

## Primary Health Lists

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

Heard on 8 October 2014

BEFORE

JUDGE MELANIE LEWIS  
Dr PARVINDER GARCHA SPECIALIST MEMBER  
Dr RAJENDRA RATHI SPECIALIST MEMBER

[2014] 2256.PHL

BETWEEN

NHS England

Appellant

-v-

Dr Julia Jones

Respondent

### DECISION

#### Application for further suspension.

By application dated 20 August 2014 NHS England seeks a further extension of the suspension due to expire 25 August 2014 under Regulation 12 (1) (b) (ii) National Health Service (Performer Lists) (England) Regulations 2013. ("The Regulations".)

#### **Decision**

The Tribunal unanimously agrees to extend the suspension until 25 December 2014 under Regulation 12 (1) (b) (ii) whilst it awaits a decision from the Secretary of State, being satisfied it is necessary to do so for the protection of patients or members of the public AND that it otherwise in the public interest.

#### **Reasons**

1. The background to this application is set out in detail in the application dated 20 August 2014. We summarise only such facts as are necessary to explain our decision.

2. In September 2013 following an email from a GP Partner at Dr J J's practice, the Applicant became aware of concerns that
  - (a) Dr J J had been inappropriately using patients' identities to create false prescriptions for
    - (i) HRT medication; and
    - (ii) Propranolol; and
  - (b) Dr J J may have issues with respect to alcohol misuse.
3. On 16 September 2013 Dr J J was suspended with immediate effect, in accordance with Regulation 12 (6). On 17 September 2013, in accordance with Regulation 12 (7) (b) suspension was maintained until 16 March 2014.
4. The GMC became seized of the case. Concerns had arisen about Dr J J's mental health. By a consent order dated 30 April 2014 the current suspension was set to expire on 25 August 2014.
5. The current position is that Dr J J has indicated her wish to retire from General Practice on 24 August 2014 and also to be removed from the Performers' List on that date. She also indicated an intention to seek voluntary erasure from the GMC register but to date no application was received from the GMC.
6. NHS England is of the view that it would be appropriate and in the public interest for NHS England to seek to manage the case in supporting Dr J J's application for withdrawal rather than removal.
7. In accordance with Regulations 21 (a) and 12 (4) Dr J J may only withdraw from the list when consent is obtained from the Secretary of State. The application has been made, and the estimated time scale for receiving the response is approximately late September/early October 2014.
8. In the event the application is refused, NHS England will take steps to consider removing Dr J J.
9. We consider this a proportionate response in all the circumstances. We have had regard to evidence that Dr J J's mental health is said to be extremely fragile. The only evidence we read from her was a handwritten letter dated 6 June 2014 confirming her intention to retire on 24 August 2014. The application clearly sets out the concerns which were not challenged. Dr JJ admitted for a period of approximately a year that she inappropriately and deliberately used patients' identities and created false prescriptions to issue and collect prescriptions for HRT and propranolol not prescribed by her GP. She only admitted this conduct when challenged and such conduct raises the risk of inaccurate information being entered on patients' records. We note that

Dr J J said that she was prescribing propranolol for her daughter but even prescribing for a family member would be contrary to Good Medical Practice.

**ORDER**

**The application is allowed.**

Pursuant to Regulation 12 (1) (b) (ii) National Health Service (Performer Lists) (England) Regulations 2013. Dr Julia Jones is suspended from the Performers' List until 25 December 2014.

**Judge Melanie Lewis  
Judge Primary Health Lists  
First-tier Tribunal (Health, Education and Social Care)**

**Date: 15 October 2014**