



**Findings 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 Colm Quigley
<b>Registration Number:</b>	008547
<b>Registered Address:</b>	Wexford General Hospital Wexford
<b>Date of Inquiry:</b>	25 <sup>th</sup> & 26 <sup>th</sup> March and 19 <sup>th</sup> April, 2013
<b>Members of Inquiry Committee:</b>	Dr Danny O'Hare (Chairman) Dr Mary Henry Ms Melanie Pine
<b>Legal Assessor:</b>	Mr Seamus Woulfe SC
<b>Appearances - For the Chief Executive:</b>	Ms Neasa Bird BL instructed by Mc Dowell Purcell Solicitors.
<b>For the Practitioner:</b>	Mr Paul Anthony McDermott BL instructed by Arthur Cox Solicitors

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**Findings of the Committee:**

**Allegation 1:**

That Dr Quigley At a consultation on or around 27<sup>th</sup> August 2009:

- a. failed to take any or any adequate history from Patient A and/or;
- b. failed to undertake any or any adequate examination of Patient A and/or;

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

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

Reason: The Committee find the allegation not proven beyond a reasonable doubt.

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

Reason: The Committee find the allegation not proven beyond a reasonable doubt.

**Allegation 2:**

That Dr Quigley failed to ensure that some and/or all appropriate investigations were carried out in a timely manner consequent on the consultation of 27<sup>th</sup> August 2009, to include;

- i. a short synacthen test and/or;
- ii. sodium tests and/or;
- iii. a gastroscopy and/or;
- iv. duodenal biopsies and/or;
- v. a bronchoscopy and/or;
- vi. a sleep apnoea study and/or;
- vii. radiological examinations and/or;
- viii. blood tests and/or;
- ix. comparison of the concentration of Patient A's plasma and urine and/or;

Allegation 2 (i) (ii) (iii) (iv) (v) (vi) (vii) (viii) & (ix) was proven as to fact.

Reason: The undisputed evidence established this beyond a reasonable doubt.

Allegation 2 (i) (ii) (iii) (iv) (v) (vi) (vii) (viii) & (ix) did not amount to poor professional performance.

Reason: The evidence as a whole did not establish poor professional performance beyond a reasonable doubt.

**Allegation 3:**

That Dr Quigley failed to pursue one or more of the investigations referred to at Allegation 2 above notwithstanding:

- a. a telephone call and/or message from Patient A on or around 10<sup>th</sup> September 2009 and/or;
- b. receipt of a letter dated 17<sup>th</sup> September 2009 from Patient A/Patient A's wife and/or;
- c. your letter(s) to Patient A and/or Patient A's GP dated 23<sup>rd</sup> November 2009 and/or;

Allegation 3(a)(b) & (c) was proven as to fact.

Reason: The undisputed evidence established this beyond a reasonable doubt.

Allegation 3(a) (b) & (c) did amount to poor professional performance.

Reason: The evidence of Professor Selby established this beyond a reasonable doubt, notwithstanding the evidence of Professor Courtney.

**Allegation 4:**

That Dr Quigley on or after receipt of the letter of referral dated 22<sup>nd</sup> November 2010 from Patient A's GP:

- a. failed to recognise that one or more of the investigations that he had planned in 2009 had not been carried out and/or;
- b. failed to arrange for one or more of the investigations that he had planned in 2009 to be carried out and/or;

Allegation 4 (a) & (b) was proven as to fact.

Reason: The undisputed evidence established this beyond a reasonable doubt.

Allegation 4 (a) & (b) did / did not amount to poor professional performance.

Reason: The evidence of Professor Selby established this beyond a reasonable doubt, notwithstanding the evidence of Professor Courtney.

**Allegation 5:**

That Dr Quigley at the consultation on or around 13<sup>th</sup> December 2010:

- a. failed to undertake any or any adequate examination of Patient A and/or;
- b. failed to make any or any adequate assessment of Patient A and/or;

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

Reason: The Committee find the allegation not proven beyond a reasonable doubt.

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

Reason: The Committee find the allegation not proven beyond a reasonable doubt.

**Allegation 6:**

That Dr Quigley at or after the consultation on or around 13<sup>th</sup> December 2010:

- a. failed to recognise that one or more of the investigations that he had planned in 2009 had not been carried out and/or;
- b. failed to arrange for one or more of the investigations that he had planned in 2009 to be carried out and/or;
- c. failed to re-explore the issue of hyponatraemia identified by him in August 2009 and/or;

- d. failed to take and or any adequate steps consequent on his consultation with Patient A and/or;
- e. failed to respond in a timely manner to the referral letter from Patient A's General Practitioner and/or;
- f. prescribed "Nifedipine" for Patient A when he knew or ought to have known that this was the generic name for "Adalat" which had already been prescribed for Patient A and/or

Allegation 6(a) was proven as to fact.

Reason: The undisputed evidence established this beyond a reasonable doubt.

Allegation 6(b) was proven as to fact.

Reason: The undisputed evidence established this beyond a reasonable doubt.

Allegation 6(c) was proven as to fact.

Reason: The undisputed evidence established this beyond a reasonable doubt.

Allegation 6(d) was proven as to fact.

Reason: The undisputed evidence established this beyond a reasonable doubt.

Allegation 6(e) was proven as to fact.

Reason: The undisputed evidence established this beyond a reasonable doubt.

Allegation 6(a) (b) (c) (d) (e) did amount to poor professional performance.

Reason: The evidence of Professor Selby established this beyond a reasonable doubt as amounting to poor professional performance, notwithstanding the evidence of Professor Courtney.

Allegation 6(f) was withdrawn.

**Allegation 7:**

That Dr Quigley failed to ensure that he had any or any adequate system in place for tracking and/or monitoring investigations and/or tests.

Allegation 7 was proven as to fact.

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

Allegation 7 did amount to poor professional performance.

Reason: The evidence of Professor Selby established this beyond a reasonable doubt, notwithstanding the evidence of Professor Courtney.

**Allegation 8:**

That Dr Quigley failed to respond adequately or at all to one or more of the letters sent by Patient A's wife dated 15<sup>th</sup> May 2011 and/or 25<sup>th</sup> May 2011 and/or 13<sup>th</sup> June 2011.

Allegation 8 was proven as to fact.

Reason: The undisputed evidence established this beyond a reasonable doubt.

Allegation 8 did amount to poor professional performance.

Reason: The evidence of Professor Selby established this beyond a reasonable doubt, notwithstanding the evidence of Professor Courtney.

**Allegation 9:**

That Dr Quigley failed to maintain adequate records in respect of care afforded to Patient A.

Allegation 9 was not proven as to fact.

Reason: The Committee find the allegation not proven beyond a reasonable doubt.

**Other matters relating to the registered medical practitioner the subject of the complaint which the Committee considers appropriate to specify:**

The Committee notes that the CEO did not allege that any error on the part of Dr Quigley caused the deterioration in the patient's health or his death.



\_\_\_\_\_ Chairperson

25<sup>th</sup> April 2013

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Date