



**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>	Mr John Marks
<b>Registration Number:</b>	015291
<b>Registered Address:</b>	Cork University Hospital Wilton
<b>Date of Inquiry</b>	13 <sup>th</sup> April, 2015
<b>Members of Inquiry Committee:</b>	Dr Michael Ryan Dr Deirdre Madden Dr Geraldine Corrigan
<b>Legal Assessor:</b>	Mr Seamus Woulfe S.C.
<b>Appearances - For the Chief Executive:</b>	Mr Ronan Kennedy B.L. instructed by Mr. David McKechnie of Mc Dowell Purcell Solicitors.
<b>For the Practitioner:</b>	Represented himself

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**Findings of the Committee:**

Allegation 1:

Carried out a left trigeminal radiofrequency lesioning procedure (the “procedure”) in circumstances where you indicated in a letter to Ms Shone’s general practitioner on or around 24 August 2011 that the procedure was not suitable for Ms Shone’s condition of trigeminal neuralgia; and/or,

Allegation 1 was proven as to fact.

Reason: Admitted by doctor.

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Allegation 2:

Failed to inform Ms. Shone that you could not administer a Glycerol injection as planned because there was no Glycerol available in the Hospital

Allegation 2 was proven as to fact.

Reason: Admitted by doctor.

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Allegation 3:

Failed to take any or adequate consent from Ms. Rosalind Shone for the procedure carried out by you on 11 November 2011.

Allegation 3 was proven as to fact.

Reason: Admitted by doctor.

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Allegation 4:

Failed to explain the procedure and/or the risk(s) of the procedure to Ms Shone

Allegation 4 was proven as to fact.

Reason: Admitted by doctor.

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Allegation 5:

Failed to ensure that 2, 3 and/or 4 were carried out;

Allegation 5 was proven as to fact.

Reason: Admitted by doctor.

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Allegation 6:

Failed to follow the Consent Policy for Cork University Hospital Group issued on 08 September 2009 and reviewed on 01 October 2010 and/or Section D of the Medical Council's Guide to Professional Conduct and Ethics (7th Edition 2009);

Allegation 6 was proven as to fact.

Reason: Admitted by doctor.

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Allegation 7:

Told Ms. Shone that the reason you decided to carry out the procedure was because you had spoken to a Professor in Bristol who confirmed that Ms Shone had a diagnosis of trigeminal neuralgia and in the circumstances this was the best procedure for Ms Shone when you knew or ought to have known this was not the reason why the Glycerol injection would not be administered

Allegation 7 was proven as to fact.

Reason: Admitted by doctor.

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Allegation 8:

Failed to ensure that Ms. Shone was kept in the Hospital overnight for observation in circumstances where this was clinically indicated

Allegation 8 was proven as to fact.

Reason: Admitted by doctor.

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Allegation 9:

Prior to Ms Shone's discharge from the hospital:

- a. Failed to assess Ms Shone adequately or at all in circumstances where you knew or ought to have known your Registrar did not have the requisite experience or expertise to discharge the patient; and/or,
- b. Failed to carry out and/or ensure all necessary assessment(s) and/or test(s) were carried out to include, but not limited to, assessing Ms Shone's corneal sensation; and/or,
- c. Failed to provide or arrange to provide Ms Shone with advice in relation to the post operative care of her eye, to include but not limited to failing to warn Ms Shone of the necessary precautions following the administration of corneal anesthesia;

Allegation 9a was proven as to fact.

Reason: Admitted by doctor.

Allegation 9b was proven as to fact.

Reason: Admitted by doctor.

Allegation 9c was proven as to fact.

Reason: Admitted by doctor.

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Allegation 10:

Failed to prepare a Medical Discharge Summary or arrange a Medical Discharge Summary to be prepared in relation to the procedure carried out on Ms Shone;

Allegation 10 was proven as to fact.

Reason: Admitted by doctor.

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Allegation 11:

Failed to provide or arrange to provide Ms Shone's general practitioner with a Medical Discharge Summary

Allegation 11 was proven as to fact.

Reason: Admitted by doctor.

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Allegation 12:

Failed to put in place and/or document any or any adequate follow up plan for Ms Shone

Allegation 12 was proven as to fact.

Reason: Admitted by doctor.

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Allegation 13:

Carried out the procedure in such a manner as to cause to Ms Rosalind Shone injury to include an anaesthetic cornea, neuropathic keratitis, and persistent pain

Allegation 13 was proven as to fact.

Reason: Admitted by doctor.

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The allegation of poor professional performance is:

In relation to one or more of the factual allegations and/or sub allegations listed at 1 – 13 above, you failed to meet the standards of competence (whether in knowledge and skill or the application of knowledge and skill or both) that can reasonably be expected of a Consultant Neurosurgeon.

The Committee found that this allegation was proven.

Reason: The Committee was satisfied beyond a reasonable doubt that the factual allegations, taken together, amounted to poor professional performance and also that allegations 2 to 7 inclusive and 9 to 12 inclusive amount to poor professional performance in themselves and the Committee notes Mr Marks' admissions in that regard.

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**SIGNED:**

DR MICHAEL RYAN  
CHAIRPERSON  
FITNESS TO PRACTISE COMMITTEE

**DATE:** 17<sup>th</sup> April, 2015