

Cork GP struck off medical register over indecent assault

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A Cork GP who was sentenced to 12 months in jail after being convicted of the indecent assault of a teenage girl in the 1980s has been struck off the medical register by the High Court.

The Medical Council had applied to the court to have Kevin Mulcahy, 64, of Cregane, Lombardstown, Mallow, Co Cork struck off after a Fitness to Practise Committee found several allegations - including that the doctor had exposed himself and hugged and kissed the teenage girl - amounted to professional misconduct.

It was also alleged Dr Mulcahy, at a later date in 1992, engaged in sexual intercourse with the girl in circumstances where this was inappropriate and on one occasion had allegedly provided the morning after pill after sexual intercourse.

High Court President Ms Justice Mary Irvine said she considered the sanctions proportionate having regard to all the circumstances "and in particular the finding of moral turpitude, the age of the complainant, the doctor's breach of trust, the repeated nature of the wrongdoing and his abuse of his position as a GP".

The judge added: "In 1989 the complainant was only 15 years of age and therefore on the basis of her age was not in a position to consent to a sexual relationship. Further, she was particularly vulnerable as her mother who was attending Dr Mulcahy, was very ill and passed away during that time. It is likely in those circumstances there was a relationship of trust between the complainant and the doctor at the time."

Patrick Leonard SC for the Medical Council told the court that this was one of the most serious cases involving a doctor to come before the courts in a decade and involved a great breach of trust to the patient and the public.

In 2015 Dr Kevin Mulcahy was convicted of a charge of indecent assault of a teenage patient in her own home. Mulcahy had denied the single charge of indecent assault at Cork Circuit Criminal Court.

The incident occurred on at date in December 1989 at the victim's home when she was just 15.

The GP was looking after her mother, who was unwell at the time. The teenager said Mulcahy examined her and then touched her inappropriately outside her clothing.

Kevin Mulcahy previously gave an undertaking to the High Court not to engage in the practice of medicine and was restricted, by way of High Court order since 28 March, 2011.

In the High Court on Monday Ms Justice Mary Irvine said the complainant who cannot be named by order of the court two years ago made a complaint about the GP "relating to alleged childhood sexual abuse alleged to have taken place between 1989 and 1992".

The judge read out the allegations including that the doctor abused his position of responsibility and trust as a doctor to form a relationship of an emotional and or sexual nature with the complainant.

It was also alleged that Dr Mulcahy had in 1989 touched and rubbed the girl's vaginal area outside her clothing and carried out an examination of her breasts which was inappropriate by reason of it being sexually motivated.

It was further alleged that in December 1991 Dr Mulcahy had exposed himself and that on one or more occasions in 1992 he had engaged in sexual intercourse with the girl in circumstances where this was inappropriate.

It was also alleged Dr Mulcahy had provided the girl on one occasion with the morning after pill following sexual intercourse.

The allegations were found by the Fitness to Practise Committee to be proven as to fact beyond a reasonable doubt and it found they amounted to professional misconduct and constituted conduct that a doctor of experience, competence and good repute would consider disgraceful and dishonourable.

At the end of January this year, the Medical Council met and decided to cancel Dr Mulcahy's registration and to prohibit him from applying for the restoration of his registration for ten years.

Ms Justice Irvine said the rationale of the Medical Council included its extreme concern at the doctor's breach of trust and abuse of his position over a sustained period of time.

The judge said it was evident having considered the documentation before her that the Medical Council is extremely concerned at the conduct of Dr Mulcahy particularly given the breach of trust, abuse of power and the vulnerability of the complainant and the absence of mitigating factors.

She said Dr Mulcahy denied the allegations in their entirety, thus demonstrating a lack of insight and remorse.

If you have been affected by any of the issues raised in this article, you can contact Dignity4Patients, whose helpline is open Monday to Thursday 10am to 4pm.