

PRIVATE RECORD

Date: 05/10/2023

Medical Practitioner's name: Dr Adem AKYOL

GMC reference number: 4149657

Primary medical qualification: State Exam Med 1992 Universitat Düsseldorf

Type of case	Outcome on impairment
Review - Misconduct	Not Impaired

Summary of outcome
Suspension to expire

Tribunal:

Legally Qualified Chair	Ms Louise Sweet
Lay Tribunal Member:	Mrs Sue Wadham
Medical Tribunal Member:	Dr Nagarajah Theva

Tribunal Clerk:	Ms Kanwal Rizvi
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Attendance and Representation:

Medical Practitioner:	Present and represented
Medical Practitioner's Representative:	Ms Michelle Brown, Counsel, instructed by Medical Defence Shield
GMC Representative:	Ms Laura Kaye, Counsel

Attendance of Press / Public

In accordance with Rule 41 of the General Medical Council (Fitness to Practise) Rules 2004 the hearing was held in public.

Overarching Objective

Throughout the decision making process the tribunal has borne in mind the statutory overarching objective as set out in s1 Medical Act 1983 (the 1983 Act) to protect, promote and maintain the health, safety and well-being of the public, to promote and maintain public confidence in the medical profession, and to promote and maintain proper professional standards and conduct for members of that profession.

Determination on Impairment - 05/10/2023

1. At this review hearing the Tribunal now has to decide in accordance with Rule 22(1)(f) of the General Medical Council (GMC) (Fitness to Practise) Rules 2004, as amended ('the Rules') whether Dr Akyol's fitness to practise is impaired by reason of misconduct.

Background

2. Dr Akyol obtained his primary medical qualification from the Heinrich-Heine-University, Dusseldorf, Germany, where he was a student between the April 1986 and December 1992. He registered with the GMC in 1994. His first post in the United Kingdom, following registration, was as a locum at the Ysbyty Gwynedd Hospital in Bangor, North Wales. He completed his training in the UK in February 1998. At the time of the events, the subject of the hearing, Dr Akyol was the Senior Partner at Newington Road Surgery and had been working at the surgery since 2005.

3. The facts found proved at Dr Akyol's hearing which took place in September 2022 can be summarised as on a number of occasions between January 2009 and October 2017, Dr Akyol consulted with, and administered vaccines to, three patients (Patient A, Patient B and Patient C) with whom he had close personal relationship. He subsequently altered medical records by changing the name of the consulting G.P. from his own to another partner in the Practice although he knew he had seen the patients himself. In altering the patients' records, Dr Akyol was acting dishonestly. On two occasions, Dr Akyol failed to take an adequate history from one of those patients, Patient C (a minor) and/or her mother. Further, Dr Akyol dishonestly created a consultation note in Patient F's medical record on 16 July 2012 which was provided to the UK Borders Agency.

4. At the outset of the 2022 Tribunal hearing, Dr Akyol made full admissions to his misconduct.

5. The Tribunal determined that Dr Akyol's conduct was serious, his actions had brought the medical profession into disrepute and breached fundamental tenets of GMP. The Tribunal determined that Dr Akyol's dishonesty amounted to serious misconduct.

6. The 2022 Tribunal accepted that Dr Akyol had a developing level of insight and remediation. In light of the lack of evidence of adequate insight or remediation, and the fact that the Tribunal considered that Dr Akyol had continued to either minimise or deny certain elements of dishonesty during his evidence, the serious nature of Dr Akyol's dishonesty and the history of a previous GMC Warning, the Tribunal was satisfied that there was a real risk of repetition of dishonest behaviour by Dr Akyol, although the Tribunal could not specify what form this dishonesty could take.

7. Dr Akyol's name was suspended from the medical register for a period of 12 months. The 2022 Tribunal specified that the following information may assist this Tribunal in conducting this review:

- a) Evidence to prove that he has taken further steps to avoid treating close family members in future, in particular by encouraging them to register at a different General Practice;
- b) Provide evidence that he has reflected upon the appropriateness of treating close family members including explaining why that it is inappropriate, how he will deal with pressure from family members to treat them in future and why the guidance of the Regulator restricts such treatment;
- c) Evidence to show reflection of his commitment to complying with all the rules of GMP, even those which he does not consider necessary.
- d) Evidence that he has undertaken further courses in relation to ethics and sought the assistance of a mentor.

The Evidence

8. The Tribunal received the following documentary evidence on behalf of Dr Akyol:

- a) Dr Akyol's witness statement, dated 8 July 2023
- b) Email correspondence between the MPTS, Dr Akyol and the GMC, dated between September 2022 to June 2023;
- c) MPT witness statement dated 30 August 2022
- d) Certificate of Employment dated 11 May 2023

- e) Certificate of Good Standing dated 16 March 2023
- f) Dr Akyol's CV, dated June 2023
- g) Emails with GMC whilst suspended, dated September – October 2022;
- h) Emails with German regulator, dated October 2022 - November 2022;
- i) Patient Feedback Questionnaires, Letter of compliments/thanks, Testimonials and Certificates of Continuing Professional Development; various dates;
- j) Dr Akyol's Reflection on CPD, undated; and
- k) Email from Dr D, RCGP mentor, dated 3 May 2023.

Submissions

9. On behalf of the GMC, Ms Kaye indicated that the GMC is neutral on the issue of current impairment and stated it was a matter for the Tribunal's judgment alone.
10. Ms Kaye then took the Tribunal through the findings of the 2022 Tribunal and highlighted those parts of the bundle that may be of an assistance. She referred to Dr Akyol's CPD material and accepted Dr Akyol's efforts to remediate and his explanation of the development of his insight.
11. Ms Kaye submitted that Dr Akyol has confirmed in his witness statement that his family members have now left the surgery, unlike previously and a warning system has been put in place to avoid any further breach.
12. Ms Kaye informed the Tribunal that Dr Akyol has been working in Germany during the period of his suspension from the GMC and confirmed that he has been entirely transparent with the German regulators about his suspension in the UK. She stated that no issue was taken by the GMC who were kept completely up to date and abreast of those developments.
13. On behalf of Dr Akyol, Ms Brown contended that a finding of impairment is no longer necessary in order to protect the public confidence and maintain professional standards.
14. Ms Brown submitted that Dr Akyol has done considerable work on key areas of concern in this case, showing a genuine commitment to addressing those concerns. She referred the Tribunal to the CPD Certificates and submitted that considerable effort has been made in terms of undertaking further courses as directed by the previous Tribunal. Ms Brown stated that this was something that Dr Akyol did immediately and continued to do so up to May of this year.

15. Ms Brown submitted that Dr Akyol has worked with a mentor, as directed by the previous Tribunal and has used those meetings constructively to move forward and demonstrate that he is no longer impaired.
16. Ms Brown confirmed that all of Dr Akyol's family members who were previously registered at the practice have now left that practice. She pointed out the letter from XXX confirming this.
17. Ms Brown submitted that there has been a significant passage of time since Dr Akyol's dishonest conduct and that any risk in relation to other types of dishonest conduct can now be regarded as highly unlikely. She reminded the Tribunal that there had been no clinical incidents or patient safety concerns.
18. In respect of insight, Ms Brown submitted that there are acknowledgements of Dr Akyol's dishonesty throughout the material provided. She relied on the original witness statement that was before the previous panel and reiterated again within the two new witness statements for review which display his regret and his remorse.
19. Dr Akyol has also apologised to the GMC, colleagues, the profession and the public. Ms Brown submitted that the investigation, the Tribunal proceedings and the penalty have worked as they ought to send a message to Dr Akyol and to his family as to the seriousness of his misconduct.
20. Ms Brown informed the Tribunal Dr Akyol is awaiting the outcome of the MPTS as to whether he can return to practice in the UK, where his family reside. Ms Brown concluded that Dr Akyol is a passionate and dedicated hard working clinician who worked through the UK COVID pandemic in England.
21. Ms Brown concluded that a reasonable member of the public, well informed of the facts of this case, would not expect or deem necessary a finding of continued impairment to be made but would want a doctor who is an otherwise competent and useful doctor to be permitted to return to practice in the UK.

The Relevant Legal Principles

22. The Tribunal reminded itself that the decision of impairment is a matter for the Tribunal's judgement alone. The Tribunal bore in mind that its primary responsibility is to the statutory overarching objective, which is to protect, promote and maintain the health, safety and well-being of the public, to promote and maintain public confidence in the medical profession and to promote and maintain proper professional standards and conduct for members of that profession. As noted above, the 2022 Tribunal set out the matters that a future Tribunal may be assisted by. This Tribunal is aware that it is for the doctor to satisfy it that he would be safe to return to unrestricted practise.

23. This Tribunal must determine whether Dr Akyol's fitness to practise is impaired today, considering Dr Akyol's conduct at the time of the events and any relevant factors since then such as whether the matters are remediable, have been remedied and any likelihood of repetition.

The Tribunal's Determination on Impairment

24. The Tribunal considered all the evidence which has been presented during the course of these proceedings and the submissions from Ms Kaye and those made by Ms Brown.

25. In making its decision, the Tribunal has considered the supporting evidence that the 2022 Tribunal indicated would assist in this review. The Tribunal noted that Dr Akyol has provided detailed written reflections and material to support the development of his insight and reflections upon the impact his actions had on his colleagues and the medical profession as a whole.

26. The Tribunal considered the evidence of numerous CPD certificates on ethics and probity provided to the Tribunal and was satisfied that they now demonstrated a much fuller reflection upon his dishonesty.

27. The Tribunal noted that by beginning work on his reflections at an early stage after the 2022 Tribunal, he has been able to imbed his reflections while practicing medicine in Germany over the last year. The Tribunal had regard to Dr Akyol's witness statement, dated 14 September 2023 which he stated:

'Having completed extensive remediation on this topic, I fully understand and appreciate why the GMC as my regulator restricts such treatment and I would like to assure the Tribunal that I will adhere to all guidance set by the GMC in future.'

'My reflection has involved reviewing Good Medical Practice in detail and I now recognise that all guidance provided by the GMC has a logical basis and either has the intention of protecting me as a doctor or my patient.'

28. The Tribunal acknowledged that Dr Akyol has not treated any family members whilst practicing in Germany and that he has shown an understanding of setting family overriding boundaries and how he will deal with these pressures in future.

29. With regard to Dr Akyol's future intentions, the Tribunal noted that Dr Akyol will not be employed at a surgery where his family members might be registered and that he has also put warning system in place to alert him and others in cases of an emergency. The Tribunal determined that Dr Akyol has displayed insight of the risks of treating someone close and has proactively put safety measures in place to avoid reoccurrences, therefore, it was satisfied that repetition was unlikely in future.

30. The Tribunal was, therefore, satisfied that Dr Akyol fully appreciated the gravity of all aspects of his misconduct.

31. The Tribunal considered that there has been no repetition since the last incident and noted that the last incident of Dr Akyol's dishonest conduct was 7 years ago in 2017.

32. Turning to the recommendation by the 2022 Tribunal, the Tribunal concluded that Dr Akyol has provided good evidence of his determination not to treat close family members. It determined that Dr Akyol has reflected, by his wider reading, as to why the rule exists as to treating family members.

33. Dr Akyol has also reflected more widely on why the regulator imposes any rules and now understands that his regulator provided rules to protect him as well as the public and colleagues. He has put himself in a good place to avoid any future misconduct by doing so.

34. The Tribunal considered that Dr Akyol has kept his medical knowledge and skills up to date as he has been working as a senior GP in Germany and has provided CPD certificates of courses relevant to his practise. It was satisfied that Dr Akyol has continued with his professional development to the best of his abilities during the period of his suspension. The Tribunal is also satisfied that Dr Akyol is fully aware of what is required of him in order for him to safely return to medical practice.

35. This Tribunal has therefore determined that Dr Akyol's fitness to practise is not impaired by reason of misconduct.

36. The Tribunal then went on to consider whether Dr Akyol's suspension should be revoked with immediate effect or allowed to run its course.

37. The Tribunal noted that the current suspension is due to expire on 24 October 2023. The 12 months suspension imposed reflected the gravity of Dr Akyol's misconduct, in particular, his dishonesty. In the light of the facts leading to the previous findings on impairment and its own decision on current impairment, the Tribunal concluded that the suspension should run until the original date of expiry. This Tribunal considered this to be necessary in order to reflect the gravity of Dr Akyol's misconduct, maintain public confidence and to uphold professional standards.

38. That concludes the case.