

PUBLIC RECORD

Date: 22/11/2022

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:	Mr Damian Cooper
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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

1. I have reviewed the background to Dr Wetzler's case, which was first considered by a medical practitioners tribunal in November 2021 (the '2021 Tribunal'). The 2021 Tribunal found that between 2014 and 2019, Dr Wetzler had prescribed medication (including controlled drugs) for a patient without informing the patient's GP and without first

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ascertaining how much of such medication the patient was already being prescribed. In addition, Dr Wetzler had prescribed medication at unlicensed dosage, and issued prescriptions to the patient on the advice of a complementary health practitioner, who was not a registered medical practitioner, without critically analysing their opinion.

2. The 2021 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 a period of 12 months. It also directed a review hearing.

3. The conditions imposed required Dr Wetzler's Responsible Officer ('RO') to provide a workplace reporter for Dr Wetzler. As a result of the RO having been unable to source a workplace reporter, and following consideration by a GMC Assistant Registrar, an Early Review on the Papers ('ROP') was arranged. The ROP was conducted by a Legally Qualified Chair ('LQC') on 18 March 2022, before which the parties submitted proposed revised conditions for consideration by the LQC.

4. The conditions to which Dr Wetzler's registration was subject were varied at the ROP. These included a variation that permitted Dr Wetzler's workplace reporter to be approved by the GMC in relation to non-NHS posts.

5. In order to provide assistance at the review it had directed, the 2021 Tribunal recommended that Dr Wetzler provide:

- *'a further written reflective statement addressing his misconduct, the potential risks it created for patient safety, and its impact upon public confidence in the medical profession;'* and
- *'any other evidence that Dr Wetzler considers will assist the Tribunal reviewing his case. (In this regard, the Tribunal invites him to consider paragraph 40 of its facts and impairment determination).'*

6. 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.

7. I have considered all of the evidence presented to me, including the witness statement (and exhibits) provided by Dr Wetzler (dated 11 November 2022) and the witness statement of Dr A (14 November 2022). Dr A is Dr Wetzler's appointed workplace reporter and I note that she anticipates also taking responsibility for Dr Wetzler's clinical supervision in the near future.

8. In the agreement made between them, Dr Wetzler and the GMC agree that *'the order of conditions currently imposed on [Dr Wetzler's] registration shall be extended for a further period of 9 months from the date on which it would otherwise expire'*.

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9. I have taken into account that since the previous order was reviewed (at the ROP) Dr Wetzler has had limited opportunity to work in clinical practice, which has in turn adversely impacted his ability to be able to demonstrate his remediation of his previous failings. In his witness statement, Dr Wetzler explained that, since the 2021 Tribunal, *'I have only been able to work for three months and so have not demonstrated my learning sufficiently.'*

10. 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.

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

12. I am satisfied that the proposed extension of the existing conditions would be proportionate and sufficient to protect the public and the public interest. I have therefore determined that Dr Wetzler's registration shall be subject to the following conditions for a period of 9 months from the date on which order of conditions currently in place would otherwise expire:

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 office (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.

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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
 - 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.
4.
 - 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.
5.
 - 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

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- 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.
- 6.
- 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.
 - b. He must give the GMC a copy of this log on request.
7. 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 into 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

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- 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).

13. In reaching this decision, I accept that since the date of the ROP Dr Wetzler has had limited opportunity for clinical work, amounting only to the equivalent of three months' medical practice since the date of the 2021 Tribunal. This has had an adverse impact on his ability to demonstrate his learning and his remediation of his previous failings.

14. I am aware that since the ROP Dr Wetzler's workplace reporter (Dr A) has been appointed. Notwithstanding his limited time in clinical practice since the 2021 Tribunal, Dr A has expressed her satisfaction with the progress Dr Wetzler has made in his learning and remediation. I note the content of both the reports I have seen from Dr A in her capacity as workplace reporter, and also her witness statement.

15. The PDP Dr Wetzler has prepared with Dr A had been designed specifically to address the failings previously identified, but I note it also builds on the specific failings. The CPD for which Dr Wetzler has submitted evidence also covers the failings previously identified but, again, is not limited those. It is also clear to me from the evidence I have seen that Dr Wetzler is maintaining the log of controlled-drug prescribing required by his conditions.

16. In relation to Dr Wetzler's compliance with his current conditions, I merely note that I am aware of the incident that Dr Wetzler drew to the attention of the GMC himself, on which the GMC took no further action, and I make no further reference to it. I am content that Dr A is satisfied that Dr Wetzler is complying with the conditions to which he is currently subject. I have seen no evidence to suggest otherwise or to suggest that Dr Wetzler will not continue to comply with the conditions on his registration. I note that Dr A has also said in her witness statement that she is satisfied that Dr Wetzler is doing his utmost to show that he is working to ensure confidence in his clinical practise.

17. For these reasons I am satisfied that the current conditions remain appropriate and proportionate and that their extension, as I have determined, will afford Dr Wetzler the opportunity to continue his clinical work for a sufficient period to allow him to demonstrate his learning and the remediation of his previous failings.

18. The effect of this direction is that, unless Dr Wetzler exercise 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 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.

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