Doctors and Misuse of Drugs

Doctors prescribe and handle prescription drugs on a daily basis in a variety of circumstances in clinical practice. Doctors have an obvious professional duty to conduct themselves appropriately at all times, and not to take drugs that are not prescribed by their own GP for proper medicinal purposes.

The General Medical Council (GMC) will intervene where a doctor is considered to be a danger to themself and others because of their inappropriate drug use, particularly if they are unable to demonstrate abstinence and seek to mislead others about the degree of their drug taking.

It is because doctors prescribe and handle drug medication on a daily basis that the GMC (acting on behalf of the public good) wants to be assured that a doctor will not take for personal use any prescription drugs or controlled drugs that they have access to. Some drugs can of course give a doctor a ‘high’ or, alternatively, a convenient way of keeping going during long working hours. Such drugs can lead to dependency and distorted thinking that may affect patient care and cause hazardous situations to arise, also putting the doctor and their colleagues at risk.
The approach taken by the GMC to a doctor’s personal illicit drug use (or drug addiction) is generally similar to that taken towards doctors who have an alcohol dependency, where a doctor has a significant drug dependency (classifiable under ICD10). If however the drug use by the doctor has been for recreational purposes, on a few occasions, without there being a recognised drug dependency, for example a doctor’s recreational use of cocaine in their social circles, the doctor is likely to be dealt with by way of GMC misconduct proceedings. The GMC will often move to suspend doctors on an interim basis where there is a risk to patients or to the doctor. Doctors may be suspended for many years until they can demonstrate that they are abstinent for a long period.

**Case Law**

In *Cornish v General Medical Council (GMC) [2012] EWHC 1196 (Admin)*, a doctor who had been struck off the medical register by a GMC Fitness to Practise (FTP) panel, for significant drug misuse and a lack of candour relating to his own drug use (included the misuse of opioids), appealed to the High Court to challenge the sanction. The High Court determined that the GMC FTP panel had not misdirected itself in arriving at its conclusions that the doctor was unfit to practise as a consequence of his drug use and his lack of candour, and that the decision to erase his name from the register was therefore proportionate and unimpeachable. [Read full Law Report for full details.] The case demonstrates that doctors who fail to abstain from taking drugs and who mislead others about their drug misuse are at risk of being struck off. A doctor who is struck off the register cannot reapply for registration (or restoration) for a minimum period of five years, and so it is important for doctors with addiction issues to take
appropriate steps to overcome their reliance on drugs.

The GMC usually screens for the following substances. This list is not exhaustive.

Acetylmorphine
Acetylcodeine
Codeine
Delta-9-tetrahydrocannabinol (THC)
Dihydrocodeine
Diacetylmorphine
Amphetamine
Chlordiazepoxide
Clonazepam
Diazepam
Desmethyldiazepam
Flurazepam
Midazolam
Nitrazepam
Temazepam
Anhydroecgonine methyl ester
Benzoylecgonine
Cocaethylene
Cocaine
Norcocaine
Ketamine
Mephedrone – MMC
EDDPMethadone
MBDB
MDA
MDEA
MDMA
Methamphetamine 6
Morphine
11-Nor-delta-9-THC-9-carboxylic acid

See also our article on Alcohol Misuse and Doctors, which sets
out in greater detail the way in which the GMC assesses doctors who have drug and alcohol dependencies. The GMC assessment and adjudication process is very similar, whether a doctor has an addition, dependency or over-reliance on drugs or alcohol or both.

If you are a doctor who faces GMC / MPTS proceedings related to allegations of drug misuse, Doctors Defence Service can provide empathetic guidance, bespoke legal advice, and representation before the MPTS / GMC fitness to panels. Call us on 0800 10 88 739 for a no obligation, confidential chat about your case and how we might be able to assist you.