

PUBLIC RECORD**Date:** 25 March 2021**Medical Practitioner's name:** Dr Gamal MOHAMED

GMC reference number:	4355450
Primary medical qualification:	MB BCh 1980 Cairo
Type of case	Outcome on impairment
Deficient professional performance	Impaired

Summary of outcome

Conditions for 12 months

Legally Qualified Chair:

Legally Qualified Chair:	Ms Chitra Karve
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Review on the Papers

This case was reviewed on the papers, with the agreement of both parties, by a Legally Qualified Chair.

Overarching Objective

Throughout the decision making process the chair 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.

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1. I have reviewed the background to Dr Mohamed's case, which was first considered by a fitness to practise panel in February 2014. The allegations pertained to his role at that time at a hospital in Jersey as a Staff Grade Doctor in Obstetrics and Gynaecology. The panel in 2014 concluded that Dr Mohamed was impaired by reason of deficient professional performance. The panel accepted his giving a number of undertakings, including that he undergo a Performance Assessment. An Assessment was carried out in November 2015 and it assessed deficiencies in performance.
2. In April 2018, a medical practitioners tribunal considered Dr Mohamed's case and found Dr Mohamed's fitness to practice to be impaired by reason of deficient professional performance. The areas of concern included clinical management; assessment of patient's condition and record keeping. The tribunal also found that Dr Mohamed's deficiencies were capable of being remediated and that, although some efforts at remediation had been made, these were limited. That tribunal determined to impose conditions on Dr Mohamed's registration for a period of 12 months. Amongst other conditions, he was required to work only at ST3 level or below (or equivalent) in Obstetrics and Gynaecology and must be clinically supervised in this role.
3. In April 2019, a medical practitioners tribunal reviewed Dr Mohamed's case. The tribunal heard that despite making efforts to do so, Dr Mohamed had found it difficult to find employment that would meet the conditions imposed on his registration. Therefore he had not worked in the UK since March 2018. He had however arranged a 3 month self paid secondment at a hospital in Cairo from 1st April 2019. The tribunal accepted that although Dr Mohamed had only worked under supervision for a short period of time, he had undertaken a significant amount of relevant CPD activities, produced a PDP and a reflective document on the work he had undertaken in Cairo so far (about 2 weeks). The tribunal further found that although the respondent had not been able to provide sufficient evidence that he was able to resume unrestricted practice, this was due to no fault of his given his difficulties in finding employment in the UK. While the tribunal determined that there was insufficient evidence to remove all restrictions on practice, they considered it proportionate to reduce the levels of supervision previously required on his practice. These earlier conditions had required close supervision at ST3 level, and supervision at any post below that level. Reducing the levels of supervision would further allow Dr Mohamed to evidence remediation in the deficiencies in his performance while protecting the public at the same time. Other proportionate adjustments were made to

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some other previously imposed conditions. These adjusted conditions were imposed for a further 12 months.

4. In order to provide assistance at this review the tribunal at the previous review recommended that Dr Mohamed provide:
 - A report from his clinical supervisor(s);
 - feedback from professional colleagues;
 - Evidence of ongoing compliance with CPD requirements;
 - sufficient evidence to demonstrate obstetric exposure in labour wards, and acceptable performance of clinical management in obstetrics. This should include written evidence, such as regular case based discussions and clinical evaluation exercises; and
 - any other evidence he considers would assist a future tribunal.
5. Dr Mohamed and the GMC have agreed that this review should be considered on the papers in accordance with Rule 21B of the General Medical Council (Fitness to Practise) Rules 2004. They have provided agreed terms of an order which I could make at this review.
6. I have considered all of the evidence presented to me, and the agreed submissions made on behalf of Dr Mohamed and by the GMC. In the submissions, Dr Mohamed and the GMC agree that Dr Mohamed's fitness to practice remains impaired by reason of his deficient professional performance and that his registration should be subject to a further period of conditions for 12 months.
7. In reaching my decision, I have taken account of the Sanctions Guidance. I have borne in mind that the purpose of the sanction is not to be punitive, but to protect patients and the wider public interest, although it may have a punitive effect.
8. I have applied the principle of proportionality, weighing Dr Mohamed's own interests with the public interest. The public interest includes amongst other things, the protection of patients, the maintenance of public confidence in the profession, and declaring and upholding of proper standards of conduct and behaviour.

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9. I am satisfied that the proposed conditions would be proportionate and sufficient to protect the public and the public interest. I have therefore determined that Dr Mohamed's registration be made subject to the following conditions for a period of 12 months:

1. He must personally ensure the GMC is notified of the following information within seven calendar days of the date these conditions become effective:

a The details of his current post, including:

i his job title

ii his job location

iii his responsible officer (or their nominated deputy)

b the contact details of his employer and any contracting body, including his direct line manager

c any organisation where he has practising privileges and/or admitting rights

d any training programmes he is in

e of the contact details of any locum agency or out of hours service he is registered with.

2. He must personally ensure the GMC is notified:

a of any post he accepts, before starting it

b that all relevant people have been notified of his conditions, in accordance with condition 13

c if any formal disciplinary proceedings against him are started by his employer and/or contracting body, within seven calendar days of being formally notified of such proceedings

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- d if any of his posts, practising privileges, or admitting rights have been suspended or terminated by his employer before the agreed date within seven calendar days of being notified of the termination
 - e if he applies for a post outside the UK.
3. He must allow the GMC to exchange information with any person involved in monitoring his compliance with his conditions.
4. a He must have a workplace reporter appointed by his responsible officer (or their nominated deputy).
- b He must not work until:
- i his responsible officer (or their nominated deputy) has appointed his workplace reporter
 - ii he has personally ensured that the GMC has been notified of the name and contact details of his workplace reporter.
5. a He must design a Personal Development Plan (PDP), with specific aims to address the deficiencies in the following areas of his practice:
- Clinical Management
- b His PDP must be approved by his responsible officer (or their nominated deputy).
- c He must give the GMC a copy of his approved PDP within three months of these substantive conditions becoming effective.
- d He must give the GMC a copy of his approved PDP on request.
- e He must meet with his responsible officer (or their nominated deputy), as required, to discuss his achievements against the aims of his PDP.
6. a He must have an educational supervisor appointed by his responsible officer (or their nominated deputy)
- b He must not work until:

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- i his responsible officer (or their nominated deputy) has appointed his educational supervisor
 - ii he has personally ensured that the GMC has been notified of the name and contact details of his educational supervisor.
- 7. He must get the approval of the GMC before working in a non-NHS post or setting.
- 8. He must only work at ST3 level or below or equivalent.
- 9.
 - a He must be closely supervised in all of his ST3 posts by a clinical supervisor, as defined in the Glossary for undertakings and conditions. His clinical supervisor must be approved by his responsible officer (or their nominated deputy). The period of close supervision should continue until such time as his clinical supervisor considers a different level of supervision is appropriate.
 - b He must notify the GMC in writing, if the level of supervision at ST3 level changes.
 - c He must not work until:
 - i his responsible officer (or their nominated deputy) has appointed his clinical supervisor and approved his supervision arrangements
 - ii he has personally ensured that the GMC has been notified of the name and contact details of his clinical supervisor and his supervision arrangements.
- 10.
 - a He must be supervised in any obstetrics and gynaecology post below ST3 by a clinical supervisor, as defined in the Glossary for undertakings and conditions. His clinical supervisor must be appointed by his responsible officer (or their nominated deputy).
 - b He must not work until:

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- i his responsible officer (or their nominated deputy) has appointed his clinical supervisor and approved his supervision arrangements
 - ii he has personally ensured that the GMC has been notified of the name and contact details of his clinical supervisor and his supervision arrangements.

- 11. He must be closely supervised if working in a non-obstetrics and gynaecology medical role.

- 12. He must not work in any locum post or fixed term contract of fewer than 30 hours' duration.

- 13. He must personally ensure the following persons are notified of the conditions listed at 1 to 12:
 - a his responsible officer (or their nominated deputy)
 - b the responsible officer of the following organisations:
 - i his place(s) of work, and any prospective place of work (at the time of application)
 - ii all of his contracting bodies and any prospective contracting body (prior to entering a contract)
 - iii any organisation where he has, or has applied for, practising privileges and/or admitting rights (at the time of application)
 - iv any locum agency or out of hours service he is registered with
 - v if any of the organisations listed at (i to iv) does not have a responsible officer, he must notify the person with responsibility for overall clinical governance within that organisation. If he is unable to identify that person, he must contact the GMC for advice before working for that organisation.

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- 10.** In reaching this decision, I have taken into account that since the previous order was made the global COVID-19 pandemic has severely restricted Dr Mohamed's attempts to evidence remediation. Following the last review, he was unable to return to practice in Cairo. He has also been unable to find suitable employment in the UK, although he has registered with appropriate agencies. As a result he is unable to provide evidence to meet the requirements in the conditions placed upon him. I find that he is not culpable for this deficiency. He has been able to evidence that he has continued to undertake appropriate CPD which I have taken into account in making my decision.
- 11.** The effect of this direction is that, unless Dr Mohamed exercises his right of appeal, the conditions will take effect 28 days from when written notice of this determination has been served upon him. The current order of conditions will remain in place until the appeal period has ended, or in the event that he does appeal, that appeal is decided. A note explaining Dr Mohamed's right of appeal will be provided to him.
- 12.** Notification of this decision will be served on Dr Mohamed in accordance with the Medical Act 1983, as amended.

Confirmed
Date 25 March 2021

Ms Chitra Karve, Chair