

PUBLIC RECORD

Date: 09/07/21

Medical Practitioner's name: Dr Inigo IRUSKIETA BLASCO

GMC reference number: 3503135

Primary medical qualification: LMS 1990 Basque Provinces

Type of case	Outcome on impairment
Misconduct	Impaired

Summary of outcome
Suspension for 12 months**Legally Qualified Chair:**

Legally Qualified Chair:	Miss Rachel Birks
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Review on the Papers

This case was reviewed on the papers, with the agreement of both parties, by a Legally Qualified Chair.

Overarching Objective

Throughout the decision making process the chair 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 & sanction – 09/07/21

1. I have noted the background to Dr Blasco's case, which was first considered by a medical practitioners tribunal in July 2018 ('the First Tribunal'). Dr Blasco qualified in 1990. He became a GP partner with Dr A at Rochford Medical Practice in 2005. Dr Blasco was referred to the GMC by NHS England, after it was discovered he had made bulk amendments to patient medical records, whilst he was working as a GP Partner at the Rochford Medical Practice. An audit was undertaken in 2014 of Dr Blasco's entries on patient records around Quality and Outcome Framework ('QOF') indicators. A practice is able to generate income from QOF points which are accumulated through the management of chronic conditions.

2. The First Tribunal found that Dr Blasco had made a number of bulk computer entries, in which he had entered diagnoses for large numbers of patients when he had not examined the patient and knew that he had not done so. These included diagnoses for chronic conditions and asthma and medication reviews. The First Tribunal found this to be a failure to provide good clinical care and that the entering of bulk computer entries was dishonest. The Tribunal was not satisfied that Dr Blasco fully understood the potential impact on patients, the effort needed to undo the bulk entries, or the dishonesty or lack of integrity involved. Dr Blasco's fitness to practise was found to be impaired by reason of misconduct. The First Tribunal concluded that there was no remediation and therefore a risk of repetition, and that there were ongoing risks to patient safety and to the reputation of the medical profession. The First Tribunal determined to suspend his registration for a period of 12 months and directed a review hearing.

3. Dr Blasco XXX and he agreed undertakings with the GMC in 2015. He cannot carry out any role requiring a licence to practise. These XXX undertakings are not being monitored by the GMC because Dr Blasco won't benefit from GMC medical supervision at this time and is currently suspended.

4. On 1 and 6 August 2019 a review hearing took place and the medical practitioners tribunal ('the First Reviewing Tribunal') found that Dr Blasco had not fully complied with the recommendations of the First Tribunal in that he had not produced written statements outlining his reflections on his dishonest conduct and his reflections on the training he had undertaken. The First Reviewing Tribunal found he showed very limited understanding of the findings of the First Tribunal and of what he had done wrong. It found that he minimised his misconduct and seemed to have no appreciation that the bulk entries he had made damaged the integrity of the clinical records and gave rise to potentially wide-ranging consequences for the patients involved. The First Reviewing Tribunal concluded that it had heard nothing new from Dr Blasco to persuade it that he understood the significance and consequences of his actions, and that it had no evidence before it to persuade it that Dr Blasco's insight had developed since the First Tribunal. The First Reviewing Tribunal also concluded that there were some gaps in the courses that Dr Blasco had attended to maintain his skills and knowledge during his suspension.

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5. The First Reviewing Tribunal concluded that Br Blasco had taken limited steps to remediate his misconduct, did not truly understand it or appreciate the gravity of it and had not developed insight to any meaningful extent. The First Reviewing Tribunal could not rule out a repetition of the misconduct and concluded that Dr Blasco's fitness to practise was still impaired by reason of his misconduct. The finding was found to be necessary to protect and promote the health, safety and well-being of the public and to promote and maintain public confidence in the medical profession.

6. The First Reviewing Tribunal determined to suspend Dr Blasco's registration for a further 12 months which would uphold the statutory overarching objective and provide Dr Blasco with a further opportunity to develop his insight and understanding of the consequences of his actions. The First Reviewing Tribunal directed that there should be a further review hearing before the end of the period of suspension.

7. A medical practitioners tribunal ('the Second Reviewing Tribunal') convened on 31 July 2020 at the end of the further 12 months period of suspension to consider Dr Blasco's case). The Second Reviewing Tribunal acknowledged that it had received extensive evidence of CPD and noted that Dr Blasco appeared remorseful. The Second Reviewing Tribunal concluded that there was still a lack of insight and appreciation of the impact of Dr Blasco's misconduct on patients. It concluded that in the absence of developed insight and remediation there remained a risk of repetition. The Second Reviewing Tribunal made a finding of impairment of fitness to practise in order to uphold the three limbs of the overarching objective. It directed that there should be a further 12 month period of suspension which would allow Dr Blasco further time to develop his understanding of the findings of dishonesty and allow him time to remediate fully. A further review hearing was directed to take place at the end of the period of suspension, and it was recommended that a future reviewing tribunal would be assisted by:

- Evidence that Dr Blasco has appointed a mentor or coach and has gone through the determinations of this and the two previous tribunals to help him gain insight into the seriousness and impact of his dishonest conduct;
- A regular, perhaps monthly, record throughout this period of suspension, written by Dr Blasco showing what he has done to develop his understanding of the seriousness and impact of his dishonest conduct;
- Evidence of any training undertaken, particularly if it relates to the findings of the First Tribunal, for example (not exhaustive): the accurate and timely recording of clinical findings, accurate data input
- A final written statement towards the end of the period of suspension outlining his reflections in relation to:

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- a) His dishonest conduct in deliberately entering false diagnoses in patient records when he knew he had not seen the patients;
 - b) The potential consequences for patients who had false diagnoses entered in their records;
 - c) The potential consequences for colleagues;
 - d) The potential impact on public confidence on the profession;
 - e) The ethical issues arising from the misconduct;
 - f) What he has learned from the discussions with his coach and mentor regarding his dishonesty;
 - g) The learning achieved from the training.
- Evidence that he has undertaken CPD in his area of practice, such as training, seminars, workshops, courses and online study;
 - Any other relevant evidence he wishes to present to assist the review tribunal such as relevant testimonials, references or reports from any clinical attachment or observation he may have undertaken.

8. I noted that on 30 April 2021 Dr Blasco telephoned the GMC and advised XXX. On 11 May 2021 the GMC wrote to Dr Blasco advising that a review on the papers could take place, whereby the parties mutually agree to extend the period of suspension, which would be reviewed by a legally qualified chair.

9. Dr Blasco and the GMC have agreed that this review should be considered on the papers in accordance with Rule 21B of the General Medical Council (Fitness to Practise) Rules 2004. A signed agreement from Dr Blasco dated 7 July 2021, agreeing to a review on the papers has been received. The GMC and Dr Blasco have provided agreed terms of an order which I could make at this review.

10. I have considered all of the evidence presented to me, and the agreed submissions made by Dr Blasco and by the GMC. In the submissions, Dr Blasco and the GMC agree that Dr Blasco's registration should be subject to a further period of suspension for 12 months.

11. In reaching my decision, I have taken account of the Sanctions Guidance. I have borne in mind that the purpose of the sanction is not to be punitive, but to protect patients and the wider public interest, although it may have a punitive effect.

12. I have applied the principle of proportionality, weighing Dr Blasco's own interests, with the public interest. The public interest includes the protection of patients, the maintenance of public confidence in the profession, and declaring and upholding of proper standards of conduct and behaviour.

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13. In reaching this decision, I noted the fact that Dr Blasco is unlikely to be able to engage with the GMC or in a medical practitioners tribunal hearing in the coming weeks due to XXX.

14. I have taken into account what has occurred since the Second Reviewing Tribunal imposed a further period of suspension for 12 months. I have taken into account that Dr Blasco has not provided the GMC with the evidence that the Second Reviewing Tribunal indicated that a future review tribunal would be assisted by. This includes evidence that he appreciates the gravity of his dishonesty, or the impact on public confidence in the medical profession. This means that Dr Blasco has still not demonstrated any developed insight and remediation and is still at risk of repeating similar behaviour in the future. There is no evidence that would enable a reviewing tribunal to conclude that his fitness to practise is no longer impaired by reason of his misconduct at this stage.

15. I am satisfied that a 12 month period of suspension is proportionate. It would be the minimum necessary to protect the public and the public interest, whilst allowing Dr Blasco a further period of time to address the findings of the previous tribunals and work towards providing the evidence recommended by the Second Reviewing Tribunal, for which he may need further time given XXX. There is no evidence available to me which suggests that Dr Blasco is incapable of developing insight and remediating his misconduct, and a further period of suspension allows him that opportunity. I have therefore determined that Dr Blasco's registration be suspended for a further period of 12 months.

16. The effect of this direction is that, unless Dr Blasco exercises his right of appeal, the period of suspension will take effect 28 days from when written notice of this determination has been served upon him. The current order of suspension will remain in place until the appeal period has ended or, in the event that he does appeal, that appeal is decided. A note explaining Dr Blasco's right of appeal will be provided to him.

17. Notification of this decision will be served on Dr Blasco in accordance with the Medical Act 1983, as amended

Confirmed

Date 09 July 2021

Miss Rachel Birks, Chair