
NHS TRIBUNAL

Summary of Decision Following an Inquiry

Parties

Complainers: Greater Glasgow and Clyde Health Board
Practitioner: Dr Iain Crawford Kerr, General Practitioner, Glasgow.

Hearing

Tribunal members: Mr. Alan D Miller (Chairman);
Dr Brian Keighley (specialist member);
Mr. Allan Watson (lay member).

Hearing held on: 31st July – 3rd August 2008 and 14th September 2007.

Decision issued on: 17 September 2007.

Grounds for Complaint

That Dr Kerr was unsuitable by virtue of his professional conduct for inclusion in the health board's list of practising GPs, on the basis that he had practised physician-assisted suicide on three occasions and had indicated his willingness to do so to other patients.

Findings by the Tribunal

1. Dr Kerr practised physician-assisted suicide in the case of a male patient in 1985 and a married couple in 1990.
2. in 2 other cases, he prescribed a drug to a patient in the knowledge that they might choose to use it to end their own life. Neither patient did so.
3. Dr Kerr subsequently prescribed an inappropriate dosage of painkiller for one of these patients.
4. The patient subsequently died, although her death was not caused by overdose of prescribed drugs.
5. Dr Kerr made full admissions about his actions, including reporting to the Police in the 1985 and 1990 cases.

6. Dr Kerr had no intention of practising physician-assisted suicide again in future.

Determination by the Tribunal

The Tribunal found the unsuitability case to be made out.

The Tribunal imposed conditional disqualification on Dr Kerr.

The conditions imposed by the Tribunal were that Dr Kerr shall:

- maintain accurate and up-to-date records of patient consultations and prescriptions, and allow the health board full access to his records
- cease prescribing barbiturates and co-proxamol
- meet regularly with a GP reviewer appointed by the health board to review the cases of patients or prescriptions falling into specified categories.

The Tribunal made no order as to expenses.

Notes

1. The NHS Tribunal is constituted under the National Health Service (Scotland) Act 1978. The Tribunal hears formal complaints against family health service practitioners in Scotland. The Tribunal is independent both from Scottish Ministers and from professional disciplinary bodies such as the GMC.
2. Cases are normally referred to the Tribunal by health boards although anyone may make a reference.
3. There are three possible grounds for making a reference to the Tribunal:
 - i. an "efficiency case" – that it would be prejudicial to the efficiency of the relevant NHS service to allow the practitioner to continue to provide it
 - ii. a "fraud case" – that the practitioner has caused detriment to any health scheme by securing or trying to secure financial or other benefit
 - iii. an "unsuitability case" – that the practitioner is unsuitable, because of professional or personal conduct, to be allowed to provide the NHS service.
4. If the Tribunal finds that any of these grounds is made out, it has powers to disqualify the practitioner from working anywhere in the NHS's family health services.
5. Disqualification may be unconditional or conditional. A practitioner who is conditionally disqualified may continue to provide NHS services but must keep to any conditions set by the Tribunal.
6. The Tribunal has power to undertake further enquiry at a later date and can remove a disqualification or vary its terms.
7. The Tribunal hears cases in private in order to protect the interests of patients.
8. All decisions are publicised in summary form on the Tribunal's website at www.nhstribunal.scot.nhs.uk.