

IN THE FAMILY HEALTH SERVICES APPEAL AUTHORITY  
CASE: 13879

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

COUNTY DURHAM PRIMARY CARE TRUST

Applicant

And

DR. HOWARD MARTIN  
(GMC reg: 0525365)

Respondent

DECISION WITH REASONS

1. This is an application by County Durham Primary Care Trust ("the PCT") for an order of national disqualification under the terms of National Health Service Act 1977 Sec.49N (as amended) against Dr. Howard Martin ("Dr. Martin"). The Panel is satisfied notice of the application was regularly posted to his last known address. He has not responded to the application.
2. The PCT removed Dr. Martin from its performers list on 22<sup>nd</sup> May 2007 on the single ground of unsuitability. He did not appeal that decision. The PCT has helpfully provided full details of the allegations in respect of which removal was directed which may be condensed into concerns around prescribing likely to cause serious harm to the patient; failure to make differential diagnosis; inadequate record keeping; failure to obtain consent to treatment or to withdrawal of treatment; failure to properly inform the Coroner in the case of an unclear diagnosis following death and seemingly to provide false information to relatives. Full particulars of each allegation are found in a letter of 28<sup>th</sup> November 2006 sent to Dr. Martin and numbered 2 in the bundle before the Panel.
3. The Panel has considered the details of each uncontested allegation and is satisfied they collectively demonstrate failings in patient care and safety sufficiently serious to be visited by national disqualification from inclusion in any performers List held under and by virtue of The National Health Service (Performers Lists) Regulations 2004 or any amendment thereto. Further, the professional conduct is such that we are of the opinion there is no realistic prospect of a successful review of this decision within two years. We therefore substitute five years for the period of two years in accordance with The National Health Service (Performers Lists) Regulations 2004 Reg.19(a).
4. 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 28<sup>th</sup> August 2007.

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Paul Kelly, Chairman