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**In the Family Health Services Appeal Authority**

case no: 13375

**Heard at** Harrogate

**On** 14 December 2006

**Before**

**Mr J D Atkinson (Chairman)  
Dr E Walsh-Heggie  
Mr R Rhodes**

**Between**

**Salford Primary Care Trust**

**Applicant**

**and**

**Dr Michael Allan Moore**

**Respondent**

**On consideration of the papers only:**

**DECISION AND REASONS**

1. This is a determination of an application made by Salford Primary Care Trust (the applicant) dated 23 August 2006 to nationally disqualify Dr Michael Allan Moore (the respondent) from all Health Authority lists under the Health Services Act 1977 (as amended) and associated regulations.

**The Proceedings**

2. On 3 April 2006 the respondent was suspended from the applicant's performers list following allegations of his performing acts of a sexual nature whilst working as a locum at Lower Broughton Health Centre.
3. On 23 August 2006 the appropriate committee of the applicant decided to remove the respondent from its performers list on the grounds that the respondent is unsuitable to be included in the list. The committee also decided to apply to the Family Health Services Appeal Authority for the respondent to be nationally disqualified from all primary care trust lists.

**Preliminary Matters**

4. The respondent was not in attendance at the hearing before the present Panel. The Panel considered and applied rule 40 of the Family Health Services Appeal Authority (Procedure) Regulations. The Panel noted that the respondent had been duly notified of the application and hearing by way of letters dated 29 September 2006 and 1 November 2006 and that no response had been received from the respondent.

5. The Panel also noted that, by letter dated 4 October 2006, the applicant requested the application to be determined on consideration of the papers only, on the basis of the respondent not disputing the facts relating to his removal from the performers list.
6. Accordingly, the Panel decided to proceed in the absence of the parties.

### **The Law**

The relevant law is to be found in the 1977 Health Services Act as amended together with associated regulations. Section 49N of the 1977 Act provides for national disqualification of a performer on application from a relevant authority after removing a performer from its list.

### **The documents and evidence considered**

7. The Panel considered a bundle of documents numbered to 15. It is not necessary to set out its contents here.
8. For the hearing the respondent filed no evidence and made no representations. As noted above the Panel was satisfied that the respondent had been duly served with notice of the proceedings.

### **The Applicant's submissions**

9. The applicant relied on the documentary evidence and made written submissions that may be summarised as follows. The respondent had been removed from the applicant's list because he had performed an act of a sexual nature against a patient.
10. Computer print outs of a crime recording noted that allegations had been made by a patient that the respondent had, on 1 March 2006, inappropriately fondled a patient's breast and that, on 29 March 2006, the respondent had performed intercourse, both oral and vaginal, on the same patient. The patient initially said that intercourse had taken place without her consent.
11. The respondent was interviewed by the police in respect of the allegations. The respondent denied the allegation relating to 1 March 2006. The respondent accepted the allegations of intercourse on 29 March 2006 but said that such intercourse had taken place with the consent of the patient.
12. The patient, on further interview, withdrew the allegation relating to 1 March 2006 but confirmed that intercourse took place on 29 March 2006 with her consent.
13. The respondent was released by the authorities with a crime status of no offence.

### **The Respondent's submissions**

14. The respondent made no submissions and did not adduce any evidence in relation to the present application.

### **Decision and Reasons**

15. The Panel directs that an national disqualification be imposed on the respondent for the reasons set out below.
16. The respondent has been recorded as having engaged in sexual intercourse with a patient in a surgery whilst working as a locum. The respondent's actions have been considered by the

relevant committee of the applicant primary care trust on 5 April 2006 and 23 August 2006. The respondent attended those hearings where on both occasions he was assisted by a friend. The applicant's decision to remove the respondent from its list is not subject to any appeal by the respondent.

17. The respondent has been give due notice of the present proceedings and has raised no objection to the present application, has filed no evidence in the present proceedings and has made no submissions.
18. The Panel finds on the totality of the evidence that the respondent accepts that he engaged in sexual intercourse with a patient whilst working as a locum at Lower Broughton Health Centre.
19. The Panel finds such actions amount to gross misconduct in the performance of his professional duties. The respondent has so fundamentally abused his position of trust as a medical professional that he is unsuitable to be included on any performers list held by a primary care trust or equivalent health body.

### **Summary**

20. The Panel directs that Dr Michael Allan Moore be nationally disqualified.
21. In accordance with Rule 42 (5) of the Rules the Panel hereby gives notice 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 of receipt of this decision.

Signed

Date

MR J D Atkinson, Chairman