

IN THE FAMILY HEALTH SERVICES APPEAL AUTHORITY

Case No: FHS/13454

**ROBIN CHAUDHURI – Chairman
DR. G. SHARMA –Professional Member
L. THURLOW – Lay Member**

BETWEEN

**DR. S. Z. AHMAD
(GMC No. 2288930)**

Appellant

-and-

**HEART OF BIRMINGHAM
TEACHING PRIMARY CARE TRUST**

Respondent

DECISION WITH REASONS

1. On **11th October 2006**, the Heart of Birmingham Teaching Primary Care Trust (hereinafter referred to as the “PCT”) removed Dr. Ahmad from its General Medical Services Performers List on the ground that his continued inclusion in the List would be prejudicial to the efficiency of General Medical Services under **S49F(2) National Health Service Act 1977 (as amended)**. Dr. Ahmad seeks to appeal against that decision.

2. On **9th February 2007** the Panel convened to hear Dr. Ahmad’s appeal. Dr. Ahmad was not legally represented but was accompanied by a Dr. Zafar. The PCT were represented by Miss Richler-Potts (Solicitor) and Peter Magee (Assistant Director of Performance and Governance at the PCT).

3. **Background:**

Dr. Ahmad is a General Medical Practitioner who commenced practice in Birmingham in 1979. Following concerns raised in July 2003 and September 2003 a multi-disciplinary team from the PCT investigated Dr. Ahmad's practice in January 2004. Some improvements were shown but the PCT still retained concerns about the practice.

In **January 2005** the PCT contacted NCAS (National Clinical Assessment Authority as was) for advice. Subsequently it was decided by all parties that NCAS would carry out a comprehensive assessment of Dr. Ahmad. In the interim, further monitoring was carried out by Dr. Sam Mukherjee on 29th April 2005 (G.P. head for Quality Improvement) and John Morrison (Head of Medicine Management) in October 2005. Mr. Morrison's report undoubtedly gave cause for concern. The report gave an example of a local pharmacist who, on a daily basis, was sending up to 30 prescriptions back to Dr. Ahmad for correction. Mr. Morrison concluded his report as follows:

"...I was amazed at the amount of prescriptions we found with issues, especially those of dosing in children, on inspection. This coupled with Dr. Ahmad's inability to explain his decision-making progress on discussion at the practice, leaves me with concerns about his ability to safely prescribe medication for his patient population."

4. The NCAS report was finally completed in **December 2005**. Their conclusions were particularly devastating for Dr. Ahmad. On **P.32** of the said report the authors concluded that, without the support of the practice staff and the medical support of the salaried GP, Dr. Ahmad's patients *"would be at significant risk of adverse incident. Dr. Ahmad's workload generally comprises uncomplicated, self-limiting, acute conditions and even at this level, the assessors observed problems"*.

The authors of the report:

- (i) commented on Dr. Ahmad's lack of insight into his own behaviour and the unlikelihood of appreciating the value of feedback;
- (ii) recommended that Dr. Ahmad be contingently removed from the Performers List;
- (iii) recommended that Dr. Ahmad be referred to a neuro-psychiatrist for testing of cognitive function;

(iv) recommended that if no cognitive impairment was found, then Dr. Ahmad would require a period of re-training.

5. Upon receipt of the report, the PCT called a meeting on **24th March 2006**. Dr. Ahmad was suspended from practice.

Dr. Ahmad was subsequently assessed by Dr. Christopher Jones, a Consultant Clinical Psychologist. He concluded that:

(i) Dr. Ahmad's current level of intellectual functioning was indicative in the low average range;

(ii) His current memory functioning was in the borderline impairment range.

Following receipt of this report Dr. Ahmad was invited to a meeting with the PCT on **9th August 2006**. He failed to attend and so a further hearing was convened for **8th September 2006**. This hearing was subsequently adjourned to **11th October 2006**. On **6th October 2006** Dr. Ahmad wrote to the PCT and indicated that he wished to take early retirement and draw on his pension.

On **11th October 2006** the PCT removed Dr. Ahmad from its Performers List (as set out in paragraph 1 above).

On **2nd November 2006** the PCT received confirmation from the General Medical Council that its Interim Orders Panel had suspended Dr. Ahmad's registration for a period of 18 months, with effect from the **26th October 2006**.

On **7th November 2006** Dr. Ahmad wrote to the FHSAA indicating his desire to appeal the decision of the PCT on **11th October 2006**.

6. **The Evidence:**

The Panel have had the opportunity to consider:

(i) a witness statement from Peter Magee;

(ii) a letter from Dr. Sturman (Consultant Neurologist) dated 11/10/06;

- (iii) a letter from Dr. P.G. Vercow dated 9/1/07.

Dr. Ahmad also produced a second report from Dr. Christopher Jones dated **1st February 2007**. Dr. Jones concluded that, whilst there had been some improvement in Dr Ahmad's current level of intellectual functioning, his previous conclusions had not altered.

Dr. Ahmad gave oral evidence to the Panel. He submitted that:

- (i) he was not dangerous to patients;
- (ii) he sought further psychometric testing;
- (iii) he did not want to work for the PCT or any other PCT ;
- (iv) he should not have been suspended by the GMC;

The Panel heard briefly from Peter Magee on behalf of the PCT.

7. The Decision:

The Panel considered all the relevant evidence. The appeal is by way of a re-determination. The Panel have unanimously determined that Dr. Ahmad's appeal should be dismissed.

8. Reasons:

The Panel were concerned by the total lack of insight displayed by Dr. Ahmad. It is quite clear from the reports of Dr. Jones, Dr. Vercow and Dr. Sturman that there are significant concerns regarding Dr. Ahmad's poor results during neuro-psychological testing. Those concerns still remain as at the date of this hearing. Dr. Ahmad does not share those concerns. Similarly, he does not appear to have understood, let alone accept, the significance of the concerns raised by the NCAS report. The Panel are of the view that the PCT had little choice but to remove Dr. Ahmad from its Performers List on the grounds of "efficiency". The Panel also noted that Dr. Ahmad, on more than one occasion during his evidence, expressed the view of not wanting to work for the PCT. In such circumstances, the Panel could not understand why he had chosen to appeal against his removal.

9. Any party to these proceedings has the right to appeal this decision under and by virtue of **S.11 Tribunals and Injuries Act 1992** by lodging a Notice of Appeal in the Royal Courts of Justice, the Strand, London WC2A 2LL within 28 days from the receipt of this Decision.

ROBIN CHAUDHURI
CHAIRMAN

12th February 2007