

Professional Misconduct (Med10/161P)

Charge

The Professional Conduct Committee (PCC) brought a charge of professional misconduct against Dr Ratilal Magan Ranchhod (the Doctor). The particulars of the charge are detailed below:

1. The Doctor practised medicine on or about 17 July 2009 to 30 October 2009 while not holding a current Annual Practising Certificate or Interim Practising Certificate.
2. The Doctor practised medicine on or about 20 November 2009 and 17 February 2010 outside the conditions imposed on his Interim Practising Certificate.
3. The Doctor practised medicine on or about 12 February 2010 and 17 February 2010 during the period of suspension imposed by the Health Practitioners Disciplinary Tribunal.

Finding

The Doctor signed an agreed summary of facts and confirmed his admissions at the hearing.

The Tribunal was satisfied on the facts that each of the particulars were established. The Tribunal noted that these were significant breaches of standards which warranted disciplinary action and found the Doctor guilty of professional misconduct.

Background

The Doctor provided medical services to various organisations, including rest homes, the New Zealand Police, the Department of Corrections (Auckland Prison), after hour's private practices, group medical centers as well as patient's homes and workplaces. This service was provided through his company Housecall Services Limited within the wider Auckland area.

In February 2007 a Performance Assessment Committee review instituted by the Medical Council was undertaken. On 12 February 2008 the Medical Council imposed conditions on the Doctor's scope of practice. The conditions included weekly monitoring of the Doctor's clinical notes and decision making and weekly attendance at a group practice meeting with peers. The conditions imposed would cease to have effect once the Doctor had sat and attained a pass mark in the Primex examination.

In December 2008 the Medical Council met and resolved not to issue the Doctor with an Annual Practising Certificate (APC), they did however issue an Interim Practising Certificate (IPC) for one day only to enable the Doctor to sit the Primex examination.

The Doctor was advised on 9 December 2008 that he would no longer be able to treat patients whilst he did not have an APC. In December 2008 the Doctor passed the written component of the Primex examination, but failed the clinical component.

The Medical Council subsequently discovered that the Doctor had continued to practise medicine without an APC between December 2008 and January 2009 and that he had altered his previous, expired APC and provided it to an Auckland rest home.

On 21 April 2009 the Medical Council declined his application for an APC but established a pathway for him to return to practise.

On 17 July 2009 and 30 October 2009 AXA medical examinations were conducted by the Doctor while he did not hold an APC.

On 2 November 2009 the Medical Council issued an IPC with conditions for the period 2 November 2009 to 31 May 2010. On 20 November he conducted an AXA medical examination in breach of the IPC conditions.

On 14 December 2009 the Health Practitioners Disciplinary Tribunal imposed penalties, including suspension from practice for two months from 18 December 2009. On 12 and 17 February 2009 he conducted AXA medical examinations in breach of the Tribunal Orders.

Penalty

Following an appeal to the High Court this matter was referred back to the Tribunal to rehear the matter of penalty and costs. After the rehearing on the matter of penalty and costs the Tribunal ordered:

1. The Doctor be suspended for a period of seven months.
2. The following conditions be imposed for a period of three years after the resumption of practice:
 - The Doctor is to work in a group practice, approved by the Medical Council.
 - The Doctor is to be supervised by a supervisor approved by the Medical Council. He is to meet with the supervisor monthly on a one to one basis and the focus of supervision is to include clinical issues and issues of professional compliance in respect of obligations of a regulatory nature. The supervisor is to report to the Medical Council quarterly and the costs of supervision are to be met by the Doctor.
 - The Doctor is to meet with peers in a group practice weekly to review the clinical management of his cases. The details of the Doctor's participation in a peer group are to be approved by his supervisor.
3. The Doctor pay costs of \$14,310.00.

The Tribunal directed a copy of this decision and a summary of it be published on the Tribunal's website. The Tribunal further directed that a notice stating the effect of the Tribunal's decision be published in the New Zealand Medical Journal.

The full decisions relating to the case can be found on the Tribunal website at www.hpdt.org.nz
Reference No: Med10/161P.