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Radiologist who breached conditions on his practice is struck off

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A radiologist who was suspended for a year by a medical practitioners tribunal for dishonestly working in breach of imposed conditions has been struck off the register after the General Medical Council successfully appealed to the High Court, calling his suspension insufficient to protect the public.

Anthony Donadio first came to regulators' notice in June 2017 after the NHS trust employing him as a locum consultant, London North West Hospitals, became concerned that he was signalling a high number of false positives in his analyses of radiology results.

The trust referred him for a GMC performance assessment which found his work "unacceptable" in assessment and clinical management. His assessors' recommendation was that he should no longer work as a consultant, but only at the far lower level of junior trainee, interacting with patients only under direct supervision.

This assessment led to a July 2018 hearing of the interim orders tribunal, which set conditions under which Donadio could continue to practise, reflecting the assessors' recommendations. But within days of that hearing, which he did not attend, Donadio worked eight days at Kettering as an unsupervised consultant. He then left for Ukraine, where he has family.

The GMC soon learnt of his breach of the conditions and brought a misconduct case against him before a medical practitioners tribunal, which sat in February 2020. Donadio did not attend.

The tribunal found the breach proved, and sanctioned Donadio with a 12 month suspension. But the GMC considered the punishment inadequate and appealed to the High Court, arguing that the tribunal had not followed the written sanctions guidance which indicates appropriate penalties for different types and levels of misconduct. While the tribunal may occasionally choose sanctions outside the range laid down in the guidance, the GMC said, in such cases it must clearly explain its reasoning, but had not done so.

The High Court allowed the appeal this February.¹ Mrs Justice Collins Rice quashed the sanction and sent the case back for a second medical practitioners tribunal hearing, which has concluded with Donadio's erasure.

This time Donadio was present and represented at the hearing. He told the tribunal that he was ashamed of his conduct, and he apologised to the public, the profession, and his employers.

He voluntarily disclosed further dishonesty of which the tribunal had been unaware, acknowledging that days before his conditions were imposed, he had sent emails to the GMC claiming to be in Ukraine, which

was untrue. In fact he had been in England for work and was working on the day that the interim orders tribunal imposed conditions.

He admitted having known about that tribunal but maintained that he had not learnt of its results, suggesting that a family member might have deleted the email notifying him.

Counsel for the GMC argued that he was still not fully accepting his dishonest conduct and that his remediation went no further than some reading about dishonesty. Without full acknowledgment of fault, she said, the sanctions guidance pointed to erasure.

The tribunal treated the further episode of dishonesty disclosed by Donadio as "a seriously aggravating factor" in deciding on the sanction. His attempts to remediate were "extremely limited," said tribunal chair Nessa Sharkett, and he had "made no effort whatsoever to establish the outcome" of the hearing that imposed conditions on him.

"Dr Donadio abused his position of trust and his conduct did not justify patient trust in him and the public's trust in the profession," she said, striking him off.

¹ Dyer C. Radiologist faces second tribunal after High Court quashes 12 month suspension. *BMJ* 2021;372:n708. doi: 10.1136/bmj.n708 pmid: 33712494