

Medical Practitioners Disciplinary Tribunal

*PO Box 5249 Wellington Telephone (04) 499-2044 Facsimile (04) 499-2045
All Correspondence should be addressed to The Secretary*

PLEASE NOTE: **DECISION NO:** 84/99/44D
NAME OF PATIENT AND **IN THE MATTER** of the Medical Practitioners
RESPONDENT DOCTOR Act 1995
OR ANY PARTICULARS
OF THEIR AFFAIRS NOT -AND-
FOR PUBLICATION

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

BEFORE THE MEDICAL PRACTITIONERS DISCIPLINARY TRIBUNAL

TRIBUNAL: Mr P J Cartwright (Chair)
Dr A M C McCoy, Mr G Searancke, Dr A F N Sutherland,
Dr L F Wilson (Members)
Mr B A Corkill (Legal Assessor)
Ms G J Fraser (Secretary)
Mrs G Rogers (Stenographer)

Hearing held at Auckland on Monday 14 June 1999 and hearing by
teleconference on Monday 26 July 1999.

APPEARANCES: Ms T W Davis, Director of Proceedings

Mr C W James for Dr A.

1. INTERIM DECISION:

1.1 AT the hearing in Auckland on 14 June 1999 Dr xx faced a charge that on or about 23 August 1997 while treating a patient, he acted in such a way that amounted to disgraceful conduct in a professional respect, in that he provided services of an inadequate and inappropriate professional standard. Particularised the charge states that Dr xx:

(1) Failed to inform his patient that he intended to examine her breasts;

and/or

(2) Failed to obtain his patient's informed consent for a breast examination;

and/or

(3) Touched his patient's breasts in an inappropriate manner;

and/or

(4) Undertook a clinically inadequate breast examination of his patient.

1.2 THE hearing in Auckland concluded part-heard. Subsequently written submissions have been received from counsel together with directions in writing from the Legal Assessor, Mr Corkill.

The Tribunal completed its deliberations at the teleconference on 26 July 1999.

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

1.4 IT is the unanimous determination of the Tribunal that the charge against Dr xx be upheld at the level of conduct unbecoming which reflects adversely on fitness to practise medicine.

1.5 IN Decision No. 77/99/44D the Tribunal made an Interim Order that publication of Dr xx's name be prohibited pending the determination and findings of the Tribunal, or further order, or orders, of the Tribunal.

1.6 IT is now further ordered that interim suppression of Dr xx's name shall extend until the Tribunal has issued its written Decision on penalties. In this regard written submissions are requested of counsel. Ms Davis is required to file her submissions not later than ten working days from receipt of the reasoned Decision referred to in paragraph 1.3 above. Mr James is then required to file his submissions in reply within a further ten working days.

DATED at Auckland this 29th day of July 1999

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P J Cartwright

Chair

Medical Practitioners Disciplinary Tribunal