



**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 Patrick Rafferty
Registration Number:	013399
Registered Address:	The Willows Sunbury Gardens Dartry Dublin 6
Date of Inquiry:	12 th , 13 th & 14 th March, 9 th & 15 th April, 2013
Members of Inquiry Committee:	Dr Danny O'Hare Dr Mary Henry Mr Denis Doherty
Legal Assessor:	Mr Seamus Woulfe SC
Appearances - For the Chief Executive:	Mr. JP Mc Dowell and Ms Sinead Likely of Mc Dowell Purcell Solicitors.
For the Practitioner:	Mr Simon Mills BL instructed by Mr Terence Moran of Hayes Solicitors.

The allegations of professional misconduct and considered by the Committee were as follows:

- A. That you, being a registered medical practitioner, fell seriously short of the standards of conduct expected among Consultant Obstetricians in relation to the care afforded by you on or around 4, 5 and 6 June 2008 to Ms Michelle Howe, a patient under your care, in that you:
1. Failed to diagnose an ectopic pregnancy despite clinical evidence of same and/or
 2. Failed to admit Ms. Howe for a laparoscopy and/or
 3. Failed to make any or adequate arrangements in advance of the

admission of Ms. Howe to Mount Carmel or any other Hospital to include ensuring that her records of the treatment previously afforded to her were available for consideration and/or

4. Failed to recommend the most appropriate treatment to Ms Howe to suit her condition(s) and/or best interests and/or
 5. Failed to recognise the significance of the increase in beta-hCG levels taken on 4 and 6 June 2008 and/or
 6. Failed to advise the patient of the significance of the increase in beta-hCG levels taken on 4 and 6 June 2008 and/or
 7. Such further allegations as may be notified to you in advance of the Inquiry.
- B. That you, being a registered medical practitioner, fell seriously short of the standards of conduct expected among Consultant Gynaecologists in relation to the care afforded by you to Ms Cathy Coyle, a patient under your care, during the period from April 2007 to August 2007, in that you:
1. Carried out a hysterectomy in circumstances where it would have been more appropriate to manage Ms. Coyle conservatively with ultrasound assessment of her endometrium and/or
 2. Failed to ensure that there was another surgeon present during surgery in order to assist you and/or
 3. Failed to take all reasonable steps, to include referral for a Urological opinion consequent on one or more of the following:
 - i. The results of an ultrasound carried out and/or reported on or around 16 July 2007; and/or
 - ii. The results of a follow up ultrasound carried out on or around 27 July 2007 and/or reported on or around 30 July 2007; and/or
 - iii. The post-operative creatinine results; and/or
 - iv. The post-operative pain and/or
 4. Failed to ensure that the further renal imaging referred to in your letter dated 28 August 2007 to Ms. Coyle's General Practitioner, Dr Mary Slevin, was actually carried out and/or failed to alert Ms. Coyle to the possible consequences of not having same and/or
 5. Such further allegations as may be notified to you in advance of the Inquiry.

Findings of the Committee:

Allegation A:

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

Allegation A1 was not proven as to fact.

Reason: Not proven beyond a reasonable doubt

Allegation A2 was proven as to fact.

Reason: The Committee was satisfied beyond a reasonable doubt having regard to the evidence of Ms Howe, notwithstanding the evidence to the contrary of Dr Rafferty, which evidence the Committee found inconsistent and lacking in credibility in significant respects.

Allegation A2 did amount to professional misconduct.

Reason: The Committee was satisfied beyond a reasonable doubt having regard to the evidence of Dr Smith.

Allegation A3 was proven as to fact.

Reason: The Committee was satisfied beyond a reasonable doubt that Dr Rafferty failed to make any arrangements in advance of the admission of Ms Howe to Mount Carmel, in the light of the Committee's findings in respect of Allegations 2, 4 and 6.

Allegation A3 did amount to professional misconduct.

Reason: The Committee was satisfied beyond a reasonable doubt having regard to the evidence of Dr Smith.

Allegation A4 was proven as to fact.

Reason: The Committee was satisfied beyond a reasonable doubt having regard to the evidence of Ms Howe, notwithstanding the evidence to the contrary of Dr Rafferty, which evidence the Committee found inconsistent and lacking in credibility in significant respects.

Allegation A4 did amount to professional misconduct.

Reason: The Committee was satisfied beyond a reasonable doubt having regard to the evidence of Dr Smith.

Allegation A5 was not proven as to fact.

Reason: Not proven beyond a reasonable doubt

Allegation A6 was proven as to fact.

Reason: The Committee was satisfied beyond a reasonable doubt having regard to the evidence of Ms Howe, notwithstanding the evidence to the contrary of Dr Rafferty, which evidence the Committee found inconsistent and lacking in credibility in significant respects.

Allegation A6 did amount to professional misconduct.

Reason: The Committee was satisfied beyond a reasonable doubt having regard to the evidence of Dr Smith.

Allegation B:

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

Allegation B1 was not proven as to fact.

Reason: Not proven beyond a reasonable doubt

Allegation B2 was not proven as to fact.

Reason: Not proven beyond a reasonable doubt.

Allegation B3 was proven as to fact.

Reason: This was admitted by the doctor.

Allegation B3 does amount to professional misconduct.

Reason: This was admitted by the doctor.

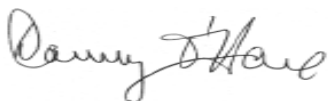
Allegation B4 was not proven as to fact.

Reason: 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 literal wording of allegation B2 (“failed to ensure that there was another surgeon present during surgery in order to assist you”) as presented in the Notice of Inquiry and in the absence of any amendment of same, could not support a finding of professional misconduct against Dr Rafferty, but wishes to record its concern about Dr Rafferty’s evidence relating to the absence of another trained assistant during surgery at the relevant time in Mount Carmel, and the attendant danger to patient safety of its possible continuance.

SIGNED:



DR. DANIEL O’HARE
CHAIRPERSON

DATE: 16th April, 2013