

PUBLIC RECORD

Date: 18/03/2022

Medical Practitioner's name: Dr Michael WETZLER

GMC reference number: 2495985

Primary medical qualification: MB BS 1979 University of London

Type of case Outcome on impairment

Misconduct Impaired

Summary of outcome

Conditions for 9 months

Tribunal/Legally Qualified Chair:

Legally Qualified Chair:	Ms Chitra Karve
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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.

1. I have reviewed the background to Dr Michael Wetzler's case, which was first considered by a medical practitioners tribunal in November 2021. The Tribunal found that between 2014 and 2019, Dr Wetzler had prescribed medication for a patient, including Diazepam and Midodrine without informing the patient's GP of these prescriptions, he had also failed to ascertain how much Diazepam this patient was already being prescribed. At times dosages were also found to have been incorrect. Dr Wetzler was also found to have issued prescriptions to the patient on the advice of a complementary health practitioner who wasn't a registered medical practitioner, without critically analysing their opinion. The

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Tribunal determined that Dr Wetzler's fitness to practise was impaired by reason of his misconduct and imposed an order of conditions on his registration for 12 months and directed a review hearing. These conditions, in brief, required oversight of his clinical practice by a workplace reporter.

2. The conditions imposed required Dr Wetzler's Responsible Officer to provide a workplace reporter for Dr Wetzler. However, the Responsible Officer has reported that she is unable at this time to source a workplace report for Dr Wetzler. The conditions imposed on Dr Wetzler therefore are unworkable.

3. Considering this, a GMC Assistant Registrar decided on 24 February 2022 to refer Dr Wetzler's case to an Early Review ROP hearing to consider the current conditions. Under the circumstances Dr Wetzler has been unable to provide evidence to satisfy performance against the conditions previously imposed. He has therefore been unable to resume his private clinical practice since December 2021.

4. Dr Wetzler 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. They have provided agreed terms of an order which I could make at this review.

5. I have considered all of the evidence presented to me, and the agreed submissions made by the GMC. In the submissions and accompanying agreement, Dr Wetzler and the GMC agree that Dr Wetzler's registration should be subject to a further period of conditions for 9 months. The conditions proposed are amended conditions from those imposed in November 2021.

6. I have taken into account that since the previous order was made the circumstances have not changed.

7. 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.

8. I have applied the principle of proportionality, weighing Dr Wetzler's own interests with the public interest. The public interest includes amongst other things, the protection of

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patients, the maintenance of public confidence in the profession, and declaring and upholding of proper standards of conduct and behaviour.

9. I am satisfied that the proposed amended conditions would be proportionate and sufficient to protect the public and the public interest. I have therefore determined that Dr Wetzler's registration be made subject to the following conditions for a period of 9 months:

1 He must personally ensure the GMC is notified of the following information within seven calendar days of the date these conditions become effective:

- a the details of his current post, including:
 - i his job title
 - ii his job location
 - iii his responsible officer (or their nominated deputy).
- b the contact details of his employer and any contracting body, including his direct line manager
- c any organisation where he has practising privileges and/or admitting rights
- d any training programmes he is in
- e of the organisation on whose medical performers list he is included
- f of the contact details of any locum agency or out of hours service he is registered with.

2 He must personally ensure the GMC is notified:

- a of any post he accepts, before starting it
- b that all relevant people have been notified of his conditions, in accordance with condition 8
- c if any formal disciplinary proceedings against him are started by his employer and/or contracting body, within seven calendar days of being formally notified of such proceedings
- d if any of his posts, practising privileges or admitting rights have been suspended or terminated by his employer before the agreed date within seven calendar days of being notified of the termination

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- e if he applies for a post outside the UK
- 3 He must allow the GMC to exchange information with any person involved in monitoring his compliance with his conditions.
- 4 a He must have a workplace reporter for all NHS posts appointed by his responsible officer (or their nominated deputy).
- b he must not work until:
- i his responsible officer (or their nominated deputy) has appointed his workplace reporter
- ii he has personally ensured that the GMC has been notified of the name and contact details of his workplace reporter.
- 5 a He must have a workplace reporter for all non-NHS posts approved by the GMC.
- b he must not work in a non-NHS post until the GMC has approved his workplace reporter.
- 6 a He must design a personal development plan (PDP), with specific aims to address the deficiencies in the following areas of his practice:
- safe prescribing
 - Sharing information with colleagues involved in a patient's care
- b his PDP must be approved by an individual approved by the GMC
- c he must provide the GMC a copy of his approved PDP within three months of these substantive conditions becoming effective.
- d he must provide the GMC a copy of his approved PDP on request
- e he must meet with his responsible officer (or their nominated deputy), as required, to discuss his achievements against the aims of his PDP.
- 7 a He must keep a log detailing every case where he has prescribed a controlled drug, or any other medicines where additional safeguards are needed:
- i explaining the rationale for the prescription.
- ii confirming he has either informed the patient's NHS GP or otherwise explaining the rationale for not having done so.

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b He must give the GMC a copy of this log on request.

8 He must personally ensure the following persons are notified of the conditions listed at 1 to 7:

a his responsible officer (or their nominated deputy)

b the responsible officer of the following organisations:

i his place(s) of work, and any prospective place of work (at the time of application)

ii all his contracting bodies and any prospective contracting body (prior to entering a contract)

iii any organisation where he has, or has applied for, practising privileges and/or admitting rights (at the time of application)

iv any locum agency or out of hours service he is registered with

v If any of the organisations listed at (i to iv) does not have a responsible officer, he must notify the person with responsibility for overall clinical governance within that organisation. If he is unable to identify this person, he must contact the GMC for advice before working for that organisation

c the responsible officer for the medical performers list on which he is included or seeking inclusion (at the time of application)

d his immediate line manager and senior clinician (where there is one) at his place of work, at least 24 hours before starting work (for current and new posts, including locum posts).

10. In reaching this decision, I accept that the conditions previously imposed were not workable because of the lack of a reporting officer, and that therefore Dr Wetzler would not be able to evidence to any future review panel compliance of these conditions in order for them to consider whether his fitness to practise continues to be impaired. The GMC has considered an alternative set of conditions that I consider to be proportionate and workable and have been agreed by Dr Wetzler.

11. The effect of this direction is that, unless Dr Wetzler exercises his right of appeal, the conditions will take effect 28 days from when written notice of this determination has been served upon him. The current order of conditions will remain in place until the appeal period

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has ended, or in the event that he does appeal, that appeal is decided. A note explaining Dr Wetzler's right of appeal will be provided to him.

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