

PUBLIC RECORD

Date: 15/03/2024

Medical Practitioner's name: Dr Maryam MOHAMED AL QURESHI

GMC reference number: 4127390

Primary medical qualification: MB ChB 1994 University of Leeds

Type of case

Review - Misconduct

Outcome on impairment

Consideration of impairment
not reached

Summary of outcome

Adjourned to a new tribunal. Extend suspension, 6 months.

Tribunal:

Legally Qualified Chair	Mrs Helen Potts
Medical Tribunal Member:	Dr Fade Ibitoye
Medical Tribunal Member:	Dr Kate Thomas

Tribunal Clerk:	Ms Angela Carney
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Attendance and Representation:

Medical Practitioner:	Present, not represented
Medical Practitioner's Representative:	N/A
GMC Representative:	Ms Imaan Osman, 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 Adjourning and Extending the current order - 15/03/2024

1. Dr Mohamed Al Qureshi's case was originally considered by a Tribunal at a hearing which took place from 14-25 February 2022. That Tribunal determined that Dr Mohamed Al Qureshi's fitness to practise was impaired by reason of her misconduct and imposed a 12-month suspension order on her registration, with a review to be conducted shortly before the end of that period. The case was reviewed on 10 March 2023 and the suspension order was extended for a further period of 12 months; a review was directed.
2. The Tribunal has convened today to review the current order of suspension on Dr Mohamed Al Qureshi's registration.
3. At the outset of the hearing, Ms Osman, Counsel, on behalf of the GMC, explained that Dr Mohamed Al Qureshi would like to make an application under Rule 29(2) of the General Medical Council (Fitness to Practise) Rules Order of Council 2004 (as amended) ('the Rules') to adjourn today's hearing, as a preliminary matter. She said that there had been a period during which Dr Mohamed Al Qureshi had not engaged with the proceedings but that she had indicated that she now wishes to engage. Dr Mohamed Al Qureshi had been unable to obtain legal representation, partly due to financial difficulties and has also moved house. Ms Osman confirmed that the GMC does not oppose the application to adjourn.
4. Ms Osman told the Tribunal that the current order of suspension expires on 31 March 2024. In the event the Tribunal grant the adjournment, the GMC invites the Tribunal to extend the current order of suspension for a period of no more than six months, under Section 35D(5)(a) of the Medical Act 1983, as amended. Ms Osman submitted that a period of six months is sufficient to allow Dr Mohamed Al Qureshi time to obtain legal representation and provide evidence of her fitness to practise. She said that Dr Mohamed Al Qureshi does not oppose the application to extend the current order of suspension six months.

5. Dr Mohamed Al Qureshi confirmed that she wished to make the application to adjourn and extend the current order of suspension. She said a period of six months would be sufficient for her to gather documentation and obtain legal representation. She said that she has applied for legal representation and is waiting to hear back from the Barrister.

The Tribunal's Decision

6. The Tribunal has borne in mind the submissions from Ms Osman and Dr Mohamed Al Qureshi.

7. The Tribunal had regard to Rules 22(5), 29(2) and Section 35D(5)(a) of the Medical Act 1983, as amended, which state:

'22 (5) Where, prior to the Medical Practitioners Tribunal making a finding under rule 22(1)(f), a review hearing is adjourned under rule 29(2), the Medical Practitioners Tribunal—

(a) must consider whether to make a direction under section 35D(5)(a), (8)(a), or (12)(c) of the Act and announce its decision in that regard; and

(b) may consider whether to make an order under section 41A of the Act and announce its decision in that regard.

Rule 29(2)

Where a hearing of which notice has been served on the practitioner in accordance with these Rules has commenced, the Committee or Tribunal considering the matter may, at any stage in their proceedings, whether of their own motion or upon the application of a party to the proceedings, adjourn the hearing until such time and date as they think fit.

35D(5)(a) [On a review arranged under subsection (4A) or (4B)] 12 , [a Medical Practitioners Tribunal] 8 may, if they think fit— (a) direct that the current period of suspension shall be extended for such further period from the time when it would otherwise expire as may be specified in the direction;'

8. The Tribunal noted that Dr Mohamed Al Qureshi's current suspension expires on 31 March 2024. It has borne in mind that there would be insufficient time to adjourn and to have Dr Mohamed Al Qureshi's case re-listed before the current order expires on 31 March 2024.

9. The Tribunal took into account an email from the GMC to Dr Mohamed Al Qureshi, dated 11 March 2024, in which the GMC set out its position, as follows:

'...Currently your order of suspension is due to expire by the end of this month 31 March 2024. After having liaised with my seniors, it has been agreed that we are content for you to be given further time to obtain legal advice and gather your evidence.

However, as the matter cannot be relisted and the order is due to expiry the hearing this Friday will go ahead to extend the order so that it does not expire before the matter has been properly heard by the tribunal. Therefore the matter will not be postponed but adjourned instead.'

10. The Tribunal considered that Dr Mohamed Al Qureshi may have attended the hearing with a legitimate expectation that the applications to adjourn and extend the current order would be granted.

11. The Tribunal took into account that the GMC did not oppose the application to adjourn, and that Dr Mohamed Al Qureshi did not oppose the application to extend the current order for a period of six months.

12. Whilst it is a matter for the Tribunal exercising its own discretion, it was satisfied that it would be appropriate and fair to extend the current suspension order for a period of six months to allow Dr Mohamed Al Qureshi sufficient time to obtain legal representation and provide evidence of her current fitness to practise to the reviewing Tribunal.

13. The Tribunal was satisfied that by adjourning today's hearing and extending the order of suspension for a period of six months, the public would be adequately protected, as Dr Mohamed Al Qureshi would not be allowed to practise until her fitness to practise has been determined.

14. The Tribunal was also satisfied that public confidence in the medical profession, and the maintenance of proper professional standards and conduct for members of that profession would not be undermined if it granted the applications.

15. Accordingly in the interests of fairness the Tribunal determined to grant the application to adjourn and to extend the order of suspension for a period of six months.

16. The Tribunal further determined to direct a review of Dr Mohamed Al Qureshi's case. A review hearing will convene, before a new Tribunal, shortly before the end of the period of suspension, unless an early review is sought by either Dr Mohamed Al Qureshi or the GMC.

17. The Tribunal wishes to remind Dr Mohamed Al Qureshi of the indication given by the previous review Tribunal in March 2023 that:

“At the review hearing, the onus will be on Dr Mohamed Al Qureshi to provide evidence demonstrating how she has developed her insight and remediated her dishonesty and maintained her clinical knowledge and skills. It therefore may assist the reviewing Tribunal if Dr Mohamed Al Qureshi provides:

- *Evidence of the development of Dr Mohamed Al Qureshi's insight and reflection indicating that she fully appreciates the gravity of her misconduct and its consequences on patients and the medical profession;*
- *Evidence that Dr Mohamed Al Qureshi has kept her clinical knowledge and skills up to date to resume work as a GP;*
- *References/testimonials from those aware of her practice and these regulatory proceedings.*

Any material provided needs to be meaningful and substantive. It is the Registrant's responsibility to engage in a timely fashion, and there needs to be evidence to support any statements that she makes, such as, but not limited to, certificates from any courses attended.”

18. That concludes this case.