

PUBLIC RECORD

Date: 12 March 2024

Medical Practitioner's name:	Dr Praveen ALLA
GMC reference number:	6075593
Primary medical qualification:	MB ChB 2003 University of Sheffield
Type of case	Outcome on impairment
XXX Conviction/ Caution	XXX Impaired

Summary of outcome

Suspension for 9 months

Legally Qualified Chair:

Legally Qualified Chair:	Ms Christina Moller
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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.

Background

1. The background to Dr Praveen Alla's case was first considered by a Medical Practitioners Tribunal between 31 October - 4 November 2022. It was alleged that his fitness to practise was impaired XXX: conviction XXX.
2. His conviction arose from events on 16 November 2018 when Dr Alla was confronted by his colleagues at his practice in relation to their concerns about his prescriptions of XXX. It was alleged that he had misdirected prescriptions and that his response to colleagues had been dishonest.
3. On 7 October 2020, Dr Alla was convicted at Northern Derbyshire Magistrates' Court of fraud by abuse of position. On 8 December 2020, at Derby Crown Court, he was sentenced to 12 months' imprisonment suspended for 24 months, and directed to undertake rehabilitation activities.
4. There have been three previous Medical Practitioners Tribunals, one substantive hearing in 2022 (dates above) and two review hearings, the last one a review on the papers. XXX.
5. The first review hearing was on 27 February, 7 March and 3 April 2023. A review on the papers was conducted on 29 August 2023.

Tribunal in 2022

6. At his substantive fitness to practise hearing, held from 31 October - 4 November 2022, a Medical Practitioners Tribunal found that Dr Alla's fitness to practise was impaired by reason of his conviction XXX.
7. The Tribunal first considered whether Dr Alla's fitness to practise was impaired by reason of his conviction. The Tribunal considered that Dr Alla had been convicted of a serious crime: fraud by abuse of position. The seriousness of his conviction was reflected in the sentence imposed of 12 months' imprisonment suspended for 24 months.
8. However, the Tribunal was satisfied that Dr Alla had shown insight into reasons for his conviction and had expressed remorse in oral evidence to the Tribunal. Dr Alla told the Tribunal that he was ashamed and disgusted by his crime. In his witness statement dated 28 October 2022 he said *'The fact that my actions have had this impact on the profession that I love is devastating to me. I am determined to never find myself in this position again, where I have let myself and the profession down.'*
9. Dr Alla added: *'If I am given the opportunity to practise medicine again I will ensure that I prioritise XXX.'*

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10. The Tribunal also took account of the Judge's comments: *'It is clear, you were a caring, well thought of and an extremely good doctor. Prior to the offending you suffered from stress brought on by excessive work due to your dedication. Your colleagues all describe you in glowing terms, further supported by additional testimonials and reports submitted on your behalf. Prior to the offending XXX.'*

11. The Tribunal considered that the risk of repetition would be closely related to XXX. The Tribunal considered that, while Dr Alla was still subject to a suspended sentence, his conviction could not be considered to have been fully remediated. The Tribunal concluded that a finding of impairment by reason of this conviction was necessary to uphold the overarching objective.

12. XXX

13. XXX

14. XXX

15. XXX

16. XXX

17. XXX

18. The Tribunal concluded that a sanction of suspension was the necessary and appropriate sanction to maintain public confidence in the medical profession and to uphold professional standards.

19. The Tribunal determined that a suspension of three months duration would be sufficient and appropriate in the circumstances. A three-month suspension would mark the seriousness of the case and send a clear message to the doctor, the profession and public about the standards expected of a registered medical practitioner.

20. In 2022, the first Tribunal recommended that Dr Alla provide the following evidence to a review hearing:

- Confirmation that he had completed his suspended sentence;
- XXX;
- XXX;
- Evidence of continuing engagement with those authorities which may help him to return to practice.

Review hearings

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21. The first review hearing took place on 27 February 2023, 7 March 2023 and 3 April 2023. The Tribunal acknowledged that the suspended sentence imposed by the criminal court had expired and that there was no evidence of any further criminal activity since 2020.

22. However, the 2022 Tribunal had said that *'the risk of repetition will be closely related to XXX* and the reviewing Tribunal agreed with that view.

23. The Tribunal had concerns about XXX. It considered that, if Dr Alla were to be allowed to return to practice at that stage, there was a significant risk of repetition. The Tribunal determined that, in order to protect the public, maintain public confidence in the medical profession and uphold professional standards, a finding of impairment by reason of conviction was required.

24. XXX

25. XXX

26. The Tribunal took account of Dr Alla's written statement and oral evidence to the review hearing, but was concerned that XXX.

27. In relation to impairment, the Tribunal took account of guidance from Dame Janet Smith in the *Fifth Shipman Report* and considered that paragraphs (a) (b) (c) and (d) were engaged in Dr Alla's case. XXX.

28. The Tribunal considered that Dr Alla had breached fundamental tenets of the medical profession and that his behaviour had potential to bring doctors into disrepute. Dr Alla had acted dishonestly in the past and, taking account of XXX, may do so in future. In all the circumstances, the Tribunal found that Dr Alla's fitness to practise remained impaired XXX.

29. The Tribunal considered XXX. Whilst his conduct fell short of being fundamentally incompatible with continued registration, the Tribunal considered that any sanction less restrictive than suspension would be insufficient.

30. The Tribunal determined that a further suspension of four months was appropriate.

Review on papers in October 2023

31. Dr Alla and the GMC agreed that the last review may be considered on the papers in accordance with Rule 21B of the GMC (Fitness to Practise) Rules 2004. Jointly agreed terms of an order were provided to that review.

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32. The LQC considered all of the evidence presented, and submissions for Dr Alla and by the GMC. Dr Alla and the GMC had agreed that Dr Alla's registration should be subject to a further six-month suspension.

33. In October 2023, the LQC conducting a review on the papers was satisfied that a period of suspension was proportionate and would be sufficient to protect the public and the wider public interest. The LQC determined that Dr Alla's registration should be suspended for six months from when it would otherwise have expired, until 6 April 2024.

34. In reaching this decision, the LQC took account of the fact that, since the previous order was reviewed, Dr Alla was XXX.

This review

35. This review was considered by a Legally Qualified Chair (LQC) on the papers, taking full account of the *Sanctions Guidance* and relevant legal principles. The purpose of any sanction is to protect patients and the wider public interest, not to be punitive.

36. However, it is recognised that a sanction may have a punitive effect on a doctor. The Tribunal or LQC must apply the principle of proportionality, weighing Dr Alla's own interests with the public interest.

Evidence – legal principles

37. The LQC was provided with a bundle including Records of Determinations from Dr Alla's previous Tribunals referred to above. Correspondence or emails between the GMC, Dr Alla or his representative were also considered by the LQC.

38. XXX

39. His solicitor Stephen Hooper of Clyde & Co LLP confirmed on 17 January 2024 that: *'Dr Alla has had a difficult couple of months...'*

40. On 7 February 2024 Mr Hooper submitted that, *'in light of the tumultuous few months he has had, confirm that he agrees that he is XXX, and would therefore also agree that a further 6-month extension of the suspension on the papers would be a sensible approach.'*

41. The GMC initially proposed a 12-month suspension, XXX.

42. In an undated submission provided this year, the GMC agreed with the previous Tribunal that any sanction less than one of suspension would not be sufficient. *'Since this time, we have received no new evidence to suggest XXX. As nothing has materially changed on Dr Alla's case since this time, our submission would be a further period of suspension remains*

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the appropriate sanction on the doctor's case. The last two suspension periods have been relatively short.

43. The GMC said that, XXX, Dr Alla has had insufficient time to XXX. The last two suspensions were relatively short. The GMC proposed a further suspension to allow the doctor more time to XXX and to fully address the concerns of the previous Tribunal.

44. On 4 and 5 March 2024 Dr Alla and the GMC Assistant Registrar signed an agreement that the Tribunal should extend the Suspension Order: *'The parties hereby agree that the Practitioner's fitness to practise remains impaired by reason of XXX conviction and that pursuant to Section 35D(5)(a) of the Medical Act 1983 (as amended), the order of suspension currently imposed on the Practitioner's registration shall be extended for a further period of 9 months from the date on which it would otherwise expire.'*

45. The LQC observed that the agreed 9-month Suspension Order is half way between the different lengths (of six and twelve months) originally proposed by Dr Alla and the GMC. Account should be taken of the reasons given by both Dr Alla and the GMC for their agreement to a further suspension, as well as to the proposed length.

46. XXX

47. At the impairment stage, there is no burden or standard of proof. It is a question of judgment for the Tribunal or LQC. Impairment may be based on historical matters or a continuing state of affairs, but it is to be decided at the time of the hearing.

48. Account must be taken of any reparation, changes in behaviour, conduct or attitude since the relevant time. In determining impairment the Tribunal or LQC must consider whether or not the conviction XXX indicate any risk of harm, breach of a fundamental tenet of the medical profession, bringing it into disrepute or dishonesty, in the past or future: *Grant 2011 EWHC 927* citing Fifth Shipman report.

49. The need to maintain public confidence in the medical profession or declare standards of behaviour may mean that a doctor's fitness to practise is impaired by reason of conviction XXX. A finding of impairment may be necessary to reaffirm to the public and doctors the standard of conduct expected: *Yeong v GMC 2009 EWHC 1923*.

50. *Chaudhury 2017 EWHC 2561* reminds Tribunals of the importance of the overarching objective, the tripartite public interest and the need for a proper balancing exercise of all three elements of the public interest test. The public interest includes the protection of patients and other members of the public, maintaining public confidence in the medical profession, and declaring/upholding proper standards of conduct and behaviour.

Determination on Impairment

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51. In all the circumstances, including XXX since the last Review, the LQC concluded that his fitness to practise continues to be impaired by reason of conviction XXX. Dr Alla has been unable fully to demonstrate insight XXX and associated breach of the law and how to minimise the risk of repetition.

52. Dr Alla's actions in November 2018 posed a risk to patients, breached fundamental tenets of the medical profession, bringing doctors into disrepute and were dishonest. Without evidence of further insight and remediation there remains a risk of repetition.

53. The LQC determined that a finding of impairment is necessary to protect the public, maintain trust in doctors and to declare/uphold standards. This appears to be recognised by both Dr Alla and the GMC.

Determination on Sanction

54. Although a Tribunal need not adhere to *Sanctions Guidance*, it should have proper regard to and apply it: *Bramhall 2021* EWHC 2109. If departing from it, a Tribunal or LQC has a duty to state clear, substantial and specific reasons for the departure.

55. It is important that no doctor is allowed to resume unrestricted practice after suspension unless the Tribunal or LQC considers this would be safe. Dr Alla appreciates the gravity of his conviction, but has not yet demonstrated full insight into catalysts for, or ramifications of, his behaviour. The LQC must take account of the fact that Dr Alla has not reoffended.

56. Due to XXX, Dr Alla has not provided evidence of continued maintenance of skills and knowledge since the last review. However, he is a very experienced doctor. The LQC considered that Dr Alla has kept in touch with the GMC to the best of his ability and not been in a position to take all steps proposed by the original Tribunal.

57. Previous Tribunals have found that any sanction less restrictive than a suspension would be inappropriate and insufficient to protect the public and wider public interest. Both Dr Alla and the GMC agree with this view.

58. A XXX that led to a criminal conviction is a serious matter. In all the circumstances the appropriate, proportionate and necessary sanction is an Order of Suspension. This reflects the seriousness of the offence XXX. Doctors are expected to act with honesty and to uphold the law, XXX.

59. XXX

60. XXX

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61. At Dr Alla's last review hearing, he agreed to a further period of suspension to allow him to XXX. As there has been no material change since then, the LQC concluded that a further Suspension Order is the appropriate and necessary sanction.

62. As the last two Suspension Orders were relatively short, a longer order is required to enable Dr Alla to XXX and demonstrate further insight, remediation and take other steps to minimise any risk of repetition. Both the GMC and Dr Alla have proposed a nine month Order of Suspension, taking account of the need for more time.

63. In all the circumstances the LQC determined that a nine month Suspension Order is the appropriate and proportionate sanction. This is the length required to protect the public and wider public interest.

64. The effect of this direction is that, unless Dr Alla exercises his right of appeal, the period of suspension will take effect 28 days from when written notice of this determination has been served upon him. The current order of suspension 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 Alla's right of appeal will be provided to him.

65. Notification of this decision will be served on Dr Alla in accordance with the Medical Act 1983, as amended.

66. That concludes this case.