

**IN THE FIRST-TIER TRIBUNAL
(HEALTH, EDUCATION AND SOCIAL CARE CHAMBER)
PRIMARY HEALTH LISTS**

Application for an Extension to Suspension

Between

North Yorkshire & York PCT

Appellant

and

Derwent Pharmacy Ltd and Beecham Pharmacy Ltd

Respondent

Before

Mrs D Shaw

Mr A Woodcock

Mrs I Dale

Judge of the First-tier Tribunal

Professional Member

Member

Considered on 7th June 2010

DECISION WITH REASONS

Background

1. On 2nd October 2009 the Appellant PCT ("the PCT") was made aware by The Royal Pharmaceutical Society of Great Britain of an incident in the locality on 28th September 2009, when it appeared that Mr Ian Beecham, the Pharmacist at Derwent Pharmacy Ltd and Beecham Pharmacy Ltd ("the Respondent Pharmacies"), had dispensed a prescription for morphine in a dose of 10mg twice a day at a strength of 60mg. The prescription had been checked as correct by a Trainee Pharmacy Technician, Mr Neil Beecham, who is in fact the son of the Pharmacist.
2. The patient was unexpectedly found dead on 30th September 2009. The police were informed of the patient's sudden death and commenced their own investigation.

3. Mr Ian Beecham was arrested by police on 6th October 2009 on suspicion of manslaughter by gross negligence. The police confirmed to the PCT that Mr Ian Beecham made admissions when questioned under caution that the incorrect medication had been dispensed. He was not charged with any offence at that time but was released on bail pending further enquiries.
4. On 20th October 2009 the PCT convened a Panel to consider the matter and determined that the Respondent Pharmacies should be suspended from its Pharmaceutical List with immediate effect.
5. The PCT subsequently co-operated with the Respondent Pharmacies in the expedited process to approve a substitute Superintendent Pharmacist to operate the Respondent Pharmacies in an attempt to ensure there was no break in service.
6. The PCT has received co-operation from Mr Ian Beecham and Mr Neil Beecham and their representatives throughout. Their representatives have confirmed that they are content for this application to be considered and dealt with on the papers.

Application

7. On 16th March 2010 the PCT applied to the Tribunal under section 154(6) (b) of the NHS Act 2006 for an extension to the period of suspension until:
 - (i) the conclusion of any criminal proceedings taken against Mr Ian Beecham or Mr Neil Beecham arising out of these circumstances; or
 - (ii) notification to the PCT that no criminal charges are to be preferred by the Crown; and
 - (iii) in each case for an additional period of six weeks following notification either of (i) or (ii) to the PCT in order to allow the PCT to prepare any papers necessary for a hearing and to give the statutory period of notice of a hearing (28 days) before the PCT.

Consideration and Decision

8. We note that the representatives for Mr Ian Beecham and Mr Neil Beecham have confirmed they have both consented to an Order extending the suspensions on the terms and for the time period requested by the PCT.

9. We are persuaded by the PCT's representations, there is reason, which is both proportionate and necessary, to make an Order extending the suspension on the terms and for the time period requested by the PCT.

Right of Appeal.

10. The parties are hereby notified of their right to appeal this decision under section 11 of the Tribunals Courts and Enforcement Act 2007. Pursuant to paragraph 46 of the Tribunal Procedure (First-tier Tribunal) Health, Education and Social Care Chamber) Rules 2008 (SI 2008/2699) a person seeking permission to appeal must make a written application to the Tribunal no later than 28 days after the date that this decision was sent to them.

Debra Shaw

Judge of the First-tier Tribunal

8 June 2010