

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

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<b>Registered Medical Practitioner:</b>	Dr Denis O'Dwyer
<b>Registration Number:</b>	007910
<b>Registered Address:</b>	The Cottage, Newtown, Kildare Town.
<b>Date of Inquiry:</b>	8th January, 2013
<b>Members of Inquiry Committee:</b>	Mr Brendan Broderick (Chair) Dr Mary Henry Ms Meg Murphy
<b>Legal Assessor:</b>	Mr Seamus Woulfe SC
<b>Appearances - For the Chief Executive:</b>	Mr. JP Mc Dowell of Mc Dowell Purcell Solicitors.
<b>For the Practitioner:</b>	Unrepresented

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**Findings of the Committee:**

**Allegation 1:**

That That Dr O'Dwyer, being a Registered Medical Practitioner, in respect of the care afforded by him to his patient, Mr RL between in or around 30 July 2009 and 04 January 2011:

**Allegation 1(a):**

That Dr O'Dwyer failed at the outset to take any or an adequate history from Mr RL.

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

Allegation 1(a) was proven as to fact.

Reason:

In circumstances where no medical records were available the Committee accepts the unchallenged evidence of the patient.

Allegation 1(a) did amount to professional misconduct.

Reason:

The Committee was satisfied beyond reasonable doubt based on the evidence of Professor Bradley.

**Allegation 1(b):**

That Dr O'Dwyer failed to procure any or an adequate history from Mr RL's previous general practitioner in circumstances where Mr RL was a minor and he was going to prescribe benzodiazepines for him.

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

Allegation 1(b) was proven as to fact.

Reason:

There was no documentary evidence of this having occurred and Dr O'Dwyer did not furnish any evidence of same.

Allegation 1(b) did amount to professional misconduct.

Reason:

The Committee was satisfied beyond reasonable doubt based on the evidence of Professor Bradley.

**Allegation 1(c):**

That Dr O'Dwyer failed, on one or more occasions, to carry out any or adequate examination(s).

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

Allegation 1(c) was not proven as to fact.

Reason:

This allegation was not proven beyond reasonable doubt.

**Allegation 1(d):**

That Dr O'Dwyer failed to arrange to refer Mr RL to a specialist substance misuse practitioner.

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

Allegation 1(d) was proven as to fact.

Reason:

There was no evidence of Dr O'Dwyer having made any such arrangements and Dr O'Dwyer offered no such evidence during the course of the inquiry.

Allegation 1(d) did amount to poor professional performance.

Reason:

The Committee was satisfied beyond reasonable doubt based on the evidence of Professor Bradley.

**Allegation 1(e):**

This allegation was withdrawn by the CEO.

**Allegation 1(f):**

That Dr O'Dwyer failed to provide adequate or appropriate treatment to Mr RL. Having regard to the evidence adduced, the Committee found that:

Allegation 1(f) was proven as to fact.

Reason:

The evidence as a whole established beyond a reasonable doubt that the treatment provided was not appropriate or adequate - in particular, the failure to liaise with specialist substance abuse services, the failure to systematically reduce the patient's benzodiazepine dependency and the failure to recognise the risk of cross-addiction. Allegation 1(f) did amount to professional misconduct.

Reason:

The Committee was satisfied beyond a reasonable doubt based on the evidence of Professor Bradley.

**Allegation 1(g):**

That Dr O'Dwyer prescribed benzodiazepines to Mr RL:

- i. in an inappropriate manner and/or
- ii. contrary to the Good Practice Guidelines for Clinicians contained at Appendix 7 of the Department of Health and Child Publication entitled "Report of the Benzodiazepine Committee"

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

Allegation 1(g) was proven as to fact.

Reason:

Based on the unchallenged prescribing records and on the manifest failure to adhere to the Good Practice Guidelines as outlined by Professor Bradley.

Allegation 1(g) did amount to professional misconduct.

Reason:

The Committee was satisfied beyond reasonable doubt based on the evidence of Professor Bradley.

**Allegation 1(h):**

That Dr O'Dwyer failed to maintain any or adequate medical records in relation to the treatment afforded by him to Mr RL.

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

Allegation 1(h) was not proven as to fact.

**Allegation 1(i):**

That Dr O'Dwyer failed to retain any records maintained by him in relation to the care afforded to Mr RL for an appropriate period.

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

Allegation 1(i) was proven as to fact.

Reason:

This was admitted by Dr O'Dwyer in his letter to the Medical Council of 14th June, 2012 wherein he described this as his practice, namely not to retain records of certain former patients longer than six months.

Allegation 1(i) did amount to poor professional performance.

Reason:

The Committee was satisfied beyond a reasonable doubt based on the evidence of Professor Bradley.

**Allegation 1(j):**

That Dr O'Dwyer failed to liaise with Mr RL's parents particularly when he was prescribing benzodiazepines to him as a minor

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

Allegation 1(j) was not proven as to fact.

Brendan Broderick,

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Chairperson

15th January, 2013

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Date