



**Findings of the Fitness to Practise Committee
following an Inquiry held pursuant to Part 8
of the Medical Practitioners Act 2007**

Registered Medical Practitioner:	Dr Hossam Desoky
Registration Number:	216322
Registered Address:	2 Glenoaks Drive Clonmel Co Tipperary
Date of Inquiry:	7 th , 8 th & 15 th March, 2013
Members of Inquiry Committee:	Dr Michael Ryan (Chair) Ms Mary Culliton Mr Brendan Healy
Legal Assessor:	Mr Seamus Woulfe SC
Appearances - For the Chief Executive:	Ms Katie Dawson BL instructed by Mc Dowell Purcell Solicitors.
For the Practitioner:	Mr Jack Hickey BL instructed by Donal T Ryan Solicitors

Findings of the Committee:

Allegation 1:

That Dr Desoky kissed a patient, Ms Terri Chamberlain (“Ms C”), during a consultation at or around 7.00 PM.

Having regard to the evidence adduced, the Committee found that :

Allegation 1 was not proven as to fact.

Reason: Not proven beyond a reasonable doubt.

Allegation 2:

That Dr Desoky called Ms C on her mobile on one or more occasions when he knew or ought to have known that same was inappropriate and/or unnecessary.

Allegation 2 was proven as to fact.

Reason: It was admitted that Dr Desoky called the patient on her mobile phone and the Committee was satisfied beyond a reasonable doubt that Dr Desoky ought to have known it was inappropriate and unnecessary.

Allegation 2 did amount to poor professional performance.

Reason The Committee was satisfied beyond a reasonable doubt, that even if Dr Desoky made this phone call, to follow up in respect of medication, that this was a failure to meet the standards of competence that can reasonably be expected of doctors.

Allegation 3:

That Dr Desoky carried out an examination, to include a chest examination in respect of Ms C, in a manner that was inappropriate.

Allegation 3 was not proven as to fact.

Reason: Not proven beyond a reasonable doubt.

Allegation 4:

That Dr Desoky failed to offer Ms C the opportunity to have a chaperone present during some or all of the examination referred to at 3 above.

Allegation 4 was proven as to fact.

Reason: Admitted as to fact.

Allegation 4 did not amount to professional misconduct.

Allegation 4 did not amount to poor professional performance.

Reason: The Committee was not satisfied that this admitted failure constitutes professional misconduct or poor professional performance beyond a reasonable doubt in the particular circumstances of this case.

The Committee has concerns that the doctor appears to have relied on the fact that the examination took place in a public place.

Allegation 5:

That Dr Desoky failed to record adequately or at all in Ms C's medical records, the details of the examination referred to at 3 above

Allegation 5 was proven as to fact.

Reason: Admitted as to fact.

Allegation 5 did amount to poor professional performance.

Reason: The Committee was satisfied beyond a reasonable doubt having regard to the evidence of Dr Rollin this constitutes a failure by Dr Desoky to meet the standards of competence that can reasonably be expected of doctors.

Allegation 6:

That Dr Desoky invited and/or allowed Ms C to enter the residence (on call) room on the second floor which he knew or ought to have known was inappropriate and/or unnecessary.

Allegation 6 was proven as to fact.

Reason: The Committee was satisfied beyond a reasonable doubt that Dr Desoky allowed Ms C to enter the residence (on call) room and that he ought to have known that this was inappropriate and unnecessary.

Allegation 6 did amount to professional misconduct.

Reason: The Committee was satisfied beyond a reasonable doubt, on the evidence of Dr Rollin, that this conduct fell seriously short of the standard of conduct expected of doctors.

Allegation 7:

That Dr Desoky locked the door of the said residence (on call) room when alone in the said room with Ms C.

Allegation 7 was not proven as to fact.

Reason: Not proven beyond a reasonable doubt.

Allegation 8:

That Dr Desoky refused to allow Ms C to leave the said residence (on call) room when he knew or ought to have known that she wanted to leave the room.

Allegation 8 was not proven as to fact.

Reason: Not proven beyond a reasonable doubt.

Allegation 9:

That Dr Desoky sexually assaulted and/or molested Ms C in the said room.

Allegation 9 was not proven as to fact.

Reason: Not proven beyond a reasonable doubt

Allegation 10:

That Dr Desoky kissed Ms C as they were both leaving the said room.

Allegation 10 was proven as to fact.

Reason: Admitted as to fact.

Allegation 10 did amount to professional misconduct.

Reason: The Committee was satisfied beyond a reasonable doubt, on the evidence of Dr Rollin, that this conduct fell seriously short of the standard of conduct expected of doctors.



Chairperson

22nd April 2013

Date