

Dates: 14/12/2018

Medical Practitioner's name: Dr Khaldoon AL TAHS

GMC reference number: 7305260

Primary medical qualification: MB BCh BAO 2004 National University of Ireland – Royal College of Surgeons in Ireland

Type of case

Review - Misconduct

Outcome on impairment

Not Impaired

Summary of outcome

Suspension revoked

Tribunal:

Legally Qualified Chair	Miss Rachel Wedderspoon
Lay Tribunal Member:	Mr Peter Brown
Medical Tribunal Member:	Dr Kate Thomas

Tribunal Clerk:	Mr Rowan Barrett
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Attendance and Representation:

Medical Practitioner:	Present and represented
Medical Practitioner's Representative:	Mr Simon Cridland, Counsel, instructed by Tughans Solicitors
GMC Representative:	Mr Ian Simkin, Counsel

Record of Determinations – Medical Practitioners Tribunal

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.

Determination on Impairment - 14/12/2018

Background

1. In 2014, Dr Al-Tahs was working in Ireland and was registered with the Medical Council of the Republic of Ireland ('the Medical Council').
2. In or around October of that year, Dr Al-Tahs made an application to the Royal College of Ophthalmologists, London, to defer an examination. Included in support of this application was a fabricated handwritten certificate on South Infirmary Victoria University Hospital ('the hospital') headed paper. Around the same time, Dr Al-Tahs presented a fabricated handwritten certificate on 'Doctor on Duty' headed paper to members of the ENT clinical team at the hospital.
3. Following an IMC investigation, on 27 July 2016 the Fitness to Practise Committee of the Irish Medical Council ('the IMC Committee') found Dr Al-Tahs' fitness to practise impaired and conditions were imposed on his registration in Ireland.

January 2018 Tribunal

4. Dr Al Tahs' case was first considered by a Medical Practitioners Tribunal in January 2018 ('the January Tribunal'). Dr Al Tahs was present at that hearing and was legally represented.
5. At the outset of that hearing Dr All Tahs admitted the GMC's Allegation in full, which can be summarised as follows:
 - That the IMC Committee found that:
 - Dr Al-Tahs knew or ought to have known that the handwritten certificates he presented were fabricated.
 - His actions amounted to professional misconduct
 - A period of conditions was imposed on his registration

Record of Determinations – Medical Practitioners Tribunal

- The findings of the Committee were approved by the Medical Council of the Republic of Ireland ('the Medical Council') on 9 September 2016, and by the President of the High Court of Ireland ('the High Court') on 7 November 2016
- That Dr Al-Tahs failed to disclose the determination of the Medical Council and the High Court to the GMC.

6. The January Tribunal determined that Dr Al-Tahs' fitness to practise was impaired as a result of his misconduct. It concluded that Dr Al-Tahs' actions represented a departure from the standards expected of a doctor and brought the medical profession into disrepute.

7. The January Tribunal had regard to the aggravating and mitigating factors in Dr Al-Tahs' case, and determined that a period of 9 months' suspension would mark the seriousness of his misconduct, and would serve to promote and maintain public confidence in the medical profession. In reaching this decision, the January Tribunal noted that Dr Al-Tahs had taken steps to remediate and noted that there had been no suggestion of repetition.

8. The January Tribunal ordered a review hearing, and suggested that it may assist Dr Al-Tahs at this review to present evidence that he has kept his medical knowledge and skills up to date, comprehensive evidence of insight and reflection, as well as evidence that he understands his duties under Good Medical Practice.

Today's Review Hearing

9. This is the first review of Dr Al-Tahs' case.

10. The Tribunal has read the written reflections provided by Dr Al-Tahs.

11. The Tribunal has noted the significant evidence of Dr Al-Tahs' completion of several courses and CPD with regard to maintaining his clinical skills. It has also had regard to the evidence that Dr Al-Tahs has completed courses on ethics and communication skills.

12. The Tribunal has also read the positive testimonials provided by colleagues, several of which referenced a recent presentation by Dr Al-Tahs on medical ethics in which he discussed his own experience with regulatory processes.

Submissions

Record of Determinations – Medical Practitioners Tribunal

13. Mr Simkin did not make any submissions on behalf of the GMC as to whether Dr Al-Tahs' fitness to practise was impaired.

14. Mr Cridland referred the Tribunal to the evidence which he submitted showed Dr Al-Tahs had been proactive in keeping his knowledge and skills up to date with several relevant courses, and had also undertaken relevant courses on ethics and professional boundaries. He directed the Tribunal to Dr Al-Tahs' written statements, which he said demonstrated a genuine and deep reflection into the reasons for his misconduct.

15. Mr Cridland submitted that Dr Al-Tahs' insight was further demonstrated by him having been transparent about his experience with the GMC and IMC with his colleagues, with a view to sharing what he had learned from this experience.

16. Mr Cridland also referred the Tribunal to the very positive testimonials Dr Al-Tahs had received from colleagues. He submitted that Dr Al-Tahs' fitness to practise was no longer impaired as a result of his misconduct.

The Tribunal's Decision

17. Whilst the Tribunal has borne in mind the submissions made, the decision as to whether Dr Al-Tahs' fitness to practise remains impaired is a matter for this Tribunal exercising its own judgement.

18. The Tribunal bore in mind that its primary responsibility is to the statutory overarching objective, which is as follows:

- To protect, promote, and maintain the health, safety, and well-being of the public;
- To promote and maintain public confidence in the medical profession;
- To promote and maintain proper professional standards and conduct for members of that profession.

19. The Tribunal reminded itself of the recommendations set out by the January Tribunal, which were that this Tribunal may be assisted by evidence that Dr Al-Tahs has kept his medical knowledge and skills up to date, evidence that he has reflected

Record of Determinations – Medical Practitioners Tribunal

adequately on his misconduct and evidence that he understands his duties under Good Medical Practice.

20. The Tribunal has had regard to the fact that Dr Al- Tahs has been working consistently in Ireland during the period of his suspension from the UK medical register. It noted that his professional colleagues provided testimonials which suggest that he is well thought of and highly competent. The Tribunal also had regard to the evidence of relevant CPD undertaken by Dr Al-Tahs, which indicates that Dr Al-Tahs' medical knowledge and skills remain current.

21. The Tribunal carefully read the written reflections provided by Dr Al-Tahs. It considered that within these documents Dr Al-Tahs demonstrated a genuine understanding of the issues that led to his misconduct and of the impact of this on the reputation of the profession. The Tribunal also had regard to the testimonials provided by colleagues. Within these testimonials, which the Tribunal felt were authentic and seemed to be written by colleagues who knew Dr Al-Tahs well, he is referred to as 'a person who can always be trusted to act with integrity and reliability' and 'a person with strong moral principles.'

22. The Tribunal had particular regard to the multiple references within the testimonials to the presentation on medical ethics given by Dr Al-Tahs, in which he candidly discussed his experiences with regulatory bodies and his understanding of Good Medical Practice. It noted in particular the comments of Dr A, who wrote

'Personally, I learned a lot from his recent talk on ethics in which he referred to the IMC Guide to Professional Conduct and Ethics and the GMC Good Medical Practice. Dr Al-Tahs shared his own experience with us with full transparency.'

23. The Tribunal is therefore satisfied that Dr Al-Tahs has a very good understanding of his duties as a registered medical practitioner, and is encouraged that he is able to share that understanding with his colleagues.

24. The Tribunal also had regard to the January Tribunal's concerns regarding paragraph 75 of Good Medical Practice, which states

'You must tell us without delay if, anywhere in the world:

[...]

Record of Determinations – Medical Practitioners Tribunal

c. another professional body has made a finding against your registration as a result of fitness to practise procedures.'

25. The tribunal therefore finds that Dr Al-Tahs has shown significant insight into his misconduct, and taken appropriate steps to remedy it.

26. In addition to these findings, the Tribunal was reassured by a letter dated 7 March 2018 sent by Dr Al-Tahs to the IMC, which indicates that he has been fully transparent with the Irish regulator about the GMC investigation leading to these proceedings.

27. The Tribunal is therefore satisfied that it is no longer necessary in the public interest, or in the interests of upholding standards of conduct expected of a medical practitioner, or to promote and maintain confidence in the medical profession, for a finding of impairment to be made.

28. The Tribunal therefore finds Dr Al-Tahs' fitness to practise to be not impaired. The order of suspension on Dr Al-Tahs' registration is accordingly revoked.

Confirmed

Date 14 December 2018

Miss Rachel Wedderspoon, Chair