

THE PRIMARY HEALTH LISTS TRIBUNAL

CASE NUMBER 15280

NEWHAM PRIMARY CARE TRUST

Applicant

and

FEMI FAJEMSIN

Respondent

REASONS

1. On 7.8.09 the Newham PCT (the PCT) determined that Femi Fajemisin (the respondent) should be removed from their Performers List on the grounds of both 'suitability' and 'efficiency'. The respondent appealed against this decision to the FHSAA and then subsequently withdrew his appeal on 16 March 2010. Following the respondent's withdrawal of his appeal the PCT applied for a national disqualification to be imposed on the respondent. This was on 21 May 2010.
2. The respondent's representative informed the PHL by letter dated 27 July 2010 that, assuming that the application for national disqualification was based on the reasons found by the PCT in August 2009, they did not oppose the application for national disqualification.
3. The respondent and his colleagues had been supplying dental services for about 10 years solely to residents in care homes. The respondent held a General Services Contract with the PCT dated 30 March 2006. From August 2008 onwards various investigations were undertaken into the respondent's practice. The factual basis of these investigations, and the conclusions reached by the investigators, provided the information upon which the PCT made its decision to remove him from their performers list.
4. In summary the PCT determined that the respondent:
 - a. Provided unnecessary treatment.
 - b. Made or allowed inappropriate claims to be made. This included:
 - i. claiming for treating patients who were not seen;

- ii. deliberately splitting courses of treatment to maximise UDAs (Units of Dental Activities); and
 - iii. claiming for treatment not provided.
 - c. Failed to keep adequate clinical records thereby putting patients at risk.
- 5. The tribunal reviewed the key written material on which the PCT based its decision and had no reason to question this evidence and were not invited to do so. The tribunal was satisfied that the findings made by the PCT were sufficiently serious to justify the sanction of national disqualification.
- 6. Statute provides that the respondent can ask the PHL to review the disqualification, but such a request cannot be made within two years of the original decision. This review period can be varied to five years if the tribunal considers that there can be no realistic prospect of a further review being successful if made within the two year period specified. The tribunal has decided not to vary the period to five years in this case.

A Harbour

J Chope

J Purkis

Dated 21 December 2010