



**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 Iman Ekky
Registration Number:	017078
Registered Address:	67 Castaheany Navan Road Dublin 15.
Date of Inquiry:	12 th & 13 th November, 2013
Members of Inquiry Committee:	Dr Michael Ryan (Chair) Ms Catherine Earley Dr Mary Henry
Legal Assessor:	Mr Seamus Woulfe SC
Appearances - For the Chief Executive:	Ms Neasa Bird BL instructed by McDowell Purcell Solicitors.
For the Practitioner:	Ms Jane O'Neill BL instructed by Matheson Solicitors

Findings of the Committee:

Allegation 1:

That Dr Ekky diagnosed Patient A with the Herpes Virus and/or treated accordingly in circumstances where there was no clinical evidence of this diagnosis.

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

Allegation 1 was proven as to fact.

Reason:

This was proven beyond a reasonable doubt on the uncontroverted evidence of Patient A as corroborated by the evidence of Drs. Regos and Gallimberti.

Allegation 1 did amount to poor professional performance.

Reason:

The evidence of Professor Bradley established beyond a reasonable doubt that this was a failure to meet the standards of competence that can reasonably be expected of general practitioners.

Allegation 2:

That Dr Ekky on one or more occasion(s) informed Patient A that she was suffering from the Herpes Virus when she knew or ought to have known that was not the case.

Allegation 2 was proven as to fact.

Reason:

The unchallenged evidence of Patient A and the evidence of Professor Bradley established these facts beyond a reasonable doubt.

Allegation 2 did amount to poor professional performance.

Reason:

The evidence of Professor Bradley established beyond a reasonable doubt that this was a failure to meet the standards of competence that can reasonably be expected of general practitioners.

Allegation 3:

That Dr Ekky failed to carry out an adequate examination of Patient A.

Allegation 3 was withdrawn.

Allegation 4:

That Dr Ekky failed to carry out one or more diagnostic test(s);

Allegation 4 was withdrawn.

Allegation 5:

That Dr Ekky failed to take into account Patient A's medical history, to include but not limited to Patient A informing her that she was in a monogamous relationship.

Allegation 5 was proven as to fact.

Reason:

The unchallenged evidence of Patient A and the evidence of Professor Bradley established these facts beyond a reasonable doubt.

Allegation 5 did amount to poor professional performance.

Reason:

The evidence of Professor Bradley established beyond a reasonable doubt that this was a failure to meet the standards of competence that can reasonably be expected of general practitioners.

Allegation 6:

That Dr Ekky failed to consider adequately or at all Patient A's presenting symptom(s).

Allegation 6 was proven as to fact.

Reason:

The unchallenged evidence of Patient A and Mr B together with the evidence of Professor Bradley established these facts beyond a reasonable doubt.

Allegation 6 did amount to poor professional performance.

Reason:

The evidence of Professor Bradley established beyond a reasonable doubt that this was a failure to meet the standards of competence that can reasonably be expected of general practitioners.

Allegation 7:

That Dr Ekky failed to follow up and/or provide Patient A with the results of the swab tests

Allegation 7 was withdrawn.

Allegation 8:

That Dr Ekky prescribed Patient A, the medication Daktacort, which is contra-indicated for patients who have the Herpes Virus.

Allegation 8 was proven as to fact.

Reason:

The unchallenged evidence of Patient A and the evidence of Professor Bradley established these facts beyond a reasonable doubt.

Allegation 8 did amount to poor professional performance.

Reason:

The evidence of Professor Bradley established beyond a reasonable doubt that this was a failure to meet the standards of competence that can reasonably be expected of general practitioners.

Allegation 9:

That Dr Ekky failed to maintain adequate and/or accurate medical records in respect of Patient A.

Allegation 9 was proven as to fact.

Reason:

The unchallenged evidence of Patient A and the evidence of Professor Bradley established these facts beyond a reasonable doubt.

Allegation 9 did amount to poor professional performance.

Reason:

The evidence of Professor Bradley established beyond a reasonable doubt that this was a failure to meet the standards of competence that can reasonably be expected of general practitioners.

Allegation 10:

That Dr Ekky caused Patient A and/or her husband, undue distress as a result of her informing Patient A that she had the Herpes Virus.

Allegation 10 was proven as to fact.

Reason:

The unchallenged evidence of Patient A and Mr B established this beyond a reasonable doubt.

Allegation 10 did amount to poor professional performance.

Reason:

The evidence of Professor Bradley established beyond a reasonable doubt that this was a failure to meet the standards of competence that can reasonably be expected of general practitioners.

Allegation 11:

Having regard to some or all of allegations 1, 2, 5, 6, 8, 9 and 10 above that Dr Ekky failed to meet the standards of competence (whether in knowledge and skill or the application of knowledge and skill or both) that can be reasonably expected of a general practitioner in respect of the totality of the treatment afforded by her to Patient A.

Allegation 11 was proven as to fact.

Reason:

The evidence of Professor Bradley established this beyond a reasonable doubt.

Allegation 11 did amount to poor professional performance.

Reason:

The evidence of Professor Bradley established beyond a reasonable doubt that this was a failure to meet the standards of competence that can reasonably be expected of general practitioners.

A handwritten signature in black ink, appearing to read "Michael Ryan", written in a cursive style.

Chairperson

14th November, 2013

Date