone some considerable way to addressing those issues. In spite of that, the Tribunal found Dr Parry's failure to ensure that the doctors and/or nurses in the Whangarei Hospital Obstetric team on duty after Mrs Marinkovich underwent a caesarean section, appropriately monitored and reported to him the progress of the disease process that had necessitated an emergency caesarean section, was

an omission that fell short of acceptable standards and in the Tribunal's view constituted conduct unbecoming a medical practitioner and that conduct reflects adversely on the practitioner's fitness to practise.

4. The Tribunal has received submissions on penalty from Counsel for the Complaints Assessment Committee and Counsel for Dr Parry. Submissions on behalf of the Complaints Assessment Committee sought censure, costs order and conditions aimed at ensuring that Dr Parry practises in a safe manner. Counsel for Dr Parry submits that the circumstances of the case, in particular the systemic errors, are such that no penalty should be imposed. He also argues that a fine or order of costs is not appropriate based on Dr Parry's financial situation.

5. Having taken the submissions made to it into account, it is the Tribunal's view that given the systemic issues that contributed to the situation and the present conditions that Dr Parry is required to comply with in terms of any future practice, there should be no additional penalty specifically imposed in respect of this finding. However, given the structure of the hearing requested by the defence and in particular Dr Parry's desire to have each charge heard separately, the Tribunal considers it appropriate to require Dr Parry to pay 25% of the costs and expenses of the prosecution and hearing by the Tribunal of this charge. The Secretary of the Tribunal will forward a schedule detailing the amount Dr Parry is required to pay in accordance with this decision.

DATED at Auckland this 11th day of March 2002

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P Kapua

Deputy Chair

Medical Practitioners Disciplinary Tribunal