



General
Osteopathic
Council

Fitness to Practise Report

2008/09

The General Osteopathic Council

Tel: 020 7357 6655

Fax: 020 7357 0011

Email: regulation@osteopathy.org.uk

Web: www.osteopathy.org.uk

Introduction

This report of the General Osteopathic Council's (GOsC) Professional Conduct Committee covers the period 1 April 2008 to 31 March 2009 and is produced in accordance with the Osteopaths Act 1993, sections 22(13) and (14).

Further details of particular decisions made by the Professional Conduct Committee are available from the GOsC's Regulation Department. Statistics relating to the Fitness to Practise process are available in the GOsC's annual reports.

Report

Substantive Hearings

Name of registrant and date of PCC decision	Source of Complaint	Summary of Allegations Found Proved	Outcome
Andrew Knight (701) April 2008	Patient	Failed to make adequate notes/records of: > the nature, site, mode of onset, duration, progress, daily pattern and aggravating/relieving factors of the patient's presenting complaints/symptoms; > any variation in the medical health status of the patient; > the results of active and passive examination of the patient's spine; > the results of any neurological tests; > the reasoning in support of the diagnosis; > the diagnosis; > the treatment administered to the patient.	Finding of Unacceptable Professional Conduct leading to an Admonishment.
John Perrott (5377) August 2008	Patient	Failed to ensure that the patient was able to undress and dress in private. Failed to offer the patient, or ensure that the patient was provided with, an appropriate cover during consultations. Performed an internal vaginal examination and/or treatment: > without having obtained written consent	Finding of Unacceptable Professional Conduct leading to Removal

Name of registrant and date of PCC decision	Source of Complaint	Summary of Allegations Found Proved	Outcome
John Perrott cont.		<ul style="list-style-type: none"> > at the same appointment at which it was first proposed > without having allowed the patient to properly consider whether she wanted to have a chaperone present. <p>Made inappropriate comments to the patient, including that a man would enjoy the tightness if he was inside the patient but that most men would not notice the tightness, or words to that or similar effect.</p>	
John Varley (1349) November 2008	Patient	<p>Dishonestly described himself (whether expressly or by implication) as an osteopath when at such time he was suspended from the Register of osteopaths.</p> <p>Conducted osteopathic examination and treatment when at such time he was suspended from the Register of osteopaths.</p> <p>Conducted osteopathic examination and treatment without having in place adequate professional indemnity insurance.</p>	Finding of Unacceptable Professional Conduct leading to Removal
James Trevor Jefferies (3509) October 2008	Patient	<p>Did not provide the patient with an appropriate cover on two occasions.</p> <p>Did not offer the patient a chaperone in advance of massaging her groin/bikini line.</p> <p>Lifted the patient's knickers without valid consent.</p> <p>Massaged the patient's groin/bikini line without valid consent.</p> <p>Did not allow the patient to dress in private.</p>	Finding of Unacceptable Professional Conduct leading to an Admonishment.

Name of registrant and date of PCC decision	Source of Complaint	Summary of Allegations Found Proved	Outcome
Alan Apling (2095) October 2008	Patient	<p>Did not allow the patient to undress and dress in private.</p> <p>Did not provide the patient with an appropriate cover.</p> <p>Allowed the patient to remove her bra prior to examination and treatment and did not ensure that the patient undressed to the minimum level required for effective examination and treatment.</p> <p>Examined and treated the patient with her breasts exposed.</p> <p>Lowered the waist band of the patient's leggings without valid consent.</p>	Finding of Unacceptable Professional Conduct leading to a Conditions of Practice Order
Philip Hunt (617) January 2009	Police	Convicted of Common Assault contrary to Section 39 of the Criminal Justice Act 1988, which was material to his fitness to practise osteopathy.	Finding that he had been convicted of a criminal offence, which was material to his fitness to practise osteopathy, leading to an Admonishment
Mitchell Flores (5405) February 2009	Patient	<p>At a consultation with Patient A:</p> <ul style="list-style-type: none"> > Failed to provide Patient A with an appropriate cover, through sexual motivation. > Required Patient A to remove her bra, through sexual motivation. > Removed Patient A's knickers through sexual motivation. > Touched Patient A on or around the area between her vagina and her anus through sexual motivation. > Touched patient A's breastbone and right breast through sexual motivation. <p>At a consultation with Patient B:</p> <ul style="list-style-type: none"> > Required Patient B to remove her bra, through sexual motivation. > Failed to offer an appropriate cover to Patient B when she removed her bra, through sexual motivation. 	Finding of Unacceptable Professional Conduct leading to a Removal

Name of registrant and date of PCC decision	Source of Complaint	Summary of Allegations Found Proved	Outcome
Mitchell Flores cont.		<ul style="list-style-type: none"> > Said to Patient B, after treating her in such a way that her breasts became exposed, 'it's just because I find you attractive', or words to that effect. <p>At a consultation with Patient C:</p> <ul style="list-style-type: none"> > Communicated inappropriately with Patient C through sexual motivation > Asked Patient C to remove her bra through sexual motivation. > Treated Patient C's face, through sexual motivation. 	

Review Hearings

When the Professional Conduct Committee decides to impose conditions on an osteopath's practice (a Conditions of Practice Order) or suspends an osteopath's registration (a Suspension Order) the PCC will review that Order at a hearing before it expires. The following cases were reviewed by the PCC during the period of this report.

Name, registration number and date of Review Hearing	Summary of Order requiring Review	Outcome of Review Hearing
Iain Chapman (3278) July 2008	<p>In June 2007 a finding of Professional Incompetence was made, which led to a 12 months Conditions of Practice Order requiring:</p> <p>An expert, nominated by the GOsC, to select at random and evaluate six anonymised new patient records. Such expert to prepare a report for the Committee on the respondent's compliance with the Standard of Proficiency in respect of:</p> <ul style="list-style-type: none"> > case history taking; > evidence of clinical reasoning; > justification of treatment undertaken. <p>Mr Chapman to undertake Continuing Professional Development (CPD) to enhance his competence on biomedical and psychosocial influences on health.</p>	<p>Finding that Mr Chapman had met all conditions imposed and the Conditions of Practice Order was revoked</p> <p>Finding that Mr Chapman had met all conditions imposed and the Conditions of Practice Order was revoked.</p>

Name, registration number and date of Review Hearing	Summary of Order requiring Review	Outcome of Review Hearing
Iain Chapman cont.	<p>Mr Chapman to submit a written portfolio of evidence containing at least two reflective case studies demonstrating his:</p> <ul style="list-style-type: none"> > biomedical competence > management of psychosocial issues relating to health <p>Such portfolio to have a specific reference to section J from the Standard of Proficiency.</p>	
<p>Christopher Evans (2677)</p> <p>October 2008</p>	<p>In January 2008 a finding of Unacceptable Professional Conduct was made, which led to a nine month Conditions of Practice Order requiring Mr Evans to:</p> <p>Develop and use an appropriate pro-forma to ensure adequate case history taking and record keeping, which should include the recording of all positive and negative findings on examination.</p> <p>Treat any patient who has not consulted him in the previous 12 months as a new patient, requiring a full review of the patient's medical history and a full exploration of the presenting condition. We believe an appropriate appointment duration to achieve this is not less than 40 minutes.</p> <p>Pass a test of competence.</p>	<p>Finding that Mr Evans had met all conditions imposed and the Conditions of Practice Order was revoked.</p>