

08 OCT 2008

Hampshire **NHS**  
Primary Care Trust



**Mid Hampshire Office**  
Unit Three, Tidbury Farm  
Bullington Cross  
Sutton Scotney  
Hampshire  
SO21 3QQ

Office Telephone: 01962 763940  
Facsimile: 01962 763943  
Direct Dial: **Code A**  
Website: [www.hampshirepct.nhs.uk](http://www.hampshirepct.nhs.uk)  
Email Address: **Code A**

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Dr J Barton  
Forton Medical Centre  
Whites Place  
Gosport  
Hants  
PO12 3JP

6 October 2008

Dear Dr Barton

I refer to my letter dated 17 July 2008 regarding the PCT's proposal to contingently remove your name from its Medical Performers List and the subsequent Oral Hearing that you attended on 29 September 2008 with Mr Alan Jenkins (MDU) and Mr Barton.

The Panel convened to hear your oral representation comprised of a non executive director, an executive director and a practising GP. Mr Jenkins in presenting your case asked the Panel asked to consider whether it was necessary to mirror the GMC conditions given that you are already compliant with a local agreement to restrict your prescribing of opiates and benzodiazepines.

The Panel considered your representation and in particular considered the question posed regarding the necessity of mirroring the GMC conditions. In reaching its decision, the Panel reflected that the PCT routinely mirrors conditions imposed using the NHS Performer List Regulations as it provides a local framework for the PCT to assure itself of the practitioners compliance with the conditions imposed. It was mindful however that the majority of such cases refer to recent events whereas the circumstances relating to your case refer to events that took place ten years ago.

The Panel noted that the issues arose before the NHS Performers List Regulations 2004 had been established. It reviewed the correspondence between you and Dr Tanner and the subsequent file note dated 9 October 2002. This correspondence confirmed your agreement to prescribe benzodiazepines strictly within BNF guidelines and to the monitoring arrangements that continue to be in place. The Panel noted that this restriction mirrored the specific GMC condition (5) that pertained to the issues raised regarding your work at GWMH. Indeed the Panel also recognised that the monitoring arrangements had operated effectively during this period and that no concerns regarding your practice had been raised.

The Panel considered the fact that the concerns had been raised whilst you were employed as a clinical assistant at GWMH and not whilst practising in primary care. It further noted that you were no longer employed as a clinical assistant.

In reaching its decision, the Panel determined that due to the length of time that has lapsed between the concerns being raised and the GMC taking action under Rule 8(6) of the General Medical Council (Fitness to Practise) Rules 2004, that the PCT should consider yours as an exceptional case. The Panel accepted that the agreement and monitoring arrangements currently in place and referred to earlier in this letter continued to provide the assurances required by the PCT and therefore decided that the contingent removal should not proceed.

As I am sure you are aware, once the GMC Fitness to Practise Panel has concluded their case, the PCT will need to review this arrangement.

Should you have any queries regarding this letter, in the first instance please contact Manda Copage, Head of Primary Care Performance and Improvement.

Yours sincerely

**Code A**

Colin Godber  
Chair of the Contractor Performance Panel and PCT Non Executive Director