

**General  
Chiropractic  
Council**



## **Fitness to Practise Report 2015**

## 2015 Fitness to Practise Case Summaries Before the PCC

Name, registration number and date of PCC decision	Source of Complaint	Summary of Allegations Found Proved	Outcome
<p>Peter McCann 02217</p> <p>October 2015</p>	<p>Patient</p>	<p>The Allegations found proved against Mr McCann relate to six patients referred to here as Patients A-F.</p> <p><b><u>Patient E</u></b></p> <p>Patient E (a woman) consulted Mr McCann on or about 20 January 2011 complaining of back pain. This was the first time she had consulted a chiropractor.</p> <p>Given the patient's presentation Mr McCann should have conducted, and recorded the results of, a physical examination involving orthopaedic and neurological testing.</p> <p>At that consultation, Mr McCann recorded a diagnosis of right sided piriformis syndrome. During the course of Mr McCann's treatment on that occasion:</p> <ul style="list-style-type: none"> <li>- Patient E was wearing only bra and knickers under a gown.</li> <li>- While Patient E was lying face down on the couch, Mr McCann pulled her pants down to just below her buttocks on both sides without prior warning and without informed consent.</li> <li>- Mr McCann gave a buttock massage.</li> </ul> <p>These actions:</p> <ul style="list-style-type: none"> <li>- failed to respect the patient's dignity; and / or</li> <li>- tended to bring the profession into disrepute; and / or</li> <li>- were sexually motivated.</li> </ul> <p><b><u>Patient A</u></b></p> <p>Between about 3 February and about 10 March 2011 Mr McCann treated Patient A (a female) on about five occasions. During those treatments:</p>	<p>Finding of Unacceptable Professional Conduct</p> <p>Sanction: Removal from the register</p>

- Mr McCann undid Patient A's bra for the purpose of treatment without prior warning and/or informed consent.

Mr McCann pulled down Patient A's knickers for the purpose of treatment without prior warning; and/or informed consent.

These actions:

- failed to respect the dignity and privacy of patient A; and / or
- tended to bring the profession into disrepute; and / or

### **Patient B**

On or about 20 September 2012 Patient B (a female) consulted Mr McCann for a chiropractic assessment.

At that consultation when asking Patient B to sit on the examination table, Mr McCann used the expression 'park your backside' or similar words. This failed to respect the dignity and privacy of patient B.

### **Patient C**

Mr McCann provided treatment to Patient C (a female) on or about the following dates; 25 October 2012, 31 October 2012, 5 November 2012, 19 November 2012.

On each occasion listed in paragraph 17, during the course of the treatment Mr McCann lowered Patient C's clothing and massaged her bare buttocks. Mr McCann did so:

- without prior warning; and / or
- without Patient C's informed consent.

These actions:

- failed to respect the patient's dignity; and / or
- tended to bring the profession into disrepute; and / or
- were sexually motivated.

On 19 November 2012 after the treatment had concluded but while Patient C was still in the treatment area, Mr McCann patted both of her

buttocks hard. As Patient C was leaving the treatment area Mr McCann cupped his hand around her right bottom cheek.

These actions:

- tended to bring the profession into disrepute; and / or
- were sexually motivated.

**Patient F**

Patient F (a woman) consulted Mr McCann on or about 7 April 2014 complaining of lower back pain. This was the first time she had consulted a chiropractor.

Given the patient's presentation Mr McCann should have conducted, and recorded the results of, a physical examination involving orthopaedic and neurological testing.

Thereafter Mr McCann provided treatment to Patient F on about three occasions in April 2014.

During the course of treatment on one or more of those occasions:

- while Patient F was lying face down on the couch, Mr McCann pulled her pants down to below her buttocks;
- Mr McCann pressed his hands or knuckles into her buttocks.

These actions were performed:

- without prior warning; and / or
- without Patient F's informed consent.

These actions:

- failed to respect the patient's dignity; and / or
- tended to bring the profession into disrepute; and/or
- were sexually motivated.

At the final treatment session in April 2014:

- Mr McCann stood at the side of the treatment table with his genitals resting

- on the table and swayed from side to side;
- Mr McCann became sexually aroused.

These actions:

- failed to respect the patient's dignity; and / or
- were not clinically justified; and / or
- tended to bring the profession into disrepute; and/or
- were sexually motivated.

### **Patient D**

Patient D (a woman) consulted Mr McCann on or about 15 September 2014 complaining of back pain. This was the first time she had consulted a chiropractor.

Given the patient's presentation Mr McCann should have conducted, and recorded the results of, a physical examination involving orthopaedic testing. Mr McCann did not explain to the patient the treatment techniques that he intended to use.

During the course of treatment on that occasion:

- Patient D was wearing only bra and knickers under a gown, which was open at the back.
- While Patient D was lying face down on the couch, Mr McCann said to her 'this is probably going to be the worst experience of your life' or words to that effect which failed to respect the patient's dignity and was not clinically justified and tended to bring the profession into disrepute
- Mr McCann pulled her knickers down and squirted gel on to her buttocks which failed to respect the patient's dignity and tended to bring the profession into disrepute
- Mr McCann gave a deep buttock massage which failed to respect the patient's dignity and tended to bring the profession into disrepute
- When Patient D said that it was very painful Mr McCann told her to bite into the bed which failed to respect the patient's dignity and was not clinically

		<p>justified and tended to bring the profession into disrepute</p> <ul style="list-style-type: none"> <li>- Throughout this procedure Mr McCann stood very close to the couch with his crotch resting on the couch.</li> <li>- After the treatment, when Patient D was about to get up, Mr McCann stopped her and said he would help. Mr McCann moved her legs so that she was in a bent position over the couch.</li> </ul> <p>These actions were performed:</p> <ul style="list-style-type: none"> <li>- without prior warning; and / or</li> <li>- without Patient D's informed consent.</li> </ul> <p>Mr McCann's actions were sexually motivated.</p>	
<p>Marcela Lista 03059</p> <p>February 2015</p>	Patient	<p>Ms Lista failed to maintain clear sexual boundaries in her interactions with the patient in that she had a social meeting with the patient at a restaurant at a time when they were her patient and they kissed.</p> <p>Ms Lista offered to give the patient chiropractic treatment when they had recently been in a sexual relationship.</p>	<p>Finding of Unacceptable Professional Conduct</p> <p>Sanction: Suspension Order (2 months)</p>
<p>Robert Clad 01888</p> <p>October 2015</p>	Patient	<p>The Allegations found proved against Mr Clad related to two patients, referred to here as Patient AM and Patient EO.</p> <p><b><u>Patient AM</u></b></p> <ul style="list-style-type: none"> <li>- On or around AM's first appointment with Mr Clad on 6<sup>th</sup> August 2008, Mr Clad did not identify and/or undertake further investigations.</li> <li>- On or around 6<sup>th</sup> August 2008 Mr Clad did not undertake an adequate physical</li> <li>- On or around 6<sup>th</sup> August 2008 Mr Clad did not record an adequate physical examination of AM.</li> <li>- On or around 6<sup>th</sup> August 2008, having made a record to the effect that AM's lower limb was "clonus?", Mr Clad did not: <ul style="list-style-type: none"> <li>- refer AM to her GP and/or make a record of such a referral;</li> <li>- undertake additional testing.</li> </ul> </li> </ul>	<p>Finding of Unacceptable Professional Conduct</p> <p>Sanction: Conditions of Practice Order (12 months + review)</p>

		<ul style="list-style-type: none"><li>- On or around 6<sup>th</sup> August 2008 Mr Clad took x-rays of AM in circumstances where:<ul style="list-style-type: none"><li>- he had not established an adequate justification for each x-ray;</li><li>- his conduct as described above was contrary to the Ionising Radiation (Medical Exposure) Regulations 2000;</li><li>- inadequate justification was recorded in respect of each x-ray.</li></ul></li><li>- On or around 6<sup>th</sup> August 2008 Mr Clad recorded an inadequate working diagnosis of AM.</li><li>- During the period from August 2008 to October 2010 Mr Clad did not adequately assess and/or record his subjective findings in relation to AM.</li><li>- During the period from August 2008 to October 2010 Mr Clad did not undertake and/or record adequate re-assessments and/or reviews of AM.</li><li>- Mr Clad recorded in letters to AM's place of study dated 15<sup>th</sup> September 2008 and 16<sup>th</sup> October 2009, and in a form completed for use by the Department of Work and Pensions dated 2<sup>nd</sup> October 2009, that AM was suffering from Vertebral Subluxation Complex, when:<ul style="list-style-type: none"><li>- this was not a diagnosis recorded in AM's chiropractic records;</li><li>- this was not an appropriate diagnosis;</li><li>- the severity and variety of AM's symptoms did not support this as a sole diagnosis.</li></ul></li><li>- In the period August 2008 to October 2010 Mr Clad:<ul style="list-style-type: none"><li>- allowed and encouraged AM to become dependent on chiropractic treatment.</li></ul></li></ul>	
--	--	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

- In the period August 2008 to October 2010 Mr Clad made claims to AM to the effect that chiropractic treatment could treat:
  - adrenal and thyroid problems;
  - anorexia and eating disorders;
  - multiple sclerosis.
- In the period of August 2008 to October 2010 Mr Clad provided excessive treatment to AM in that:
  - the number of treatments that Mr Clad provided to AM was not clinically justified;
  - the frequency of treatments that Mr Clad provided to AM was not clinically justified.
- In or around October 2010 when AM ceased treatment Mr Clad did not:
  - adequately respond to AM's correspondence;

**Patient EO**

- Between around 22 October 2009 and around 19 March 2010, Mr Clad provided excessive treatment to EO in that:
  - the number of treatments that Mr Clad provided to EO was not clinically justified;
  - the frequency of treatment that Mr Clad provided to EO was not clinically justified.
- On or around 7 January 2010, when EO complained to Mr Clad that she was experiencing double vision and/or EO informed him that she was to undergo a CT scan, Mr Clad did not:
  - conduct a cranial nerve examination;
  - cease treatment of EO's neck until the possibility of a stroke had been eliminated.

<p>Cameron Briggs 01468</p> <p>January 2015</p>	<p>Public</p>	<p>In around February 2012, Mr Briggs provided chiropractic treatment to approximately 150 – 180 patients when he was registered with the General Chiropractic Council as a non-practising chiropractor and without having appropriate professional indemnity insurance in place.</p>	<p>Finding of Unacceptable Professional Conduct</p> <p>Sanction: Admonishment</p>
<p>Jane Cooke 01939</p> <p>March 2015</p>	<p>Registrar</p>	<p>On 11 January 2013 at Worthing Magistrates Court Ms Cooke was convicted of driving a motor vehicle after consuming so much alcohol that the proportion of it in her breath, namely 132 microgrammes of alcohol in 100 millilitres of breath, exceeded the prescribed limit.</p> <p>In her online application for retention on the register of chiropractors for 2013, completed in or about late November 2012, Ms Cooke ticked a box to indicate her agreement to the following declaration: "I agree to notify the General Chiropractic Council within 7 days of any criminal convictions or cautions I receive".</p> <p>Ms Cooke failed to report the conviction set out above until November 2013.</p>	<p>Finding of Unacceptable Professional Conduct</p> <p>Sanction: Admonishment</p>
<p>Jan Louw 02610</p> <p>April 2015</p>	<p>Chiropractor</p>	<p>The allegations found proved against Mr Louw concerned various entries made in the practice clinical records.</p> <p>In relation to some of these records, Mr Louw:</p> <ul style="list-style-type: none"> <li>- failed to record a working diagnosis or rationale for care;</li> <li>- failed to record a plan of care;</li> <li>- took x-rays without adequate justification;</li> <li>- failed to make an adequate record of the x-ray findings;</li> </ul>	<p>Finding of Unacceptable Professional Conduct</p> <p>Sanction: Admonishment</p>
<p>Luke Ramsay 00335</p> <p>May 2015</p>	<p>Public</p>	<p>On or about 12 December 2013 Mr Ramsay was informed by the GCC that he could not practise at all in the UK in 2014 unless he was registered as practising.</p> <p>On or about 19 December 2013 Mr Ramsay applied to register with the GCC as non-practising and his application was accepted.</p> <p>On or about 1, 2 and 4 March 2014 Mr Ramsay practised as a chiropractor in the UK when he was registered as non-practising; and did not have in place insurance that complied with the General Chiropractic Council (Professional</p>	<p>Finding of Unacceptable Professional Conduct</p> <p>Sanction: Admonishment</p>

		<p>Indemnity Insurance) Rules 1999.</p> <p>On or about 18, 19 and 21 June 2014, Mr Ramsay practised as a chiropractor in the UK when he was registered as non-practising.</p> <p>In or about September 2013 Mr Ramsay made arrangements with the management of a clinic known as The Chiropractor, 62 Bedford Street, North Shields, NE29 0AR ('the Clinic') for the occasional use of a treatment room at the Clinic.</p> <p>Mr Ramsay's actions were misleading.</p>	
<p>Rudy Smith 03042</p> <p>November 2015</p>	Public	<p>On or about 19 June 2014, Mr Smith provided chiropractic treatment to a patient for a fee at a time when he was not registered as a chiropractor.</p>	<p>Finding of Unacceptable Professional Conduct</p> <p>Sanction: Admonishment</p>