

**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. Anthony Enobo Akpekpe
Registration Number:	022829
Registered Address:	7 The Willows Forest Park Portlaoise Co. Laois
Date of Inquiry:	8 th & 15 th February, 2012
Members of Inquiry Committee:	Professor Bill Powderly Ms. Meg Murphy Mr. Robert Burke
Legal Assessor:	Mr. Seamus Woulfe S.C.
Appearances - For the Chief Executive:	Mr. JP Mc Dowell of Mc Dowell Purcell Solicitors.
For the Practitioner:	Mr. Ross Maguire S.C. instructed by Mr. Colm MacGeehin of MacGeehan Toale Solicitors.

Findings of the Committee:

Allegation 1:

That Dr. Akpekpe failed to obtain an adequate medical history in respect of Mr Lowe.

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

Allegation 1 proven as to fact.

Reason:

The Committee felt that the totality of evidence including that of Ms Lowe and her contemporaneous note established beyond reasonable doubt that Dr. Akpekpe failed to obtain an adequate medical history as to prior bowel motions, history of prior abdominal distention and current medications period. The Committee was satisfied that this finding

was established beyond reasonable doubt notwithstanding the oral evidence given by Dr. Akpekpe, and the Committee had regard to the fact that this evidence went beyond matters in his statement dated 26th June, 2011 and that this was not raised at an earlier stage of the hearing.

Allegation 1 did amount to poor professional performance.

Reason:

Not obtaining an adequate history in the context of the complaint of abdominal pain and vomiting is poor professional performance.

Allegation 2:

That Dr. Akpekpe failed to carry out adequate examination(s) and/or carry out or arrange investigation(s) in respect of Mr Lowe.

Allegation 2 was not proven as to fact.

Reason:

It was not established beyond reasonable doubt that Dr. Akpekpe's examination was inadequate.

Allegation 3:

That Dr. Akpekpe failed to communicate adequately to Mr Lowe's sister, Ms Elizabeth Lowe that if Mr Lowe's condition deteriorated or did not improve, Mr Lowe would require immediate follow up treatment by a medical practitioner and/or a review in hospital.

Allegation 3 was not proven as to fact beyond reasonable doubt.

Allegation 4:

That Dr. Akpekpe provided to the Medical Council, under cover of letter dated 26 June 2011, a record of the treatment afforded by him to Mr Lowe which differed from the record which he had previously furnished to Dr Donald Brookes, General Practitioner and/or Doctor on Duty.

Allegation 4 was proven as to fact.

Reason:

There was no dispute that the records differed.

Allegation 4 did not amount to poor professional performance.

Reason:

It was not established beyond reasonable doubt that this amounted to poor professional performance.

Allegation 5:

That Dr. Akpekpe failed to maintain any or adequate records in respect of his attendance on Mr Lowe on or around 13 September 2010.

Allegation 5 was not proven as to fact beyond reasonable doubt.

Allegation 6:

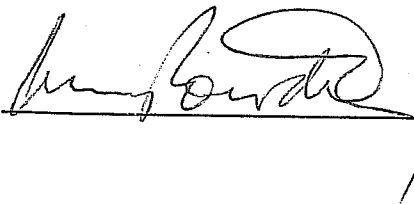
That Dr. Akpekpe failed to adequately identify himself by:

- a. Failing to confirm his full name to Ms Elizabeth Lowe and/or
- b. Writing a prescription and/or a record, which prescription and/or record:
 - i. Did not contain his Medical Council registration number and/or
 - ii. Contained an illegible signature and/or

Allegation 6(a) was not proven as to fact beyond reasonable doubt.

Allegation 6(b) was proven as to fact.

Allegation 6 did not amount to poor professional performance having regard to the evidence of Dr. Wahlrab

 Chairperson

15/2/12
Date