

IN THE FAMILY HEALTH SERVICES APPEAL AUTHORITY
Case: 13834

Mr P Kelly - Chairman
Dr. G Sharma - Professional Member
Dr. D Ratzer - Member

CUMBRIA PRIMARY CARE TRUST

Applicant

and

DR. MICHAEL STEVENSON
(GMC reg: 2594248)

Respondent

DECISION WITH REASONS

1. This is an application by Cumbria Primary Care Trust ("the PCT") for national disqualification of Dr. Michael Stevenson ("Dr. Stevenson") under and in accordance with Sec.49N National Health Service Act 1977 (as amended). Dr. Stevenson is aware of the application but has decided not to make submissions.
2. Following a conviction for manslaughter on 18th April 2007 visited by 15 months' imprisonment suspended for two years the PCT removed Dr. Stevenson from its Performers List under the discretionary provisions contained in The National Health Service (Performers Lists) Regulations 2004 (Reg.10 (4)(c)). Whilst not wrong, it would have been more appropriate to exercise the mandatory ground for removal found in Reg. 10 (1)(b).
3. The factual basis for the conviction and sentence is contained in the Courts sentencing remarks (pages 5-13 of the PCT's bundle). We need not enlarge upon the views or facts there expressed save to say the deceased, a patient of Dr. Stevenson, died as the consequence of an injection of diamorphine deliberately administered but accidentally containing a lethal overdose. The consequences of the events upon which the conviction is founded are disastrous for all those involved including Dr. Stevenson whose health is now seriously compromised.
4. We are satisfied the gravity of Dr Stevenson's criminally negligent treatment of the deceased justifies disqualification from all lists held under the provisions of The National Health Service (Performers List) Regulations 2004 or any subsequent amendment thereof.
5. Dr. Stevenson should know he has the right to apply for a review of this disqualification after two years beginning with the date of this decision.
6. Finally, in accordance with Rule 42 (5) of the Rules we hereby notify that a party to these proceedings can appeal this decision under Sec 11 Tribunals & Inquiries Act 1992 by

lodging notice of appeal in the Royal Courts of Justice, The Strand, London WC2A 2LL
within 28 days from receipt of this decision.

Dated this 28th August 2007

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Paul Kelly, Chairman