



**Findings of the Fitness to Practise Committee
following an Inquiry held pursuant to Part 8
of the Medical Practitioners Act 2007**

Registered Medical Practitioner:	Dr Ogbonna Anoke
Registration Number:	085435
Registered Address:	8 Lisdarn Heights Cavan Co. Cavan
Date of Inquiry:	11 th February, 2013
Members of Inquiry Committee:	Professor Gerry Bury (Chair) Ms Meg Murphy Ms Winifred Jeffers
Legal Assessor:	Mr Seamus Woulfe SC
Appearances - For the Chief Executive:	Ms Neasa Bird BL instructed by Mc Dowell Purcell Solicitors.
For the Practitioner:	Ms Niamh O'Donnabhain BL instructed by Mr Daithi O'Donnabhain of Sean Murphy & Co. Solicitors

Findings of the Committee:

Allegation 1:

That Dr Anoke on one or more occasions, brought sensitive clinical materials (or copies thereof) from the Cavan and Monaghan General Hospital to his residential premises.

Having regard to the evidence adduced, the Committee found that :

Allegation 1 was proven as to fact.

Reason:

The basis for the Committee's decision was the evidence adduced in relation to the

nature of the documents involved and the admission initially offered by Dr. Anoke in his meeting with Mr. Clerkin, (HSE Risk Manager) whom the Committee found a convincing witness.

Allegation 1 did not amount to professional misconduct.

Reason:

The Committee heard evidence from the CEO's expert witness that, although undesirable, the practice of bringing duplicate medical documents home can occur, for research, education or service reasons. Although Prof. Lane indicated that the scale of the practice would have some bearing on his judgement, the Committee accepted that this allegation did not reach the standard required to prove professional misconduct.

The Committee finds that the test for professional misconduct was not established beyond reasonable doubt.

Allegation 2:

That Dr Anoke, having brought the materials referred to in Allegation 1 above to his said premises, failed to dispose of some or all of the said materials either adequately or at all

Allegation 2 was proven as to fact.

Reason:

The Committee was satisfied beyond a reasonable doubt having regard to the totality of the evidence, and in particular:-

- the evidence given by Dr. Anoke to the Committee, and evidence of statements made by him to Cavan County Council and to the HSE Risk Manager
- the nature of the material found which included multiple personal documents
- the links between Dr. Anoke's position at Cavan General Hospital and the documents found
- the fact that Dr. Anoke identified his handwriting on a number of these documents.

Allegation 2 did amount to professional misconduct.

Reason:

The Committee heard evidence from the CEO's expert witness that, if proven, the failure to dispose properly of such documents would constitute professional misconduct. The Committee accepts this expert advice.

The Committee finds that the test for professional misconduct was established beyond reasonable doubt.

Allegation 3:

That Dr Anoke left some or all of the materials referred to in Allegation 1 above at his residence having vacated said premises.

Allegation 3 was proven as to fact.

Reason:

The Committee was satisfied beyond a reasonable doubt having regard to the totality of the evidence, and in particular:-

- the evidence given by Dr. Anoke to the Committee, and evidence of statements made by him to Cavan County Council and to the HSE Risk Manager
- the nature of the material found which included multiple personal documents
- the links between Dr. Anoke's position at Cavan General Hospital and the documents found
- the fact that Dr. Anoke identified his handwriting on a number of these documents.

Allegation 3 did amount to professional misconduct.

Reason:

The Committee heard evidence from the CEO's expert witness that, if proven, the failure to dispose properly of such documents would constitute professional misconduct. The Committee accepts this expert advice.

The Committee finds that the test for professional misconduct was established beyond reasonable doubt.



_____ Chairperson

20th February, 2013

_____ Date