

PUBLIC RECORD

Dates: 29/09/2023

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
Review - Misconduct Not Impaired

Summary of outcome
Conditions revoked

Tribunal:

Legally Qualified Chair	Mr Nathan Moxon
Lay Tribunal Member:	Mrs Sue Wadham
Medical Tribunal Member:	Dr Marianne Kennedy
Tribunal Clerk:	Mr John Poole

Attendance and Representation:

Medical Practitioner:	Present and represented
Medical Practitioner's Representative:	Mr Chris Gillespie, Counsel, instructed by DWF Law
GMC Representative:	Mr Neil Shand, 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 - 29/09/2023

1. At this review hearing the Tribunal 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 Wetzler's fitness to practise is impaired by reason of misconduct.

Background

2. Dr Wetzler qualified as a doctor in 1979 from the University of London and has been practising as a GP since 1984. At the time of the events which formed the Allegation considered by a Medical Practitioners Tribunal in November 2021 (the '2021 Tribunal'), Dr Wetzler was practising as a private GP at the Hill Medical Centre, London.

3. 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 ascertaining how much of the medication the patient was already being prescribed. In addition, it found that 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, and without critically analysing their opinion.

4. 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. The conditions imposed required Dr Wetzler's Responsible Officer ('RO') to provide a workplace reporter for Dr Wetzler, however, following the 2021 Tribunal, Dr Wetzler's RO had been unable to source a workplace reporter for Dr Wetzler, and so an Early Review on the Papers ('ROP') was arranged. The ROP was conducted by a Legally Qualified Chair ('LQC') on 18 March 2022. Proposed revised conditions were provided to the LQC by

the parties, and the LQC determined to vary the conditions which included a variation permitting Dr Wetzler's workplace reporter to be approved by the GMC in relation to non-NHS posts.

5. A further ROP took place 22 November 2022. In the run up to this, Dr Wetzler and the GMC agreed that the order of conditions remained appropriate and workable and should be extended by a period of 9 months. The LQC considered that Dr Wetzler had had limited opportunity for clinical work, amounting only to the equivalent of three months' medical practice since the date of the 2021 Tribunal, and that this had adversely impacted on Dr Wetzler's ability to demonstrate remediation of his previous failings. The LQC was satisfied that the conditions remained appropriate and proportionate and determined to extend the conditions for a period of nine months. The LQC considered that would 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.

The Evidence

6. The Tribunal has taken into account all the evidence received, both oral and documentary.

7. Dr Wetzler provided his own witness statement and gave oral evidence to the Tribunal. In his oral evidence he stated that he was planning to retire in the near future and to advertise his private practice for sale, hopefully after a positive outcome from this hearing. He stated he refers any patients with drug addiction issues to a specialist and that his awareness of the risk of drug addiction following prescriptions for other issues is now 'rooted into his being'.

8. The Tribunal had regard to the record of determinations from the 2021 Tribunal and the ROPs in March and November 2022. The Tribunal also had regard to all the further documentation provided. This included but was not limited to:

- Various workplace reports from Dr A, dated 27 November 2022, 3 April 2023 and 22 August 2023;
- A workplace report and letter from Dr B, dated 10 March 2023;
- Educational Supervisor reports from Dr C, dated 20 April, 11 May, 1 June and 15 June 2023;
- A Clinical Supervisor's report from Dr A, dated 30 August 2023;

- Dr Wetzler’s logbook detailing cases where he has prescribed controlled drugs;
- Dr Wetzler’s approved Professional Development Plan;
- Dr Wetzler’s Witness statements;
- A witness statement from Dr B, dated 14 November 2023;
- Various Continuing Professional Development Certificates;
- A letter from NHS England to Dr Wetzler regarding the conditions placed upon his inclusion on the Performers List, dated 9 January 2023.

Submissions

GMC submissions

9. On behalf of the GMC, Mr Neil Shand, Counsel, submitted that there has been a significant amount of information provided by Dr Wetzler which highlights that significant progress has been made. He submitted that the material paints a positive picture, and that the GMC was, therefore, neutral in relation to impairment.

10. Mr Shand submitted that if the Tribunal considers that Dr Wetzler is no longer impaired, the current conditions on Dr Wetzler’s registration should be revoked bearing in mind that they were imposed not as a punishment but out of necessity for patient care.

Submissions on behalf of Dr Wetzler

11. On behalf of Dr Wetzler, Mr Gillespie submitted that Dr Wetzler’s fitness to practise is no longer impaired.

12. Mr Gillespie submitted that Dr Wetzler has done precisely what has been required by the original Tribunal and that the correct, proportionate and appropriate response today would be to revoke the order with immediate effect.

13. Mr Gillespie submitted that it was clear from Dr Wetzler’s witness statements that he has taken these matters incredibly seriously and has made significant changes in his practice. He submitted that the fact that Dr Wetzler no longer deals with patients who have drug problems, and the fact that he is very attuned to spotting those patients and has the means and methods to divert those patients away from himself, are all incredibly positive developments. Mr Gillespie submitted that Dr Wetzler has not only reflected on the matters but has embedded changes in his practice.

14. Mr Gillespie carefully took the Tribunal through the reports from Dr Wetzler's clinical and educational supervisors. For example, he highlighted Dr B's opinion in his witness statement that:

'In my view Dr Wetzler has done all that he possibly can to remediate his practice in respect of the concerns raised by the GMC, in particular note taking, prescribing, communication with colleagues, and maintaining public confidence in the medical profession. As such, I do not consider that his fitness to practise is currently impaired...'

15. Mr Gillespie submitted that the documentation in this case is voluminous and shows that Dr Wetzler has made measurable progress against the standards that were set by the original Tribunal and that he has achieved what was required of him.

16. Mr Gillespie submitted that no patients are at any sort of risk of harm from Dr Wetzler. He further submitted that the wider public interest has been satisfied by the conditions which have been placed on Dr Wetzler's registration for effectively two years. He submitted that in this period Dr Wetzler has clearly taken on board the original criticisms of his practice and has worked extremely hard to remedy them and embed changes in his practise.

17. Accordingly, Mr Gillespie invited the Tribunal to find that Dr Wetzler's fitness to practise was no longer impaired by misconduct and that it would be appropriate to revoke the conditions.

The Relevant Legal Principles

18. The Tribunal reminded itself that the decision of impairment is a matter for the Tribunal's judgement alone. This Tribunal is aware that it is for the doctor to satisfy it that he would be safe to return to unrestricted practise.

19. This Tribunal must determine whether Dr Wetzler's fitness to practise is impaired today, taking into account Dr Wetzler's 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.

20. Throughout its deliberations the Tribunal had regard to the statutory overarching objective which is to protect, promote and maintain 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 that profession.

The Tribunal's Determination on Impairment

21. The Tribunal considered whether Dr Wetzler's fitness to practise is currently impaired by reason of misconduct.

22. The Tribunal bore in mind that Dr Wetzler has fully complied with the conditions and that there has been no repetition of the misconduct.

23. The Tribunal was impressed by the significant evidence of insight and remediation provided. In particular, it noted Dr Wetzler's reflections in his witness statement, the positive progress reports from Dr B and Dr A, and the CPD courses undertaken by Dr Wetzler.

24. The Tribunal considered that Dr Wetzler's insight was sincere and meaningful and that his remediation has been targeted and addressed the concerns of the 2021 Tribunal. The Tribunal was satisfied that the risk of Dr Wetzler repeating similar misconduct in the future is very low.

25. The Tribunal determined that Dr Wetzler has addressed the original concerns and demonstrated that he is safe to return to unrestricted practise. The Tribunal considered that a finding of impairment was no longer necessary to uphold the overarching objective.

26. Accordingly, the Tribunal determined that Dr Wetzler's fitness to practise is no longer impaired by reason of misconduct.

27. As the Tribunal has found that Dr Wetzler's fitness to practise is no longer impaired, it determined to revoke the current order of conditions with immediate effect.

28. That concludes that case.