



**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 Thomas McDermott
Registration Number:	006484
Registered Address:	39 Heidelberg, Roebuck Road, Dublin 14
Date of Inquiry:	4 th 5 th & 6 th December, 2012
Members of Inquiry Committee:	Dr Danny O'Hare (Chair) Dr Nuala Healy Ms Catherine Earley
Legal Assessor:	Mr Seamus Woulfe SC
Appearances - For the Chief Executive:	Mr Patrick Leonard BL Ms Eimear Burke of Mc Dowell Purcell Solicitors.
For the Practitioner:	Mr Conor Halpin BL instructed by Matheson Ormsby Prentice Solicitors

Findings of the Committee:

Allegation 1:

That Dr McDermott failed to arrange appropriate investigations to determine whether, on her admission, Ms Walsh was suffering from a urinary tract infection.

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

Allegation 1 was proven as to fact.

Reason: The evidence established beyond a reasonable doubt that urinalysis would have been an appropriate investigation in the circumstances and was not obtained.

Allegation 1 did not amount to professional misconduct.

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

Allegation 1 did amount to poor professional performance.

Reason: The Committee was satisfied beyond a reasonable doubt on the basis of the evidence of the expert witness, notwithstanding the evidence of Dr McDermott.

Allegation 2:

That Dr McDermott failed to give adequate consideration, either at all or within an adequate timeframe, to the possibility of an intraperitoneal perforation of the bladder

Allegation 2 was proven as to fact.

Reason: The evidence as a whole established this beyond a reasonable doubt.

Allegation 2 did not amount to professional misconduct.

Reason: The Committee felt that this was not established beyond all reasonable doubt having regard to the particular circumstances of this case.

Allegation 2 did amount to poor professional performance.

Reason: The Committee was satisfied beyond a reasonable doubt on the basis of the evidence of the expert witness, notwithstanding the evidence of Dr McDermott.

Allegation 3:

That Dr McDermott failed to give adequate consideration, either at all or within an adequate timeframe, to the possibility that Ms Walsh was suffering septic shock.

Allegation 3 was proven as to fact.

Reason: The evidence as a whole established this beyond a reasonable doubt.

Allegation 3 did not amount to professional misconduct.

Reason: The Committee felt that this was not established beyond all reasonable doubt having regard to the particular circumstances of this case.

Allegation 3 did amount to poor professional performance.

Reason: The Committee was satisfied beyond a reasonable doubt on the basis of the evidence of the expert witness, notwithstanding the evidence of Dr McDermott.

Allegation 4:

That Dr McDermott arranged bladder irrigation in circumstances where he had not ruled bladder perforation.

Allegation 4 was withdrawn.

Allegation 5:

That Dr McDermott failed to respond, adequately or at all, to indicators of Ms Walsh's deteriorating condition.

Allegation 5 was proven as to fact.

Reason: The evidence as a whole established this beyond a reasonable doubt.

Allegation 5 did not amount to professional misconduct.

Reason: The Committee felt that this was not established beyond all reasonable doubt having regard to the particular circumstances of this case.

Allegation 5 did amount to poor professional performance.

Reason: The Committee was satisfied beyond a reasonable doubt on the basis of the evidence of the expert witness, notwithstanding the evidence of Dr McDermott.

Allegation 6:

That Dr McDermott failed to ensure that he or another Consultant engaged in an adequate level of review of Ms Walsh.

Allegation 6 was proven as to fact.

Reason: The evidence as a whole established this beyond a reasonable doubt.

Allegation 6 did not amount to professional misconduct.

Reason: The Committee felt that this was not established beyond all reasonable doubt having regard to the particular circumstances of this case.

Allegation 6 did amount to poor professional performance.

Reason: The Committee was satisfied beyond a reasonable doubt on the basis of the evidence of the expert witness, notwithstanding the evidence of Dr McDermott.

Allegation 7:

That Dr McDermott failed to arrange for timely surgical intervention to relieve Ms Walsh's bladder perforation.

Allegation 7 was proven as to fact.

Reason: The evidence as a whole established this beyond a reasonable doubt.

Allegation 7 did not amount to professional misconduct.

Reason: The Committee felt that this was not established beyond all reasonable doubt having regard to the particular circumstances of this case.

Allegation 7 did amount to poor professional performance.

Reason: The Committee was satisfied beyond a reasonable doubt on the basis of the evidence of the expert witness, notwithstanding the evidence of Dr McDermott.

Allegation 8:

That Dr McDermott failed to arrange appropriate radiological investigations to assist in diagnosing the underlying cause of Ms Walsh's condition.

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

Allegation 8 was proven as to fact.

Reason: The evidence as a whole established this beyond a reasonable doubt.

Allegation 8 did not amount to professional misconduct.

Reason: The Committee felt that this was not established beyond all reasonable doubt having regard to the particular circumstances of this case.

Allegation 8 did amount to poor professional performance.

Reason: The Committee was satisfied beyond a reasonable doubt on the basis of the evidence of the expert witness, notwithstanding the evidence of Dr McDermott.

Allegation 9:

That Dr McDermott failed to arrange a transfer of Ms Walsh to the Adelaide and Meath Hospital within an adequate time frame.

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

Allegation 9 was proven as to fact.

Reason: The evidence as a whole established this beyond a reasonable doubt.

Allegation 9 did not amount to professional misconduct.

Reason: The Committee felt that this was not established beyond all reasonable doubt having regard to the particular circumstances of this case.

Allegation 9 did amount to poor professional performance.

Reason: The Committee was satisfied beyond a reasonable doubt on the basis of the evidence of the expert witness, notwithstanding the evidence of Dr McDermott.

Allegation 10:

That Dr McDermott failed to apply the standards of care and clinical judgment that could reasonably have been expected from a Consultant Urologist.

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

Allegation 10 was proven as to fact.

Reason: The evidence as a whole established this beyond a reasonable doubt.

Allegation 10 did not amount to professional misconduct.

Reason: The Committee felt that this was not established beyond all reasonable doubt having regard to the particular circumstances of this case.

Allegation 10 did amount to poor professional performance.

Reason: The Committee was satisfied beyond a reasonable doubt on the basis of the evidence of the expert witness, notwithstanding the evidence of Dr McDermott.



Chairperson

6th December, 2012

Date