

# *Medical Practitioners Disciplinary Tribunal*

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**DECISION NO.:** 9/97/5C

**NOT FOR PUBLICATION**

**IN THE MATTER** of the Medical

**(Refer NOTE at conclusion**

Practitioners Act 1995

**of DECISION)**

-AND-

**IN THE MATTER** of a charge laid by a  
Complaints Assessment  
Committee pursuant to  
Section 93(1)(b) of the Act  
against **R** registered medical  
practitioner of xx

## **BEFORE THE MEDICAL PRACTITIONERS DISCIPLINARY TRIBUNAL**

**TRIBUNAL:** Mr P J Cartwright (Chairperson)

Dr R A Cartwright, Dr J Cullen, Dr A F N Sutherland,

Mr P Budden (Members)

Ms G J Fraser (Secretary)

Mrs K G Davenport (Legal Assessor)

Mrs E Huse (Stenographer)

Hearing held at xx on Wednesday 16 July 1997.

**APPEARANCES:** Mr M McClelland for the Complaints Assessment Committee ("the CAC").  
Ms J Gibson for Dr R ("the respondent").

**DECISION:**

**1. THE CHARGE:**

**THE** respondent is charged with conduct unbecoming a medical practitioner in that in the course of his management and treatment of his patient **A** he:

1. **FAILED** on 23 April 1996 to take or obtain an adequate history and to take adequate notes of such in respect of the accident suffered by **A**.
2. **FAILED** on 23 April 1996 to arrange for an x-ray examination of **A**'s spine at the time of his initial assessment of the said **A**.
3. **THE** above particulars 1 and 2 of the charge when considered singularly and cumulatively amount to conduct unbecoming a medical practitioner and that conduct reflects adversely on Dr R's fitness to practice medicine.

**UPON INQUIRING** into the complaint brought by the CAC and after hearing the evidence of a number of witnesses, and after considering the submissions made by counsel for the CAC and the respondent,

**THE MEDICAL PRACTITIONERS DISCIPLINARY TRIBUNAL FINDS:**

1. **THAT** neither of particulars 1 and 2 of the charge when considered singularly and cumulatively amount to conduct unbecoming a medical practitioner and that conduct reflects adversely on Dr R's fitness to practice medicine.
2. **THAT** neither of the particulars having been upheld, the charge laid against the respondent has not been established against him.
3. **THE** reasons for the Tribunal's findings will be explained in writing in a Supplementary Decision which will be issued following return of the Chairperson from a period of leave overseas.

**NOTE:** The parties are reminded that this hearing is the subject of an order as to privacy which contained orders prohibiting publication of names and any identifying information about either party. These orders remain in force until the final supplementary decision of the Tribunal.

**DATED** at Auckland this 22nd day of July 1997

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P J Cartwright

Chairperson

Medical Practitioners Disciplinary Tribunal