

PUBLIC RECORD

Dates: 30/07/2024 - 31/07/2024

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

Erasure

Tribunal:

Legally Qualified Chair	Mrs Becky Miller
Lay Tribunal Member:	Mrs Valerie Paterson
Medical Tribunal Member:	Dr Bryn Davies

Tribunal Clerk:	Mr Rowan Barrett
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Attendance and Representation:

Medical Practitioner:	Not present, not represented
GMC Representative:	Mr Salek Ahmed, 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 - 30/07/2024

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 Blasco's fitness to practise is impaired by reason of misconduct.

The Outcome of Applications Made during the Impairment Stage

2. Dr Blasco did not attend this hearing. The Tribunal granted the GMC's application, made pursuant to Rules 20, 31 and 40 of the General Medical Council (Fitness to Practise Rules) 2004 as amended ('the Rules'), that service had been effected on Dr Blasco and that the hearing should proceed in his absence. The Tribunal's full decision can be found at Annex A.

3. 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.

Background

4. Dr Blasco qualified in 1990. At the time of the events which led to his suspension, he was practising as a GP partner at Rochford Medical Practice ('the Practice'). In 2012, inconsistencies were noted in Dr Blasco's computer records, which raised concerns that he had not seen patients prior to making entries in their records regarding asthma reviews. An audit was undertaken in 2014 of Dr Blasco's entries on patient records around Quality and Outcomes Framework indicators.

5. Dr Blasco's case was first considered by a Medical Practitioners Tribunal in July 2018. That 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, nor had he reviewed their records. These included diagnoses for chronic kidney disease, asthma, obesity, depression and medication reviews. The Tribunal found that Dr Blasco had made six inappropriate bulk entries between 2010 and 2012. On the first four occasions Dr Blasco had made a bulk entry which recorded a diagnosis in the patient records of a total of 601 patients (not including a duplicated entry) when he knew he had not examined those patients on the date the entries were made. The First Tribunal found that Dr Blasco's actions were a failure to provide good clinical care. That Tribunal found that in part, Dr Blasco's motivation on each of the six occasions was that he believed that by making the bulk entries he would gain a financial reward for his Practice and that he acted dishonestly. Dr Blasco was not legally represented throughout that hearing.

6. That Tribunal found that Dr Blasco's primary motive in making bulk entries was to improve the performance of the Practice in its achievement of QOF points. The Tribunal accepted that Dr Blasco had in the back of his mind that by making the bulk entries he would set in motion a process by which those patients would attend the Practice and have their diagnoses reviewed and updated, as well as some degree of financial gain for the practice.

7. In backdating patients' records, the Tribunal found that Dr Blasco had failed to keep accurate records at the time, or as soon as possible afterwards. The Tribunal concluded that Dr Blasco's actions amounted to serious misconduct because they fell far short of the standards of conduct to be expected of a doctor. 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. Ultimately, the Tribunal determined to suspend his registration for 12 months, with immediate effect.

8. There have been two subsequent Review Hearings by Tribunals on 06/08/2019 and on 30/07/2020. On each occasion the Tribunal imposed a suspension for a further period of 12 months. Subsequently there have been three Review Hearings on the papers before a Legally Qualified Chair on 09/07/2021, on 11/07/2022 and 18/07/2023. On each occasion a further suspension for a period of 12 months was imposed.

9. Previous reviews have noted Dr Blasco's current state XXX. The Legally Qualified Chair who last reviewed Dr Blasco's case noted XXX. The LQC noted that Dr Blasco had stated that he would like to extend his suspension for a further 12 months on that occasion.

The Evidence

10. The Tribunal has taken into account all the evidence received.
11. Dr Blasco did not provide a witness statement, nor did he give evidence at the hearing.
12. The Tribunal noted a telephone note of a conversation between Ms A, Paralegal at GMC Legal, and Dr Blasco, which took place on 9 July 2024. The telephone note outlines the conversation as follows:

'I explained I sent him some information about his hearing and the bundle. he confirmed he had it and then said "I am not attending, I want to finish with these things. I don't have the strength to defend myself. [XXX] and I have a lot of problems. One of my daughters can come one of these days to the hearing if you want". I explained I noted he did not want to attend the hearing but explained the hearing may go ahead in his absence, Dr Blasco said "you can go ahead, I don't want to go and waste time". I explained that I can send him some information about giving up his registration, as I understand that is what he asked my colleague for when he called on 3 July. He said that would be fantastic. I confirmed his email address was still the same. I asked if given [XXX] if there was anyone who could assist him, he said he can get his daughter to help. He said then "[Ms A] I don't want to go and waste time. I want to just finish. I don't want this. I want to never have anything to do with GMC again". I explained I appreciated that and have made a note of it, but in order to get voluntary erasure he would need to apply for it. He said he understood but he wants it to be noted he does not wish to attend the hearing. I explained I have made a note of our call and will put in on the case file. He then said "I never want to deal with GMC again".'

Submissions

13. On behalf of the GMC, Mr Ahmed submitted that Dr Blasco had demonstrated little progress in regard to his insight or remediation since the 2020 hearing. He submitted that this Tribunal set out a comprehensive list of recommendations for what Dr Blasco could provide to future reviewing Tribunals to demonstrate his fitness to practise but that he had failed to do this. Mr Ahmed submitted that Dr Blasco was fully aware of the stipulations of the 2020 hearing and his ineffective engagement with the review process meant that the

Tribunal should find that he had not yet fully remediated or developed full insight and that he remained at risk of repeating his misconduct.

14. Mr Ahmed referred the Tribunal to the GMC's telephone note where Dr Blasco had indicated he did not want to continue to be registered with the GMC.

15. Mr Ahmed submitted that, because of his lack of insight and remediation, as well as the lack of evidence of him maintaining his clinical skills and knowledge, Dr Blasco's fitness to practise was currently impaired. He said that a finding of impairment was necessary under all three limbs of the overarching objective.

The Relevant Legal Principles

16. The Tribunal reminded itself that the decision of impairment is a matter for the Tribunal's judgement alone. As noted above, the previous 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 practice.

17. This Tribunal must determine whether Dr Blasco's fitness to practise is impaired today, taking into account his 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.

18. The test for impairment is that set out by Dame Janet Smith in *The Fifth Shipman Report*, cited in *CHRE v NMC and P Grant [2011] EWHC 927 (Admin)*:

a) Whether the registrant has in the past acted and/or is liable in the future to act so as to put a patient or patients at unwarranted risk of harm;

b) Whether the registrant has in the past brought and/or is liable in the future to bring the profession into disrepute;

c) Whether the registrant has in the past breached and/or is liable in the future to breach one of the fundamental tenets of the profession.

d) Whether the registrant has in the past acted dishonestly and/or is liable to act dishonestly in the future.

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74 *In determining whether a practitioner's fitness to practise is impaired by reason of misconduct, the relevant panel should generally consider not only whether the practitioner continues to present a risk to members of the public in his or her current role, but also whether the need to uphold proper professional standards and public confidence in the profession would be undermined if a finding of impairment were not made in the particular circumstances.'*

The Tribunal's Determination on Impairment

19. The Tribunal considered that there had been little progress since the second substantive review of Dr Blasco's case in July 2020, at which the reviewing Tribunal set out a comprehensive list of recommendations for what would assist his case at a future review. The Tribunal noted that he has been given further time to provide this information at each subsequent review and suspension period and has not done so.

20. The Tribunal noted communication between Dr Blasco and the GMC in which he indicated that he does not intend to defend himself at a hearing and does not want to be registered with the GMC. It notes that he has recently been provided with information about how to apply for voluntary erasure.

21. The Tribunal considered that, while no evidence has been provided of XXX, there is no reason to doubt that they are genuine and may have had an impact on Dr Blasco's ability and willingness to engage with the process in this and previous review hearings. The Tribunal also noted, however, that there has been no evidence provided to suggest that XXX means that he is not able to engage with the process or to complete the recommendations set out at previous hearings and that this is not a case of XXX.

22. The Tribunal currently has no evidence showing that Dr Blasco has reflected on and gained insight into his misconduct or that he has kept his knowledge and skills up to date. The Tribunal reminded itself that the original misconduct was serious and involved findings of impaired fitness to practise relating to Dr Blasco's probity in relation to his altering patients' medical records. The Tribunal is not satisfied that Dr Blasco has developed insight into his wrongdoing and taken steps toward remediation. The Tribunal therefore considers that there

remains a real risk of repetition. Therefore, it considered that a finding of impairment is required on all three limbs of the overarching objective.

23. This Tribunal has therefore determined that Dr Blasco's fitness to practise is impaired by reason of misconduct.

Determination on Sanction - 31/07/2024

1. Having determined that Dr Blasco's fitness to practise is impaired by reason of misconduct, the Tribunal now has to decide in accordance with Rule 22(1)(h) of the Rules what action, if any, it should take with regard to Dr Blasco's registration.

The Evidence

2. The Tribunal has taken into account the background to the case and the evidence received during the earlier stage of the hearing where relevant to reaching a decision on what action, if any, it should take with regard to Dr Blasco's registration.

Submissions

3. On behalf of the GMC, Mr Ahmed submitted that the appropriate sanction in this case would be erasure. He submitted that Dr Blasco has not meaningfully engaged with the process and has provided little evidence of insight or remediation or that he has kept his knowledge and skills up to date. He submitted that Dr Blasco had been given a number of opportunities to utilise suspension periods but has not made progress toward demonstrating that he had remediated and was safe to return to practice.

4. Mr Ahmed referred the Tribunal to paragraph 109(j) of the Sanctions Guidance ('SG'). He submitted that Dr Blasco had demonstrated a persistent lack of insight into the seriousness of his actions. He told the Tribunal that the situation has remained the same six years after the original suspension was imposed and Dr Blasco has still not provided the evidence requested by the second review Tribunal. He submitted that in these circumstances the only proportionate sanction was erasure.

The Relevant Legal Principles

5. The decision as to the appropriate sanction, if any, to impose is a matter for the Tribunal exercising its own judgment by reference to the Sanctions Guidance ('SG'). It must consider the least restrictive sanction first and then, if necessary, consider the other sanctions. The Tribunal must consider its determination on impairment and take those matters into account during its deliberations on sanction.

6. The Tribunal recognised the purpose of a sanction is not to be punitive but to protect patients and the wider public interest, although it may have a punitive effect. If the Tribunal departs from the SG, it must give reasons for departing from relevant part of the SG.

7. The Tribunal will apply the principle of proportionality, balancing the wider public interest with that of Dr Blasco. The Tribunal bore in mind that the reputation of the profession as a whole is more important than the interests of an individual member.

The Tribunal's Determination

8. The Tribunal noted that Dr Blasco has not attended this hearing and has not provided any written evidence for the Tribunal to consider. Dr Blasco has communicated with the GMC and has provided limited information pertaining to XXX and that he 'has a lot of problems'.

9. The Tribunal has taken into consideration the findings made in its determination on impairment. Before considering what action to take in respect of Dr Blasco's registration, the Tribunal considered and balanced the aggravating and mitigating factors in this case. The Tribunal considered that there were no elements of mitigation that had been presented for consideration. It considered that aggravating features of this case included that there has been no evidence provided of insight or steps taken toward remediation, the length of time which has elapsed since the first suspension with no progress having been made and the lack of any evidence of Dr Blasco having kept his knowledge and skills up to date.

10. The Tribunal considered each sanction in ascending order of severity, starting with the least restrictive.

No action

11. The Tribunal first considered whether to conclude the case by taking no action.

12. The Tribunal determined that, in view of the lack of evidence of insight or remediation or up to date CPD demonstrating that he would be safe to return to practice, it would be neither proportionate nor appropriate to conclude this case by taking no action. The Tribunal determined that there were no exceptional circumstances and therefore there could be no justification to conclude the case by taking no action.

Conditions

13. The Tribunal next considered whether it would be appropriate to impose conditions on Dr Blasco's registration. It bore in mind that any conditions imposed should be appropriate, proportionate, workable and measurable.

14. Due to Dr Blasco's continued lack of meaningful engagement with the GMC, the Tribunal could not be satisfied that Dr Blasco would comply with any conditions imposed. As

such, the Tribunal concluded that a sanction of conditions would be unworkable. The Tribunal also considered that conditions would not be an appropriate or proportionate sanction in this case and are insufficient to ensure protection of patients and to maintain public confidence in the medical profession.

Suspension

15. The Tribunal then went on to consider whether imposing a further period of suspension on Dr Blasco's registration would be appropriate and proportionate.

16. The Tribunal had regard to the passage of time since Dr Blasco's registration was originally suspended in 2018 and the lack of progress in that time toward demonstrating insight and remediation. The Tribunal also noted Dr Blasco's stated intention not to attend this review hearing, not to 'have anything to do with the GMC ever again' and his expressed desire to no longer be on the medical register.

17. The Tribunal considered that Dr Blasco had been given several opportunities over the past six years of repeated suspensions to demonstrate that he had developed insight into his original misconduct and had remediated. It is clear that Dr Blasco does not intend at this stage to do this and has indicated that he wishes to have nothing more to do with the process. The Tribunal considered that Dr Blasco is unlikely to engage with future review hearings or any further guidance set out by this Tribunal. In these circumstances, the Tribunal concluded that there would be no useful purpose in a further period of suspension.

Erasure

18. The Tribunal considered the factors set out at paragraph 109 of the SG that indicate erasure is the appropriate sanction, and found the following to be of relevance:

'109 Any of the following factors being present may indicate erasure is appropriate (this list is not exhaustive).

...

j Persistent lack of insight into the seriousness of their actions or the consequences.'

19. The Tribunal, as set out above, has no evidence that Dr Blasco has developed insight into the seriousness of his misconduct or the consequences. The Tribunal bore in mind that this state of affairs has persisted since the first review of Dr Blasco's case in 2019 and considers that it is unlikely to change in the future.

20. The Tribunal has had regard to the information Dr Blasco has provided about XXX and acknowledges his expressed wish not to participate in the process and desire to be erased from the medical register. The Tribunal noted the conversation between Dr Blasco his contact at the GMC in which he indicated that he was interested in applying for voluntary erasure and stated:

“I don’t want to go and waste time. I want to just finish. I don’t want this. I want to never have anything to do with GMC again”.

21. The Tribunal concluded that erasure was necessary 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. 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 suspension will remain in place during the appeal period.

22. The Tribunal have directed to erase Dr Blasco’s name from the Medical Register.

ANNEX A – 30/07/2024

Application on service and proceeding in absence

Service of Notice of the Hearing

1. Dr Blasco is neither present nor represented at this hearing.
2. Mr Salek Ahmed, Counsel, on behalf of the GMC, provided the Tribunal with documents regarding service of these proceedings on Dr Blasco. The Tribunal was given a copy of the Medical Practitioners Tribunal Service (MPTS) Notice of Hearing letter, dated 25 June 2024, which was posted to Dr Blasco’s registered address by Royal Mail Special Delivery on the same day. Royal Mail Track and Trace documentation confirmed that the Notice of Hearing letter was delivered and signed for by someone by the name of ‘INGIO’ on 26 June 2024. Additionally, the Tribunal had sight of the GMC letter enclosing the draft hearing bundle, which was sent to Dr Blasco’s registered address on 14 June 2024. Royal Mail Track and Trace documentation confirmed that this letter was delivered and signed for by someone by the name of ‘BLASCO’ on 15 June 2024.
3. The Tribunal had regard to the case of *General Medical Council v Adeogba; General Medical Council v Visvardis* [2016] EWCA Civ 162 which confirms that the GMC has a duty to communicate with a doctor at the registered address they provide. The Tribunal was satisfied that Dr Blasco had received and responded to correspondence from both the GMC and the MPTS sent by post and by email.
4. The Tribunal had regard to the service bundle provided by the GMC, as well as Mr Ahmed’s submissions. Having considered all of the evidence before it, the Tribunal was satisfied that notice of the hearing had been served in accordance with Rules 20 and 40 of the General Medical Council (Fitness to Practise) Rules 2004 (as amended) (‘the Rules’) and paragraph 8 of Schedule 4 to the Medical Act 1983 (as amended).

Proceeding in Dr Blasco’s absence

5. The Tribunal went on to consider whether it would be appropriate to proceed with this hearing in Dr Blasco’s absence pursuant to Rule 31 of the Rules. The Tribunal was conscious that the discretion to proceed in the absence of a doctor should be exercised with appropriate care and caution, balancing the interests of the doctor with the wider public interest.

6. Mr Ahmed invited the Tribunal to proceed in Dr Blasco's absence. Mr Ahmed submitted that Dr Blasco is aware of these proceedings and has himself confirmed on 9 July 2024 he will not be attending this hearing. Mr Ahmed submitted that Dr Blasco has voluntarily absented himself from these proceedings and submitted that there was no indication that an adjournment would be of benefit to these proceedings as Dr Blasco has been clear about his decision not to attend.

7. The Tribunal considered the note of telephone call between the GMC and Dr Blasco on 9 July 2024. This note included that Dr Blasco had stated *'I am not attending, I want to finish with these things ... I don't want to go and waste time. I want to just finish. I don't want this. I want to never have anything to do with GMC again.'* The Tribunal was satisfied that Dr Blasco was aware of the investigation process and had previously engaged with the GMC. The Tribunal was also satisfied that Dr Blasco had voluntarily absented himself from these proceedings. The Tribunal determined that there was no indication that an adjournment would result in Dr Blasco's attendance or engagement in these proceedings.

8. The Tribunal accepted that it was both in the public interest and Dr Blasco's interest to proceed with this hearing today.

9. Therefore, in accordance with Rule 31, the Tribunal has determined to proceed in Dr Blasco's absence.