



Comhairle na nDochtúirí Leighis Medical Council

Strictly Private and Confidential

Addressee Only

Mr. Nicholas Moloney

BY EMAIL ONLY

25 November 2020

Our Ref: C397/19

Dear Mr Moloney,

I refer to your complaint against Dr. Dominic Harmon and to our previous correspondence regarding same.

At its meeting on 12 November 2020, the Preliminary Proceedings Committee (PPC) considered your complaint and formed the opinion that there was not sufficient cause to warrant further action being taken in relation to the complaint.

The Committee carefully considered the case report and all the documentation relating to this matter including, but not limited to; the emails and attachments from Mr Nicholas Moloney dated 02 December 2019, the email from Mr Nicholas Moloney dated 13 December 2019, the email and attachments from Mr Nicholas Moloney dated 20 January 2020, the email from Mr Nicholas Moloney dated 27 January 2020, the email and attachment from Dr Dominic Harmon dated 10 February 2020, the email and attachments from Mr Nicholas Moloney dated 24 January 2020, the email and attachments from Mr Nicholas Moloney dated 23 March 2020, the email and attachments from Mr Nicholas Moloney dated 06 April 2020, the email from Mr Nicholas Moloney dated 22 April 2020, the email from Mr Nicholas Moloney dated 05 May 2020, the emails and attachments from Mr Nicholas Moloney dated 05 June 2020, the email and attachment from Mr Nicholas Moloney dated 16 June 2020, the email from Dr Dominic Harmon dated 14 August 2020, the email from Dr Dominic Harmon dated 14 September 2020, the letter from Dr Dominic Harmon enclosing a letter from Inspector for Superintendent Andrew Lacey dated 14 September 2020, the email from Dr Dominic Harmon dated 23 September 2020, and the email from Dr Dominic Harmon dated 18 October 2020.

The Committee formed the opinion pursuant to section 61(1)(a) of the Medical Practitioners Act 2007, that there was not sufficient cause to warrant further action being taken in relation to the complaint as there was no prima facie evidence of professional misconduct or poor professional performance on the part of Dr Dominic Harmon.

In forming their opinion, the Committee noted that the allegations at the subject of this complaint also formed part of a full Garda investigation. In the matter of the Garda investigation, the Committee noted that a formal direction was received directing no prosecution. On this basis, the

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Committee agreed that that there was no substantiating evidence to warrant further action of this complaint.

The PPC will inform the Medical Council of this opinion at the Council's next meeting on 02 December 2020.

Pursuant to Section 61(2) of the Medical Practitioners Act 2007, the Council may, after considering an opinion referred to it by the PPC do one of the following:

- (a) decide that no further action is to be taken in relation to the complaint,
- (b) direct the Preliminary Proceedings Committee to refer the complaint to another body or authority,
- (c) refer the complaint to a professional competence scheme,
- (d) refer the complaint for resolution by mediation or other informal means, or
- (e) if it considers it necessary to do so, direct the PPC to refer the complaint to the Fitness to Practise Committee for an inquiry.

I will write to you following the Medical Council meeting on 02 December 2020 to inform you of the Council's decision.

Yours sincerely,

Darren Smith

Case Officer

Professional Standards

Email: darren.smith@mcirl.ie

Direct Dial: 01 4983182

Sent by email only and accordingly bears no signature

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