Trust's refusal to fund trastuzumab was "arbitrary"

An NHS trust that refused to pay for a woman with breast cancer to be treated with the monoclonal antibody trastuzumab (Herceptin) was accused of decision making that was "arbitrary in the extreme," in the Court of Appeal this week.

David Pannick QC, counsel for Ann Marie Rogers, made the accusation as he launched an appeal against a High Court ruling last month upholding the stand taken by Swindon Primary Care Trust.

Ms Rogers, a 54 year old mother of three with HER2 breast cancer, has likened the trust's refusal to fund the £22 000 (€32 000; \$38 000) a year treatment to "a death sentence."

She is appealing against Mr Justice Bean's ruling that the trust's policy of funding the treatment only in exceptional cases was not irrational and unlawful or in breach of her right to life under the European Convention on Human Rights.

Meanwhile, the trust is providing her with the drug free of charge pending the outcome of her two day appeal, which ended on Tuesday with judgment reserved until later.

Clare Dyer *legal correspondent, BMJ*

GMC finds no case to answer against Ian Craft

The General Medical Council has cleared Professor Ian Craft, one of the United Kingdom's best known fertility specialists, of serious professional misconduct after finding that the key witness against him was "unreliable." Professor Craft had been accused of repeatedly overcharging a patient named only as Ms B. He also faced charges before the GMC's fitness to practise panel of failing to obtain informed consent for procedures, failing to keep proper records, and providing an inadequate standard of care.

But during the three week

hearing, Ms B's evidence often clashed with contemporaneous records kept by Professor Craft's clinic, the London Fertility Centre; by her own GP; and by London's Wellington Hospital, where she had laparoscopic surgery for endometriosis in 1998.

The panel's chairman, Michael James, told the hearing that "in the course of her evidence, Ms B disputed the independent records of more than a dozen healthcare professionals, including her general practitioner for 12 years. The panel was unable to accept that so many practitioners, in a wide range of clinical specialties, had recorded significant information inaccurately."

Owen Dyer *London*

Faking happiness at work can make you ill

Being forced to appear happy at work seems to cause health problems ranging from depression to cardiovascular conditions, ongoing research in Germany has shown.

Dieter Zapf, the chairman of the work and organisational psychology department at the University of Frankfurt am Main, and his team set up a fake railway customer complaints call centre run by 80 university students. Half of the group were told that they could verbally defend themselves against rude customers, but the other half had to remain friendly and polite at all times.

Preliminary results showed that the group that was allowed to verbally defend themselves had only a slightly increased heart rate. But the heart rates of the group who stayed polite shot up and continued to beat at a noticeably greater rate long after they had ended their telephone calls.

Professor Zapf said, "We know an increased heart rate can lead to cardiovascular problems and is a clear indicator of a higher psychological workload. It's about time we did away with the concept that the customer is always right and showed more respect for those in customer service jobs."

Katy Duke *Vienna*

GMC finds three doctors guilty of irresponsible prescribing to addicts

Owen Dyer *London*

The founder of one of the United Kingdom's best known private drug addiction clinics has been found guilty by the General Medical Council of irresponsible prescribing practices that could have fed dangerous drugs into the black market.

Colin Brewer, the retired head of the Stapleford Centre, was found guilty of irresponsible prescribing along with two of his former colleagues, Dr Hugh Kindness and Dr Ronald Tovey. Four other doctors from the centre were cleared of misconduct—Anthony Haines, Nicolette Mervitz, Martin O'Rawe, and Timothy Willocks.

The Stapleford hearing has been the biggest case in the GMC's history, taking up 114 days of hearings. It began in February 2004 and was prolonged by a lengthy adjournment due to Dr Brewer's ill health (*BMJ* 2004;329:818).

Dr Brewer was the focus of many of the charges. He founded the Stapleford Centre at the Home Office's request in 1987. It had branches in Belgravia and Essex.

His care was found to have been "inappropriate and irresponsible" in 11 of the 12 patients whose history was reviewed by the fitness to practise panel.

One case involved a fatality. Dr Brewer provided Grant Smith, aged 29, with a home detoxification programme in August 2001. This required

taking 10 drugs, including diazepam, flunitrazepam, chlorpromazine, clonidine, prochlorperazine, and omeprazole. Mr Smith's mother was to oversee the process and was told to call the Stapleford Centre with any questions.

After a telephone call from Mrs Smith, Dr Brewer additionally prescribed temazepam and clomethiazole, but he did not tell Mrs Smith that these were instead of and not in addition to the flunitrazepam. Mr Smith went to bed having taken diazepam, chlorpromazine, flunitrazepam, temazepam, and clomethiazole. He died in his sleep of aspiration pneumonia.

Drs Brewer, Tovey, and Kindness were all found to have inappropriately provided drugs for pain management. In one patient, Dr Brewer prescribed dextromoramide, a short acting opiate, initially for chest pain from a fractured rib, then for dental caries, and ultimately for a painful ankle.

Dr Tovey prescribed diamorphine (heroin) to a known heroin addict who claimed to have back pain, despite lacking a licence to prescribe this drug. Dr Brewer and Dr Kindness were found to have written excessively large prescriptions that risked being diverted to the black market. One of Dr Kindness's patients collected 3500 ml of methadone mixture and 1086 methadone tablets on a single occasion.

Dr Colin Brewer provided one of his patients with a home detoxification programme requiring 10 drugs