



**Findings of the Fitness to Practise Committee
following an Inquiry held pursuant to Part 8
of the Medical Practitioners Act 2007**

Registered Medical Practitioner:	Dr Zahir Mohamed
Registration Number:	019633
Registered Address:	25 The Close Lakepoint Park Mullingar Co Westmeath
Date of Inquiry:	17 th October 2012
Members of Inquiry Committee:	Mr Brendan Broderick (Chair) Dr Mary Henry Ms Catherine Earley
Legal Assessor:	Ms Patricia Dillon SC
Appearances - For the Chief Executive:	Mr. JP Mc Dowell of Mc Dowell Purcell Solicitors.
For the Practitioner:	Mr Terence Moran of Hayes Solicitors

Findings of the Committee:

Allegation 1(a):

That on or around 07 August 2011 at Athlone Garda Station, Dr Mohamed refused to permit a designated doctor or designated nurse to take from him a specimen of his blood.

Allegation 1(b):

That Dr Mohamed refused to provide for the designated doctor or designated nurse a specimen of his urine.

Having regard to the evidence adduced, the Committee found that :

Allegation 1(a) & (b) was admitted but did not amount to professional misconduct.

Allegation 2:

That on or around 07 August 2011 Dr Mohamed was under the influence of alcohol when he knew or ought to have known that he was scheduled for duty later that day

Allegation 2 was proven as to fact.

Reason:

The Committee accepts Garda Murphy's evidence that he detected a smell of alcohol from Dr Mohamed's breath. The Committee accepts Garda Murphy's evidence that he failed the alcometer test, and further accepts the Garda's evidence that Dr Mohamed's demeanour was consistent with that of somebody who was under the influence of alcohol.

The Committee rejects Dr Mohamed's evidence that he had not consumed alcohol. The Committee also rejects his allegations of racial discrimination, and rejects as not credible that he requested medical assistance of four individuals, namely, Dr X, Garda Murphy, Sergeant Nee and Dr Du Plessis and that such requests were refused by each of these individuals.

The Committee also rejects as not credible that suggested explanation for the smell of alcohol from the doctor's breath as being attributable to an exposure to or inhalation from empty beer bottles in Dr X's car. The Committee is satisfied that there were no such bottles present and rejects Dr Mohamed's evidence in this regard.

Allegation 2 did amount to professional misconduct.

Reason:

This meets both tests of professional misconduct as set out at 2(1)(a) and 2(1)(b) on page 11 of the Ethical Guide, 7th edition.

Allegation 3:

That on or around 23 May 2012 at Athlone District Court, Dr Mohamed was convicted of an offence whereby he refused to permit a designated doctor and/or a designated nurse to take from him a specimen of your blood, and/or, at his option, to provide for the designated doctor or designated nurse a specimen of his urine contrary to section 13of the Road Traffic Act 1994, as amended

Allegation 3 was admitted but did not amount to professional misconduct.

Brendan Broderick

Chairperson

19th October, 2012

Date