

**Hearing held in private
Public Determination**

Summary

Name:	VAN-STRATEN, Jacob [Registration no: 65659]
Type of case:	Health Committee (review)
Outcome:	Indefinite Suspension
Date:	12 November 2013

The Committee has made a determination in this case that includes some private information. That information has been omitted from the text that follows.

Mr Grey: Mr Van-Straten is neither present nor represented at today's hearing. In his absence, the Committee first considered whether notice of this hearing had been served on Mr Van-Straten in accordance with Rule 65 of the General Dental Council (GDC)(Fitness to Practise) Rules Order of Council 2006. The Committee has received a copy of a screen shot of Mr Van Straten's current registered address and a copy of the notification of today's hearing dated 14 October 2013 which was sent to that address by way of special delivery. The Committee is satisfied that the letter contains proper notification of the nature of today's hearing, and the date, time and location of this hearing. The Committee has received a copy of the Royal Mail receipt, which states that the addressee "had gone away". The Committee has had regard to the attendance notes and the emails over a period of several months in 2013 from Kingsley Napley LLP to Mr Van-Straten, asking him to contact them, and the absence of any response from him. In these circumstances the Committee is satisfied that all reasonable efforts have been made by the GDC to send notification to Mr Van Straten in accordance with Rule 65 and that the requirements of service are met.

The Committee then went on to consider whether to exercise its discretion under Rule 54 to hear this case in the absence of Mr Van-Straten. You, on behalf of the GDC, have invited the Committee to do so on the basis that Mr Van-Straten has chosen to absent himself from these proceedings. You refer to Mr Van-Straten's failure to attend previous hearings of his case and you say that no useful purpose would be served by adjourning this hearing.

The Committee has considered carefully the submissions you have made. It is mindful of the need to exercise its discretion to proceed in the absence of the registrant with the utmost care and caution.

The Committee has borne in mind Mr Van-Straten's previous non attendance at these hearings and his continuing lack of engagement with the GDC since April 2011. In these circumstances, the Committee has concluded that Mr Van-Straten has chosen to absent himself from these proceedings and that no useful purpose would be gained by adjourning today's hearing. Accordingly, the Committee has decided to proceed in the absence of Mr Van-Straten.

Mr Van-Straten first appeared before the Professional Conduct Committee (PCC) in October 2008. At that hearing the PCC determined that Mr Van-Straten failed in his

duties towards a single patient in relation to his treatment of 6 teeth, and in his response to the patient's subsequent complaint. That Committee made Mr Van-Straten's registration subject to conditions for a period of 12 months.

At a review hearing on 1 December 2009 the PCC determined that Mr Van-Straten had failed to comply with four of the conditions on his registration and decided to suspend his registration for a period of 12 months.

The matter was due to be reviewed on 8 December 2010. However, Mr Van-Straten was unable to attend due to a medical condition. The PCC referred the matter to the Health Committee and imposed an interim order of suspension for 18 months.

The Health Committee (HC) convened on 19 April 2011. Mr Van-Straten was neither present nor represented. At that time, he had not engaged fully with the GDC or attended the appointments with the medical examiners chosen on behalf of the GDC. In the circumstances, the Committee determined not to proceed in his absence in the hope that further attempts would be made to encourage him to engage with the process.

On 28 October 2011, the HC considered the case again. Mr Van Straten did not attend and was not represented. That Committee decided to suspend his registration for a period of 12 months.

On 22 November 2012 the HC considered Mr Van Straten's case again in his absence. It had not been informed of any change in Mr Van Straten's health. It therefore determined that Mr Van Straten's fitness to practise was impaired by reason of his health. That HC directed that Mr Van-Straten's registration be suspended for a further period of 12 months. It also indicated that before the resumed hearing Mr Van-Straten would be invited to undergo medical examination by two medical examiners chosen on behalf of the Council.

Today the HC has reviewed the case and has taken note of the advice of the Legal Adviser and that of the Medical Adviser. It notes that Mr Van-Straten continues not to engage with the GDC and that it has no new information as to his current health status. The Committee considers that this situation is regrettable.

The Committee finds that his fitness to practise is still currently impaired by reason of his health condition.

In considering the appropriate sanction to be imposed on Mr Van-Straten's registration, the Committee has taken into account his lack of engagement with the GDC since 2011 and the absence of any up to date medical reports as to his current health condition. Taking these factors into account, the Committee is satisfied that conditions would not be sufficient for the protection of members of the public, or be workable in this case.

The Committee is aware that Mr Van-Straten's registration has been suspended for over two years and that it is open to this Committee to make an order for indefinite suspension under section 27c(d) of the Dentists Act. Having regard to the nature of Mr Van- health condition, the Committee has determined that Mr Van-Straten's registration be suspended indefinitely. The Committee is satisfied that such a direction is necessary for the protection of members of the public and is in Mr Van-Straten's own interests.

That concludes today's hearing.