

PUBLIC RECORD

Dates: 09/12/2024

Medical Practitioner's name: Dr Ramamoorthy RAGURAM
GMC reference number: 5197065
Primary medical qualification: MB BS 1997 Kuvempu University

Type of case	Outcome on impairment
XXX	XXX
Review - Conviction	Impaired
Review - Misconduct	Impaired

Summary of outcome

Conditions

Tribunal:

Legally Qualified Chair	Mr Lee Davies
Medical Tribunal Member:	Dr Becky McGee
Medical Tribunal Member:	Dr Mahesh Nagar

Tribunal Clerk:	Mx Nate Caruso-Kelly
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Attendance and Representation:

Medical Practitioner:	Not present, not represented
GMC Representative:	Mr Andrew Molloy, 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 private.

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 - 09/12/2024

1. This determination will be read in private. However, as this case concerns Dr Raguram's misconduct and conviction a redacted version will be published at the close of the hearing.
2. At this review hearing the Tribunal now must 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 Raguram's fitness to practise is impaired by reason of misconduct, XXX or a conviction for a criminal offence.

The Outcome of Applications Made during the Impairment Stage

3. The Tribunal granted the GMC's application, made pursuant to Rule 41 of the Rules, that the hearing proceeds entirely in private. XXX.
4. The Tribunal granted the GMC's application, made pursuant to Rule 31 of the Rules, that service has been completed and the Tribunal should proceed in Dr Raguram's absence. The Tribunal's full decision on the application is included at Annex A.

Background

5. Dr Raguram qualified as a doctor in 1997 from Kuvempu University. At the time of the events Dr Raguram was practising as a General Practitioner at Park Ley Medical Practice, Coventry ('the Practice').

The October Tribunal

6. The facts admitted and found proved at Dr Raguram's hearing which took place in October 2024 were that on 3 November 2022, whilst working at his Practice, Dr Raguram was

intoxicated in a consulting room and made attempts to log on to the Practice’s computer system and put his smart card into the reader slot in the keyboard whilst intoxicated. He then continued to drink from a bottle of alcohol in his car whilst in the staff car park. It was further found proved that Dr Raguram drove a short distance in the staff car park whilst intoxicated.

7. It was further admitted and found proved that on 18 September 2023 at Birmingham Magistrates’ Court Dr Raguram was convicted of being in charge of a motor vehicle on a road after consuming so much alcohol that the proportion in his breath exceeded the legal limit and, as a result, he was disqualified from holding or obtaining a driving licence for 6 months and fined £700. After this, it was admitted and found proved that in or around March 2023 Dr Raguram was charged with a criminal offence and failed to notify the GMC of this without delay.

8. XXX

9. The October Tribunal found that Dr Raguram’s fitness to practise was impaired by reason of XXX conviction, and misconduct. The Tribunal determined that conditions should be imposed on Dr Raguram’s registration for a period of 15 months. The October Tribunal was of the view that a period of 15 months’ conditional registration would give Dr Raguram structure to continue with his remediation, XXX. The October Tribunal was of the view that this would give him sufficient time to address the limited insight into the conviction and some areas of the misconduct. The Tribunal determined to direct a review of Dr Raguram’s case.

The Evidence

10. The Tribunal has considered all the evidence received. The Tribunal received the determination of the October Tribunal and XXX.

Submissions

11. On behalf of the GMC, Mr Molloy submitted that Dr Raguram’s fitness to practice remains impaired by reason of misconduct, conviction XXX. He submitted that the substantive hearing concluded just over a month ago and therefore there has been virtually no time for Dr Raguram to engage in any remediation. He submitted that the Tribunal should have regard to the overarching objective and not lose sight of the wider public interest considerations in such a case.

The Relevant Legal Principles

12. The Tribunal reminded itself that the decision of impairment is a matter for the Tribunal's judgement alone. As noted above, the previous Tribunal set out the matters that a future Tribunal may be assisted by. This Tribunal is aware that it is for the doctor to satisfy it that he would be safe to return to unrestricted practise.

13. This Tribunal must determine whether Dr Raguram's fitness to practise is impaired today, considering Dr Raguram's 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.

The Tribunal's Determination on Impairment

14. The Tribunal considered that this review hearing had been sought by the GMC solely on the basis of amending the conditions to which Dr Raguram is currently subject. The Tribunal was mindful that just over a month has passed since the October Tribunal concluded and it has not been provided with any additional information to suggest there has been a significant change in Dr Raguram's position.

15. The Tribunal further bore in mind that the October Tribunal determined that conditions would be necessary for a period of 15 months, in order to give adequate time to XXX. The Tribunal noted that only one month of this 15 month period has elapsed, and it would be premature to conclude that his fitness to practise was no longer impaired.

16. Having considered the overarching objective to protect the public, the Tribunal has determined that Dr Raguram's fitness to practise remains impaired by reason of misconduct, XXX and a conviction for a criminal offence.

Determination on Sanction - 09/12/2024

17. This determination will be handed down in private. However, as this case concerns Dr Raguram's misconduct and conviction a redacted version will be published at the close of the hearing.

18. Having determined that Dr Raguram’s fitness to practise is impaired by reason of misconduct, XXX and a conviction the Tribunal now must decide in accordance with Rule 22(1)(h) of the Rules what action, if any, it should take regarding Dr Raguram’s registration.

Submissions

19. On behalf of the GMC, Mr Molloy submitted that conditions are the appropriate and proportionate sanction in this case. Mr Molloy submitted that the order for conditional registration which was made by the previous Tribunal should not be extended as only a month has passed. He therefore submitted that a period of 14 months would be appropriate.

20. With regard to varying the conditions currently imposed on Dr Raguram’s registration, Mr Molloy submitted that what was previously condition 7 should be retained but is suitable to be public. He further submitted that the Tribunal should consider if any other conditions are needed, XXX.

21. The Tribunal received brief written submissions from Dr Raguram. He submitted that he was happy for the Tribunal to proceed in his absence and amend the conditions so that they were workable. He submitted that the conditions should not be extended further and should ‘begin’ on the same day as they had previously been imposed.

The Tribunal’s Determination

22. The Tribunal, having regard to the basis of the finding of impairment made by the substantive Tribunal, and having regard to the overarching objective, must decide on the appropriate sanction to impose. The decision as to the appropriate sanction to impose, if any, in this case is a matter for this Tribunal exercising its own judgement.

23. The Tribunal reminded itself that the main reason for imposing any sanction is to protect the public and that sanctions are not imposed to punish or discipline doctors, even though they may have a punitive effect. Throughout its deliberations, the Tribunal has applied the principle of proportionality, balancing Dr Raguram’s interests with the public interest.

Aggravating and Mitigating Factors

24. The Tribunal first considered and balanced the aggravating and mitigating factors in this case.

25. The Tribunal noted the aggravating and mitigating factors identified by the October 2024 Tribunal and found that they remained applicable at this review hearing. The Tribunal further bore in mind that Dr Raguram has complied with the conditions on his registration and remains engaged with the GMC.

26. Undertakings were not offered in this case.

No action

27. The Tribunal first considered whether to conclude the case by taking no action. It accepted that taking no action following a finding of impaired fitness to practise would only be appropriate in exceptional circumstances. The Tribunal found that there are no exceptional circumstances in this case that would justify taking no action.

28. The Tribunal determined that there are no exceptional circumstances in this case and that, it would not be sufficient, proportionate, or in the public interest to conclude this case by taking no action.

Conditions

29. The Tribunal then considered whether to impose conditions on Dr Raguram's registration. The Tribunal bore in mind that this review hearing was intended to amend the conditions which had previously been imposed and were found to be unworkable.

30. The Tribunal was mindful that the October 2024 Tribunal had the benefit of receiving live evidence and hearing from Dr Raguram, which had not been possible at this hearing. The Tribunal further considered that only around five weeks had elapsed since the conclusion of the October Tribunal and as a result no new evidence had been provided. XXX.

31. The Tribunal therefore concluded that conditions remained the appropriate and proportionate sanction in this case. The Tribunal found that imposing a period of suspension would be disproportionate, and the least restrictive sanction which would meet the overarching objective was a period of conditions.

32. When considering which conditions to impose on Dr Raguram's registration, the Tribunal accepted Mr Molloy's submission that the condition relating to the GMC Adviser should be public. Furthermore, the Tribunal determined to impose further conditions relating to a workplace reporter and XXX.

33. The following conditions will be published:

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 organisation on whose medical performers list he is included
 - f 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 6
 - 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
 - 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 get the approval of his GMC Adviser before accepting any post.
 - b He must keep his professional commitments under review and limit his work if his GMC Adviser tells him to.
 - c He must stop work immediately if his GMC Adviser tells him to and must get the approval of his GMC Adviser before returning to work.

6. He must personally ensure the following persons are notified of the conditions listed at 1 to 5:
 - 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 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 this person, he must contact the GMC for advice before working for that organisation.
 - c the responsible officer for the medical performers list on which he is included or seeking inclusion (at the time of application)
 - d the approval lead of his regional Section 12 approval tribunal (if applicable) - or Scottish equivalent
 - e his immediate line manager and senior clinician (where there is one) at his place of work, at least 24 hours before starting work (for current and new posts, including locum posts).

34. XXX

Review Hearing

35. The Tribunal determined to direct a review of Dr Raguram’s case. A review hearing will convene shortly before the end of the period of conditional registration, unless an early review is sought.

36. The Tribunal wished to clarify that, at the review hearing, the onus will be on Dr Raguram to demonstrate how he has further developed his insight. Any future Tribunal may be assisted by the following documents:

- XXX;
- XXX; and
- Any other information that Dr Raguram feels relevant.

37. The Tribunal have directed to vary the conditions previously imposed for the remainder of the current order. The MPTS will send Dr Raguram a letter informing Dr Raguram of his right of appeal and when the direction and the new sanction will come into effect. The current order of conditions will remain in place during the appeal period.

38. That concludes the case.

ANNEX A – 09/12/2024

Application on Service & Proceeding in Absence – Rule 31

Service

39. Dr Raguram was neither present nor represented today at this Medical Practitioners Tribunal ('MPT') hearing. The Tribunal therefore considered whether the relevant documents had been served in accordance with Rules 15 and 40 of the General Medical Council ('GMC') ('Fitness to Practise') Rules 2004 ('the Rules') and Schedule 4, Paragraph 8 of the Medical Act 1983.

40. On behalf of the GMC, Mr Molloy submitted that the Tribunal can be satisfied that service has been affected and it should proceed in Dr Raguram's absence. Mr Molloy drew the Tribunal's attention to the GMC Information Letter and the MPTS Notice of Hearing. He submitted that these letters had both been sent to Dr Raguram's registered email address. Mr Molloy submitted that these letters set out the chronology and methodology pertaining to service and show that Dr Raguram is aware of today's hearing.

41. The Tribunal noted the GMC information letter, setting out the reasons for the GMC seeking this early review hearing, dated 21 November 2024 was sent to Dr Raguram via his registered email address.

42. The Tribunal further noted that the MPTS Notice of Hearing was sent by email to Dr Raguram on 27 November 2024. Dr Raguram responded to the MPTS Notice of Hearing that same day, stating *'I can confirm receipt of this email'*.

43. Accordingly, having considered all the evidence before it, the Tribunal was satisfied that Dr Raguram has been properly served with notice of this hearing in accordance with Rules 15 and 40 of the Rules and paragraph 8 of Schedule 4 of the Medical Act 1983.

Proceeding in the Absence

44. Having been satisfied that notice was properly served upon Dr Raguram, the Tribunal then considered whether to proceed with this hearing in his absence, in accordance with Rule 31 of the Rules.

45. The Tribunal had regard to the principles established in *R v Jones* (2001) EWCA Crim 168 and *Adeogba* (2016) EWCA Civ 162, and that the discretion to proceed in the absence of a doctor should be exercised with the utmost care and caution, balancing the interests of the doctor with the wider public interest.

46. An email was sent to Dr Raguram from the GMC on 27 November 2024, enclosing further documents to be provided to the Tribunal. Dr Raguram responded to that email the same day, stating *'Many thanks for your email. I've not had a chance to look at any documents. XXX. The Tribunal further noted a series of emails between Dr Raguram and the GMC dated between 27 November and 6 December 2024.*

47. Finally, the Tribunal considered the telephone note dated 6 December 2024 which details a phone call between the GMC and Dr Raguram. Dr Raguram informed the GMC that, *'he wishes for the hearing to proceed in his absence and does not want to postpone the hearing given there's no new information or any contentious matters the GMC is putting forward.'*

48. The Tribunal was satisfied that Dr Raguram is aware of these proceedings and is content that the hearing proceeds in his absence. The Tribunal noted that Dr Raguram has not requested an adjournment. The Tribunal did not consider that an adjournment was necessary to secure Dr Raguram's attendance as he has confirmed that he is happy for the Tribunal to proceed. The Tribunal was satisfied, in these particular circumstances, that it was in the interests of justice to proceed in Dr Raguram's absence.

49. The Tribunal therefore determined to proceed in Dr Raguram's absence.