

**IN THE FAMILY HEALTH SERVICES APPEAL AUTHORITY**

**Case Number: 13453**

**Listed at: Harrogate**  
**On: 9<sup>th</sup> January 2007**

**Mr T Jones Chairman**  
**Dr I Lone Professional Member**  
**Mr C Barnes Member**

**BETWEEN**

**EAST RIDING OF YORKSHIRE PCT ("The PCT")**

**Applicant**

**and**

**DR M J F McKENNA**  
**(Professional Registration Number: 4368773)**

**Respondent**

**DECISION WITH REASONS**

**The Background and Application**

- 1 On the 18<sup>th</sup> July 2006 the Applicant PCT ("The PCT") suspended the Respondents ("Dr McKenna") from its Medical Performers List, having given him an earlier opportunity to make representation, or to attend the meeting at which this decision was made. Subsequently, as an assessment from the National Clinical Assessment Service (NCAS) remained outstanding concerning Dr McKenna, by exercise of its powers the PCT extended the suspension for a further period until 17<sup>th</sup> January 2007. During this time, again we understand whilst awaiting the NCAS assessment, the General Medical Council (GMC) Interim Order Panel suspended Dr McKenna from practice on 21<sup>st</sup> September 2006 for 18 months, with a review proposed after 6 months.
  
- 2 The PCT under cover of a letter of 8<sup>th</sup> November 2006, a copy of which was sent to Dr McKenna, the PCT applied to the Tribunal for an extension of the suspension; the NCAS assessment is still outstanding and Dr McKenna remains suspended from practice by order of the GMC Interim Order Panel.
  
- 3 At all times the PCT has stressed that any decision to suspend is to be taken as a neutral act, and is intended only to protect both the interests of Dr McKenna and patients.

Our Conclusions

- 4 We are satisfied that Dr McKenna has had timely notice of today's hearing and the application. He has not appeared or made representations. We find there is reason, which is both proportionate and necessary, to make an order extending the suspension, by order of this Tribunal, for a period of 6 months from the 17<sup>th</sup> January 2007. In so doing, we concur fully with the comment made throughout by the PCT that suspension, and any extension thereto, should be seen as a purely neutral act intended only to protect the interest of all concerned.

Decision

- 5 An extension of the period of suspension, pursuant to regulation 13 (4) of the National Health Service (performers List) Regulations 2004, is made for a period of a further 6 months from 17<sup>th</sup> January 2007.
- 6 We direct that a copy of this decision be sent to the bodies referred to in Regulation 47 of the Family Health Services Appeal Authority (Procedure) Rules 2001. Finally, either party to this appeal may exercise a right of appeal against this decision by virtue of section 11 of the Tribunal and Inquiries Act 1992, by lodging an appeal with the Royal Courts of Justice, The Strand, London, WC2A 2LL, within 28 days of receipt of this decision.

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Mr T Jones, Chairman  
Harrogate, 9<sup>th</sup> January 2007.