



**Decision of the Medical and Dental Council in the case brought by the Health Care Agency against AWA-12-20-1-M-12**

**1. Allegations:**

That while on duty on 21 November 2015, AWA-12-20-1-M-12

- (1) Failed to refer patient NG to a specialist on 21<sup>st</sup> November.
- (2) Failed to make appropriate documentation of the events while the patient was under his care.
- (3) Failed to do appropriate handing over to incoming medical officer.

The Health Care Agency requested the Council to determine

- (4) Whether the care given to the patient was adequate
- (5) To what extent the death of the patient is a direct consequence of the respondent's actions or lack thereof.

**2. The Council's Findings**

The investigation committee found that the allegation that AWA-12-20-1-M-12

- (1) Failed to refer a patient to a specialist on 21st November 2015 was ADMITTED AND PROVEN.
- (2) Failed to make appropriate documentation of the events while the patient was in casualty was ADMITTED AND PROVEN.
- (3) Failed to do appropriate handing over to incoming medical officer was NOT ADMITTED AND NOT PROVEN

After adjudication the Council finds that allegations 1 and 2 above have been well established and constitute **serious professional misconduct** as per the **Section 3 of the Medical Practitioners and Dentists (Disciplinary Inquiries) Regulations 1995**.

### **3. Decision of the Council**

According to Section 10 (1) (a) (ii) of the Medical Practitioners and Dentists Act, 1994 which states that:

**10. (1) Where, after an inquiry in accordance with regulations made under this Act, the Council is satisfied –**

**(a) That a registered medical practitioner or dentist –**

**(ii) Has been guilty of serious professional misconduct or malpractice;**

**The Council may –**

**A. order that the name of the medical practitioner or dentist or other relevant particulars in respect of the practitioner or dentist in the Register be removed or corrected;**

**B. order that the medical practitioner or dentist be suspended from practising as such for an initial period not exceeding 12 months and such further periods which shall not exceed in aggregate 12 months as the Council may think fit and an endorsement be made to that effect in the Register;**

**C. caution or reprimand the medical practitioner or dentist,**

**D. require the medical practitioner or dentist to pay, notwithstanding any other penalty provided under this Act, a penalty of not more than R1000 to the Council;**

**E. take such other disciplinary measures as may be prescribed.**

The Council

1. Reprimands AWA-12-20-1-M-12 for the above mentioned professional misconduct mentioned above
2. Orders AWA-12-20-1-M-12 to pay a penalty of SR 1000 to the Council within 30 (thirty) days after the date of notice of this decision as per Section 8 (1) (a) of the *Medical Practitioners and Dentists (Disciplinary Inquiries) Regulations 1995*.

**End of Decision 10 August 2016**