



**Report 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 Declan Egan
<b>Registration Number:</b>	017832
<b>Registered Address:</b>	Chestnut Lane Dangan Galway
<b>Date of Inquiry:</b>	1 <sup>st</sup> September, 2014 19 <sup>th</sup> & 20 <sup>th</sup> January, 23 <sup>rd</sup> February & 26 <sup>th</sup> May and 10 <sup>th</sup> June, 2015
<b>Members of Inquiry Committee:</b>	Dr Michael Ryan (Chair) Ms Meg Murphy Mr Brendan Healy
<b>Legal Assessor:</b>	Mr Seamus Woulfe SC
<b>Appearances - For the Chief Executive:</b>	Mr. JP Mc Dowell of Mc Dowell Purcell Solicitors.
<b>For the Practitioner:</b>	Ms Eileen Barrington SC instructed by Hayes Solicitors

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**Findings of the Committee:**

**Allegation 1:**

That Dr Egan performed a “clipping of hydrosalpinx both” in circumstances where this was not consistent with the consent form dated 2 June 2010.

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

Allegation 1 was proven as to fact  
Reason:

The Committee was satisfied beyond a reasonable doubt that the clipping of the left fallopian tube was not consistent with the consent form dated 2<sup>nd</sup> June 2010. It was established beyond a reasonable doubt that this additional procedure was not found necessary during the course of the operation or treatment in terms of having been necessary to deal with a danger to the life and health of the patient. In addition, the committee were satisfied beyond a reasonable doubt that this additional procedure was not found necessary in the sense that it would have been, in the circumstances, unreasonable to postpone the additional procedure until a later date.

Allegation 1 did not amount to poor professional performance.

Reason:

Notwithstanding the seriousness of the matter from the point of view of the patient the Committee was not satisfied beyond a reasonable doubt that the actions of Dr Egan amounted to a serious failure to meet the standards of competence that could reasonably have been expected of a consultant obstetrician and gynaecologist as regards the understanding of and operation of the type of consent form in question as of June 2010.

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

**The Committee wishes to note the following issues of concern arising from the evidence adduced during the course of the Inquiry:**

- 1. The communication between the Patient and the Medical Practitioners appeared to be deficient.**
- 2. The handover and referral process between the medical practitioners appeared flawed and unsatisfactory.**
- 3. The consenting process appeared unclear and unsatisfactory.**
- 4. In the circumstances the sending to the patient of literature relating to IVF treatment was insensitive**



**SIGNED:**

DR MICHAEL RYAN  
CHAIRPERSON  
FITNESS TO PRACTISE COMMITTEE

**DATE:** 10<sup>th</sup> June, 2015