

Dates: 30/07/2020 - 31/07/2020

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**

Review - Misconduct

Impaired

Summary of outcome

Suspension, 12 months.

Review hearing directed

Tribunal:

Legally Qualified Chair	Mr Colin Chapman
Lay Tribunal Member:	Ms Colette Neville
Medical Tribunal Member:	Dr Shehleen Khan

Tribunal Clerk:	Ms Lauren Duffy
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Attendance and Representation:

Medical Practitioner:	Present and not represented
Medical Practitioner's Representative:	N/A
GMC Representative:	Mr Robin Kitching, Counsel

Attendance of Press / Public

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

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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 - 31/07/2020

1. This determination will be read in private. However, as this case concerns Dr Blasco's misconduct, a redacted version will be published at the close of the hearing.
2. Due to the COVID-19 pandemic, this hearing is taking place virtually via Skype for Business.

The Outcome of Applications Made during the Impairment Stage

3. Following comment by Mr Kitching, Counsel for the GMC, that Dr Blasco had not produced any testimonials for this hearing, Dr Blasco made an application under Rule 34(1) of the General Medical Council's ('GMC') (Fitness to Practise) Rules 2004 ('the Rules') to admit further evidence in the form of oral testimony from his daughter, Ms A. On behalf of the GMC, Mr Kitching did not oppose this application. The Tribunal noted that the 2019 Tribunal had suggested that testimonials might be of assistance to this reviewing Tribunal. Therefore, Dr Blasco should have been aware that testimonials could have been submitted prior to the commencement of this hearing. The Tribunal noted that the application was not opposed by the GMC. In fairness to Dr Blasco, as he was unrepresented at this hearing and his daughter was present and available to give evidence, the Tribunal determined to allow her to give oral evidence.

Background

4. Dr Blasco qualified in 1990. In 2005, he became a GP partner with Dr B at Rochford Medical Practice ('the Practice'). In 2012, inconsistencies were raised regarding computer entries made by Dr Blasco in relation to asthma reviews where it did not appear that he had seen the patients prior to making the entries. In 2014, a patient at the Practice made a formal complaint to Dr B regarding an incorrect computer-generated report, which stated that the patient had depression and had been taking anti-depressants. This had impacted upon a claim for life-insurance. Upon further investigation, Dr B found that Dr Blasco had made a bulk entry diagnosing depression in multiple patient records when he had not seen the patients. NHS England subsequently commissioned an audit of Dr Blasco's entries on

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patient records in relation to Quality and Outcomes Framework ('QOF') indicators on the Practice's SystemOne database.

2018

5. Dr Blasco's case was first considered by a Medical Practitioners Tribunal in July 2018 (the 2018 Tribunal). Dr Blasco was present at that hearing but he was not represented.

6. The 2018 Tribunal found that Dr Blasco, when a partner in a G.P. Practice, 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 patients and knew that he had not done so. These included diagnoses for patients with chronic kidney disease, obesity and depression. It also found that Dr Blasco had inputted asthma reviews and medication reviews when he had not seen the patients. The 2018 Tribunal found that Dr Blasco failed to provide good clinical care to a number of these patients and had acted dishonestly in relation to the bulk computer entries. Whilst the 2018 Tribunal found that Dr Blasco was not primarily motivated by financial gain, but to show that performance at the Practice had improved, the Practice would have made a financial gain as a result of his actions.

7. The 2018 Tribunal determined that Dr Blasco's actions amounted to misconduct. It was not satisfied that Dr Blasco fully understood the potential impact on patients, the effort needed to undo the bulk entries, or the dishonesty and lack of integrity involved. The 2018 Tribunal determined that Dr Blasco had not taken any steps to remediate either his failure to provide clinical care, or his dishonesty. It could not be satisfied that there was no risk of repetition and found that there were ongoing risks to patient safety and to the reputation of the medical profession. It determined that Dr Blasco's fitness to practise was impaired by reason of his misconduct.

8. The 2018 Tribunal determined that Dr Blasco's registration should be suspended for a period of 12 months. It was satisfied that a period of suspension would protect the public, preserve the reputation of the profession, maintain public confidence in the profession and send out a signal that dishonesty by a member of the medical profession was unacceptable. The 2018 Tribunal determined that a period of suspension for 12 months would be sufficient to enable Dr Blasco to reflect on its findings.

2019

9. Dr Blasco's case was reviewed by a Medical Practitioner's Tribunal in August 2019 (the 2019 Tribunal).

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10. The 2019 Tribunal found that Dr Blasco showed very limited understanding of the findings of the 2018 Tribunal. It found that it had not received any evidence, either oral or documentary, to persuade it that Dr Blasco's insight into his misconduct had developed since the 2018 hearing.

11. The 2018 Tribunal had determined that Dr Blasco had taken limited steps to remediate either his failure to provide clinical care, or his dishonest behaviour; it could not be satisfied that there was no risk of repetition. The 2019 Tribunal had concluded that the position remained the same. It found that Dr Blasco had taken limited steps to remediate his misconduct and remained concerned that Dr Blasco did not truly understand or appreciate the gravity of it. The 2019 Tribunal found that a finding of impaired fitness to practise was 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.

12. The 2019 Tribunal remained satisfied that Dr Blasco's misconduct was not fundamentally incompatible with continued registration. However, it took the view that any sanction less than suspension would be insufficient taking account of Dr Blasco's serious breaches of Good Medical Practice (GMP). The 2019 Tribunal determined that a suspension for a further period of 12 months was required to uphold the statutory overarching objective, to ensure that Dr Blasco had adequate time to develop his understanding of the findings made against him and to allow him time to fully remediate. Given the very limited progress that was made by Dr Blasco in his initial 12 months suspension, it took the view that a period of less than 12 months would be insufficient.

13. The 2019 Tribunal determined to direct a review of Dr Blasco's case and stated that a future Tribunal might be assisted by the following:

- A written statement from Dr Blasco outlining his reflections in relation to:
 - a) His dishonest conduct in deliberately entering false diagnoses in patient records when he knew that he had not seen the patients;
 - b) The potential consequences for those patients who had false diagnoses entered into their records;
 - c) The ethical issues arising from his misconduct;
- Evidence of any training undertaken, particularly if it relates to the issues raised in the findings of the first Tribunal, for example the accurate and timely recording of clinical findings;
- A written statement outlining his reflections on his training undertaken;
- Evidence that he has undertaken Continuing Professional Development ('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 reviewing Tribunal such as any relevant testimonials, references or reports from any clinical attachment or observation he may have undertaken.

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Today's Review Tribunal

14. The Tribunal convened to review Dr Blasco's case in accordance with Rule 22, of the Rules as amended ('the Rules'). The Tribunal had to decide whether Dr Blasco's fitness to practise remains impaired by reason of his misconduct.

The Evidence

15. The Tribunal took into account all the documentary evidence received, including:

- Record of Determinations from Dr Blasco's hearings in 2018 and 2019;
- The MPTS letter to Dr Blasco, dated 10 September 2019;
- Email correspondence between:
 - Dr Blasco and the MPTS, dated 16 September 2019;
 - GMC and Dr Blasco, dated 23 September 2019 enclosing the GMC's letter to Dr Blasco, dated 23 September 2019;
 - GMC and Dr Blasco, dated 26 September 2019;
 - GMC and Dr Blasco, dated 12 December 2019;
 - GMC and Dr Blasco, dated 11 May 2020, enclosing the progress report from Dr C, dated 10 December 2019;
- Defence documents, submitted by Dr Blasco to the GMC between 30 June – 2 July 2020:
 - Current Situation;
 - Reflections;
 - Meetings and CPD documentation;
 - Correspondence between Dr Blasco and the MDU, various dates; and
 - CPD certificates.
- Further CPD certificates submitted to the GMC.

16. Dr Blasco gave oral evidence at the hearing. In summary, Dr Blasco told the Tribunal that he was remorseful. He accepted that his actions were dishonest. He told the Tribunal that, following the 2019 hearing, he has attempted to arrange meetings with NHS England and the MDU with a view to engaging experts to further analyse how he made the bulk entries so he can understand where he went wrong and further reflect on his dishonesty. Dr Blasco told the Tribunal that he is an honest person and that he has had a lot of time to reflect and think about his actions. He told the Tribunal that he has attended as many courses as possible however he has encountered some difficulties due to the current Covid-19 pandemic. He stated that he has tried his best to keep his medical skills and knowledge up to date.

17. Dr Blasco's daughter, Ms A also gave oral evidence at the hearing as to Dr Blasco's character, the help she had given him to access online training and his love of medicine.

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Submissions

18. The submissions made by Mr Kitching and Dr Blasco at the close of the impairment stage are a matter of record and the following is a non-exhaustive synopsis of those submissions.

19. On behalf of the GMC, Mr Kitching began his submissions by acknowledging that English is not Dr Blasco's first language. He also acknowledged that Dr Blasco is not a lawyer and that he is doing his best to represent himself.

20. Mr Kitching submitted that the GMC's position is that Dr Blasco's fitness to practise remains impaired by reason of his misconduct. He submitted that the basis of this submission is to ensure that the statutory overarching objective is achieved. He submitted that for the Tribunal to satisfy the public interest, it must examine the doctor's insight into his misconduct and any steps that he has taken to remedy the findings of dishonesty. Whilst Mr Kitching acknowledged that dishonesty can be difficult to remediate, he submitted that there has been no real reflection by Dr Blasco in relation to his dishonest conduct. He reminded the Tribunal that the 2018 Tribunal described that Dr Blasco had a '*light bulb moment*' at stage 2 of the initial hearing and started to develop insight. Mr Kitching submitted that the early signs of insight have not developed further at all, particularly in relation to his dishonest conduct.

21. Whilst Mr Kitching acknowledged that acceptance of the charge by Dr Blasco is not necessary to demonstrate insight, he submitted that one cannot gain insight into the seriousness of dishonesty if the dishonest conduct is not accepted. Mr Kitching referred to Dr Blasco's oral evidence at this hearing. Whilst Dr Blasco did make reference to the impact that his actions had on the patient, Mr Kitching submitted that Dr Blasco still does not recognise the wider impact that his actions had on public confidence in the medical profession. Mr Kitching submitted that Dr Blasco's lack of insight is also demonstrated in documents that have been provided by Dr Blasco in that they make no meaningful reference to his dishonest conduct.

22. Mr Kitching submitted that although dishonesty was exceptionally difficult to remediate, the burden was on Dr Blasco to develop insight and remedy the deficiencies identified by the 2018 Tribunal. He acknowledged that Dr Blasco has provided evidence of his CPD. However, Mr Kitching submitted that Dr Blasco has not made any meaningful steps to address the Tribunal's findings. He stated that Dr Blasco has not provided any reflections on his discussion with colleagues or family members. Further, he has not provided the Tribunal with any reflections on GMP. He submitted that it is clear from Dr Blasco's oral evidence that he does not accept that he behaved dishonestly. Where there is a lack of insight and no evidence of meaningful remediation, he submitted that there remains a risk of repetition of some future dishonest conduct.

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23. Given Dr Blasco’s lack of insight and remediation, Mr Kitching submitted that Dr Blasco’s fitness to practise remains impaired by reason of his misconduct.

24. Dr Blasco submitted that his fitness to practise is no longer impaired.

25. In response to Mr Kitching’s submission that he has not given any reflections about the impact his actions might have on public confidence in the profession, Dr Blasco submitted that he did mention this in his oral evidence. He told the Tribunal that when he referred to the trust between the patient and the doctor, he was referring to the wider medical profession and confidence in it.

26. Dr Blasco submitted that he knows he was dishonest and that he is remorseful. He submitted that he knew he wanted to be a doctor from a very young age and assured the Tribunal that he will not make bulk entries again.

27. Dr Blasco apologised for not focusing his CPD on courses relating to ethics and stated that he will continue to find relevant courses for him to complete. He told the Tribunal that, should his suspension be lifted and his fitness to practise found to be not currently impaired he would need to go on a GP refresher course in which all of the issues would be covered.

28. Dr Blasco submitted that he has received enough punishment and has had a great deal of time to reflect on his actions.

The Relevant Legal Principles

29. The Tribunal reminded itself that the decision of impairment is a matter for the Tribunal’s judgement alone. At a review hearing, there is a persuasive burden on the Doctor to show that he is safe to return to unrestricted practice.

30. This Tribunal reminded itself that it must determine whether Dr Blasco’s fitness to practise is impaired today, taking into account his misconduct 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

31. The Tribunal referred to paragraph 164 of the Sanctions Guidance (November 2019)(‘the SG’), which states that at a review hearing, the Tribunal should consider whether the Doctor has shown by producing objective evidence that:

- They fully appreciate the gravity of the offence;
- They have not re-offended;
- They have maintained their skills and knowledge;
- Patients will not be placed at risk by resumption of practice, or by the imposition of conditional registration.

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32. The Tribunal reminded itself of the case of *Yussuf v GMC 2018 EWHC 13 (Admin)*, in which Mrs Yip J stated:

"I conclude having reviewed all the relevant authorities that at a review hearing:

- a. The findings of fact are not to be reopened;*
- b. The registrant is entitled not to accept the findings of the Tribunal;*
- c. In the alternative, the registrant is entitled to say that he accepts the findings in the sense that he does not seek to go behind them while still maintaining denial of the conduct underpinning the findings;*
- d. When considering whether fitness to practise remains impaired, it is relevant for the Tribunal to know whether or not the registrant now admits the misconduct;*
- e. Admitting the misconduct is not a condition precedent to establishing that the registrant understands the gravity of the offending and is unlikely to repeat it;*
- f. If it is made apparent that the registrant does not accept the truth of the findings, questioning should not focus on the denials and the previous findings;*
- g. A want of candour and/or continued dishonesty at the review hearing may be a relevant consideration in looking at impairment."*

The Tribunal's Determination on Impairment

33. In deciding whether Dr Blasco's fitness to practise is impaired, the Tribunal has exercised its own judgement. It has borne in mind the statutory overarching objective which is to protect the public. This includes: to protect and promote the health, safety and wellbeing 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 the profession.

34. The Tribunal noted the suggestions that the 2019 Tribunal gave to Dr Blasco in terms of what might assist this reviewing Tribunal. The Tribunal considered the extent to which Dr Blasco had complied with these suggestions.

35. The Tribunal first considered whether Dr Blasco has kept his medical knowledge and skills up to date during his suspension. The Tribunal had regard to

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the documentary evidence adduced by Dr Blasco. It also had regard to Dr Blasco's oral evidence. The Tribunal acknowledged that it has received extensive evidence of his CPD. The Tribunal accepted that Dr Blasco has made efforts to ensure his medical skills and knowledge have been kept up to date during his suspension. The Tribunal noted Dr Blasco's evidence that, due to XXX, he accepts that he will not be able to practise in the same capacity as before.

36. The Tribunal went on to consider Dr Blasco's level of insight. It noted that Dr Blasco has provided a reflective statement in which he now accepts responsibility for his misconduct. In his reflective statement, Dr Blasco stated:

"...First and foremost, I wish to emphasise my remorse for my actions years ago, which could have led to severe consequences. Over the last year, I have really taken the time to think deeply about the events as a whole. I am very sorry to all of the patients that I could have endangered in the process of inputting wrong information onto System One. This is a very big mistake, and one that I can assure would never happen again. I have thought about this a lot, and I would have been devastated if my actions led to a negative consequence. This is because of my passion for medicine and looking after patients. I have always felt this love and will continue to do so. It is an incredibly important factor of my life. My aim has always been to help and nothing else..."

The Tribunal accepted that Dr Blasco appears to be remorseful and now accepts that what he did was wrong. The Tribunal had regard to the 2019 Tribunal's finding that Dr Blasco appeared to minimise the seriousness of his misconduct and appeared to put the blame on to other people. The Tribunal accepted that in this regard, Dr Blasco's insight has developed slightly since the 2019 hearing.

37. In examining Dr Blasco's insight, the Tribunal went on to consider whether Dr Blasco now accepts and understands the findings of dishonesty. After listening to Dr Blasco's oral evidence, the Tribunal considered that it was evident that Dr Blasco understands dishonesty as an abstract concept as he was able to provide a clear example of dishonesty to the Tribunal. However, whilst Dr Blasco stated that he accepts the 2018 Tribunal's findings of dishonestly, the Tribunal were concerned that Dr Blasco's focus at this hearing focused on his lack of understanding around the bulk entry system and the way the IT system worked. From the 2018 Tribunal's determination, it was clear that Dr Blasco accepted the reason he made the bulk entries was to get more Quality Outcome Framework ('QOF') points which benefited the Practice. The Tribunal also had regard to Dr Blasco's comments that he had only read the previous determinations once, soon after the hearings. The Tribunal determined that Dr Blasco's explanation that he did not fully understand the technology surrounding the bulk entry system demonstrated a lack of insight in that he was still not focusing on the issue.

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38. The Tribunal was also concerned that Dr Blasco does not appear to appreciate the impact that his dishonest conduct could have had on public confidence in the medical profession. It agreed with Mr Kitching's submission that this did not feature in Dr Blasco's written reflections. During his oral evidence, when questioned by Mr Kitching, Dr Blasco did explain the impact his dishonest conduct could have on the trust between the patient and the doctor. The Tribunal had regard to oral evidence given by Dr Blasco's daughter and noted her comments that Dr Blasco cannot express himself as well as he would like to, due to English not being his first language. However, the Tribunal considered that Dr Blasco's clarification that he was referring to confidence in the medical profession as a whole only came after he heard Mr Kitching's submissions on impairment. It considered that Dr Blasco would not otherwise have thought of this on his own, and that he had tried to tailor his submission to suggest a level of insight that he had not in fact reached.

39. The Tribunal went on to consider whether Dr Blasco had remediated his misconduct. Whilst the Tribunal has been provided with various CPD certificates from Dr Blasco, it remained concerned that his CPD did not focus on the previous findings of dishonesty. Whilst the Tribunal acknowledged that the current Covid-19 pandemic had resulted in postponements to many courses, the Tribunal considered that there are various online courses relating to ethics and record keeping that Dr Blasco could have undertaken, and that he had had adequate time to do so since the 2018 Tribunal notwithstanding the Covid-19 pandemic. When asked about this, Dr Blasco confirmed that a record keeping course would be done on the GP refresher course, which he said he would undertake should his suspension be removed.

40. The Tribunal considered that the 2018 Tribunal made clear and unequivocal findings about dishonesty. Dr Blasco said he had only read the determination, and the 2019 determination, once. The Tribunal considered that, for whatever reason, Dr Blasco appears to be avoiding the real issue arising from his misconduct, namely the dishonesty. He has therefore struggled to move on and gain the insight required to address the issue. Whilst he told the Tribunal he accepted the finding of dishonesty, there is other evidence to suggest otherwise. For example, his insistence on continuing to try to meet experts to understand the bulk entry process as a means of him understanding his dishonesty better.

41. In the absence of developed insight and remediation, the Tribunal concluded that the position was still much the same as it had been when the 2019 Tribunal considered the case. The Tribunal determined that there remains a risk of repetition in this case.

42. Balancing the public interest with Dr Blasco's interests the Tribunal concluded that a finding of impairment is required. All three limbs of the overarching objective remain engaged. Further, the Tribunal determined that public confidence in the profession would be undermined if a finding of current impairment was not made in this case.

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43. In all the circumstances, the Tribunal has determined that Dr Blasco's fitness to practise remains impaired by reason of his misconduct.

Determination on Sanction - 31/07/2020

1. Having determined that Dr Blasco's fitness to practise remains impaired by reason of his misconduct, the Tribunal now has to decide in accordance with Rule 22(1)(h) of the Rules on the appropriate sanction, if any, to impose.

The Evidence

2. The Tribunal has taken into account all the oral and documentary evidence received during the earlier stage of the hearing where relevant to reaching a decision on sanction.

3. The Tribunal also received an additional CPD certificate from Dr Blasco relating to an online ethics course that he completed on 30 July 2020, the first day of this review.

Submissions

4. The submissions made by Mr Kitching and Dr Blasco at the close of the sanction stage are a matter of record and the following is a non-exhaustive synopsis of those submissions.

5. On behalf of the GMC, Mr Kitching submitted that the appropriate sanction in this case was one of suspension. He referred the Tribunal to the overarching objective and the relevant paragraphs of the SG.

6. He submitted that a period of suspension would promote and maintain public confidence in the medical profession and also promote and maintain proper professional standards and conduct for the members of the medical profession.

7. Mr Kitching emphasised the seriousness of the original findings made against Dr Blasco. He referred to the Tribunal's determination on impairment where it commented on Dr Blasco's lack of insight and the absence of any meaningful evidence of remediation and submitted that the further in time that one moves on without any development of insight, the more concern there must be. Whilst Mr Kitching acknowledged the ethics course that Dr Blasco had taken during the course of this hearing, he submitted that he had made little progress despite previous Tribunals giving a clear indication of what it hoped that Dr Blasco could achieve during his periods of suspension.

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8. Mr Kitching stated that the Tribunal may well accept that Dr Blasco is sincere and remorseful. Further, he acknowledged that Dr Blasco has engaged in these proceedings. However, Mr Kitching reminded the Tribunal that Dr Blasco has not done everything that the previous Tribunals had suggested. Mr Kitching submitted that Dr Blasco has not grappled with his dishonesty, as found by the 2018 Tribunal and that he is little or no further forward than he was at the end of the 2019 hearing.

9. Mr Kitching reminded the Tribunal that it should consider the least restrictive sanction first and move upwards until the Tribunal finds the most appropriate sanction. He invited the Tribunal to take into account the principles of proportionality, weighing the interests of the public against those of the doctor, even if it determined to impose a sanction that led to difficulties for the doctor.

10. Mr Kitching submitted that this case did not fall into the category of cases in which it was appropriate to take no action. Further, Mr Kitching submitted that conditions are not appropriate in this case due to Dr Blasco's lack of insight and remediation.

11. Mr Kitching referred to paragraphs 91, 93 and 97 of the SG (as set out below). He submitted that there has been an acknowledgement of fault by Dr Blasco. Mr Kitching reminded the Tribunal that Dr Blasco has had two years to develop meaningful insight and to remediate his dishonesty. Whilst Mr Kitching submitted that little progress has been made, he submitted that a further period of suspension may give Dr Blasco a further opportunity, perhaps a final opportunity, to develop full insight and remediation.

12. He stated that it is not the GMC's position that Dr Blasco's name should be erased from the Medical Register. He suggested that Dr Blasco needs to provide clear written evidence in relation to his reflections on his dishonest conduct and be in a position to repeat these reflections orally to a future reviewing Tribunal.

13. Dr Blasco submitted that he feels very disappointed that he was not able to give clear evidence to this Tribunal as to how he feels about his dishonest conduct. He told the Tribunal that this was due to English not being his first language, and that if he could have expressed himself in Spanish, the Tribunal may have better understood what he was trying to say.

14. He reminded the Tribunal that he is not a lawyer and stated that this has been very difficult for him. He stated that he had tried his best to obtain representation for this hearing.

15. He told the Tribunal that he is willing to follow the Tribunal's instructions. He submitted that he has struggled to find relevant courses on ethics. He told the Tribunal that to show his goodwill he did an ethics course yesterday. He stated that

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he did not have any problems with the course, that it was interesting but that he was already aware of all that. Further, he told the Tribunal that he did not understand the questions put to him yesterday regarding dishonesty. He stated that he understands clearly what dishonesty, morals and integrity involve. He had very clear ideas and could not see how any course was going to teach him anything new. His problem is that he is unable to communicate his understanding to the Tribunal.

16. He submitted that suspension is always punitive, and he noted the impact that his previous suspension has had on his family. He emphasised that there will never be a way for him to prove that he will not be dishonest again. He stated that, whatever the outcome of this hearing, he would be happy to work unpaid to help with the Covid-19 pandemic and he will continue to go on as many courses as he can. Dr Blasco referred to the overarching objective and stated that he understands its importance. He said, in the future, he will try and uphold good conduct.

Tribunal's Approach

17. The decision as to the appropriate sanction to impose, if any, in this case is a matter for this Tribunal exercising its own judgement. In reaching its decision, the Tribunal has taken account of the relevant paragraphs of the SG. It has borne in mind that the purpose of sanctions is not to be punitive, although a sanction may have a punitive effect, but to protect patients and the wider public interest.

18. Throughout its deliberations, the Tribunal has applied the principle of proportionality, balancing Dr Blasco's interests with the public interest and the need to uphold the statutory overarching objective. This includes, amongst other things, the protection of patients, the maintenance of public confidence in the profession, and the declaring and upholding of proper standards of conduct and behaviour.

Tribunal's Decision

No action

19. In coming to its decision as to the appropriate sanction, the Tribunal first considered whether to conclude the case by taking no action.

20. The Tribunal has already determined that Dr Blasco's fitness to practise remains impaired by reason of his misconduct. It determined that, in the absence of any circumstances which could be regarded as exceptional, it would be inappropriate to take no action in this case.

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Conditions

21. The Tribunal next considered whether it would be sufficient to impose conditions on Dr Blasco's registration. It has borne in mind that any conditions imposed would need to be appropriate, proportionate, workable and measurable.
22. The Tribunal is of the opinion that a period of conditional registration would not adequately reflect the serious nature of Dr Blasco's dishonest misconduct, nor could conditions be devised that would protect the public interest and maintain public confidence in the medical profession.
23. The Tribunal has, therefore, determined that it would not be sufficient to direct the imposition of conditions on Dr Blasco's registration at this time.

Suspension

24. The Tribunal next considered whether it should impose a period of suspension on Dr Blasco's registration and had regard to paragraphs 91, 92, 93 and 97a, e, f and g of the SG:

"91 Suspension has a deterrent effect and can be used to send out a signal to the doctor, the profession and public about what is regarded as behaviour unbecoming a registered doctor. Suspension from the medical register also has a punitive effect, in that it prevents the doctor from practising (and therefore from earning a living as a doctor) during the suspension, although this is not its intention.

92 Suspension will be an appropriate response to misconduct that is so serious that action must be taken to protect members of the public and maintain public confidence in the profession. A period of suspension will be appropriate for conduct that is serious but falls short of being fundamentally incompatible with continued registration (ie for which erasure is more likely to be the appropriate sanction because the tribunal considers that the doctor should not practise again either for public safety reasons or to protect the reputation of the profession).

93 Suspension may be appropriate, for example, where there may have been acknowledgement of fault and where the tribunal is satisfied that the behaviour or incident is unlikely to be repeated. The tribunal may wish to see evidence that the doctor has taken steps to mitigate their actions (see paragraphs 24–49).

97 Some or all of the following factors being present (this list is not exhaustive) would indicate suspension may be appropriate.

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a A serious breach of Good medical practice, but where the doctor's misconduct is not fundamentally incompatible with their continued registration, therefore complete removal from the medical register would not be in the public interest. However, the breach is serious enough that any sanction lower than a suspension would not be sufficient to protect the public or maintain confidence in doctors.

...

e No evidence that demonstrates remediation is unlikely to be successful, eg because of previous unsuccessful attempts or a doctor's unwillingness to engage.

f No evidence of repetition of similar behaviour since incident.

g The tribunal is satisfied the doctor has insight and does not pose a significant risk of repeating behaviour."

25. The Tribunal had regard to its determination on impairment. Whilst it has determined that Dr Blasco's insight has developed slightly since the 2019 hearing, it remains concerned that Dr Blasco does not appear to have appreciated the gravity of his dishonesty or the impact on public confidence in the medical profession. The Tribunal acknowledged that it is clear that Dr Blasco is passionate about medicine and considered that this was reflected in the extensive CPD material that he has provided. However, the Tribunal determined that Dr Blasco needs to concentrate on the previous Tribunal's findings of dishonesty and gain further insight and remediation.

26. The Tribunal took the view that any sanction less than suspension would be insufficient taking into account Dr Blasco's serious breaches of GMP.

27. The Tribunal did consider whether it would be appropriate to erase Dr Blasco's name from the Medical Register. It had regard to the findings of the previous Tribunals that Dr Blasco's conduct was not fundamentally incompatible with continued registration. Given Dr Blasco's limited insight, this Tribunal remains satisfied that his misconduct is still not fundamentally incompatible with continued registration at this stage. It determined to allow Dr Blasco a further opportunity to develop further insight and fully remediate his dishonesty.

28. In considering the appropriate period of suspension, the Tribunal determined that a suspension for a period of 12 months was required to uphold the statutory overarching objective. The Tribunal also considered that a period of 12 months would allow Dr Blasco further time to develop his understanding of the findings of dishonesty and allow him time to remediate it fully. The Tribunal noted the limited progress that has been made by Dr Blasco since the 2019 hearing. The Tribunal noted that Dr Blasco had not fully considered the previous written determinations,

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discussed them with anybody or sought any support in reaching the understanding required to demonstrate remediation. It determined that a period of less than 12 months would not give Dr Blasco sufficient time to develop full insight and remediate his dishonesty.

Review Hearing directed

29. The Tribunal determined to direct a review of Dr Blasco's case. A review hearing will convene shortly before the end of the period of suspension, unless an early review is sought. The Tribunal wishes to clarify that at the review hearing, the onus will be on Dr Blasco to demonstrate how he has developed further insight, remediation of his dishonest misconduct and kept his medical knowledge and skills up to date. It therefore may assist the reviewing Tribunal if Dr Blasco provides:

- 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 2018 Tribunal, for example (not exhaustive): the accurate and timely recording of clinical findings, accurate data input and understanding the role of professional ethics particularly related to behavioural issues;
- A final written statement towards the end of the period of suspension outlining his reflections in relation to:
 - 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;

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- 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.

30. Dr Blasco may prefer to write the written documents above in Spanish if this helps him express himself better, but he will need to have them independently translated into English before they are submitted to the Tribunal.

31. The MPTS will send Dr Blasco a letter informing him of his right of appeal and when the direction and the new sanction will come into effect. The current order of suspension will remain in place during the appeal period.

32. That concludes the case.

Confirmed

Date 31 July 2020

Mr Colin Chapman, Chair