

HEARING PARTLY HEARD IN PRIVATE*

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

STEVENSON, Alexandra Helen

Registration No: 217532

HEALTH COMMITTEE

AUGUST 2016 – SEPTEMBER 2018

Most recent outcome: Suspended Indefinitely**

** See page 10 for the latest determination.

Alexandra Helen Stevenson, a registered dental nurse; Qual- National Certificate NEBDN 2010, was summoned to appear before the Health Committee on 30 August 2016 for an inquiry into the following charge:

Charge (as amended 30 August 2016)

“That being a registered dentist care professional:

1. On 26 August 2014 you were convicted of a driving offence as specified in Schedule B¹
2. You did not immediately inform the General Dental Council (“GDC”) that you were:
 - a. Charged with the offence outlined in Schedule B.
 - b. Convicted of the offence outlined in Schedule B.
3. You did not co-operate adequately and / or at all with an investigation conducted by the GDC into your fitness to practise.
4. You have an adverse health condition, as specified in Schedule A

And that by reason of the facts alleged under charges 1-3, your fitness to practise is impaired by reason of your conviction and / or misconduct, and / or in relation to the facts alleged under charge 4, your fitness to practise is impaired by reason of your health.”

On 31 August 2016 the Chairman made the following statement regarding the finding of facts:

Ms Stevenson,

You participated in this hearing of the Health Committee (HC) via skype and chose to represent yourself. Mr Tom Stevens of Counsel appeared on behalf of the General Dental Council (GDC).

¹ Schedule A and Schedule B are private documents and cannot be disclosed.

Preliminary matters

At the commencement of the hearing, Mr Stevens made an application for any matters that relate to your health to be considered in private. The application itself took place in private.

[PRIVATE]

The Committee accepted the advice of the Legal Adviser. In accordance with that advice the Committee bore in mind Rule 53 (2) of the General Dental Council (GDC) (Fitness to Practise) Rules Order of Council 2006 (“the Rules”).

The Committee retired to consider the application. Whilst doing so a concern arose which the Committee wanted to raise with the parties. The Committee outlined their concern [PRIVATE].

The Committee has taken into account your submissions and the submissions from Mr Stevens. It accepted the advice of the Legal Adviser. In accordance with that advice the Committee bore in mind Rule 18 of the General Dental Council (GDC) (Fitness to Practise) Rules Order of Council 2006 (“the Rules”).

[PRIVATE]

In light of the reasons outlined above the Committee determined to amend the wording of charge 1 to read as follows:

‘On 26 August 2014 you were convicted of a driving offence as specified in Schedule B.’

In light of the Committee’s decision to amend the wording of charge 1, the Committee was further of the view that charge 2.a and 2.b also required a slight amendment. The Committee determined that charge 2.a and 2.b should read as follows:

2. a. Charged with the offence outlined in Schedule B.
2. b. Convicted of the offence outlined in Schedule B.

The Committee determined that as the charge has now been amended [PRIVATE] the hearing could proceed in public session generally and would move into private session when considering details in relation to your health. An appropriately worded public and private determination will be drafted for this hearing.

Evidence

The Committee received a number of documents for this hearing including: a self-referral letter; a certified memorandum of conviction; a number of signed witness statements and a copy of your medical records.

[PRIVATE]

The Committee also heard oral evidence from you and considered that your evidence was credible and that you made appropriate admissions.

Committee’s findings of fact

The Committee considered all the evidence before it. It took account of your submissions and the submissions of Mr Stevens, on behalf of the GDC.

The Committee accepted the advice of the Legal Adviser. In accordance with the advice provided by the Legal Adviser the Committee considered the allegations against the civil standard of proof, namely the balance of probabilities.

I will now announce the Committee's findings in relation to the heads of charge that you face:

1.	Admitted (as amended) and found proved. The Committee found the facts alleged at head of charge 1 proved and accepted your admission. The Committee had before it the facts of the offence on which the conviction was based and a copy of the certified memorandum of conviction, as conclusive proof of the conviction, in accordance with Rule 57(5)(a) and (b).
2. a.	Admitted (as amended) and found proved. The Committee found the facts alleged at head of charge 2.a. proved and accepted your admission. Additionally, the Committee had before it the memorandum of conviction which is proof you were charged with the offence on 8 August 2014. It was also provided with a copy of your self-referral letter, dated 26 January 2015, which was received by the GDC on 4 February 2015. The Committee noted the date on which you were charged with the offence was over five months before the GDC were notified. In light of this the Committee found this charge proved.
2. b.	Admitted (as amended) and found proved. The Committee found the facts alleged at head of charge 2.b. proved and accepted your admission. Additionally, the Committee had before it the memorandum of conviction which is proof you were convicted of the offence on 26 August 2014. It noted the self-referral letter, dated 26 January 2015, was received on 4 February 2015. The Committee noted the date of the conviction was approximately five months before the GDC were notified. In light of this the Committee found this charge proved.
3.	Found proved. The Committee found this charge proved on the basis that although you did co-operate to some extent you did not co-operate adequately with the investigation conducted by the GDC into your fitness to practise. The Committee determined that up until the allegations went before the Investigating Committee in about September 2015 you did not adequately co-operate and this was the period on which the case presenter relied. The Committee noted that in oral evidence you accepted that on occasions you did receive the documentation and chose, due to the difficult personal circumstances you were facing, not to respond. It was of the view that you were aware of some of the requests by the GDC and made a conscious decision not to respond. In light of this the Committee found this charge proved.
4.	Admitted and found proved. [PRIVATE]

The hearing will now proceed to stage 2.”

On 1 September 2016 the Chairman announced the determination as follows:

“Having announced its findings of fact the Committee heard submissions on the issue of misconduct in relation to charges 2 and 3. It also heard submissions on current impairment and sanction in relation to all charges.

The Committee has considered all the evidence presented to it. It has also taken into account the submissions made by you and those made by Mr Stevens on behalf of the GDC.

Background

On 4 February 2015 the GDC received a self-referral letter from you notifying them of your conviction. [PRIVATE]

The Committee found proved that you failed to immediately inform the GDC of the fact you were charged with and convicted of a driving offence.

[PRIVATE]

Submissions:

Mr Stevens referred the Committee to the case of Roylance v GMC (no. 2) [2000] 1 AC 311 which defines misconduct as ‘a word of general effect, involving some act or omission which falls short of what would be proper in the circumstances’. He further emphasised that the misconduct needed to be serious and to be regarded as deplorable by fellow practitioners. He outlined the specific issues identified in respect of the facts of charges 2 and 3 in line with the standards, which in his submission, have been breached. Mr Stevens submitted that the facts found proved, even in the context of your personal mitigation, do amount to misconduct that is serious.

Mr Stevens then moved on to the issue of current impairment, and addressed the Committee on the factors to consider when making a decision on current impairment, including the different grounds upon which current impairment can be found.

Mr Stevens referred to the factors for consideration, in respect of charges 1 to 3, including how remediable your conduct was, the risk of repetition and your previous good character. [PRIVATE].

Mr Stevens submitted that [PRIVATE]. However, notwithstanding the extenuating circumstances the particulars of your conviction are serious and had the potential for serious repercussions.

Mr Stevens also addressed the Committee on the need to have regard to protecting the public and the wider public interest. This included the need to declare and uphold proper standards and maintain public confidence in the profession and in the GDC as a regulatory body.

Mr Stevens addressed the Committee on the matter of sanction and submitted that, given the circumstances of this case, the appropriate and proportionate sanction is that of suspension for a period of 12 months, with a review prior to the expiry of the order. [PRIVATE].

You told the Committee that you were happy with what had been said by Mr Stevens and you felt that it was just and fair in the circumstances. You stated that you are proud to be a GDC registrant and you would not have failed to cooperate with the GDC investigation were it not for your health. Further, you never intentionally failed to follow the standards and you would not have done so as you are very proud of your profession and worked hard to be a part of it.

The Committee fully considered all the evidence in this case. It accepted the advice of the Medical Adviser and the Legal Adviser, which included the factors relevant to the considerations of the Committee and relevant case law for each consideration at this stage. The Committee had regard to the 'Guidance for the Practice Committees' as published by the GDC in October 2015.

Decision on Misconduct:

When determining whether the facts found proved in charges 2 and 3 amount to misconduct the Committee had regard to the terms of the relevant professional standards in force at the time.

The Committee, in reaching its decision, had regard to the public interest and accepted that there was no burden or standard of proof at this stage. The Committee exercised its own independent judgement in reaching its decision.

The Committee has concluded that your conduct was in breach of each of the sections of the *Standards for the Dental Team* (2013) as set out below.

As a dental professional, you are responsible for doing the following.

9.3.1 *You must inform the GDC immediately if you are subject to any criminal proceedings anywhere in the world. See our guidance on reporting criminal proceedings for more information.*

9.4.1 *If you receive a letter from the GDC in connection with concerns about your fitness to practise, you must respond fully within the time specified in the letter. You should also seek advice from your indemnity provider or professional association.*

The Committee appreciated that the above breaches do not automatically result in a finding of misconduct. However, the Committee was of the view that the breaches in this case are serious and your conduct was a serious departure from the acceptable standard expected of a registered dental care professional. It considered that your failings were serious because they undermined the regulatory process. The Committee considered that, even in the light of your difficult personal circumstances at the time, these departures from the standards would be considered deplorable conduct by fellow professionals.

The Committee determined that the charges found proved, in respect of charges 2 and 3, do amount to misconduct.

Decision on current impairment

The Committee next considered whether your fitness to practise is currently impaired by reason of your adverse health and/or convictions and/or misconduct. In reaching its decision the Committee applied its independent judgement.

Impairment by reason of adverse physical or mental health

[PRIVATE]

In light of its findings, and having regard to the need to protect the public and maintain public trust and confidence in the profession and in the regulatory process, the Committee has determined that your fitness to practise is currently impaired by reason of your adverse health.

Impairment by reason of conviction

Your conviction for a driving offence committed in August 2014 was an isolated incident and there has been no repetition. The Committee noted your remorse and your insight into the unacceptable nature of the offence. [PRIVATE]. In all these circumstances the Committee does not consider that there is a significant risk of repetition. However, it is the Committee's view that the offence for which you were convicted is of such a nature that if a finding of impairment were not made that would fail to declare and uphold proper standards and would fail to maintain public confidence in the profession and its regulator.

On that basis the Committee determined that your fitness to practise is currently impaired by reason of your conviction.

Impairment by reason of misconduct

The Committee was of the view that in relation to your misconduct, in respect of charges 2 and 3 you have apologised for your behaviour and expressed genuine remorse for your conduct. It also noted that you have fully engaged during the course of this hearing. In oral evidence you explained to the Committee that you originally did not realise the severity of the situation, however, now you fully understand and have made every effort since to cooperate. In light of the reasons outlined above the Committee considered that the risk of repetition of your misconduct is low.

Despite this, the Committee considered that the maintenance of public trust and confidence in the profession and in the regulatory process would be undermined if a finding of impairment was not found in relation to your misconduct.

In light of the Committee's need to declare and uphold proper standards and to maintain public trust and confidence in the profession and in the regulatory process, the Committee has determined that your fitness to practise is currently impaired by reason of your misconduct.

Sanction

The Committee then considered what outcome would be appropriate in this case. It reminded itself that the purpose of a sanction is not to be punitive although it may have that effect. The Committee bore in mind the principle of proportionality and its duty to protect the public and declare and uphold proper standards of conduct and behaviour so as to maintain public confidence in the profession. The Committee has considered the range of sanctions available to it, starting with the least serious. It carefully considered the GDC's Guidance for the Practice Committees, including Indicative Sanctions Guidance (October 2015).

In considering the matter of sanction, the Committee considered the mitigating and aggravating factors in this case. In mitigation:

- the difficult personal circumstances you were facing at the time;
- evidence that you have apologised and shown good insight into your health condition, conviction and misconduct;
- no previous fitness to practice issues or convictions;
- no evidence of actual harm to patients; and
- you have fully engaged with this hearing

In relation to the aggravating factors in this case the Committee already expressed in its findings that your conviction was due to irresponsible behaviour on your part and that your misconduct was serious. Aside from this and the wider public interest engaged in this hearing the Committee was of the view there are no further aggravating factors.

The Committee first considered whether to conclude this case with no action. In the light of the findings made against you, the Committee has determined that it would be wholly inappropriate to conclude this case with no action. [PRIVATE].

The Committee next considered whether a reprimand would be appropriate in this case. [PRIVATE]. As a result of this the Committee considered that a reprimand would not be the appropriate sanction in this case.

The Committee then went on to consider whether conditional registration would provide the necessary level of public protection and would protect the public interest. [PRIVATE].

The Committee then considered whether it is necessary to impose an order of suspension on your registration. The Committee noted that this is the sanction that Mr Stevens submitted would be appropriate in the circumstances. It also noted that you do not object to this being the appropriate sanction in this case.

[PRIVATE]

The Committee was of the view that your current impairment in relation to your conviction and misconduct could have been addressed by a lesser sanction than suspension.

However, taking all of the circumstances of the case and [PRIVATE], the Committee determined that a period of suspended registration is the proportionate and appropriate sanction to impose. Such a sanction is also needed to safeguard the wider public interest considerations referred to above, namely trust and confidence in the profession and in the regulatory process and declaring and upholding proper standards of conduct and behaviour.

The Committee therefore directs that your name be suspended from the Register. The Committee has further determined that the period of suspension should be one of 12 months. [PRIVATE].

The Committee further directs that the suspension should be reviewed before it expires. Although it in no way seeks to bind or fetter the next Committee which will have the task of reviewing your suspension, the Committee considered that you may wish to provide to that reviewing Committee evidence of the following:

- [PRIVATE]
- [PRIVATE]
- any possible evidence from peer support and employment references.

[PRIVATE]

The Committee hereby directs that your entry in the Register be suspended for a period of 12 months, with a review hearing to take place before the end of your suspension.

Having directed that your registration be suspended, the Committee considered whether to impose an order for your immediate suspension in accordance with section 36U (1) of the Dentists Act 1984 (as amended).

The Committee considered the submissions made by Mr Stevens and the comments made by you. The Committee has accepted the advice of the Legal Adviser.

In the circumstances, the Committee has decided that, given the risks of harm that it has identified, it would not be appropriate to allow you to practise until its substantive direction of suspension takes effect. The Committee considers that an immediate order of suspension is necessary for the purposes of public protection and is otherwise in the public interest. The Committee has had particular regard to the fact that any appeal that you may wish to make would be unlikely to be concluded for a considerable period of time. The Committee considers that an immediate order for suspension is proportionate, and is consistent with the concerns that the Committee has set out in its determination.

The effect of the foregoing determination and this immediate order is that your registration will be suspended by virtue of this immediate order from the date on which notice of this decision is deemed served upon you. Unless you exercise your right of appeal, the substantive suspension will be recorded in the Dental Care Professionals' Register 28 days from the date of deemed service. Should you decide to exercise your right of appeal, this immediate order of suspension will remain in place until the resolution of any appeal.

The Committee directs that the interim order currently on your registration is revoked.

That concludes the case for today."

On 18 September 2017 at the review hearing, the Chairman announced the determination as follows:

"Service and proceeding in absence

Neither Miss Stevenson nor a representative from the General Dental Council (GDC) attended today's resumed Health Committee (HC) hearing of Miss Stevenson's case. This Committee has first considered whether the Notification of Hearing had been served on Miss Stevenson at her registered address in accordance with Rules 28 and 65 of the GDC's (Fitness to Practise) Rules 2006 (the Rules) and Section 50A(2) of the Dentists Act 1984 (the Act). In so doing, the Committee had regard to the GDC's written submissions dated September 2017 as well as the bundle of documents provided by the GDC. The bundle contains a copy of the Notification of Hearing dated 14 August 2017 which was sent by special delivery to Miss Stevenson's registered address. The Royal Mail track and trace receipt states that the item was returned to them on 16 August 2017. The Committee is aware that the GDC is not required to prove that the Notification of Hearing was received, simply that it was sent. Having regard to all the information before it, the Committee is satisfied that the Notification of Hearing contains the necessary information required by Rule 28 and that it was sent to Miss Stevenson's registered address more than 28 days in advance of today's hearing, also in accordance with Rule 28. The Committee, having heard and accepted the Legal Adviser's advice, is satisfied that due service of the Notification of Hearing has been effected in accordance with the relevant provisions.

The Committee went on to consider whether to proceed in the absence of Miss Stevenson and any representative instructed on her behalf, in accordance with Rule 54. It has

considered the GDC's written submissions which referred to the further steps taken by the GDC to ascertain from Miss Stevenson her correct email address for correspondence concerning today's hearing, as demonstrated by the emails dated 14 June 2017 and 7 July 2017. The Committee has also seen the telephone attendance note dated 30 August 2017 which records the GDC's attempt to contact her by three separate telephone numbers following service of the Notification of Hearing. No response has been received to any of those efforts. Further, the GDC has received no information from Miss Stevenson as to whether or not she has obtained a legal representative, with whom the GDC could have sent a copy of the Notification of Hearing letter. The GDC reminds the Committee that the current suspension order needs to be reviewed before its expiry on 3 October 2017, otherwise the order would expire and the GDC would lose jurisdiction.

The Committee notes that Miss Stevenson participated by Skype at the initial hearing in September 2016, albeit unrepresented, when she would have been aware of the decision to suspend her registration for a period of 12 months, with a review hearing to take place before its expiry. It notes the absence of any engagement with the GDC by Ms Stevenson since that hearing in September 2016, despite the various steps taken by the GDC to contact her. She has not requested an adjournment of today's hearing and there is nothing before the Committee today to suggest that Miss Stevenson might attend the hearing on a future occasion. In those circumstances, the Committee concluded that Miss Stevenson has voluntarily absented herself from today's hearing. In addition, the Committee considers that there is a clear public interest in reviewing the order today, given that it is due to expire within a couple of weeks. Accordingly, the Committee has determined that it is fair to proceed with today's review hearing in the absence of Miss Stevenson.

Application to hear matters in private

The GDC made an application under Rule 53(2) that the hearing be heard in private since the matters under consideration relate to Miss Stevenson's health. The Committee, having heard the advice of the Legal Adviser, has acceded to the GDC's request given that the matters under consideration relate to Miss Stevenson's health.

Background

This is a review hearing of Miss Stevenson's case following a direction made by the HC on 1 September 2016 that her registration be suspended for a period of 12 months with a review.

Concerns were raised about Miss Stevenson's health on 4 February 2015 when she self-referred to the GDC following her conviction. On 26 August 2014 Miss Stevenson was convicted at Basingstoke Magistrates Court of driving a motor vehicle with excess alcohol [PRIVATE], contrary to section 5(1)(a) of the Road Traffic Act 1988 and Schedule 2 to the Road Traffic Offenders Act 1988.

The HC found proved that Miss Stevenson failed to immediately inform the GDC of the fact that she had been charged with and convicted of a driving offence. It further found proved that Miss Stevenson failed to co-operate adequately with the GDC's investigation into her fitness to practise up until the allegations went before the Investigating Committee in about September 2015. [PRIVATE] The HC determined that save for the finding relating to Miss Stevenson's health, the other matters amounted to misconduct. It also determined that Miss Stevenson's fitness to practise was impaired by reason of her adverse health. The HC also considered that the offence for drink driving for which Miss Stevenson was convicted was serious and that a finding of current impairment by reason of that conviction and by reason of her misconduct was necessary so as to declare and uphold proper standards of conduct and behaviour as well as to maintain public confidence in the profession and its regulator.

The HC considered what action, if any it should take in relation to Miss Stevenson's registration. [PRIVATE]

The HC therefore directed that Miss Stevenson's registration be suspended for a period of 12 months with an immediate order. [PRIVATE]

Today's review hearing

The Committee has reviewed the order today. In so doing, it has taken into account the bundle of documents provided by the GDC and its written submissions dated September 2017. It has accepted the advice of the Medical Adviser and that of the Legal Adviser.

This Committee has today considered whether Miss Stevenson's fitness to practise remains impaired by reason of her misconduct, her health condition and her conviction.

[PRIVATE]

In these circumstances, this Committee has concluded that Ms Stevenson's fitness to practise remains impaired by reason of her misconduct, her health condition and her conviction.

The Committee next considered what direction to give, bearing in mind its powers in accordance with Section 36Q of the Dentists Act 1984. In so doing, it has had regard to the GDC's "Guidance for the Practice Committees including Indicative Sanctions Guidance" (October 2016). It has borne in mind its duty to protect the public and safeguard public confidence in registered dental professionals. Throughout its deliberations it has had regard to the principle of proportionality.

The GDC has submitted a further order of suspension would be appropriate [PRIVATE]. It invited the Committee to make an order of suspension for a period of 12 months.

The Committee first considered whether Miss Stevenson's registration should be subject to an order of conditional registration. The Committee decided that this would not be a proportionate or appropriate response, given her lack of engagement with the GDC since the last hearing in September 2016, the absence of any information as to her current state of health and the lack of any evidence of insight.

The Committee therefore directs that the current period of suspension on Miss Stevenson's registration be extended for a period of 12 months. It is satisfied that extending the order for the maximum period of 12 months is necessary for the protection of the public, given her lack of engagement with the GDC and the absence of any information as to her current state of health.

As per the recommendations of the previous HC, this Committee considers that Miss Stevenson may wish to provide to the reviewing Committee the following:

[PRIVATE].

The order of suspension will be reviewed shortly prior to the end of the 12- month period. That Committee will consider what action it should take in relation to Miss Stevenson's registration.

That concludes today's case."

On 17 September 2018 at the review hearing, the Chairman announced the determination as follows:

“This is a resumed hearing pursuant to Section 36(Q) of the Dentists Act 1984 (as amended) (‘the Act’).

Neither party was present at today’s hearing. The Council invited the Committee to review the case on the basis of the papers alone. Written submissions dated September 2018 were received on behalf of the Council.

Proof of Service

The Committee noted the Registrant was neither present or represented at today’s hearing. In her absence, the Committee first considered whether notice had been served on her in accordance with Rules 28 and 65 of the *General Dental Council (GDC) (Fitness to Practice) Rules 2006* (the Rules). Notice was served by both Royal Mail Special Delivery to the Registrant’s registered address and email on 10 August 2018. The notice outlined the date, time, location and purpose of today’s hearing and invited her to attend. The Committee also had sight of an update from the Royal Mail Track and Trace service that shows the notice of hearing was unable to be delivered to the Registrant’s address on 15 August 2018.

The Committee was satisfied that service of notice of today’s hearing has been effected in compliance with the rules.

Proceeding in the absence of the Registrant

As the Committee is confident the notice has been properly served, it went on to consider whether to exercise its discretion under Rule 54 to proceed with the hearing in the Registrant’s absence.

The Committee has received the written submissions from the GDC and heard and accepted the advice of the Legal Adviser. The Committee remained mindful of the need to approach this issue with the most utmost care and caution. In making its decision the Committee took account of the principles set out in *R v Jones* and *GMC v Adeogba*.

The Committee was satisfied that the Registrant has been sufficiently notified of today’s hearing and had sight of correspondence from the GDC summarising various attempts to get in contact with the Registrant via telephone, however one number was showing up as invalid and there was no reply from the other number, with no facility to leave a message. The Registrant has not made a request for an adjournment of this hearing. In any event there is no evidence to suggest that an adjournment would result in the Registrant’s attendance at a future date. The Committee has therefore concluded that the Registrant can be deemed to have voluntarily absented herself. Having weighed the right of the Registrant to attend the hearing against the overarching public interest in an expeditious disposal of the matters in front of it, and before the expiry of the current order on 3 October 2018. The Committee is satisfied that it is in the interests of justice to proceed with the review today in her absence.

Application for hearing to be held in private

The GDC also made an application for the hearing to be held entirely in private as the matters today relate directly to Ms Stevenson’s health. The Committee heard and accepted the advice of the Legal Adviser.

The starting point for the Committee is for all hearings to be held in public as it is in the interests of justice to do so. However, a hearing may be heard in private where matters that are inextricably linked to the health or private and family life of the Registrant concerned, under Rule 53(2) of the Rules. The Committee agreed that it is in the interests of the Registrant that matters relating to her health should be heard in private. The Committee, therefore, acceded to the application.

Background

This is the second review hearing of Miss Stevenson's case following a direction made by the Health Committee (HC) on 1 September 2016 that her registration be suspended for a period of 12 months with a review.

[PRIVATE]

[PRIVATE]

That HC considered what action, if any it should take in relation to Miss Stevenson's registration. In the light of Miss Stevenson's ongoing health condition, that HC concluded that conditions of practice would not address the need to maintain public confidence in the profession given Miss Stevenson's ongoing health condition. That HC therefore directed that Miss Stevenson's registration be suspended for a period of 12 months with an immediate order. [PRIVATE]

[PRIVATE]

The matter was reviewed again on 18 September 2017, where that Health Committee determined that Ms Stevenson's fitness to practise remained impaired. [PRIVATE]

That Health Committee determined that a further order of suspension would be appropriate, given Miss Stevenson's failure to display any insight into her health condition and her misconduct, as well as the absence of any evidence relating to her current state of health. It invited the Committee to make an order of suspension for a period of 12 months.

As per the recommendations of the previous HC of September 2016, that Committee considered that Miss Stevenson may wish to provide to the reviewing Committee the same requested information as detailed above.

Today's review

It is the role of the Committee today to undertake a comprehensive review directed by the September 2017 HC. In so doing, the Committee had careful regard to all the documentary evidence before it, and read the written submissions of the GDC. The Committee also heard and accepted the advice of the Legal Adviser. The Committee had regard to the *GDC's Guidance for the Practice Committees*, including *Indicative Sanctions Guidance* (October 2016) (the Guidance).

The GDC submitted that the Registrant has failed to engage with the GDC and as such, there is no evidence before this Committee which suggests that any of the concerns identified by the previous Committees have been addressed adequately or at all. [PRIVATE]. The GDC invited the Committee to consider imposing an order of indefinite suspension.

The Committee noted there has been no communication from Ms Stevenson.

Decision on current impairment

In making its decision, the Committee first sought to determine whether Ms Stevenson's fitness to practise is still impaired by reason of her misconduct. It exercised its independent judgement and was not bound by the decision of the previous Committee. It balanced her needs with those of the public and bore in mind that its primary duty is to protect the public, including by maintaining public confidence in the profession and declaring and upholding proper standards and behaviour. There is an evidential burden on the Registrant to satisfy the Committee that her fitness to practise is no longer impaired.

The Committee considered all the evidence before it to ascertain whether Ms Stevenson has taken the necessary steps to address the concerns in her practice previously identified. In

the Committee's view, it has not been provided with any information of progress she may have made in regard to her health since the previous hearing. This Committee has no evidence before it to indicate that the concerns identified by the HC in September 2017 have been addressed adequately or at all. [PRIVATE]

The Committee is of the view that there continues to be a risk to the public in this case and the Registrant's fitness to practise remains impaired by reason of her health condition.

Decision on sanction

The Committee went on to determine what sanction, if any, would be appropriate in light of the findings that it has made. The purpose of a sanction is to protect patients and safeguard the wider public interest. It is not intended to be punitive, although that may inevitably be the result.

In reaching its decision the Committee has applied the principle of proportionality, balancing the public interest against Ms Stevenson's interests.

In the light of the total lack of medical evidence and engagement by Ms Stevenson in this process, the Committee has determined that it would be wholly inappropriate to revoke the current order of suspension and take no further action. Ms Stevenson's health condition continues to raise significant concerns about patient safety and public confidence in the profession. The action taken by the Committee must appropriately meet those concerns.

The Committee next considered whether to replace the order of suspension with one of conditions. [PRIVATE]

Furthermore, the Committee takes the view that conditions would not adequately address the risks identified.

The Committee then considered whether it was necessary to extend the current order of suspension on Ms Stevenson's registration. The Committee determined that continued suspension is proportionate and appropriate in the circumstances of this case. It was satisfied that such a sanction will address the identified risks to the public and safeguard the wider public interest.

[PRIVATE]

The Committee therefore directs that Ms Stevenson's name be suspended from the Register for an indefinite period.

It is open to Ms Stevenson to apply for a review of this order after two years have elapsed.

That concludes the case."