



MEDICAL PRACTITIONERS DISCIPLINARY TRIBUNAL

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DECISION NO.: 254/03/113C

IN THE MATTER of the MEDICAL
PRACTITIONERS ACT 1995

AND

IN THE MATTER of disciplinary proceedings against
RICHARD WARWICK
GORRINGE medical practitioner of
Hamilton

BEFORE THE MEDICAL PRACTITIONERS DISCIPLINARY TRIBUNAL

HEARING by telephone conference on Wednesday 22 October 2003

PRESENT: Miss S M Moran - Chair
Ms S Cole, Dr L Ding, Dr R J Fenwicke, Dr M G Laney (members)

APPEARANCES: Ms G J Fraser - Secretary
(for first part of call only)

COUNSEL

Ms K G Davenport for the Complaints Assessment Committee

Mr A J Knowsley for respondent

The Applications

1. There are two applications before the Tribunal:
 - (a) An application dated 17 October 2003 made on behalf of the Complainant A for name suppression and any details which might identify her.
 - (b) An application by the Complaints Assessment Committee to amend the charge which reads in its present form as follows:

“The Complaints Assessment Committee pursuant to section 93(1)(b) of the Medical Practitioners Act 1995 charges that Richard Warwick Gorringer, Medical Practitioner of Hamilton, from mid 1994 to mid 1997 in his clinical management of Mr Smith (now deceased) acted in a way that amounted to professional misconduct in that Dr Gorringer:

- 1. Failed to order repeat faecal testing in the presence of ongoing symptoms.*
- 2. Failed to order that Mr Smith have a colonoscopy to investigate his rectal bleeding.*
- 3. Failed to consider that the symptoms presented by Mr Smith could be related to something other than an infection.*
- 4. Failed to carry out all appropriate investigations necessary to adequately diagnose Mr Smith’s rectal bleeding.”*

2. Both applications were heard on 22 October 2003. Counsel on behalf of the Complaints Assessment Committee (Ms K G Davenport) was content to rely on the papers and did not take part in the hearing. Counsel for Dr Gorringer (Mr A J Knowsley) gave notice that Dr Gorringer did not object to Mrs A’s application for name suppression and did not wish

to make any submissions in relation to the application to amend the charge and accordingly did not take part in the hearing.

Reasons for Name Suppression Application

3. Ms Davenport set out four grounds in support of the application:
 - (a) As this charge involved Dr Gorringer who has already received much publicity the Complainant has been contacted by media and asked to give information. She has declined to speak to the media and does not wish her details to be published.
 - (b) The Complainant does not want any further publicity regarding her xx's death (who is the subject of the charge) and there is no legitimate public interest in knowing the Complainant's name and details.
 - (c) The charge relates to an embarrassing and personal family matter in which the Complainant is only partially involved and has never had any contact with Dr Gorringer.
 - (d) The further information contained in the affidavit of the Complainant filed in support of the application. (The information contained in the Complainant's affidavit essentially confirms the above three grounds.)

Decision re Name Suppression Application

4. The Tribunal has jurisdiction pursuant to section 106 of the Medical Practitioners Act 1995 to make such an order. In particular, section 106(2) of the Act provides that *"Where the Tribunal is satisfied that it is desirable to do so, after having regard to the interests of any person (including (without limitation) the privacy of the complainant (if any)) and to the public interest, it may make any 1 or more of the following orders: ...(d) an order prohibiting the publication of the name, or any particulars of the affairs, of any person."*

5. The Tribunal is satisfied on the information before it that it is appropriate to make an order prohibiting the publication of the Complainant's name or any details which might lead to her identification.

Decision re Application to Amend Charge

6. The Tribunal has jurisdiction pursuant to clause 14 of the First Schedule to the Medical Practitioners Act 1995 to amend the charge in any way.
7. As the hearing of the charge will not take place until 15 December 2003, Dr Gorringer will have sufficient time to address any issue which might arise as a result of the amendment to the charge.
8. In these circumstances, the Tribunal considers it appropriate to grant leave to amend the charge.

Orders and Conclusion

9. Accordingly, the Tribunal grants both applications and makes the following orders:
 - (a) An order prohibiting the publication of the name of the Complainant, Mrs A, or any particulars which may lead to her identification.
 - (b) An order amending the charge which shall now read as follows:

“The Complaints Assessment Committee pursuant to section 93(1)(b) of the Medical Practitioners Act 1995 charges that Richard Warwick Gorringer, Medical Practitioner of Hamilton, from mid 1994 to mid 1997 in his clinical management of Mr Smith (now deceased) acted in a way that amounted to professional misconduct in that Dr Gorringer:

1. *Reached his various diagnoses of Mr Smith's ongoing complaints, in the absence of any acceptable medical diagnostic proof.*
2. *Failed to consider other diagnoses and continued his treatments of Mr Smith long after it was clear that no significant improvement had taken place and that serious bowel symptoms were still present.*

3. *Failed to effectively consider and act on such consideration, that the symptoms presented by Mr Smith could be related to something other than an infection (bacterial or parasitic).*
4. *Failed to arrange appropriate investigations including faecal testing in the presence of ongoing symptoms.*
5. *Failed over a long period of time, to arrange for Mr Smith to have a colonoscopy or reference to an appropriate specialist to investigate his continuing rectal bleeding and bowel symptoms.”*

DATED at Wellington this 29th day of October 2003

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S M Moran

Deputy Chair

Medical Practitioners Disciplinary Tribunal