

**PUBLIC RECORD**

Date: 12/07/2023

Medical Practitioner's name: Mr Shahid KHAN

GMC reference number: 3626458

Primary medical qualification: MB BS 1982 University of Punjab (Pakistan)

Type of case	Outcome on impairment
Misconduct	Impaired

**Summary of outcome**  
Suspension for 12 months

**Legally Qualified Chair:**

Legally Qualified Chair:	Mr Andrew Clemes
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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.

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1. I have noted the background to Mr Khan's case, which was first considered by a Medical Practitioners' Tribunal in July 2021 ("the July 2021 Tribunal"). On 10 November 2020 Mr Khan had been convicted of manslaughter and sentenced to 20 months' imprisonment suspended for 2 years with a condition that he was placed on a curfew which was electronically monitored.
2. The July 2021 Tribunal found that Mr Khan's fitness to practise was impaired and imposed a sanction on his registration of suspension for 12 months. That Tribunal listed areas that would be of assistance to a reviewing Tribunal namely:
  - Evidence that he has reflected on the incident which resulted in the conviction;
  - Specific training in relation to the use of local anaesthesia to demonstrate that he has retrained and remediated the complex clinical mistake.
  - Evidence of his Continuing Professional Development and that he has kept his skills and knowledge up to date, both in general and his area of expertise; and
  - Any other information that he considers will assist.
3. In July 2022, a Legally Qualified Chair (LQC) reviewed Mr Khan's case on the papers and found Mr Khan's fitness to practise was still impaired by reason of his conviction. By the time of the review, Mr Khan had taken none of the steps outlined by the July 2021 Tribunal with the LQC noting that Mr Khan had not been able to complete CPD training by the time of the review. The GMC took a pragmatic approach and agreed to the order being made on the papers despite this failure by Mr Khan. The LQC determined to suspend Mr Khan's registration for a further period of 12 months.
4. Mr Khan and the GMC have agreed that this review should be considered on the papers in accordance with Rule 21B of the General Medical Council (Fitness to Practise) Rules 2004. They have provided agreed terms of an order which I could make at this review.
5. I have considered all the evidence presented to me and the agreed submissions made on behalf of Mr Khan and by the GMC. In the submissions, Mr Khan and the GMC agree that Mr Khan's registration should be subject to a further period of suspension for 12 months.
6. I have taken into account, that since the previous order was made, the circumstances have not changed, save that Mr Khan has indicated via his solicitors that he intends to apply shortly for voluntary erasure.

**Record of Determinations  
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7. In reaching my decision, I have taken account of the Sanctions Guidance. I have borne in mind that the purpose of the sanction is not to be punitive, but to protect patients and the wider public interest, although it may have a punitive effect.
8. I have applied the principle of proportionality, weighing Mr Khan's own interests with the public interest. The public interest includes, amongst other things, the protection of patients, the maintenance of public confidence in the profession, and the declaring and upholding of proper standards of conduct and behaviour.
9. I am satisfied that a period of suspension is proportionate and would be sufficient to protect both the public and the public interest. I have therefore determined that Mr Khan's registration be suspended for a further period of 12 months.
10. In reaching this decision, I note that Mr Khan is still yet to complete the areas identified by the July 2021 Tribunal. Although he has still not undertaken any of those remediation activities and this would normally mean that such a case would not be eligible for a review on the papers, the GMC are nevertheless satisfied that a pragmatic approach is again the correct one in this case and have agreed that a review on the papers should proceed. I note that Mr Khan has openly indicated that he intends to apply for voluntary erasure.
11. The effect of this direction is that, unless Mr Khan exercise his right of appeal, the period of suspension will take effect 28 days from the time 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, until that appeal is decided. A note explaining Mr Khan's right of appeal will be provided to him.
12. Notification of this decision will be served on Mr Khan in accordance with the Medical Act 1983, as amended.