

PUBLIC RECORD

Dates: 09/06/2025

Doctor: Dr Pinchas COMISKY**GMC reference number:** 7133581**Primary medical qualification:** MB ChB 2011 University of Aberdeen**Type of case**
Review - Misconduct**Outcome on impairment**
Not Impaired**Summary of outcome**
Suspension revoked**Tribunal:**

Legally Qualified Chair	Ms Morag Rea
Lay Tribunal Member:	Ms Morgan Phillips
Registrant Tribunal Member:	Dr Syed Zaidi

Tribunal Clerks:	Ms Olivia Gamble Mr Francis Ekengwu
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Attendance and Representation:

Doctor:	Present, represented
Doctor's Representative:	Mr Lee Gledhill, Counsel
GMC Representative:	Ms Susannah Proctor, Counsel

Attendance of Press / Public

In accordance with Rule 41 of the General Medical Council (Fitness to Practise) Rules 2004 the hearing was held in public.

Overarching Objective

Throughout the decision-making process the tribunal has borne in mind the statutory overarching objective as set out in s1 Medical Act 1983 (the 1983 Act) to protect, promote and maintain the health, safety and well-being of the public, to promote and maintain public confidence in the medical profession, and to promote and maintain proper professional standards and conduct for members of that profession.

Determination on Impairment - 09/06/2025

1. At this review hearing the Tribunal now has to decide in accordance with Rule 22(1)(f) of the General Medical Council (GMC) (Fitness to Practise) Rules 2004, as amended ('the Rules') whether Dr Comisky's fitness to practise is impaired by reason of misconduct.

Background

2. Dr Comisky qualified in 2011 at the University of Aberdeen. After completing his foundation training, Dr Comisky chose to specialise in Psychiatry. Between 16 July 2023 and 12 October 2023, Dr Comisky provided services via Updoc, a telehealth platform.

The 2024 Tribunal

3. Dr Comisky was brought before his regulator because following a fitness to work assessment referral for Mr A, it was alleged that Dr Comisky failed to obtain an adequate medical history from Mr A as he did not make further enquiries about Mr A's episode of feeling faint and falling. It was further alleged that Dr Comisky inappropriately approved and signed the letter confirming Mr A was fit to return to work, when he had not sufficiently assessed Mr A in order to come to that conclusion. The letter did not refer to a possible diagnosis and included the words 'based on my examination'. It was alleged that these words were inappropriate, as Dr Comisky knew that he had not examined Mr A; and that Dr Comisky was dishonest when he approved and signed the letter with these words included.

4. These concerns were raised with the GMC on 1 September 2023, by Dr A who received the letter from Mr A's employers, due to his concerns after he had reviewed the letter signed by Dr Comisky, having seen Mr A in person and performed a physical examination.

5. The facts found proved at Dr Comisky's hearing which took place in November 2024, can be summarised as concerns relating to misconduct which arose from his failure to conduct an appropriate assessment of Mr A. Dr Comisky admitted that he had failed to obtain an adequate medical history from Mr A, in that he had not made further enquiries with him about the occasion Mr A felt faint and suffered a fall, which was inappropriate.

6. Dr Comisky also admitted he inappropriately carried out a number of actions which included approving and signing a letter that Mr A was fit to return to work when Dr Comisky had not sufficiently assessed Mr A to come to that conclusion. In that letter, Dr Comisky also

inappropriately used the words ‘based on my examination’, when he had not examined Mr A which was dishonest. He also failed to make a possible diagnosis.

7. Furthermore the Tribunal determined and found proved that Dr Comisky was dishonest because he had admitted he knew that he had not examined Mr A as part of his assessment.

8. The 2024 Tribunal directed a review hearing and stated that a future reviewing tribunal may be assisted, when considering Dr Comisky’s insight and remediation into his dishonest conduct, by:

- Evidence of any courses and other activities he has undertaken in order to demonstrate remediation of his dishonesty;
- Evidence that he has gained insight, such as reflections on the findings of the Tribunal;
- Evidence that he has kept his knowledge and skills up to date, including any CPD; and
- Any other information that he considers will assist.

The Evidence

9. The Tribunal has taken into account all the evidence received, both oral and documentary.

10. Dr Comisky gave oral evidence at the hearing on 9 June 2025.

11. Dr Comisky responded to questions from both counsel regarding his insight and remediation. He expressed regret about his previous dishonest actions, discussed the impact it would have had on the maintenance of standards and public confidence in the profession. He provided details about the factors which contributed to his previous dishonest conduct.

12. Dr Comisky has discussed the proceedings and the outcome with colleagues and is committed in the future to taking time to consider his actions before taking them and seeking advice and support from colleagues, where he feels out of his depth or something is beyond the scope of his ordinary experience.

13. Dr Comisky said he has learned, particularly throughout this process, to always be honest and practise with confidence and assertiveness to challenge inefficient systems or inaccurate documents.

14. Dr Comisky said that he is determined to share the details of what he has learned with junior Doctors and future colleagues so that they can learn from his experience.

15. Dr Comisky took responsibility for failing to meet and uphold the standards required of his profession and said that he had also let himself down. He was sincerely committed to change and had internalised the lessons from this regulatory process and the CPD he had undertaken.

16. The Tribunal received documentary evidence which included, but was not limited to:

- MPTS record of determinations for Dr Comisky's November 2024 substantive Tribunal hearing which included the facts, impairment and sanctions determinations, dated 27 November 2024;
- A bundle of evidence from Dr Comisky including reflective diary excerpts on various aspects relevant to the misconduct found at his 2024 Tribunal hearing, dated January 2025;
- Continuing professional development certificates, dated between 30 January – 6 May 2025.

Submissions

On behalf of the GMC

17. On behalf of the GMC, Ms Proctor submitted that the GMC are neutral on the subject of impairment.

On behalf of Dr Comisky

18. On behalf of Dr Comisky, Mr Gledhill submitted that Dr Comisky has clearly been on a significant journey of learning and introspection and is sincerely sorry for what has happened.

19. Mr Gledhill submitted that Dr Comisky is clearly moved and upset by the process that he has put himself through due to his own actions. Mr Gledhill continued that Dr Comisky is ordinarily an honest person. Mr Gledhill stated that this has undermined Dr Comisky's own confidence in himself.

20. Mr Gledhill submitted that Dr Comisky was working in a very different environment at the time the events took place. The management and patient model was different to where he had worked before. Mr Gledhill continued that this has focused Dr Comisky's mind about

his future career and understands that he must take active steps to ensure he is working in a more protected environment.

21. Mr Gledhill submitted that Dr Comisky now recognises that Child and Adolescent psychiatry is the area in which he feels most confident.

22. Mr Gledhill submitted that the evidence Dr Comisky has given today demonstrates that he is genuine in his efforts to remediate. He went on to say that the Tribunal can rely on his evidence and conclude that his fitness to practise is no longer impaired by reason of misconduct.

23. Mr Gledhill submitted that Dr Comisky's reflective piece is of very high qualitative value, holding up the light to his own wrongdoing and making his best efforts to look at why it happened. Mr Gledhill stressed that Dr Comisky is keen never to repeat those very poor judgements and decisions, and he stated that the Tribunal can be confident that he is as good as his word.

24. Mr Gledhill submitted that going forward, Dr Comisky would approach others for help if he did not know the answer to something and will seek advice. He concluded that given the circumstances at this point in proceedings, the Tribunal should determine that Dr Comisky is no longer impaired.

The Relevant Legal Principles

25. The Tribunal reminded itself that the decision of impairment is a matter for the Tribunal's judgement alone. As noted above, the previous Tribunal set out the matters that a future Tribunal may be assisted by. This Tribunal is aware that it is for the doctor to satisfy it that he would be safe to return to unrestricted practise.

26. This Tribunal must determine whether Dr Comisky's fitness to practise is impaired today, taking into account Dr Comisky's conduct at the time of the events and any relevant factors since then such as whether the matters are remediable, have been remedied and any likelihood of repetition.

The Tribunal's Determination on Impairment

27. The Tribunal noted that it had regard to the review bundle which included information about Dr Comisky's previous fitness to practise hearing. The Tribunal were also furnished with a defence bundle containing evidence of Dr Comisky's remedial activities.

28. Further the Tribunal noted that it only needed to come to a decision on Dr Comisky's fitness to practise status as of today, taking into account any recommendations from the 2024 Tribunal, as well as any relevant matters that arise during the course of this hearing and proceeded to consider these.

29. The Tribunal considered Dr Comisky's fitness to practise and had regard to his 28-page written reflective statements which covered the impact of his misconduct, what the experience of this fitness to practise process has taught Dr Comisky, his understanding of honesty and integrity, its impact on Dr Comisky's daily life and the impact of Dr Comisky's dishonesty to public confidence in the medical profession.

30. The Tribunal also noted Dr Comisky's continuing development courses which covered probity and ethics, and decision making in high stress situations and took the view that these would have supported his reflections and insight.

31. The Tribunal considered Dr Comisky's oral evidence at this hearing and was of the view that Dr Comisky was able to accurately articulate his previous dishonest conduct, including his attempt to cover up his initial dishonesty by further statements and acts of dishonesty and was satisfied that he was able to identify the harm these posed to patient safety, and to public confidence in the medical profession.

32. The Tribunal noted that Dr Comisky had reflected on the panic he felt following the discovery of his misconduct and heard that he had initially sought to protect himself by lying during the GMC's investigative process and proceedings.

33. The Tribunal noted Dr Comisky's had reflected deeply on his dishonesty and further noted that he had given consideration to how he would minimise the likelihood of future acts of dishonesty. Specifically, it noted his commitment to overcoming fear of consequences of mistakes, sharing and discussing the details of his previous dishonesty with his colleagues, and using his reflections to teach junior doctors. The Tribunal was of the view that this would act as an ongoing form of mitigation and deterrence to future acts of dishonesty.

34. The Tribunal explored Dr Comisky's plans should he be found not impaired and was free to return to unrestricted practise by the regulator. It noted that Dr Comisky had kept his knowledge up to date through a number of continuing development courses. The Tribunal also noted that Dr Comisky had researched an agency that would help him find work as a medical practitioner and heard that Dr Comisky wanted to continue in psychiatry, but within the field of child and adolescent psychiatry.

35. In the absence of any new evidence of similar behaviour or fitness to practise matters, the Tribunal concluded that further risk of repetition was very low with regard to Dr Comisky's clinical practise.

36. This Tribunal has therefore determined that Dr Comisky's fitness to practise is no longer impaired by reason of his misconduct. The Tribunal noted that Dr Comisky's suspension is due to expire on 1 July 2025. The Tribunal acknowledged that the 2024 Tribunal imposed a 6-month suspension on Dr Comisky's registration in order to send a signal to him, the profession and the wider public that his actions were unacceptable and should never be repeated. However, having found that Dr Comisky's fitness to practise is not currently impaired, and in the light of the remediation he has undertaken, the Tribunal directed that the suspension be revoked with immediate effect.

37. That concludes this case.