

PUBLIC RECORD

Date: 17/12/2021

Medical Practitioner's name: Dr Alok KHANNA

GMC reference number: 7365619

Primary medical qualification: Doctor - Medic 2012 Universitatea Ovidius

| Type of case | Outcome on impairment |
|---------------------|-----------------------|
| Review - Misconduct | Not Impaired |

Summary of outcome
Suspension revoked

Tribunal:

| | |
|--------------------------|--------------------|
| Legally Qualified Chair | Mrs Julia Oakford |
| Medical Tribunal Member: | Dr Frances Burnett |
| Medical Tribunal Member: | Dr Fade Ibitoye |

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|-----------------|---------------|
| Tribunal Clerk: | Ms Olivia Moy |
|-----------------|---------------|

Attendance and Representation:

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| Medical Practitioner: | Present and not represented |
| Medical Practitioner's Representative: | N/A |
| GMC Representative: | Miss Colette Renton, 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 - 17/12/2021

1. 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 Khanna's fitness to practise remains impaired by reason of misconduct.

Background

The 2021 Tribunal

2. Dr Khanna's case was first considered by a Medical Practitioners Tribunal in March 2021 ('the 2021 Tribunal'). Dr Khanna qualified in 2012 with an MBBS from the Universitatea Ovidius in Romania. Prior to the events which are the subject of the hearing, Dr Khanna moved to the UK in 2014 and worked as a Senior House Officer in Trauma and Orthopaedics at various hospitals until 2019. At the time of the events in the Allegation, Dr Khanna was employed as a Locum Senior House Officer on the Orthopaedic ward of Craigavon Area Hospital ('the Hospital').

3. The facts found proved at Dr Khanna's March 2021 hearing can be summarised as follows: On 14 February 2019, Dr Khanna accessed Miss A's email programme without her permission and sent an email to Mr B. It was found proved that Dr Khanna knew that Miss A had not drafted the email and had not permitted him to send the email on her behalf. It was also found proved that the email contained information which Dr Khanna knew to be untrue. As a result, the March 2021 Tribunal found that Dr Khanna's actions were dishonest.

4. The March 2021 Tribunal determined that Dr Khanna's actions amounted to misconduct. It found that Dr Khanna accessed Miss A's email without her permission; told her that he was going to send the email when she asked what he was doing on her email account; did not answer her questions; continued typing notwithstanding her questions and sent the email as if she was sending it and when he knew she had not drafted it, nor permitted it to be sent.

5. The Tribunal took the view that a member of the public would be ‘extremely perturbed’ by this behaviour. The March 2021 Tribunal further found that Dr Khanna was in breach of numerous paragraphs of GMP and that given all the circumstances, his actions amounted to misconduct which was serious.

6. The March 2021 Tribunal found that Dr Khanna’s fitness to practise was impaired by reason of his misconduct. The 2021 Tribunal did not consider that there was a risk of repetition and it did not therefore consider that it should make a finding of impairment on the basis of the need to protect the public. However, the Tribunal determined that a finding of impairment was necessary to promote and maintain public confidence in the medical profession and determined that the need to promote and maintain proper professional standards and conduct for members of the profession would be undermined if a finding of impairment were not made. The Tribunal concluded the case by suspending Dr Khanna’s registration from the medical register for a period of 9 months.

7. The March 2021 Tribunal determined to direct a review of Dr Khanna’s case. It considered that it would assist a reviewing Tribunal if Dr Khanna provided:

- A written statement prepared by Dr Khanna:
 - reflecting on these Fitness to Practise proceedings and how he has addressed or is addressing the aspects of his behaviour which have been identified as misconduct;
 - Setting out his current work position;
- References and/or testimonials from work colleagues relating to his practice in the 12 months preceding the hearing;
- His attendance at the review either in person or remotely;
- A schedule of the continuing professional development courses which he has undertaken;
- Any other information that he considers will assist the reviewing tribunal.

The Evidence

8. The Tribunal has taken into account all the evidence received:

- The determinations from the 2021 Tribunal;
- Various email exchanges between the GMC and Dr Khanna;
- Dr Khanna’s reflections;
- Various testimonial letters.

Submissions

9. On behalf of the GMC, Miss Renton submitted that the GMC are neutral to the matter of whether Dr Khanna’s fitness to practise remains impaired by reason of his misconduct.

10. Miss Renton submitted that Dr Khanna still does not seem to accept the dishonesty element of the factual findings of the March 2021 Tribunal, but stated that the question of his insight and whether it increases the risk of future repetition, is a matter for the Tribunal.

11. Dr Khanna submitted that his fitness to practise is no longer impaired. He submitted that he has never been dishonest previously in his career and stated that the current period of suspension on his registration has been the ‘worst 9 months of his life’.

12. Dr Khanna offered an apology to Miss A and submitted that he would never allow something similar to happen again. He stated that he is ready to go back to work at this point and believes that his fitness to practise is no longer impaired.

The Relevant Legal Principles

13. The Tribunal reminded itself that the decision in relation to 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 practice.

14. This Tribunal must determine whether Dr Khanna’s fitness to practise is impaired today, taking into account Dr Khanna’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

15. The Tribunal had regard to the submissions of both parties on whether Dr Khanna’s fitness to practise remains impaired by reason of his misconduct.

16. The Tribunal had regard to the various testimonials presented by Dr Khanna and noted that he is clearly a competent doctor. It noted that there are no clinical concerns with Dr Khanna’s practice and had regard to the courses Dr Khanna has undertaken during his period of suspension in order to try to keep his medical knowledge up to date.

17. The Tribunal considered Dr Khanna’s level of insight. It noted that Dr Khanna apologised a number of times for sending the email to Mr B and further noted that he seemed to understand the impact his actions had on Miss A. The Tribunal had regard to the determinations of the March 2021 Tribunal and noted that the Tribunal found it unlikely that Dr Khanna would repeat such actions. Today’s Tribunal considered Dr Khanna’s level of insight to be acceptable and was satisfied that the risk of repetition in this case is still very low.

18. The Tribunal noted that Dr Khanna has an understanding of why doctors need to be honest and understands how dishonesty can damage the reputation of the profession. The Tribunal further noted that the findings of the March 2021 Tribunal regarded one, singular

event of dishonesty on Dr Khanna's behalf and therefore considered that the public interest has been served by the 9 month long period of suspension.

19. Accordingly, the Tribunal concluded that Dr Khanna's fitness to practise is no longer impaired by reason of misconduct.

Conclusion

20. In all the circumstances, the Tribunal has determined that Dr Khanna's fitness to practise is no longer impaired by reason of his misconduct.

21. Accordingly, it also determined that the current order of suspension on Dr Khanna's registration should be revoked with immediate effect.

22. That concludes this case.