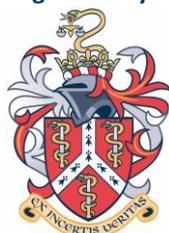


# FACULTY OF FORENSIC & LEGAL MEDICINE

of the Royal College of Physicians of London



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## Sample SAQs

Candidates should note that the answers to questions were correct at the time the examination question was used but legislation may have subsequently changed such that some questions/answers may not reflect current legislation/practice.

### Mock question 1

A GP working in an inner city practice in London contacts his medical defence organisation for advice. He has received a letter from a solicitor headed “Letter of Claim”. He is aware that the patient was unhappy about the fact that an elevated PSA blood result had been filed some years ago and no action was taken. The patient was recently diagnosed with prostate cancer.

- a. What is a “Letter of Claim” (2 marks) and what information should be contained within it? (5 marks)

**7 marks**

*A detailed letter setting out the general terms of a clinical negligence action (1)  
Submitted in accordance with the Pre-Action Protocol for the resolution of clinical disputes (1)*

*It should contain relevant dates and chronology (1)  
It should contain the main allegations of negligence (1)  
It should contain the main allegations of causation (1)  
The claimants injuries (harm or loss) should be identified (1)  
Details of financial loss should be provided in straightforward cases (1)  
It may contain an offer to settle (1)*

- b. On receipt of the “Letter of Claim” what first step must be taken and within what timescale in order to comply with the “Rules”.

**2 marks**

*A letter of acknowledgement must be sent (1)  
This must be sent within 14 days (1)*

- c. The second step that must be taken on receipt of a “Letter of Claim” is to produce a detailed “Letter of Response”.
- i. Within what timescale (1 mark)?
  - ii. Describe the content of this letter by reference to **4** key features (4 marks).

**5 marks**

- i. *This must be 4 months (1)*
- ii. *The letter of response must set out the defendant’s position (1)*  
*Admissions must be made where appropriate (1)*  
*Any part of the claim denied should be specifically identified and the area of challenge clearly set out (1)*  
*A clear response to any offer to settle must be made (1)*

- d. A medical adviser or solicitor requires in most cases evidence from a minimum of **4** sources to draft a suitable “Letter of Response”. What are they?

**4 marks**

- A statement or report from the doctor commenting on the letter of claim (1)*
- The relevant medical records (1)*
- An expert opinion on Breach of Duty (1)*
- An Expert opinion on Causation (1)*

## Mock question 2

Dr Smith received a letter from the GMC advising that the Metropolitan Police have informed the GMC of Dr Smith's conviction and disqualification from driving. Four months earlier Dr Smith was convicted of a motoring offence of driving with an excess level of blood alcohol. At the time of the offence the police advised Dr Smith that the police would notify the General Medical Council (GMC).

- a. As a matter of probity, what 3 broad categories of dealings with the police should a registered doctor inform the GMC of without delay (3 marks) and within what geographical limits (1 mark) ?

**4 marks**

*Accepted a caution (1)*

*Been charged with a criminal offence (1)*

*Found guilty of a criminal offence (1)*

*Anywhere in the world/no limits (1)*

In due course the GMC invited Dr Smith to undergo a health assessment.

- b. Describe the assessment process and its outcome by reference to 8 key features.

**8 marks**

*Examination of the doctor's physical or mental health by two doctors selected by the GMC. In many cases, these doctors will be psychiatrists.*

*Where the doctor is willing to undergo the assessment, the GMC will make arrangements for the examinations to take place.*

*The two doctors carrying out the examinations will prepare a report covering:*

- whether the doctor is fit to practise either generally or in a limited way;*
- any recommendations about the management of the case.*

*8 of the following will achieve full marks*

- Physical health (1)*
- Mental health (1)*
- As part of a wider investigation into fitness to practise (1)*
- 2 doctors (1)*
- Psychiatrists (1)*
- Not exclusively psychiatrists (1)*
- Reports will be prepared (1)*
- Fitness to practice generally (1)*
- Fitness to practice in a limited way (1)*
- Recommendations about management of the case (1)*

- c. Dr Smith refuses to undergo a health assessment, what definitive action is the GMC likely to take as a result of Dr Smith's refusal to cooperate? (1 mark) For the purpose of considering what 2 matters? (2 marks)

**3 marks**

*If a doctor refuses to undergo an assessment or fails to cooperate the case is likely to be referred to a Fitness to Practise Panel (1)*

*Consideration of whether fitness to practise is impaired (1)*

*Consideration of whether action is required on his/her registration (1)*

- d. If Dr Smith had cooperated with the health assessment process:

- i. Outline the 4 possible outcomes that would have been available to the case examiners, after consideration of the evidence gathered during the investigation (4 marks)
- ii. If it was established that the issues related purely to Dr Smith's health, how would this have affected the outcomes available to the Case Examiners? (1 mark)

**5 marks**

*Conclude the case with no further action (1)*

*Refer the case to a Fitness to Practise Panel (1)*

*Agree undertakings (1)*

*Issue a warning (1)*

*The Case Examiners would not be able to issue a warning (1)*