



Primary Health Lists

[2012]PHL 15526

The Tribunal Procedure Rules (First-tier Tribunal) (Health, Education and Social Care) Rules 2008

Dr Nihal Elapatha (GMC No. 4343080)

Appellant

v

NHS Commissioning Board (Formerly NHS Kent and Medway) Respondent

SCHEDULE TO THE DECISION OF THE TRIBUNAL

CONDITIONS ON THE APPELLANT'S CONTINUED INCLUSION IN THE MEDICAL PERFORMERS LIST

Conditions relating to clinical assessment

- A. If the GMC assessment which the Appellant is currently undergoing is completed, then:
1. Within 7 days of any assessment report or consequential recommendations by the General Medical Council (GMC) or Medical Practitioners Tribunal Service (MPTS), you must deliver a copy thereof to NHS England.
 2. Within 21 days of the any such report and/or recommendations, or such longer period as NHS England shall in its discretion permit, you must meet with NHS England or its appointed representative to discuss the implementation of any recommendations made.
 3. Within 28 days of any such report, or such longer period as NHS England shall in its discretion permit, you must deliver to NHS England a Personal Improvement Plan which addresses and complies with any such recommendations, and shall permit NHS England to monitor your progress in relation to the issues or improvements therein identified, at such intervals and in such manner as NHS England may require.
- B. If the GMC assessment does not proceed or for any reason is not completed, then:
1. You must within 7 days of being notified by the GMC/MPTS that its proposed clinical assessment will not proceed, or cannot be completed or is being abandoned for any reason, so inform NHS England in writing.
 2. You must within 14 days (or such longer period as NHS England shall in its discretion require) of being notified by NHS England that the National Clinical Assessment Service (NCAS) is willing to undertake an assessment, meet with the appointed representatives of NHS England and NCAS if so requested, and sign an NCAS assessment agreement, and must thereafter cooperate with the conduct of any assessment by NCAS in the manner and by the dates it may require.

3. Within 28 days (or such longer period as NHS England shall in its discretion require) of the receipt by you of any NCAS assessment report and recommendations you must deliver to NHS England a Personal Improvement Plan which addresses and complies with any such recommendations, and shall at your own expense carry out any NCAS recommendations and shall permit NHS England to monitor your progress in relation to the recommendations made by NCAS, at such intervals and in such manner as NHS England may require.
4. You must seek the advice of your Director of Postgraduate General Practice Education [DPGPE] or comparable professional body, or their nominated deputy in relation to the steps identified by an NCAS assessment for improving your practice or performance (if such an assessment is completed), or (if for any reason an NCAS assessment is not completed) you must seek the advice of your DPGPE in relation to an assessment of your learning needs undertaken in consultation with the DPGPE, in particular as to:
 - a. Clinical record keeping;
 - b. Prescribing protocols and compliance therewith;
 - c. Using IT systems within your practice;
 - d. Improving and sustaining performance levels, reflected by Quality and Outcomes Framework, screening and prevention performance;
 - e. Communication with patients and with other healthcare professionals.and must comply with any such advice to the best of your ability and at your own expense.

C. General

1. If, because of ill health, you are unable to comply with any time limit for completion of any action, including but not limited to attending a meeting, you shall within 72 hours of any such failure provide to NHS England a medical report which sets out:
 - a. Your condition;
 - b. Whether, in the opinion of your doctor, your condition prevents you from complying with the action required of you at the relevant time;
 - c. The treatment you are receiving and anticipated timescale for your recovery so as to be able to comply with the required action.
2. You must undertake an occupational health assessment if requested to do so by NHS England.
3. You must permit NHS England to exchange information about any of the matters within any GMC or NCAS assessment, recommendations or Personal Improvement Plan, or about your professional performance or your health with the GMC, NCAS, the DPGPE or any comparable professional body or any occupational health professional who assesses you.
4. If you apply for any medical employment outside England or for any locum agency or out-of-hours service within England, you must within 7 days of that application inform NHS England in writing.
5. You must permit NHS England to disclose a copy of these conditions to any of the bodies mentioned at paragraph C3 above or to the local Health Board or Health and Social Care Board in Scotland, Wales or Northern Ireland.

20th November 2013