



General
Osteopathic
Council

Fitness to Practise Report

2009/10

The General Osteopathic Council

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Introduction

This report of the General Osteopathic Council's (GOsC) Professional Conduct Committee covers the period 1 April 2009 to 31 March 2010 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
Nicholas Mitchell (2172) June 2009	Patient	Failed to communicate his findings and intended course of treatment to the patient. Failed to adequately record findings following examination and the intended course of treatment. Performed a high velocity thrust treatment on the patient without having obtained valid consent	Finding of Unacceptable Professional Conduct leading to a Conditions of Practice Order.
Darcy Jones (661) October 2009	Patient	Failed to allow the patient to remove her upper body clothes in private. Failed to take an adequate case history by failing to adequately investigate the patient's medical history and symptoms onset. Failed to adequately examine the patient. Diagnosed the patient without adequate: <ul style="list-style-type: none"> > clinical reasoning > consideration of possible diagnoses > diagnostic process. 	Finding of Unacceptable Professional Conduct leading to Suspension

Name of registrant and date of PCC decision	Source of Complaint	Summary of Allegations Found Proved	Outcome
Darcy Jones cont.		<p>Failed to adequately re-evaluate and re-examine the patient at subsequent appointments.</p> <p>Failed to make adequate notes of:</p> <ul style="list-style-type: none"> > patient's case history > examination > clinical reasoning > possible diagnosis > diagnostic processes > re-evaluation > re-examination <p>Treated the patient excessively by treating her on five occasions in ten days.</p> <p>Said to the patient that she had or may have suffered a stroke (or words to that effect) without having examined her.</p>	
Goran Stal (3579) November 2009	Patient	<p>Made a definitive diagnosis of Hepatitis C, which was not supported by valid tests.</p> <p>Communicated the diagnosis of Hepatitis C to the patient having failed to support it with valid tests.</p> <p>Failed to provide the patient with accurate information relating to Hepatitis C and its treatment.</p> <p>Failed in his duty of care to the patient in that he:</p> <ul style="list-style-type: none"> > did not refer the patient for testing to confirm or refute the diagnosis > advised the patient not to tell her GP about diagnosis > advised that her GP would have no blood test which would be able to confirm if she had Hepatitis C because it was '<i>so deep inside</i>' her or words to that effect. 	Finding of Unacceptable Professional Conduct leading to a Suspension
Trevor Reeves (1085) January 2010	Patient	<p>Treated the patient on two occasions having failed to record a diagnosis.</p> <p>On two occasions, failed to make an adequate record of clinical testing by not recording negative results or normal results.</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
Jane Griffith-Ward (496) February 2010	Patient	<p>Failed to elicit an adequate case history from the patient.</p> <p>Failed to make adequate records.</p> <p>Failed to adequately re-evaluate the patient's condition.</p> <p>Failed to justify the decision to continue the treatment delivered to the patient.</p> <p>Failed to respond appropriately to the complaint made by the patient.</p>	Finding of Unacceptable Professional Conduct leading to a Suspension.
Boyan Dobrev (7047) March 2010	Patient	<p>Took payment, to a sum of £250, from the patient, having not discussed such payment with the patient before starting treatment.</p> <p>Refused the patient's reasonable request for the return of half of the £250.</p>	Finding of Unacceptable Professional Conduct leading to an Admonishment.

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
<p>Alan Apling (2095)</p> <p>August 2009</p>	<p>Finding of Unacceptable Professional Conduct leading to a Conditions of Practice Order for 12 months:</p> <ul style="list-style-type: none"> > Dr Apling is required to leave the treatment room when his patients undress and dress. > Dr Apling is required to undertake a communication skills course, which should address both verbal and non-verbal communication skills. He should produce evidence at the review hearing of how this has improved his practice. > Dr Apling should develop clear written policies and procedures for dealing with new patients. These should ensure that the patient is given written information about what to expect during the consultation, the issue of consent and the rights to privacy and to a chaperone. 	<p>The PCC reviewed the decision in this reporting year and decided to allow the Conditions of Practice Order to expire at the end of its period.</p>
<p>Nicholas Mitchell (2172)</p> <p>February 2010</p>	<p>Finding of Unacceptable Professional Conduct leading to a Conditions of Practice Order for 7 months:</p> <ul style="list-style-type: none"> > An auditor appointed by the Council to audit new patient records. Audit to take place on two occasions, the first not later than three months and the second not later than six months from the decision date. The audit is to include an assessment of record keeping in respect of findings following examination and the intended course of treatment from a random sample of new patients selected by the auditor. 	<p>The PCC reviewed the decision in February 2010 and revoked the Conditions of Practice Order</p>

Name, registration number and date of Review Hearing	Summary of Order requiring Review	Outcome of Review Hearing
<p>Darcy Jones (661)</p> <p>February 2010</p>	<p>Finding of Unacceptable Professional Conduct leading to a Suspension Order for 4 months with the following directions:</p> <ul style="list-style-type: none"> > To retrain in the areas of patient relationships, particularly the management of challenging behaviour, gathering and recording of clinical data, clinical reasoning and the formulation of differential diagnoses and the development of an informed treatment plan. > To pass a test of competence. 	<p>The PCC reviewed the PCC decision in February 2010 and decided to let the Suspension Order expire.</p>
<p>Goran Stal (3579)</p> <p>December 2009</p>	<p>Finding of Unacceptable Professional Conduct leading to a Suspension</p>	<p>The PCC reviewed the PCC decision in December 2009 and decided to extend the suspension for a period of 12 months. At the review hearing before the expiry of the further period of suspension, Mr Stal will be expected to provide evidence to demonstrate:</p> <ul style="list-style-type: none"> > His insight into the serious nature of the findings and the identified deficiencies and the steps he has taken to address them; > The steps he has taken to maintain his skills and competence in osteopathy including details of what reading he has done, what courses he has attended and what he has learned from these activities. In short, evidence to demonstrate the successful outcome of maintaining his competence and any retraining > His potential and willingness to respond to a Conditions of Practice order to ensure his safe return to practice.