



**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 Etop Sampson Akpan
Registration Number:	016600
Registered Address:	3 College Gate Castleknock Dublin 15
Date of Inquiry:	7 th , 8 th & 9 th September 19 th , 20 th & 21 st December, 2011 & 27 th January, 2012
Members of Inquiry Committee:	Dr Danny O'Hare (Chair) Ms Mary Culliton Dr Abdul Bulbulia
Legal Assessor:	Mr Kevin Cross, S.C & Mr. Seamus Woulfe S.C.
Appearances - For the Chief Executive:	Mr. JP Mc Dowell, Ms Aideen Ryan and Ms Sinead Taffe of Mc Dowell Purcell Solicitors.
For the Practitioner:	Ms. Eileen Barrington, B.L. instructed by William Fry Solicitors.

Findings of the Committee:

Allegation 1:

That on or around 10 November 2007 Dr Akpan diagnosed Ms McEneaney with “? Dermoid Cyst” in circumstances where he ought to have known that this was not the case.

Allegation 1 was withdrawn.

Allegation 2:

That on or around 10 November 2007 Dr Akpan discharged Ms McEneaney from hospital with “? Dermoid Cyst” in circumstances where he ought to have known that Ms McEneaney required further diagnostic test(s).

Allegation 2 was withdrawn.

Allegation 3:

That on or around 10 November 2007 Dr Akpan failed to arrange further diagnostic tests for Ms McEneaney.

Allegation 3 was withdrawn.

Allegation 4:

That Dr Akpan failed to complete a discharge summary in respect of Ms McEneaney's discharge from hospital on or around 10 November 2007.

Allegation 4 was withdrawn.

Allegation 5:

That Dr Akpan caused or permitted an Intern on his Obstetric and Gynaecology team to complete a discharge summary dated 12 November 2007 in relation to Ms McEneaney in circumstances where he ought to have known that the Intern was not adequately qualified and/or competent to do so.

Allegation 5 was withdrawn.

Allegation 6:

That failed to review, and/or arrange for an appropriately senior member of the team to review, the discharge summary dated 12 November 2007.

Allegation 6 was withdrawn

Allegation 7:

That following the consultation with Ms McEneaney on or around 10 November 2007 Dr Akpan failed to take any or any adequate steps to implement the plan recorded in the medical records.

Allegation 7 was withdrawn.

Allegation 8 :

That following the laparoscopy procedure on or around 20 December 2007 Dr Akpan failed to consult in a timely manner or at all with Dr O'Boyle, Consultant Physician, in relation to Ms McEneaney's diagnosis of Neurofibromatosis in 2005.

Allegation 8 was proven as to fact.

Reason: Dr Akpan's own evidence was to the effect he did not consult with Dr O'Boyle.

Allegation 8 did not amount to professional misconduct.

Reason: That Dr Akpan understood the implications of neurofibromatosis and consulting with Dr O'Boyle would not have changed the management plan. In Addition the expert evidence was conflicting on this issue and, in this instance, gave rise to a reasonable doubt.

Allegation 9:

That following the laparoscopy procedure on or around 20 December 2007 Dr Akpan failed to refer Ms McEaney for specialist review in relation to the diagnosis of Neurofibromatosis.

Allegation 9 was withdrawn.

Allegation 10:

That following the laparoscopy procedure on or around 20 December 2007 Dr Akpan failed to consider and/or recognise that Ms McEaney's diagnosis of Neurofibromatosis put her at increased risk of a malignant condition.

Allegation 10 was not proven as to fact.

Reason: Dr Akpan, in sworn evidence, stated that he understood the implications of neurofibromatosis.

Allegation 11:

That following the laparoscopy procedure on or around 20 December 2007 Dr Akpan failed to transfer the care of Ms McEaney to the surgical team in circumstances where he ought to have known that such a transfer was appropriate.

Allegation 11 was withdrawn.

Allegation 12:

That following the laparoscopy procedure on or around 20 December 2007 Dr Akpan failed to arrange in a timely manner or at all further appropriate investigation(s).

Allegation 12 was withdrawn.

Allegation 13:

That following the laparoscopy procedure on or around 20 December 2007 Dr Akpan failed to arrange for an urgent CT scan.

Allegation 13 was withdrawn.

Allegation 14:

That Dr Akpan failed to complete a discharge summary in respect of Ms McEaney's discharge from hospital on or around 21 December 2007.

Allegation 14 was withdrawn.

Allegation 15:

That Dr Akpan caused or permitted an Intern on his Obstetric and Gynaecology team to complete a discharge summary dated 2 January 2008 in relation to Ms McEaney in

circumstances where he ought to have known that the Intern was not adequately qualified and/or competent to do so.

Allegation 15 was withdrawn.

Allegation 16:

That Dr Akpan failed to review, and/or arrange for an appropriately senior member of the team to review, the discharge summary dated 2 January 2008.

Allegation 16 was withdrawn.

Allegation 17:

That Dr Akpan failed to ensure that the CT request form in relation to Ms McEneaney's CT Abdomen and Pelvic scan reported on or around 24 January 2008 made reference to the diagnosis of Neurofibromatosis ~~and/or was marked urgent.~~

Allegation 17 was proven as to fact.

Reason: The CT request form presented in evidence clearly established that there was no such reference.

Allegation 17 did not amount to professional misconduct.

Reason: The evidence did not establish beyond reasonable doubt that this was professional misconduct, in particular having regard to the expert evidence of Dr Boylan that this would not have altered the management plan, notwithstanding other evidence that such reference could have been helpful.

Allegation 18:

That Dr Akpan failed to ensure that the CT scan was arranged and/or completed in a timely manner.

Allegation 18 was withdrawn.

Allegation 19:

That Dr Akpan failed to arrange any or adequate follow up to the results of the CT Abdomen and Pelvic scan reported on or around 24 January 2008.

Allegation 19 was withdrawn.

Allegation 20:

That Dr Akpan failed to review adequately or at all the results of the CT scan reported on or around 24 January 2008.

Allegation 20 was withdrawn.

Allegation 21:

That following his consultation with Ms McEneaney on or around 13 February 2008, Dr Akpan failed to make any or adequate arrangement(s) for a CT/Ultrasound guided biopsy.

Allegation 21 was not proven as to fact.

Reason: The Committee accepted the evidence of Dr Akpan that he had attached a note for Dr Majeed to arrange the biopsy. Dr Smith agreed that this was an accepted procedure at that time, while not being optimal.

Allegation 22:

That following his consultation with Ms McEneaney on or around 13 February 2008 Dr Akpan failed to document in her medical records any or adequate plan in relation to the carrying out of a CT/Ultrasound guided biopsy.

Allegation 22 was withdrawn.

Allegation 23:

That on or around 13 February 2008, before he commenced a period of annual leave, Dr Akpan failed to make any or adequate hand-over arrangement(s) with an appropriately senior member of the Gynaecological team in respect of the continuing care to be afforded to Ms McEneaney.

Allegation 23 was not proven as to fact.

Reason: The Committee finds that the issue of hand-over arrangements did not arise in circumstances where Dr Akpan did not go on leave on or around 13th February, 2008.

Allegation 24:

That following his return from annual leave Dr Akpan failed to take any or adequate steps to determine the then clinical status of Ms McEneaney.

Allegation 24 was withdrawn.

Allegation 25:

That Dr Akpan failed to make any or adequate enquiries as to the outcome of the planned CT/Ultrasound guided biopsy.

Allegation 25 was proven as to fact.

Reason: Dr Akpan acknowledged this fact.

Allegation 25 did not amount to professional misconduct.

Reason: The conflicting evidence of the expert witnesses gave rise to a reasonable doubt.

Allegation 26:

That Dr Akpan failed to review adequately or at all the results of the Pelvic Ultrasound reported on or around 3 April 2008.

Allegation 26 was withdrawn.

Allegation 27:

That Dr Akpan failed to identify that the Pelvic Ultrasound reported on or around 3 April 2008 was the incorrect procedure.

Allegation 27 was withdrawn.

Allegation 28:

That Dr Akpan failed to respond to a letter from Dr Shane Corr, Ms McEneaney's general practitioner ("Dr Corr"), dated 26 May 2008.

Allegation 28 was withdrawn.

Allegation 29:

That Dr Akpan failed to take any or adequate steps arising from the letter dated 26 May 2008 from Dr Corr.

Allegation 29 was withdrawn.

Allegation 30:

That in or around June 2008 Dr Akpan failed to take any or adequate steps following the making of a note by his secretary indicating that Dr Corr's secretary had contacted the hospital in relation to Ms McEneaney.

Allegation 30 was withdrawn.

Allegation 31:

That following the consultation with Ms McEneaney on or around 2 July 2008 Dr Akpan failed to take any or adequate steps to implement the plan recorded in the medical records.

Allegation 31 was proven as to fact.

Reason: Having regard to the previous history of failures in relation to Ms McEneaney, the Committee was satisfied beyond a reasonable doubt that it was not adequate to leave a gap of 3rd July to 9th July before checking with Dr Alabi as to the implementation of the plan.

Allegation 31 did amount to poor professional performance.

Reason: The Committee was satisfied beyond a reasonable doubt that this was a significant failure on the part of Dr Akpan to meet the standards of competence that could reasonably be expected of a consultant gynaecologist having regard to the evidence of Dr Smith, notwithstanding the evidence to the contrary of Dr Boylan.

Allegation 32:

That Dr Akpan failed to make any or adequate enquiries in relation to the results of the analysis of the biopsied tissue taken on or around 14 July 2008.

Allegation 32 was withdrawn.

Allegation 33:

That Dr Akpan failed to communicate to Ms McEneaney and/or Dr Corr in a timely manner the outcome of the biopsy carried out on or around 14 July 2008.

Allegation 33 was withdrawn.

Allegation 34:

That on or around 21 July 2008 Dr Akpan contacted Ms McEneaney by telephone and informed Ms McEneaney that the biopsy confirmed a malignancy in circumstances where same should have been communicated to Ms McEneaney at a consultation.

Allegation 34 was proven as to fact.

Reason: This was admitted by Dr Akpan.

Allegation 34 did amount to poor professional performance.

Reason: The Committee was satisfied beyond a reasonable doubt that this was a significant failure on the part of Dr Akpan to meet the standards of competence that could reasonably be expected of a consultant gynaecologist having regard to the evidence of Dr Smith, notwithstanding the evidence to the contrary of Dr O'Boyle.

Allegation 35:

That Dr Akpan failed to advise the Radiology Department in a timely manner or at all that Ms McEneaney suffered from Neurofibromatosis.

Allegation 35 was not proven as to fact.

Reason: The admission note in July referred to neurofibromatosis.

Allegation 36:

That Dr Akpan failed to maintain accurate and/or complete and/or legible medical records in relation to Ms McEneaney.

Allegation 36 was withdrawn.

Allegation 37:

That Dr Akpan failed to ensure that his team communicated adequately with other speciality teams to include the ~~surgical and~~ radiological teams.

Allegation 37 was not proven as to fact.

Reason: The evidence as a whole did not establish this beyond a reasonable doubt.

Allegation 38:

That Dr Akpan failed to take any or any adequate responsibility for his patient to ensure that Ms McEneaney received appropriate and/or timely care or treatment.

Allegation 38 was proven as to fact.

Reason: The reason is because of the Committee's findings in relation to a number of the allegations above.

Allegation 38 did not amount to professional misconduct.

Reason: It is not proven beyond a reasonable doubt for the reasons above under the individual allegations.

Allegation 39:

That on one or more occasions Dr Akpan failed to provide Dr Corr, with outpatient summaries in respect of Ms McEneaney.

Allegation 39 was withdrawn.

Allegation 40:

That on one or more occasions Dr failed to communicate adequately or at all with Dr Corr in relation to one or more of Ms McEneaney's attendances at Our Lady of Lourdes Hospital.

Allegation 40 was withdrawn.

Allegation 41:

That Dr Akpan failed to apply the appropriate standards of care that could reasonably be expected from a Consultant Gynaecologist.

Allegation 41 was proven as to fact.

Reason: The reason is because of the Committee's findings in relation to a number of the allegations above.

Allegation 41 did not amount to professional misconduct.

Reason: It is not proven beyond a reasonable doubt for the reasons above under the individual allegations.

And in relation to poor professional performance, we say the relevant finding has been made already in relation to allegation 31 and 34 and should not be repeated..

SIGNED:



DR. DANIEL O'HARE
CHAIRPERSON
FITNESS TO PRACTISE COMMITTEE

DATE: 30th January, 2012