



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

Registered Medical Practitioner:	Dr Peter Van-Geene
Registration Number:	275984
Registered Address:	Brandon View St Mullins Co Carlow
Date of Inquiry:	20 th , 21 st , 22 nd , 23 rd , 24 th and 27 th July 2015, 28 th , 29 th & 30 th Sept 2015, 21 st Oct 2015
Members of Inquiry Committee:	Mr John Nisbet(Chair) Prof. Anthony Cunningham Ms Catherine Earley
Legal Assessor:	Mr Seamus Woulfe SC
Appearances - For the Chief Executive:	Ms Nessa Bird BL instructed by McDowell Purcell Solicitors
For the Practitioner:	Mr Eugene Gleeson SC instructed by Matheson Solicitors

Findings of the Committee:

Allegation A:

- A. That you, being a registered medical practitioner, in respect of the care afforded by you to your patient Ms [REDACTED]:
1. Made a decision to carry out a vaginal hysterectomy on or around 7 April 2009, in the absence of carrying out the necessary investigation(s) to establish whether the vaginal hysterectomy was clinically justified; and/or

2. Carried out a vaginal hysterectomy on or around 7 April 2009 in circumstances where Ms [REDACTED] was a post-menopausal patient with no prolapse and/or no gynaecological pathology, to include, but not limited to, suspicion of malignancy; and/or
3. Failed to ensure that there was any or any adequate evidence of malignancy prior to carrying out the vaginal hysterectomy on or around 7 April 2009; and/or
4. Carried out a vaginal hysterectomy on or around 7 April 2009 in circumstances where, even if such action were indicated due to a suspicion of malignancy, which it was not, the correct approach would have been total abdominal hysterectomy and bilateral salpingo oophorectomy; and/or
5. Carried out a hysterectomy vaginally to facilitate the quick recovery of the patient as carer for her husband in circumstances where this was an inappropriate and/or incorrect factor to consider in determining the correct course of action; and/or

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

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

Reason: The Committee finds that this was not proven beyond a reasonable doubt.

Allegation A(2) was proven as to fact.

Reason: The evidence of Dr Van Geene in that he accepted that he carried out the vaginal hysterectomy in the circumstances described.

Allegation A(2) did not amount to Poor Professional Performance.

Reason: The Committee finds that this was not proven beyond a reasonable doubt.

Allegation A(3) was not proven as to fact.

Reason: The Committee finds that this was not proven beyond a reasonable doubt.

Allegation A(4) was not proven as to fact.

Reason: The Committee finds that this was not proven beyond a reasonable doubt.

Allegation A(5) was not proven as to fact.

Reason: The Committee finds that this was not proven beyond a reasonable doubt.

Allegation B:

B. That you, being a registered medical practitioner, in respect of the care afforded by you to your patient Ms [REDACTED]:

1. Carried out a vaginal hysterectomy and pelvic floor repair on or around 27 July 2010 in such a manner as to cause significant blood loss and/or hypotension to Ms [REDACTED], such that;
 - a) on the morning of 28 July 2010, Ms [REDACTED] had a haemoglobin level of 4.8 grams and was at significant risk of collapse; and/or,
 - b) Ms [REDACTED] required 4 units of blood to be transfused; and/or,
2. Failed to communicate adequately or at all to Ms [REDACTED] following the vaginal hysterectomy and pelvic floor repair on 27 July 2010;
 - a) That an adverse event had occurred; and/or
 - b) The reasons as to why the adverse event had occurred; and/or
 - c) The necessity for her blood transfusions; and/or
 - d) Details of the treatment being administered to Ms [REDACTED] and/or

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

Allegation B(1) in its entirety was not proven as to fact.

Reason: The Committee finds that this was not proven beyond a reasonable doubt.

Allegation B(2) was proven as to fact.as it related to (a), (c) & (d).

Reason: The evidence of Patient B established beyond a reasonable doubt that Dr Van Geene failed to communicate adequately the matters at (a), (c) & (d).

Allegation B(2) was not proven as to fact as it related to (b).

Reason: The Committee finds that this was not proven beyond a reasonable doubt.

Allegation B(2) as it related to (a), (c) & (d) did not amount to Poor Professional Performance.

Reason: The Committee finds that this was not proven beyond a reasonable doubt.

Allegation C:

- C. That you, being a registered medical practitioner, in respect of the care afforded by you to your patient Ms Helen Cruise:
1. In relation to the hysterectomy and/or cystocele repair procedures (the "procedures") carried out by you on 23 August 2011 failed to arrange for the procuring of informed consent from Ms. Cruise in that you:
 - a) Failed to review Ms. Cruise pre-operatively and/or prior to the anaesthetic review; and/or
 - b) Failed to explain adequately or at all the following to Ms. Cruise:
 - i. The procedures to be carried out; and/or
 - ii. The risk(s) of the procedures; and/or
 - iii. Any adverse consequences of the procedures; and/or
 - c) Following the administration of a spinal anesthetic to Ms. Cruise and/or on her admission to the operating theatre told Ms. Cruise that you intended to perform a hysterectomy and/or asked her to sign the consent form which you knew or ought to have known was inappropriate in the circumstances; and/or
 2. Carried out the procedures on or around 23 August 2011 in such a manner as to cause Ms Cruise a significant post-operative bleed which necessitated a laparotomy and/or the transfusion of 6 units of blood; and/or
 3. Carried out the procedures on Ms Cruise on or around 23 August 2011 in such a manner as led to her developing pulmonary oedema thereby necessitating her transfer to St Luke's Hospital, Kilkenny; and/or,
 4. Completed one or more discharge summaries dated 26 August 2011 in respect of Ms Cruise that were incomplete and/or inaccurate to include but not limited to;
 - a. Failing to record that the patient underwent a laparotomy procedure; and/or
 - b. Failing to record the complications(s) arising from the procedures; and/or
 - c. Failing to record the condition of the patient upon discharge; and/or
 - d. Failing to record the follow up treatment required for the patient; and/or
 5. Communicated with Ms Cruise and/or her family on one or more occasion in an incorrect and/or inappropriate manner; and/or,
 6. As a result of allegations 1,2 and 3, caused Ms Cruise to
 - i. suffer unnecessary distress and/or suffering to include but not limited to;

- a) severe abdominal pain; and/or,
 - b) left iliac fossa pain; and/or,
 - c) psychological distress; and/or,
 - d) depression; and/or,
- ii. Require further surgical intervention in the form of a laparoscopy, adhesiolysis, and bladder neck buttress suturing procedure on 23 January 2014; and/or,

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

Allegation C(1)(a) was proven as to fact.

Reason: Admitted by Dr Van Geene.

Allegation C(1)(b) was proven as to fact

Reason: The evidence of Mrs Cruise and Dr Van Geene satisfied a majority of the Committee beyond a reasonable doubt that there was a failure to explain the procedures to be carried out, the risk(s) of the procedures and any adverse consequences of the procedures.

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

Reason: The Committee finds that this was not proven beyond a reasonable doubt.

Allegation C(1)(a) &(b) did amount to Poor Professional Performance.

Reason: The evidence of Dr McKenna satisfied a majority of the Committee beyond a reasonable doubt that this was a serious failure to meet the standards of competence that can be reasonably expected of a Consultant Gynaecologist.

Allegation C(2) was not proven as to fact.

Reason: The Committee finds that this was not proven beyond a reasonable doubt.

Allegation C(3) was not proven as to fact.

Reason: The Committee finds that this was not proven beyond a reasonable doubt.

Allegation C(4) was proven as to fact as it relates to (b), (c) and (d).

Reason: The undisputed evidence established this beyond a reasonable doubt

Allegation C(4) was not proven as to fact as it relates to (a).

Reason: The Committee finds that this was not proven beyond a reasonable doubt.

Allegation C(4)(b), C(4)(c) and C(4)(d) did not amount to Poor Professional Performance.

Reason: The Committee finds that this was not proven beyond a reasonable doubt.

Allegation C(5) was proven as to fact.

Reason: The evidence of Helen Cruise, Anna Cruise and Nurse Kenny established this beyond a reasonable doubt

Allegation C(5) did amount to Poor Professional Performance.

Reason: The majority of the Committee was satisfied beyond a reasonable doubt to prefer the evidence of Dr McKenna that this was a serious failure to meet the standards of competence that can be reasonably expected of a Consultant Gynaecologist having regard to the nature and level of the incorrect and inappropriate communication, notwithstanding the evidence of Dr [REDACTED].

Allegation C(6)(i) was not proven as to fact.

Reason: The Committee finds that this was not proven beyond a reasonable doubt.

Allegation C(6)(ii) was not proven as to fact.

Reason: The Committee finds that this was not proven beyond a reasonable doubt.

Allegation D

D. That you, being a registered medical practitioner, in respect of the care afforded by you to your patient Ms [REDACTED]

1. Carried out a vaginal hysterectomy and pelvic floor repair on or around 11 October 2011 in such a manner as to cause Ms [REDACTED] a significant post-

operative bleed, thereby resulting in a laparotomy being undertaken with 6 units of blood and 4 units of fresh frozen plasma being transfused; and/or

2. Carried out a laparotomy on or around 11 October 2011 to investigate the source of bleeding in circumstances where the bleeding should have been apparent and/or accessible per vaginum if coming from the vaginal cut edge, thereby avoiding the need for a laparotomy; and/or;

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

Reason: The Committee finds that this was not proven beyond a reasonable doubt.

Allegation D(2) was not proven as to fact.

Reason: The Committee finds that this was not proven beyond a reasonable doubt.



Chairperson

Date - 29th October, 2015