

PUBLIC RECORD

Date: 25/11/2022

Medical Practitioner's name: Dr Raheel MEHBOOB

GMC reference number: 7026998

Primary medical qualification: MB BS 2006 University of Karachi

Type of case: Review - Misconduct

Outcome on impairment: Not Impaired

Summary of outcome
Suspension revoked

Tribunal:

Legally Qualified Chair	Ms Melissa Coutino
Lay Tribunal Member:	Ms Liz Daughters
Medical Tribunal Member:	Dr John Garner
Tribunal Clerk:	Ms Olivia Moy

Attendance and Representation:

Medical Practitioner:	Present and represented
Medical Practitioner's Representative:	Mr Christopher Mellor, Counsel, instructed by Weightmans
GMC Representative:	Mr Lewis Kennedy, 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 - 25/11/2022

1. At this review hearing the Tribunal 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 Mehboob's fitness to practise remains impaired by reason of misconduct.

Background

The February 2022 Tribunal

2. Dr Mehboob's case was first considered by a Medical Practitioners Tribunal in February 2022 ('the 2022 Tribunal'). Dr Mehboob qualified in 2006 with a MB BS from the University of Health Sciences, Karachi, Pakistan. At the time of the events, Dr Mehboob was practising as a Speciality doctor at the Access and Assessment Team in the Adult Inpatient Unit Liaison Service in Colchester, for the Essex Partnership University Trust ('the Trust').

3. The facts found proved at the 2022 hearing can be summarised as follows: In October 2019, Dr Mehboob applied to multiple locum agencies, which included an application to Pulse Healthcare Limited 'Pulse Jobs'. As part of the application process, Dr Mehboob was required to provide details of someone who could provide a reference. Dr A, a clinical director for adult mental health services for Northeast Essex since 2018 who was Dr Mehboob's supervising consultant on the Inpatient Unit between January 2018 and August 2019. Dr Mehboob asked Dr A to provide a reference for him around September 2019.

4. On 21 October 2019, Ms C, the Executive Recruitment Consultant at Pulse Jobs, contacted Dr A and requested a medical reference on behalf of Dr Mehboob. On 6 November 2019, Ms C sent a reminder email to Dr A because he had not returned the medical reference. Dr A responded with the requested medical reference form to Pulse Jobs on 7 November 2019, but the second page of the form was missing ('the missing page'). Ms C contacted Dr A again, on 7 November 2019 and 21 November 2019 informing him of the missing page and asking him to return it completed. On 21 November 2019, Dr Mehboob received an email from Ms D, Recruitment Consultant at Pulse Jobs, containing a request to ask Dr A to complete the missing page. Dr Mehboob sent a completed second page of the medical reference form to Ms D on 22 November 2019.

5. On or before 22 November 2019, Dr Mehboob completed the missing page and sent it to Pulse Jobs. Dr Mehboob's conduct regarding completing and sending the missing page to Pulse Jobs was dishonest because he knew it was meant to be completed by Dr A.

6. On 27 November 2019, Dr A provided the missing page to Ms C, at Pulse Jobs. Later that same day, Ms D emailed Dr A and informed him that Pulse Jobs had already received it from Dr Mehboob a week prior (22 November 2019). Within this email, Ms D also asked Dr A to confirm whether or not he had completed the missing page that had been received on 22 November 2019. Dr A confirmed that the missing page sent on 22 November had not been completed by him.

7. An investigation into an allegation that Dr Mehboob falsified documentation was launched by Pulse Jobs. The Trust undertook an investigation and the matter was referred to the GMC. The Allegation was found proved by the 2022 Tribunal.

8. The 2022 Tribunal found that Dr Mehboob's conduct was serious, that his actions had brought the medical profession into disrepute and breached fundamental tenets of GMP. The Tribunal determined that Dr Mehboob's dishonesty amounted to misconduct that was serious.

9. The 2022 Tribunal found that it did not have evidence of adequate insight or remediation and noted that Dr Mehboob had continued to deflect from his dishonesty during his evidence. It considered that there was a high risk of repetition of his dishonest behaviour.

10. The 2022 Tribunal determined that a finding of impairment was necessary under limbs b and c (b. promote and maintain public confidence in the medical profession and c. promote and maintain proper professional standards and conduct for the members of the profession) of the overarching objective and therefore determined that Dr Mehboob's fitness to practise was impaired by reason of misconduct.

11. The 2022 Tribunal determined to suspend Dr Mehboob's registration for a period of 9 months:

'The Tribunal determined that upholding proper standards within the profession, and maintaining public confidence in the profession, would be maintained by a long period of suspension. It also noted that, whilst there may be "green shoots" of insight and remediation, Dr Mehboob was clearly far closer to the beginning of his growth than the end. Accordingly, it concluded that a period of 9-month suspension was the appropriate and proportionate sanction in this case. The Tribunal considered that such period would enable Dr Mehboob to complete his journey of insight and remediation and enable him, in due course, to return to practise and serve the public.'

12. The 2022 Tribunal clarified that at the review hearing, the onus would be on Dr Mehboob to demonstrate how he has developed insight and remediation. The 2022 Tribunal stated that it may assist the reviewing Tribunal if Dr Mehboob provided:

- A full and detailed reflective statement: Dr Mehboob may wish to reflect on his past actions, his dishonesty, and the impact upon public confidence in the medical profession as well as upon his colleagues;
- Reflection on the importance of trust and integrity on the public and profession;
- Up-to-date written reports from his responsible officer and medical supervisor, including details of any reflection within supervision about the above matters;
- Evidence of Continuing Professional Development courses undertaken addressing matters of probity, integrity, and professional ethics;
- Reflections on any learning or relevant courses that Dr Mehboob has undertaken;
- Evidence that he has kept up to date clinically during his period of suspension;
- Any other information that he considered would assist.

Today's Review Tribunal

13. 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 Mehboob's fitness to practise remains impaired by reason of misconduct.

The Evidence

14. The Tribunal has taken into account all the evidence received, including, but not limited to:

- Determinations of the 2022 Tribunal;
- Introduction letter from Dr Mehboob – dated 29 March 2022;
- Testimonial of Dr B – undated;
- Reflective statement – undated;
- Other various reflections;
- Ethics and Ethical Standards for Doctors certificate – dated 22 July 2022;
- Maintaining Professional Ethics, the Professional Boundaries Company certificate – dated 6-8 September 2022;
- Various 'wider learning' certificates;
- Various testimonial references.

Submissions of Mr Lewis Kennedy, on behalf of the GMC

15. On behalf of the GMC, Mr Kennedy submitted that the GMC are neutral on the matter of impairment in the case of Dr Mehboob.

Submissions of Mr Christopher Mellor, on behalf of Dr Mehboob

16. On behalf of Dr Mehboob, Mr Mellor submitted that Dr Mehboob is no longer impaired by reason of misconduct.

17. Mr Mellor submitted that it's clear that Dr Mehboob now has appropriate insight in relation to the previous findings of dishonesty and as to the gravity of his conduct in that regard and that he has fully remediated his misconduct. Mr Mellor stated that the Tribunal can be satisfied that there is a very low risk of repetition.
18. Mr Mellor submitted that the current period of suspension should be revoked and that Dr Mehboob should be permitted to return to unrestricted practise.
19. Mr Mellor submitted that Dr Mehboob has not had a clinical supervisor from when the suspension was imposed until now. However, Mr Mellor submitted that the doctor has remained in touch with his previous clinical supervisor throughout his period of suspension and drew the Tribunal's attention to his testimonial (Testimonial of Dr C).
20. Mr Mellor further submitted that it has not proved possible for Dr Mehboob to obtain a clinical attachment during the period of his suspension. Mr Mellor explained that in order to do so, Dr Mehboob would need to get informed consent from the patient prior to taking a history or examining them. Mr Mellor submitted that given Dr Mehboob's speciality is psychiatry, obtaining this consent would be problematic given the particularly vulnerable nature of psychiatric patients.
21. In relation to the doctor's insight, Mr Mellor submitted that whilst the previous Tribunal concluded that at the time of the hearing Dr Mehboob had not developed anything more than negligible insight into his actions and at the time, had not demonstrated an understanding of dishonesty. This can be seen in stark contrast to his level of insight now.
22. Mr Mellor submitted that Dr Mehboob fully accepts the previous Tribunal's findings that his actions were dishonest. Mr Mellor went on to state that Dr Mehboob has shown remorse and deep regret for his misconduct and that his training in relation to ethics has helped him to recognise and better understand his unethical action, how it occurred and understand that he was rationalising his wrongdoing and had been in denial.
23. In relation to remediation, Mr Mellor submitted that whilst at the time of the previous hearing there was no evidence to demonstrate that Dr Mehboob had taken any steps to remediate, this is a stark contrast from the position today.
24. Mr Mellor submitted that there is no risk of repetition in this case and noted that the previous Tribunal never identified any patient safety issues.
25. Mr Mellor drew the Tribunal's attention to a number of positive testimonials on behalf of Dr Mehboob and made the point that there is a public interest in him returning to unrestricted practise.
26. Given the above, Mr Mellor concluded that the Tribunal should find that Dr Mehboob's fitness to practise is no longer impaired today.

The Relevant Legal Principles

27. The Tribunal reminded itself that the decision of impairment is a matter for the Tribunal's judgement alone. This Tribunal is aware that it is for the doctor to satisfy it that he would be safe to return to unrestricted practise.

28. This Tribunal must determine whether Dr Mehboob's fitness to practise is impaired today, taking into account his 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.

29. The Tribunal bore in mind that it is for the doctor to demonstrate to the Tribunal that his fitness to practise is no longer impaired. It took account of paragraphs 163 and 164 of the *Sanctions Guidance* (November 2020 edition) ('the SG'), which state:

163 It is important that no doctor is allowed to resume unrestricted practice following a period of conditional registration or suspension unless the tribunal considers that they are safe to do so.

164 In some misconduct cases it may be self-evident that, following a short suspension, there will be no value in a review hearing. However, in most cases where a period of suspension is imposed, and in all cases where conditions have been imposed, the tribunal will need to be reassured that the doctor is fit to resume practice – either unrestricted or with conditions or further conditions. A review hearing is therefore likely to be necessary, so that the tribunal can consider whether the doctor has shown all of the following (by producing objective evidence):

*a they fully appreciate the gravity of the offence
b they have not reoffended
c they have maintained their skills and knowledge
d patients will not be placed at risk by resumption of practice or by the imposition of conditional registration.'*

30. The Tribunal took into account the case of *Abrahaem v GMC* [2008] EWHC 183, in which the court stated that, at a review, there is a persuasive burden on the practitioner to demonstrate that they have acknowledged why past conduct was deficient and that they had sufficiently addressed the past impairment.

The Tribunal's Determination on Impairment

31. The Tribunal had regard to the determination of the 2022 Tribunal and the submissions of both parties at today's review hearing.

32. The Tribunal first considered Dr Mehboob's current level of insight. It noted the doctor's latest reflective statement, where he stated:

'First of all, I would like to acknowledge the findings of the tribunal, I admit and accept that I was wrong. I have realized that I made an extremely poor decision, and this was a very dishonest thing to do, no matter what reasons I had at that time.'

And

'I betrayed the trust of my referee, employer, my colleagues and most of importantly the public. Knowing that doctors hold a highly responsible position of trust in the society, by my unethical action, I created a sense of mistrust in the public towards my honourable medical profession, which has an affect on the public, as well as on all my colleagues. Patients trust us as doctors and put their lives and health in our hands. My action of dishonesty broke this relationship of trust leading to doctors' integrity being questionable and it could lead to patients losing trust and confidence in either individual doctors or the whole profession. I also betrayed my referee, whom I have known for many years and placed him in a difficult predicament as a result of what I did. I have brought shame and embarrassment to all my colleagues and my highly respected profession. I deeply regret my actions and I would like to sincerely apologize to everyone who has been impacted by my unprofessionalism and dishonesty. I should have recognised before that acting in this disgraceful way would lead to all these wide consequences.'

33. The Tribunal considered Dr Mehboob's most recent reflective statement to be sincere and noted the journey to developing insight that Dr Mehboob has been on since February 2022 until now. The Tribunal had regard to the testimonial from Dr Mehboob's former supervisor, Dr C. Dr Mehboob has continued to meet with him and Dr C has commented on the doctor's progression: *'Initially he didn't show much insight.'* and went on to say, *'he has developed good insight into his behaviours and actions and accepts that he was in a state of denial before and during his Tribunal hearing.'*

34. The Tribunal noted the comprehensive documentary evidence which Dr Mehboob provided. The Tribunal found that Dr Mehboob had recognised the concerns raised by the February 2022 Tribunal and had systematically addressed each one. The Tribunal noted Dr Mehboob's oral evidence and considered that he was honest in his expressions of regret and remorse. In the Tribunal's view, Dr Mehboob now fully understood the gravity of his past misconduct.

35. In regard to remediation, the Tribunal determined that Dr Mehboob has undertaken the appropriate CPD. It noted the two ethics courses the doctor has undertaken which it accepted were relevant to the previous Tribunal's findings. The Tribunal further noted that in addition to his reflections, Dr Mehboob has reflected specifically on the course and its teachings.

36. The Tribunal considered that Dr Mehboob had demonstrated to it that he had fully invested in his remediation and it was clear to the Tribunal that Dr Mehboob had reflected on the gravity of his misconduct. The Tribunal considered that the period of 9 months suspension had allowed Dr Mehboob to develop appropriate insight and remediate his misconduct.

37. The Tribunal was satisfied that Dr Mehboob has now developed sufficient insight into his past misconduct and has demonstrated that he has fully remediated it and the Tribunal took into account Dr Mehboob's comprehensive CPD. The Tribunal found the risk of repetition in the case of Dr Mehboob to now be very low. The Tribunal noted that his misconduct was an isolated incident, there has been no repetition and further noted that patient safety was not in jeopardy.

38. This Tribunal therefore determined that Dr Mehboob's fitness to practise is no longer impaired by reason of misconduct.

39. The Tribunal noted that Dr Mehboob's suspension is due to expire on 18 December 2022. The Tribunal acknowledged that the February 2022 Tribunal imposed a 9 month suspension to mark the seriousness of Dr Mehboob's misconduct. However, having found Dr Mehboob's fitness to practise is not currently impaired, and in the light of the extensive remediation he has undertaken, the Tribunal determined that the suspension be revoked with immediate effect.

40. That concludes this case.