

Doctor is cleared of manslaughter for prescribing penicillin to man who said he was allergic

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A locum GP who prescribed penicillin V (phenoxymethylpenicillin) to a 73 year old man who died after taking the drug has been cleared of manslaughter. The jury at Plymouth Crown Court unanimously found Mitra Nikkhah not guilty after two hours of deliberation.

Dr Nikkhah, 41, was accused of the manslaughter of David Townsend by gross negligence. The prosecution case was that she prescribed the drug despite a warning by Mr Townsend and his wife that he was allergic to it and that he had gone into anaphylactic shock and died as a result.

Mr Townsend died in May 2006 after being prescribed penicillin by Dr Nikkhah during a consultation with her at St Budeaux Health Centre in Plymouth, to treat a throat infection, bronchitis, and a lower back abscess.

But she was cleared after two other doctors who worked in the practice told the court that they had previously given him other forms of penicillin without incident, and defence experts concluded that he had probably died from a cardiac arrest rather than anaphylactic shock.

Mr Townsend's widow, Joan, testified that the couple had told Dr Nikkhah during the consultation that he was allergic to penicillin, but the doctor denied that she was specifically warned of this.

Dr Nikkhah told the court that the practice's computerised records showed that a month before the consultation penicillin had been prescribed to Mr Townsend. The records flagged up that he was sensitive to erythromycin, an antibiotic that is not based on penicillin.

Nathaniel Cary, a leading Home Office pathologist called by the defence, said that blood samples did not support a diagnosis of anaphylaxis.

Mrs Townsend gave evidence during the trial that her husband had swelled up like the Michelin man after taking the drug. But Kevin Channer, a consultant cardiologist, told the court that if Mr Townsend had suffered anaphylactic shock before he died, the swelling described by Mrs Townsend would still have been visible to the doctor who arrived at the scene and to the pathologist.

"In my opinion he died from a cardiac arrest because of his enduring heart disease," said Professor Channer. Mr Townsend had diabetes, had been obese for more than 10 years, with a body mass index above 30, and had a history of smoking up to 60 cigarettes a day.

In October 2007 Dr Nikkhah began working as a GP in Dubai, where her parents live, but after she discussed the criminal charge with her employers there her contract was terminated. She found another job as a GP in Dubai, and her employer was supporting her, but she learnt just before going into the witness box that the health authorities there had withdrawn her licence to practise.

She said after the jury's verdict, "This has clearly been a tragedy for all concerned. However, I have always maintained that my actions that day were not negligent and am pleased that the jury have examined the evidence and found me not guilty of manslaughter."

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