



PROFESSIONAL CONDUCT AND COMPETENCE PANEL

DETERMINATION AND SANCTIONS

20 MAY 2019

In the matter of BAAC & Emad Tukmachi – Case 1 and Case 3 of 2018

The hearing of the Professional Conduct and Competence Panel took place

On **25 April 2019** At 10am at Hamilton House, Mabledon Place, London WC1H 9BD

And on **20 May 2019** at 9.30am at The Space Centre, 94 Judd Street, London WC1H 9NT

The Professional Conduct and Competence Panel found the following allegations proved:-

That the Practitioner, Emad Tukmachi, whilst acting in the capacity of a registered British Acupuncture Council practitioner, engaged in the following behaviour.

1. On 10 September 2018, with regard to Patient A, you:
 - a. Failed to take or record a full medical history;
 - b. Failed to make adequate enquiries about or adequately record Patient A's symptoms;
 - c. Deleted
 - d. Failed to listen carefully to Patient A

2. Between 10 September 2018 and 17 October 2018 you
 - a. Failed to respond appropriately to Patient A's complaint
 - b. Failed to inform Patient A that she could make a complaint to the British Acupuncture Council.

3. On or around 25 September 2018, with regard to Patient B, you
 - a. Failed to record a full medical history;
 - b. Failed to make your fee structure clear to Patient B.

4. On or around September 2018 you used the title “Dr” when it was not appropriate for you to do so.

The Professional Conduct and Competence Panel found that the allegations which were found proved amounted to misconduct.

The Professional Conduct and Competence Panel determined that Emad Tukmachi’s fitness to practise is currently impaired.

Sanctions

The Professional Conduct and Competence Panel decided to impose the following sanctions:-

A Conditions of Practice Order as follows:-

1. You must not use the title “Dr” in any written or oral communication associated with your practice as an Acupuncturist, unless you make it clear that you are not GMC registered and/or practising as a medical practitioner.
2. Within three months from the date of this decision you must provide to the BAAC:
 - (a) A document setting out your fees arrangements, which clearly indicates what each individual fee covers
 - (b) Evidence that you are displaying the document containing fee information (as required by (a) above), in all your clinics when you are seeing patients
 - (c) Evidence that you have reviewed the “acupuncture clinic offers and discounts packages” and the associated terms and conditions, to ensure that they are accurate, transparent and fair to patients
 - (d) Six examples of your using the revised Acupuncture Questionnaire and Patient’s Consent Form
 - (e) A document setting out your complaint handling process that includes information about how patients may complain to the BAAC.

for a period of 12 months.

The Conditions of Practice Order took effect from the date on which it was made which was 20 May 2019.

The Conditions of Practice Order will be published on the British Acupuncture Council Website for a period of 12 months.

Right of Appeal

The Registrant has the right to appeal.

The Appeal must be made **within 28 days** from the date on which the order was made. Therefore the Appeal must be made by **17 June 2019**.

The Appeal must be made in writing setting out which order and/or sanction is being appealed and the grounds for appeal.