

Hearing held in public

Summary

Name:	PRIOR MOREIRA, Hugo Manuel [Registration no: 199909]
Type of case:	Interim Orders Committee (initial)
Outcome:	Interim Suspension
Duration:	18 months
Date:	26 February 2020
Case number:	CAS-193791

The role of the Interim Orders Committee (IOC) is to undertake a risk assessment based on the information before it. Its role is to assess the nature and substance of any risk to the public in all the circumstances of the case and to consider whether it is necessary for the protection of the public, is otherwise in the public interest, or is in the registrant's own interests to impose an interim order on their registration. It is not the role of the IOC to make findings of fact in relation to any charge. That is the role of a differently constituted committee at a later stage in the process.

Decision on service of Notice of Hearing

Mr Prior Moreira is neither present nor represented at today's hearing. Mr Johnson appears on behalf of the General Dental Council (GDC). In the absence of Mr Prior Moreira, the Committee first considered whether the Notice of Hearing had been served on him in accordance with Rules 35 and 65 of the GDC (Fitness to Practise) Rules Order of Council 2006 (the Rules).

The Committee has received a copy of the Notice of Hearing letter dated 13 February 2020, addressed to Mr Prior Moreira at his registered address. The Committee is satisfied that the Notice of Hearing letter contains proper notice of today's hearing, including its time, date and location, as well as informing Mr Prior Moreira that the Committee has the power to proceed with the hearing in his absence. The Royal Mail track and trace receipt confirms that the item was delivered to Mr Prior Moreira's registered address on 15 February 2020 and was signed for.

In addition, the Committee has seen a copy of a letter dated 20 February 2020 from Clyde & Co Solicitors acting on behalf of Mr Prior Moreira, to the GDC. They confirm that they are writing further to the GDC's Notice of Hearing dated 13 February 2020.

Having regard to all the documents, the Committee is satisfied that the Notice of Hearing had been served on Mr Prior Moreira at his registered address within a reasonable period of time in accordance with the Rules.

Decision on proceeding in the absence of Mr Prior Moreira

The Committee next considered whether to exercise its discretion under Rule 54 to proceed with the hearing in the absence of Mr Prior Moreira.

Mr Johnson, on behalf of the GDC, invited the Committee to proceed, notwithstanding the absence of Mr Prior Moreira. He presented evidence of the reasonable efforts made by the GDC to notify Mr Prior Moreira of today's hearing, in accordance with the Rules. He invited the Committee to conclude that Mr Prior Moreira has voluntarily absented himself from these proceedings. Further, Mr Prior Moreira has not sought an adjournment. Mr Johnson also submitted that the alleged concerns against Mr Prior Moreira are serious and that it is in the public interest to proceed with today's hearing.

The Committee has considered the submissions made by Mr Johnson. It has accepted the advice of the Legal Adviser. The Committee is satisfied that the Notice of Hearing had been served on Mr Prior Moreira in accordance with the Rules. It notes the letter dated 20 February 2020 from Clyde & Co Solicitors, acting on behalf Mr Prior Moreira, headed "Interim Orders Committee – 26 February 2020" to the GDC, in which they state that Mr Prior Moreira will not be present or represented at today's hearing. The letter advises that Mr Prior Moreira is no longer practising as a dentist and has applied for voluntary removal. They refer to their letter to the GDC, also dated 20 February 2020, headed "General Dental Council v Hugo Moreira" which states that on 24 December 2019 Mr Prior Moreira submitted an application for voluntary removal. That letter further states that Mr Prior Moreira has not practised as a dentist since November 2019.

In these circumstances, the Committee has concluded that Mr Prior Moreira is aware of today's hearing and has voluntarily waived his right to attend. Mr Prior Moreira has not requested an adjournment of today's hearing. In light of Mr Prior Moreira's stated position that he no longer wishes to practise as a dentist, as confirmed in the letter dated 20 February 2020 from Clyde & Co Solicitors to the GDC, the Committee considers that an adjournment is unlikely to lead to Mr Prior Moreira attending a future hearing. The Committee has also had regard to the public interest in the expeditious disposal of this case, given the serious nature of the allegations against Mr Prior Moreira.

Taking all these factors into account, the Committee is satisfied that it is fair and reasonable for the hearing to proceed in the absence of Mr Prior Moreira.

Decision on Interim Order:

The Committee has considered all the information before it. This includes the GDC's bundle of documents and the letters dated 20 February 2020 from Clyde & Co Solicitors to the GDC. It has had regard to Mr Johnson's submissions on behalf of the GDC. It has accepted the advice of the Legal Adviser.

Mr Johnson outlined the background to the matters before the Committee. On 23 September 2019 the GDC received information from NHS Greater Glasgow and Clyde in relation to concerns about Mr Prior Moreira's fitness to practise. Attached with the letter were documents detailing concerns regarding Mr Prior Moreira's prescribing practices, in particular, the prescribing of antibiotics and analgesics as well as his care/treatment of patients. An audit of Mr Prior Moreira's prescribing took place in Autumn 2018, with further meetings in April and July 2019. The audit established that Mr Prior Moreira was prescribing incorrect dosages, that there was an inappropriate use of what the NHS considered to be unusual antibiotics for dental conditions, which could cause serious complications and prescribing several scripts with no clear clinical justification.

In addition, a Dental Reference Officer (DRO) report dated March 2019 established that there were issues with Mr Prior Moreira's clinical practice regarding a patient who had three separate courses of treatment, which included cantilever bridges with distal pontics. It was

said that the design of the bridge was poor, which was compounded by poor execution. In addition, there were queries about Mr Prior Moreira claiming for temporary crowns.

In July 2019 NHS Greater Glasgow and Clyde informed Mr Prior Moreira that they strongly recommended that he not undertake any form of clinical practise (either NHS or private). NHS Greater Glasgow and Clyde informed the GDC that, since Mr Prior Moreira had resigned his list number in May 2019, they were no longer able to either support him or monitor his practice.

Mr Johnson submitted that an interim order is necessary for the protection of the public and is otherwise in the public interest. He further submitted that an interim order for suspension is necessary to address the risks in this case. The order, he submitted, should be for a period of 18 months.

The Committee notes from the letter dated 20 February 2020 from Clyde & Co Solicitors headed "General Dental Council v Hugo Moreira" that on 24 December 2019 Mr Prior Moreira submitted an application for voluntary removal. That letter further states that Mr Prior Moreira has not practised as a dentist since November 2019. The letter advises that Mr Prior Moreira is not currently employed as a dentist and has no indemnity.

Decision

The Committee has borne in mind that its purpose is to assess the nature and substance of any risk to the public in all the circumstances of this case and to consider whether it is necessary for the protection of the public, is otherwise in the public interest, or is in Mr Prior Moreira's own interests to impose an interim order on his registration. The Committee has applied the principle of proportionality, balancing the public interest with Mr Prior Moreira's own interests.

The Committee has had regard to the information provided by a credible source, namely NHS Greater Glasgow and Clyde, of the serious and wide-ranging concerns that have been raised in relation to Mr Prior Moreira's clinical practice. The Committee notes that NHS Greater Glasgow and Clyde considered that the concerns were sufficiently serious such as to recommend to Mr Prior Moreira that he not undertake any clinical practise (either NHS or private). It further notes that in view of Mr Prior Moreira's resignation of his list number in May 2019, NHS Greater Glasgow and Clyde is no longer able to support him or monitor his practice.

In the Committee's view, there is a real risk of significant harm to patients if Mr Prior Moreira was to practise as a dentist without there being some restriction on his registration. The Committee is satisfied that an interim order is necessary for the protection of the public.

The Committee is also satisfied that an interim order is required on public interest grounds. The Committee is of the view that a fully informed member of the public would consider a Registrant should not be permitted to practise unrestricted whilst there are serious concerns about their safety to practise being investigated by their regulator. They would be shocked to learn that the Registrant's regulatory body had been made aware of allegations of this nature and not imposed an interim order, particularly in view of the fact that an NHS body had recommended that Mr Prior Moreira do no clinical work.

Accordingly, the Committee is satisfied that it is necessary for the protection of the public and is otherwise in the public interest that Mr Prior Moreira's registration be subject to an interim order in accordance with Section 32(4) of the Dentists Act 1984.

The Committee then considered whether an interim conditions of practice order could adequately meet the risks arising from the allegations against Mr Prior Moreira. In so doing, it has had regard to NHS Greater Glasgow and Clyde's view that the concerns were sufficiently serious such as to recommend to Mr Prior Moreira that he not undertake any clinical practise (either NHS or private). In light of that indication, as well as having regard to the serious and widespread nature of the allegations against Mr Prior Moreira, the Committee has determined

that such an order would not be sufficient to protect the public and would not properly meet the wider public interest considerations that arise in this case

The Committee has also borne in mind the representations from Clyde & Co Solicitors in which they indicate that Mr Prior Moreira has submitted an application for voluntary removal and has not practised as a dentist since November 2019. The letter advises that Mr Prior Moreira is not currently employed as a dentist and has no indemnity. Given Mr Prior Moreira's stated position that he no longer wishes to practise as a dentist, the Committee could not be assured that Mr Prior Moreira would comply with interim conditions.

The Committee has therefore concluded that an interim suspension order is appropriate, necessary and proportionate. The Committee has taken into account the principle of proportionality. It notes that this interim order will prevent Mr Prior Moreira from practising as a dentist. However, given the serious nature of the allegations in this case, it considers the need to protect the public and maintain public trust and confidence in the profession and declare and uphold proper professional standards of conduct and behaviour outweigh Mr Prior Moreira's own interests. The Committee has determined that the interim order should be for a period of 18 months in order for the GDC to carry out its investigation into the matters alleged.

Next review

Unless there has been a material change of circumstances, the Committee will review the interim order on the papers at an administrative meeting within the next six months. The Committee will be invited by the GDC to confirm the order and Mr Prior Moreira will be asked whether there are any written submissions to be put before the Committee on his behalf.

Alternatively, Mr Prior Moreira is entitled to have the interim order reviewed at a hearing. This means that he will be able to attend and make representations, send a representative on his behalf or submit written representations about whether the order continues to be necessary. Mr Prior Moreira must inform the GDC if he would like the interim order to be reviewed at a hearing.

Even if Mr Prior Moreira does not request a hearing, where there has been a material change of circumstances that might mean that the order should be revoked, varied or replaced, the Committee will review the order at a hearing to which Mr Prior Moreira and his representative will be invited to attend.

That concludes this hearing.