

**Date:** 01/03/2019

**Medical Practitioner's name:** Dr Virginia BODESCU

**GMC reference number:** 7108278

**Primary medical qualification:** Doctor - Medic 1990 Universitatea de  
Medicina si Farmacie Tirgu Mures

**Type of case**

Review - Language impairment

**Outcome on impairment**

Impaired

**Summary of outcome**

Suspension, 12 months.  
Review hearing directed

**Tribunal:**

Medical Tribunal Member (Chair)	Mrs Julia Oakford
Lay Tribunal Member:	Mr Peter Brown
Medical Tribunal Member:	Dr Mojisola Gesinde

Tribunal Clerk:	Ms Angela Carney
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**Attendance and Representation:**

Medical Practitioner:	Not present and not represented
Medical Practitioner's Representative:	N/A
GMC Representative:	Mr Bob Sastry, 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.

## **Record of Determinations – Medical Practitioners Tribunal**

### **Determination on Impairment - 01/03/2019**

1. Dr Bodescu qualified as a Doctor - Medic on 1 September 1990 in Romania. On 31 March 2017, Dr Bodescu was requested to complete an English language test following concerns raised by the mother of a patient about her English language ability when she was working as a Locum Paediatric Registrar at Epsom Hospital.
2. On 3 August 2017, Dr Bodescu undertook an IELTS test in which the scores required to practise in the UK were not met for the listening and writing components, resulting in an overall score of 7.0. This meant her overall score was below the minimum standard required of 7.5.
3. Dr Bodescu's hearing before a Medical Practitioners Tribunal concluded in February 2018. The Tribunal in February 2018 found that not only had Dr Bodescu failed the IELTS test, she had failed to understand the purpose of the test as a tool to ensure that doctors can practise safely. That Tribunal determined that Dr Bodescu had failed to acknowledge the need to remedy her deficiencies and could see no insight in Dr Bodescu's comments. At that time Dr Bodescu indicated she would not do the IELTS test again. The February 2018 Tribunal determined that Dr Bodescu demonstrated no appreciation of how her failure to meet the minimum standards of knowledge of the English language impacted on patient safety.
4. The February 2018 Tribunal concluded that public confidence in the medical profession would be undermined if the public knew a doctor was practising without restriction who has not met the minimum requisite standard of her knowledge of the English language and posed a serious risk to patient safety. It determined that the risk to patient safety was so serious that the maximum period of a 12 months suspension was the appropriate and proportionate sanction. The February 2018 Tribunal directed that a future Tribunal may be assisted by the following:
  - evidence of insight
  - evidence of remediation
  - evidence of Continuing Professional Development
  - evidence she has kept her medical knowledge up to date
  - any other information that she considers will assist
5. This is the first review of Dr Bodescu's case.

### **The Outcome of Applications Made during the Impairment Stage**

6. The Tribunal granted the GMC's application, made pursuant to Rules 20 and 40 of the General Medical Council (Fitness to Practise Rules) 2004 as amended ('the Rules'), that Service had been proved. The Tribunal also granted the GMC's

## **Record of Determinations – Medical Practitioners Tribunal**

application to proceed in Dr Bodescu's absence made pursuant to Rule 31. The Tribunal's full decision on the application is included at Annex A.

### **The Evidence**

7. The Tribunal has taken into account all the evidence received as follows:
  - The Record of Determinations dated 14-16 February 2018
  - Correspondence between Dr Bodescu and the GMC dated from 19 February 2018 to March 2018
8. In addition, the Tribunal received evidence on Dr Bodescu's behalf:
  - A testimonial from a Year 6 medical Student
  - Copies of Certificates relating to Continued Professional Development in Romanian, which have been translated into English

### **Submissions**

9. Mr Sastry referred the Tribunal to information sent by the GMC to Dr Bodescu following her hearing in February 2018. He stated that Dr Bodescu responded to the GMC in March 2018, but was then out of touch with the GMC for over six months. Dr Bodescu contacted the GMC on 8 December 2018 as she had changed her email address due to unsolicited emails and had only just seen the emails from the GMC. Mr Sastry told the Tribunal that Dr Bodescu provided the GMC with her new email address.
10. Mr Sastry told the Tribunal that on 10 January 2019 Dr Bodescu provided the GMC with certificates of courses relating to Continuing Professional Development written in Romanian. He stated that on 28 February 2019 Dr Bodescu provided copies of the certificates that had been translated.
11. Mr Sastry referred the Tribunal to the February 2018 Tribunal's suggestion of what a future Tribunal may be assisted by:
  - evidence of insight
  - evidence of remediation
  - evidence of Continuing Professional Development (CPD)
  - evidence she has kept her medical knowledge up to date
  - any other information that she considers will assist
12. Mr Sastry submitted that Dr Bodescu has not sat another English Language test and it is clear that Dr Bodescu has not demonstrated sufficient insight into the importance to patient safety of having the necessary knowledge of English. He submitted that the Tribunal has no evidence Dr Bodescu's level of insight and it is not clear whether her English Language skills have altered or improved in any way. He

## **Record of Determinations – Medical Practitioners Tribunal**

submitted that as Dr Bodescu has not sat an English Language test she has therefore not remediated. Mr Sastry stated that Dr Bodescu may have attended other relevant courses to demonstrate her English Language skills but has not provided evidence of this to the Tribunal.

13. Mr Sastry acknowledged that Dr Bodescu stated that she is teaching in English and supervising dissertations in English but this is not evidence that her English Language skills have improved. He acknowledged that Dr Bodescu has provided some evidence of CPD and keeping her medical knowledge and skills up to date, although it would appear that Dr Bodescu has been working as a lecturer. He submitted that it appears that Dr Bodescu has provided little evidence of her working as a doctor.

14. Mr Sastry submitted that impairment is a matter for the Tribunal but there is limited evidence of insight and remediation and there is no evidence that Dr Bodescu's English has improved and therefore Dr Bodescu's fitness to practice remains impaired by reason of not having the necessary knowledge of English.

### **The Relevant Legal Principles**

15. The Tribunal reminded itself that at this stage of proceedings, there is no burden or standard of proof and the decision of impairment is a matter for the Tribunal's judgement alone.

16. The Tribunal must determine whether Dr Bodescu's fitness to practise is impaired today, by reason of her not having the necessary knowledge of the English language. The Tribunal must take into account Dr Bodescu's level of English language 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.

### **The Tribunal's Determination on Impairment**

17. Whilst the Tribunal has borne in mind the submissions made, the decision as to whether Dr Bodescu's fitness to practise is currently impaired is a matter for this Tribunal exercising its own judgement. In so doing, the Tribunal has had regard to the statutory overarching objective: namely, to ensure the health, safety and wellbeing of the public, the promotion and maintenance of public confidence in the profession, and the promotion and maintenance of proper standards of conduct and behaviour.

18. The Tribunal noted that the GMC accepts two English language tests as evidence of English language competence – the academic version of the International English Test System (IELTS) and the medical version of the Occupational English Test (OET).

## Record of Determinations – Medical Practitioners Tribunal

Completing either of these tests (to the required standard) would be the best way to return to unrestricted practise. The Tribunal noted that Dr Bodescu may also provide other evidence that she has improved her English, including (but not restricted to):

- Evidence of formal training in English language. This could be in the form of one-to-one lessons in English, together with a report detailing her progress from her English teacher;
- Recent testimonials/reports from colleagues and patients demonstrating that her understanding of the English language is satisfactory.

19. The Tribunal noted the test to which Dr Bodescu referred, the Profex test, was not one that is recognised for these purposes

20. The Tribunal noted the numerous Dr Bodescu's emails both dated 18 January 2019

*'Good evening*

*Thank you for sending me this letter.*

*To be honest with you, I thought the decision was final and I took it for granted. I wrote you lots of comments, about everything, but I've got tired at some point and I just gave up.*

*I will be very happy to help you with any documents you may need for this case*

*Kindest regards'*

*'Good evening*

*Thank you for sending me this information, I am very much aware of its importance. Honestly, there is such a long time until 2019 ... I don't know what I am going to do next month, there are many projects I am involved in... I cannot decide right now what to do regarding this matter. During the long process of changing letters, hearings and everything, I was very disappointed to see my words were misinterpreted on purpose and taken out of the context. Basically, for me, this is a lost cause. And I refused to defend myself, because of this. It doesn't help anybody, nor the patient - and she must be our first concern - nor the health system. And definitively, it doesn't help me. All I had to say, I said. A careful examination of my answers will give you all the information you may need. Everything I remembered you will find there. I didn't have time to examine the whole file, but I carefully read all the important ones and I made my observations - sometimes I used irony, but nobody seemed to notice. I really apologize for this, but I hate lies. XXX Imagine my position, I was the doctor who suggested MRI and the diagnosis was made by MRI. People always associate the doctor who thinks or says a horrible diagnosis with the diagnosis. XXX- I have my own patients to deal with, I don't need other problems.*

## Record of Determinations – Medical Practitioners Tribunal

*Thank you for your help and support. If you have questions, I will be very happy to answer to all of them.'*

21. The Tribunal noted Dr Bodescu's email dated 13 January 2019 in response to the information send to her by the GMC regarding the IELTS and OET tests, as follows:

*'Good morning*

*I haven't set any English test recently. Usually, our university will arrange a kind of Occupational English Test, 2 times per year, called PROFEX. It is a test for teachers and medical students, those who teach us are from UK, mainly Scotland. I already have this test. I did the IELTS only because you asked for, it is not a "must" for my university - where I am a lecturer. As I had a licence to practice suspension for one year, and I didn't have the chance to work in UK and practice my English, it is highly predictable my English skills were not very much improved from, if my skills are measured with a standard tool as an IELTS.*

*Meanwhile, I proposed a new course for my students "A Practical Approach of Paediatric Emergencies" based on two courses I graduated in 2017 (EPALS – BLS - Cambridge, and APLS, in Tg Mures, under American Academy of Paediatrics and American College of Emergency Physicians). I can send you this certificate too. My course was approved by our university, as it is an optional course, and now I teach students from all European countries, and also from Asia, USA and Canada, students who study at University of Medicine, Pharmacy, Science and Technology of Targu Mures.*

*I am also writing a case-based-learning book about paediatric emergencies. And I am the scientific supervisor for 4 dissertations, all of them in English, for my students.*

*I am consultant in pediatrics, but I accepted to work as a registrar in UK - because I like to work, I like to meet people, I like to talk to children and parents. I am not the kind of doctor who stays in his office and just give indications by phone, without even see the patient. And of course, I accepted this position hoping to have someone to help me in difficult cases, to have someone to trust and to avoid situations like the one that lead to this discussion. Now, what do you mean by "undergone tutoring"?*  
*Regards'*

22. The Tribunal noted a further email from Dr Bodescu dated 20 January 2019 as follows:

*'Good evening*

*I can translate these certificates, of course, this is not so hard for me.*

## Record of Determinations – Medical Practitioners Tribunal

*Meanwhile, I tried to find out if our university will organize some English Tests, like IELTS. I was very busy these days with my student's exam and I missed the deadline for subscription.*

*I can arrange a test with one of my colleagues from the Foreign Language Department, and I can also provide lots of testimonials from my students, if you agree... And from my colleagues, as well. The next IELTS test held by our university will take place, probably, the next semester. I will see if I can arrange with them to accept me this time, if there is any place left...*

*Regards'*

23. The Tribunal noted a further email from Dr Bodescu dated 25 January 2019 as follows:

*'Good evening*

*Thank you for sending me this e-mail.*

*Unfortunately, I cannot be present at hearing and I won't be represented by any member of my family. I am in good health, but the XXX broke her hand yesterday - she fell on the ice, in front of her house! It was such as a stupid accident! In my city 5 cars drifted off the road directly into the ditch, one after the other... So am afraid I will have to take over some of her responsibilities. In addition, we are in the middle of flu season, very busy indeed. Of course, television spread the news about flu and all children must be seen by a doctor for about everything ...*

*I will do my best to provide all documents and sent them to you in time.*

*One of my students was so kind to write a letter and signed it for me, I am sending this too, if you think it may help. unfortunately, my hand writing is not going to change and all tests involving hand writing will have the same results. This is why I use my computer a lot ... and I ask my residents to write. This is the advantage of being consultant!*

*Thank you very much for helping me to get trough this process. I expressed all my questions and doubts in my comments and answers. I think it is simply too much for me - one word was enough to suspend my licence to practice for 12 months, but I need too many words to get it back...*

*If all my comments and the fact that I carefully red the medical file and I managed to get rid of allegations about my medical knowledges and skills are not enough to prove my English... than nothing can do it.*

*I am available on Skype as well. I will be after a 12 hours shift on the day of hearing, but I can answer to all your questions on-line, if this is all right for you.*

*I understand you are just doing your job and I really appreciate your help.*

*But, honestly, I have to consider my own interest versus my patients and my students. And they always*

*win!*

*Kindest regards'*

## Record of Determinations – Medical Practitioners Tribunal

24. The Tribunal noted a further email from Dr Bodescu dated 4 February 2019, as follows:

*Good morning*

*Thank you for your email. Basically I think I sent to GMC all my comments. It is just one thing I would like to clarify at this moment: in my comments, I mentioned more than once that the medical file is not complete. Any hospital I*

*worked in has a medical file for any admitted patient. It includes: reason for admission, general examination, background, diagnosis, plan etc. As I admitted the patient and I filled those papers, I wonder if GMC was interested to expend the investigation and to find out the missing files. It is very important for me, as this is a prove that my medical judgement was good for the very beginning and I did not missed some important items, such as provisional diagnosis (or impression, as they like to say) differential diagnosis or initial management.*

*I would really appreciate if you can send me this papers.  
Kindest regards,*

25. The Tribunal noted that Dr Bodescu provided certificates of CPD courses she has attended, which it appears have been translated from Romanian to English. The Tribunal has no detail of what these courses entailed. The Tribunal also noted the testimonial letter from Dr Bodescu's year 6 student.

26. The Tribunal had regard to GMP, in particular paragraphs 19 and 21, which state:

*"19. Documents you make (including clinical records) to formally record your work must be clear, accurate and legible..."*

*"21. Clinical records should include:*

*a. relevant clinical findings*

*b. the decisions made and actions agreed, and who is making the decisions and agreeing the actions*

*c. the information given to patients*

*d. any drugs prescribed or other investigation or treatment*

*e. who is making the record and when."*

27. The Tribunal noted that Dr Bodescu's score for the writing element was 6.0 and was below the minimum. The Tribunal has borne in mind patient safety and it cannot be

## Record of Determinations – Medical Practitioners Tribunal

confident that Dr Bodescu could comply with paragraphs 19 and 21 and of GMP without first attaining the requisite scores as required by the GMC.

28. The Tribunal noted that there were concerns expressed by the mother of a patient and these concerns led to the IELTS being directed. The Tribunal reminded itself of GMP paragraphs 31 and 32, respectively, which state:

*"You must listen to patients, take account of their views, and respond honestly to their questions."*

*"You must give patients the information they want or need to know in a way they can understand. You should make sure that arrangements are made, wherever possible, to meet patients' language and communication needs."*

29. The Tribunal is of the opinion that Dr Bodescu continues to believe that it is her clinical skills that are in question (which is not the case) and does not appreciate that a doctor must have the necessary knowledge of English in order to practise safely in the United Kingdom. The Tribunal considered that this demonstrates that Dr Bodescu still has no insight.

30. Tribunal noted that Section 35C (2) paragraph 5 of the Medical Act states a person's fitness to practise shall be regarded as 'impaired' for the purpose of this Act by reason only of -

5. (da) not having the necessary knowledge of English

31. The Tribunal determined that there is no objective basis to find that Dr Bodescu's position in respect of not having the necessary knowledge of English has changed since the matter was first considered by the Tribunal in February 2018.

32. The Tribunal determined that the need to communicate clearly is fundamental to Good Medical Practice, patient safety, and maintaining public confidence in the medical profession.

33. In these circumstances, this Tribunal therefore determined Dr Bodescu's fitness to practise remains impaired by reason of not having the necessary knowledge of English.

### **Determination on Sanction - 01/03/2019**

1. Having determined that Dr Bodescu's fitness to practise is impaired by reason of not having the necessary knowledge of English, the Tribunal now has to decide in accordance with Rule 22(h) of the Rules on the appropriate sanction, if any, to impose.

### **Submissions**

## **Record of Determinations – Medical Practitioners Tribunal**

2. On behalf of the GMC, Mr Sastry submitted that a sanction of suspension is appropriate in this case.

### **The Tribunal's Determination on Sanction**

3. 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 Sanctions Guidance (February 2018) (the SG). It has borne in mind that the purpose of the sanctions is not to be punitive, but to protect patients and the wider public interest, although they may have a punitive effect.

4. Throughout its deliberations, the Tribunal has applied the principle of proportionality, balancing Dr Bodescu's 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 the declaring and upholding of proper standards of conduct and behaviour.

5. The Tribunal has already given a detailed determination on impairment and it has taken those matters into account during its deliberations on sanction.

### **Mitigating and Aggravating Factors**

6. The Tribunal considered the following to be mitigating factors:

- Dr Bodescu has no previous fitness to practise history
- Dr Bodescu's misunderstanding of how her lack of the necessary knowledge of English impacts on her fitness to practise
- Dr Bodescu's continued engagement with the GMC and MPTS
- Evidence of Continuing Professional Development (CPD)
- Dr Bodescu's lack of the necessary knowledge of English is not irreparable
- A positive testimonial from a Year 6 Medical Student

7. The Tribunal considered the following to be aggravating factors:

- Lack of insight into Dr Bodescu not having the necessary knowledge of English
- Dr Bodescu's failure to pass the IELTS or OET test
- Limited evidence of remediation

### **No Action**

## Record of Determinations – Medical Practitioners Tribunal

8. In coming to its decision as to the appropriate sanction, if any, to impose in Dr Bodescu's case, the Tribunal first considered whether to conclude the case by taking no action.

9. The Tribunal considered that there are no exceptional circumstances in which it might be justified in taking no action against Dr Bodescu's registration. The Tribunal determined that in view of its findings on impairment, it would be neither sufficient, proportionate nor in the public interest, to conclude this case by taking no action.

### Conditions

10. The Tribunal next considered whether it would be sufficient to impose conditions on Dr Bodescu's registration. It has borne in mind that any conditions imposed would need to be appropriate, proportionate, workable and measurable.

11. The tribunal noted paragraph 82 of the SG, states:

*'82 Conditions are likely to be workable where:*

*a the doctor has insight*

*b a period of retraining and/or supervision is likely to be the most appropriate way of addressing any findings*

*c the tribunal is satisfied the doctor will comply with them*

*d the doctor has the potential to respond positively to remediation, or retraining, or to their work being supervised.'*

12. The Tribunal noted that Dr Bodescu has the potential to undertake another English language test but has failed to do so. Therefore the Tribunal is of the opinion that until Dr Bodescu has attained the necessary knowledge of English by either passing the IELTS or OET Test to the required standard, a period of conditional registration would not adequately reflect Dr Bodescu's lack of knowledge of English. The Tribunal determined that no conditions could be devised that would protect the public, the public interest and maintain public confidence in the medical profession. Further, the Tribunal noted that Dr Bodescu is currently residing in Romania and until she returned to the United Kingdom any conditions would not be effective.

13. The Tribunal has, therefore, determined that it would not be sufficient to direct the imposition of conditions on Dr Bodescu's registration.

### Suspension

## **Record of Determinations – Medical Practitioners Tribunal**

14. The Tribunal then went on to consider whether suspending Dr Bodescu’s registration would be appropriate and proportionate.

15. The Tribunal is of the opinion that it remains clear that Dr Bodescu does not fully understand the reasons for her previous suspension which were her not having the necessary knowledge of English and the impact this has on patient safety. The Tribunal considered that this demonstrated a lack of insight on Dr Bodescu’s part. Since her original hearing in February 2018 it appears that Dr Bodescu has engaged in limited remediation in order to obtain the necessary knowledge of English and pass either the IELTS or OET tests. In fact, previously Dr Bodescu has stated that she will not take the IELTS test again.

16. The Tribunal noted that when Dr Bodescu took the IELTS test, her reading skills were of the required level. However, the Tribunal was concerned about Dr Bodescu’s apparent lack of those verbal communication skills in English which are necessary when understanding and speaking to patients. The Tribunal was mindful that it appears that Dr Bodescu is a clinically competent doctor and that the NHS needs skilled doctors. Nevertheless, the Tribunal determined that a further period of suspension of 12 months is necessary to protect patients and maintain public confidence in the profession, until Dr Bodescu attains the necessary level of English by passing either the IELTS or OET test.

17. In deciding on the period of 12 months, the Tribunal considered that this would give Dr Bodescu the opportunity to pass either the IELTS or OET test in order to obtain the necessary knowledge of English required to practise as a doctor in the United Kingdom. The Tribunal was mindful that should Dr Bodescu pass either the IELTS or OET test and obtain the necessary knowledge of English, it would be open to her to request an early review.

### **Review Hearing**

18. The Tribunal determined to direct a review of Dr Bodescu’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 Bodescu to demonstrate that she has the necessary knowledge of English. It therefore may assist the reviewing Tribunal if Dr Bodescu provides the following for a future Tribunal. Dr Bodescu will also be able to provide any other information that she considers will assist.

- evidence of insight into her lack of having the necessary knowledge of English, such as a reflective statement
- evidence of the efforts she has taken to pass the IELTS or OET test
- evidence of Continuing Professional Development;
- evidence she has kept her medical knowledge up to date;

## **Record of Determinations – Medical Practitioners Tribunal**

19. The effect of the foregoing direction is that Dr Bodescu's current order of suspension will be extended for 12 months. Dr Bodescu has 28 days from the date on which written notice of this decision is deemed to have been served upon her to appeal the decision. If Dr Bodescu decides to appeal against this decision the suspension imposed on her registration by the 2018 Tribunal will remain in force until that appeal is determined.

20. That concludes this hearing.

**Confirmed**

**Date** 01 March 2019

Mrs Julia Oakford, Chair

## Record of Determinations – Medical Practitioners Tribunal

### ANNEX A – 01/03/2019

#### Determination on Service and Proceeding in absence

##### Service

1. Dr Bodescu is neither present nor represented at these proceedings. The Tribunal has seen the MPTS Notice of Hearing letter dated 23 January 2019 sent to Dr Bodescu's registered address. The MPTS Notice of Hearing letter was also sent by email. The Tribunal was provided with an email delivery receipt which appeared to confirm the email was received by Dr Bodescu. The Tribunal has also noted an email from Dr Bodescu dated 15 February 2019 confirming receipt of documents and in which she states *'I won't be present at this hearing'*.
2. In the circumstances, the Tribunal is satisfied that Notice of this hearing has been properly served in accordance with Rules 20 and 40 of the GMC (Fitness to Practise) Rules 2004.

##### Proceeding in Absence

3. Mr Sastry referred the Tribunal to the decision of the case of R v Jones (Anthony) [2002] UKHL 5, which directs that the power to proceed in a doctor's absence should be exercised with great caution. The Tribunal must consider whether the doctor has absented herself voluntarily, whether she has applied for an adjournment and whether there is a likelihood that she would appear in the future.
4. You then referred the tribunal to the case of GMC Adeogba [2016] EWCA Civ 162, which applies the principles set out in *Jones* to regulatory proceedings. You referred to two paragraphs from the judgement, paragraphs 19 and 20:

*"First, the GMC represent the public interest in relation to standards of healthcare. It would run entirely counter to the protection, promotion and maintenance of the health and safety of the public if a practitioner could effectively frustrate the process and challenge a refusal to adjourn when that practitioner had deliberately failed to engage in the process. The consequential cost and delay to other cases is real. Where there is good reason not to proceed, the case should be adjourned; where there is not, however, it is only right that it should proceed."*

And;

*"Second, there is a burden on medical practitioners, as there is with all professionals subject to a regulatory regime, to engage with the regulator, both in relation to the investigation and ultimate resolution of allegations"*

## Record of Determinations – Medical Practitioners Tribunal

*made against them. That is part of the responsibility to which they sign up when being admitted to the profession.”*

5. Mr Sastry acknowledged Dr Bodescu’s non-attendance. He submitted that the Tribunal should consider the seriousness of the matter and if impairment is found the GMC will be submitting that a further suspension is necessary. He submitted that Dr Bodescu has waived her right to attend. He acknowledged that Dr Bodescu was unable to arrange a video link and referred the Tribunal to Dr Bodescu’s email dated 25 January 2019 in which she stated she would not be attending or be represented. Given the circumstances and the overriding objective it is appropriate to proceed in Dr Bodescu’s absence.

6. The Tribunal noted the email dated 15 February 2019 from Dr Bodescu, which states:

*‘Good morning  
Thank you for sending me this email. I will have a look at the documents you send me. I could not arrange a video link, apparently this is possible only for doctors working in the UK’*

7. The Tribunal has borne in mind that it has discretion to proceed with the case in the Dr Bodescu’s absence. This discretion is to be exercised with the utmost care and caution bearing in mind the overall fairness of the proceedings. The Tribunal had regard to all the circumstances including the following:

- The nature and circumstances of the doctor’s absencing herself, in particular, whether the behaviour was voluntary and therefore waived the right to be present.
- Whether an adjournment would result in Dr Bodescu attending on a subsequent occasion.
- The extent of any disadvantage to the doctor in not being able to present her account of events.
- The public interest that a hearing should take place within a reasonable time.

8. Mr Sastry was unable to confirm whether Dr Bodescu had been offered the opportunity of a telephone link but the Tribunal noted that in any event this was not a right but was a decision for either a Case Manager or the Tribunal.

9. The Tribunal noted that Dr Bodescu stated that she will not be attending the hearing and will not be represented. Dr Bodescu did not request a postponement prior to the hearing and has not requested an adjournment today. The Tribunal is satisfied that Dr Bodescu has been aware of this hearing for some time and has decided not to attend. The Tribunal has borne in mind that, were it to adjourn

## **Record of Determinations – Medical Practitioners Tribunal**

today's hearing, there is no indication that Dr Bodescu would be more likely to attend a future hearing.

10. Given that Dr Bodescu is aware of the hearing and has stated that she will not be attending and in light of the concerns around patient safety, the Tribunal has determined that the public interest would be best served by proceeding with the hearing in the absence of Dr Bodescu today in accordance with Rule 31 of the Rules, and that no injustice would arise to any party through its doing so.