

PUBLIC RECORD

Dates: 02/08/2022

Medical Practitioner's name: Dr Adrian-George EFTIMIE

GMC reference number: 7551043

Primary medical qualification: Doctor-Medic 2009 Carol Davila University of Medicine & Pharmacy Bucharest - Faculty of Medicine

Type of case	Outcome on impairment
Review - Misconduct	Not Impaired

Summary of outcome
Suspension revoked

Tribunal:

Legally Qualified Chair	Mr Angus Macpherson
Lay Tribunal Member:	Mr Colin Sturgeon
Medical Tribunal Member:	Dr Louis Savage
Tribunal Clerk:	Miss Evelyn Kramer

Attendance and Representation:

Medical Practitioner:	Present and represented
Medical Practitioner's Representative:	Mr Ashley Serr, Counsel, instructed by Weightmans
GMC Representative:	Ms Fiona Wise, 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 - 02/08/2022

1. At this review hearing, the Tribunal had 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 Eftimie's fitness to practise remained impaired by reason of misconduct.

Background

2. Dr Eftimie commenced his primary medical qualification in 2009 and graduated in medicine in January 2016 from Carol Davila University of Medicine & Pharmacy, Bucharest, Romania. Prior to the events which are the subject of the hearing, Dr Eftimie attained a training post in General Surgery in Bucharest; he completed his training and received the title of 'Specialist Doctor in General Surgery'. Dr Eftimie worked in this role for almost two years until December 2017 in Bucharest. Dr Eftimie came to the United Kingdom (UK) in January 2018 and was employed at Pilgrim Hospital, Boston, Lincolnshire ('the Hospital'). Dr Eftimie worked as a first year Core Trainee (CT1) in General Surgery. He continued in this role until January 2021 when he resigned and returned to Romania.

3. Dr Eftimie attended a Medical Practitioners Tribunal (MPT) between 24 and 28 January 2022 ('the January 2022 Tribunal'). Dr Eftimie made full admissions at the outset of the January 2022 Tribunal. The facts admitted and found proved can be summarised as follows: on 18 December 2018, Dr Eftimie was involved in the care of Patient A at the Hospital. Patient A was pronounced dead at 12:11pm. Dr Eftimie made a retrospective entry in Patient A's clinical record adjacent to a time of 10:31am and wrote a prescription for antibiotics with a time stamp of 10:45am. Dr Eftimie admitted, and the January 2022 Tribunal found proved, that Dr Eftimie knew his entries were retrospective and that he had acted dishonestly in seeking to conceal the fact that he had not prescribed a dose of antibiotics to Patient A prior to their death following a cardiac arrest.

4. The January 2022 Tribunal found that Dr Eftimie, in dishonestly falsifying records to show he had prescribed medication for Patient A, had sought to divert any blame for Patient A's death that could be attributed to him. The January 2022 Tribunal determined that Dr Eftimie's dishonest conduct fell so far short of the standards of conduct reasonably to be expected of a doctor as to amount to misconduct. It found that, by his own admission,

Dr Eftimie's primary concern was his own position. The January 2022 Tribunal found that Dr Eftimie's behaviour was very serious and that a finding of misconduct was required.

5. In respect of impairment, the January 2022 Tribunal considered Dr Eftimie's insight and remediation. It had regard to the three-day ethics course Dr Eftimie had attended and his reflection on it. The January 2022 Tribunal considered that the remorse Dr Eftimie expressed during his oral evidence was genuine and that he regretted his dishonest actions. However, the January 2022 Tribunal was concerned that Dr Eftimie's conduct was not confined to one spontaneous act of dishonesty. It found that in the months following Patient A's death, Dr Eftimie was unwilling or unable to acknowledge his dishonesty in deliberately writing the clinical record entry and prescription after the Patient A's death and timing his entry to suggest it had been done before Patient A's cardiac arrest. The January 2022 Tribunal found that while Dr Eftimie had understood that creating false prescription entries was wrong, he had gone on to try and deceive investigating colleagues for a number of months, despite being given numerous opportunities to explain fully his wrongdoing.

6. Whilst it considered Dr Eftimie's dishonest conduct serious, the January 2022 Tribunal concluded that such conduct amounted to one episode of dishonesty. The January 2022 Tribunal concluded that Dr Eftimie had some insight but had not fully understood the gravity of his behaviour and dishonest conduct. It found that in the absence of complete insight and remediation, a risk of repetition remained. In the circumstances, the January 2022 Tribunal determined that a finding of current impairment was required to maintain public confidence in the profession and to declare and uphold proper standards of conduct within the profession.

7. The January 2022 Tribunal determined to suspend Dr Eftimie's registration for a period of five months. It considered that this should be sufficient to enable Dr Eftimie to complete his remediation by further reflecting on his dishonest conduct. The January 2022 Tribunal also considered that a period of suspension would uphold the public interest in marking the seriousness of Dr Eftimie's misconduct and send a message to the profession about the standards expected of a doctor. The January 2022 Tribunal also imposed an immediate order of suspension on Dr Eftimie's registration.

8. The January 2022 Tribunal directed a review. It suggested that a reviewing Tribunal would be assisted by the following:

- An updated reflective statement which demonstrates that he has developed full insight into his behaviour, addressing the potential consequences of it for others, reflecting the facts of this case;
- Evidence of Continuing Professional Development (CPD);
- Any other information that he considers will assist the reviewing Tribunal.

9. Dr Eftimie’s review hearing was initially listed to take place on 14 July 2022. However, the hearing was postponed by a Case Manager, with the agreement of both Dr Eftimie’s representatives and the GMC, to allow Dr Eftimie to complete his clinical national examination in Romania, which coincided with the initial listing of his review hearing. Had the hearing proceeded as planned, Dr Eftimie would have been unable to sit the examination until 2023. Accordingly, the hearing was relisted to take place today.

10. Having had regard to the background, the Tribunal went on to consider whether Dr Eftimie’s fitness to practise remains impaired by reason of his misconduct.

The Evidence

11. Dr Eftimie provided the Tribunal with two statements of personal reflections, dated 18 April 2022 and 29 July 2022. He also gave oral evidence at the hearing. Dr Eftimie told the Tribunal about his current clinical practice in Romania and how he has just qualified as a ‘Doctor Primar’ which he explained was the equivalent of a Consultant-level position in the UK. Dr Eftimie said that he is now a senior decision-making doctor, managing patients every day. Dr Eftimie addressed the Tribunal on the follow-up CPD course he had completed on Maintaining Professionalism, how he had benefitted from it and learned from discussing his previous dishonest conduct, including what had led to it, openly with clinical peers who had been in similar situations. Dr Eftimie said that he had reflected further on his actions and how he had grown through the January 2022 Tribunal, his CPD, his development plan and his ongoing clinical practice.

12. Dr Eftimie addressed the Tribunal on the measures he has put in place to prevent any repetition of his misconduct. He said he employs continuous training to assist him in the management of difficult clinical cases. He seeks support before making decisions in challenging situations. Having identified that fear and anxiety contributed to his decision to act dishonestly, Dr Eftimie explained that he now uses breathing and calming techniques to allow him to analyse and make appropriate clinical decisions. Further, Dr Eftimie said that he has attempted to create a better work-life balance and his family, his ‘anchor’, support him, including in maintaining his honest and professional conduct.

13. Dr Eftimie provided an example of how he had managed a very unwell patient, applied protocol and done so calmly and professionally. He explained that he has continued to manage cases, including complex emergencies from Accident and Emergency (A&E) in the UK and in Romania. In terms of his future plans, Dr Eftimie said that he has a good clinical practice in Romania and benefits from being with his family. He said that he would only return to practise in the UK if he could do so with his family, as being without them contributed to his decision to act dishonestly on 18 December 2018.

14. The Tribunal received documentary evidence that included, but was not limited to:

- The January 2022 Tribunal’s Record of Determinations;
- Correspondence between the GMC and Dr Eftimie, dated 14 and 25 March 2022;
- Correspondence relating to Case Management directions between Dr Eftimie’s representatives, the GMC and the MPTS, various dates;
- CPD certificates for a Vascular Surgery Workshop, dated 10 March 2022 and a Maintaining Professionalism course, dated 26 May 2022.

15. The Tribunal has taken into account all the evidence received, both oral and documentary.

Submissions

16. On behalf of the GMC, Ms Wise rehearsed the background of the case. She submitted that the GMC was adopting a neutral position as to whether Dr Eftimie remained impaired by reason of misconduct. She submitted that impairment was a matter for the Tribunal’s independent judgment and referred it to the matters that it must consider in determining whether Dr Eftimie has persuaded the Tribunal that he is fit to return to unrestricted practice.

17. On behalf of Dr Eftimie, Mr Serr submitted that Dr Eftimie had come a long way, since his misconduct occurred and since the January 2022 Tribunal. Mr Serr submitted that Dr Eftimie has demonstrated in his statements and oral evidence that he now fully appreciates the gravity of his dishonest conduct. Mr Serr submitted that there had been no repetition of misconduct and that Dr Eftimie has maintained his clinical knowledge and skills as demonstrated by his CPD and his recent appointment to a Consultant-level post in Romania having successfully completed an intensive three-day clinical examination.

18. Mr Serr submitted that patients would not be placed at risk were Dr Eftimie able to return to unrestricted clinical practice. He submitted that the January 2022 Tribunal had been a *'rehabilitative and cathartic'* process for Dr Eftimie. He submitted that Dr Eftimie had developed appropriate insight into the gravity of his misconduct, as demonstrated by having shared painful experiences with his peers at the Maintaining Professionalism course. Mr Serr invited the Tribunal to find that Dr Eftimie was no longer impaired.

The Relevant Legal Principles

19. The Tribunal reminded itself that the decision of impairment is a matter for its independent judgment alone. As noted above, the previous Tribunal set out the matters that a future Tribunal may be assisted by. This Tribunal was aware that it is for Dr Eftimie to satisfy it that he would be safe to return to unrestricted practice.

20. This Tribunal must determine whether Dr Eftimie's fitness to practise is impaired today, taking into account his conduct at the time of the events and any relevant factors since then including whether the matters are remediable, have been remedied and any likelihood of repetition.

The Tribunal's Determination on Impairment

21. The Tribunal had regard to the two statements of personal reflections provided by Dr Eftimie for these proceedings as well as his oral evidence. The Tribunal considered that Dr Eftimie's insight into the gravity of his dishonest conduct had deepened further with each statement. In his most recent reflections, it was clear that Dr Eftimie was no longer seeking to explain his dishonesty away as an example of poor record-keeping. He has grasped that his decision to falsify the clinical record of Patient A was dishonest and not simply poor clinical practice. Further, Dr Eftimie appropriately reflected on the problems his actions caused for his colleagues and how they risked undermining trust within the profession. The Tribunal was satisfied that Dr Eftimie had provided sufficient evidence as to how he has sought to develop his insight.

22. In respect of CPD, the Tribunal took into account Dr Eftimie's reflections, both in his statement and in oral evidence, about the Maintaining Professionalism course he completed, as a follow up to the Maintaining Professional Ethics course that he had completed previously. In his statement of reflections following the course, dated 29 July 2022, Dr Eftimie wrote:

'Since April 2022, I have been fortunate to be able to attend the Maintaining Professionalism – The Fourth Day course which was a much needed follow up course of the Maintaining Professional Ethics three days intensive course. The aim of this wonderful course was to objectively reflect on my progress and to expand my understanding of the issues that were of concern regarding my wrong behaviour, thus developing a future personal plan. I truly felt that I have come a long way since I have started this journey of insight, I now see clearly and I recognise that I should have acted differently in the circumstances I was involved in and I have reinforced the measures that I have put strongly in place to prevent any recurrence in any circumstances that I may be involved in. I demonstrated that being faced with a similar situation I have acted with honesty and integrity with no compromise for my high moral values and beliefs. I believe it was essential for me to complete The Fourth Day course, as it has been of great help for me to reiterate my thoughts on my actions and my insight regarding my actions and better develop a deeper understanding of the chain of events that led me to be dishonest, for which I am truly sorry and regret it honestly and furthermore to demonstrate that my reflection is thorough and honest and it has taken me on the road of remediation From the three day course I have learned to open up and speak truthfully about my action, to be able to reflect and following my reflection to change my behaviour and put measures in place that will prevent me from ever being dishonest or act in a wrong way ever again. Following the three day course, after almost 2 years attending the fourth day course was a confirmation that the steps that I took and the measures that I put in place were efficient and I demonstrated to myself and to other colleagues who were in similar situations that I have learned from this experience , I have grown and I have developed a deep insight regarding the events that I was involved and my actions during and after these events , and especially I have never allowed myself to act in a dishonest way regardless of the circumstances.'

23. The Tribunal also had regard to the other CPD information provided by Dr Eftimie. Further, it accepted that Dr Eftimie has continued to practise in Romania since his suspension and has maintained his clinical knowledge and skills that way. Dr Eftimie, having completed the appropriate examination, is now, according to his evidence, acting as a senior doctor in General Surgery, at Consultant-level.

24. The Tribunal reminded itself that the January 2022 Tribunal had imposed a five month period of suspension on Dr Eftimie in order to allow him to demonstrate sufficient insight and remediation into his dishonest conduct.

25. Taking into account his statements of personal reflection, his oral evidence, CPD and his ongoing clinical practice and progression, the Tribunal was satisfied that Dr Eftimie had met all the requirements set out by the January 2022 Tribunal. Dr Eftimie has now demonstrated sufficient insight and remediated appropriately for his dishonest conduct. He maintained his clinical knowledge and skills, progressed his clinical career in Romania and he has demonstrated, with explanation of techniques and examples, how he would ensure, faced with a similar situation, he would avoid dishonesty. There was no evidence before the Tribunal to suggest any repetition of his previous misconduct.

26. The Tribunal concluded that Dr Eftimie had developed insight into the gravity of his misconduct and maintained his clinical skills and knowledge. Accordingly, the Tribunal determined that Dr Eftimie has appropriately used the time provided by his five-month suspension to appropriately address the January 2022 Tribunal's findings and concluded that as a result any residual risk of repetition had been diminished. In all the circumstances, the Tribunal was satisfied that Dr Eftimie had demonstrated that he could safely return to unrestricted practice and would not pose a risk to patients. The Tribunal determined that the seriousness of Dr Eftimie's dishonest conduct had now been appropriately marked and the overarching objective upheld by these proceedings.

27. The Tribunal determined that Dr Eftimie's fitness to practise is no longer impaired by reason of misconduct.

Revocation of current order of suspension

28. In determining whether Dr Eftimie's suspension should be revoked with immediate effect, the Tribunal noted that his suspension was due to expire on 4 August 2022. Given that no outstanding concerns about Dr Eftimie were identified and that no further purpose would be served by maintaining his suspension, the Tribunal determined to revoke the order with immediate effect.

29. That concludes this case.