

Hearing held in public**Summary**

Name:	PATEL, Dushal [Registration no:139650]
Type of case:	Interim Orders Committee (Initial)
Outcome:	Interim Conditions
Duration:	18 months
Date:	07 January 2020
Case number:	CAS-193274

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.

Mr Patel

Decision on the interim order application

This matter was referred to the Committee by the Registrar of the GDC as annexed to the notification of hearing dated 13 December 2019. The GDC received a complaint in January 2019 about your clinical treatment of patients. The complaint alleged that you set out incorrect medical histories and that you failed to complete appropriate treatment under the NHS. Further concerns were that you frequently referred patients to others to carry out treatment and diagnosis, which led to delay in treatment and resulted in patients being in pain for longer than necessary.

The GDC obtained patient records for two patients who were treated by you in 2018 and sought clinical advice. The clinical adviser concluded that the care provided by you to the patients was significantly below the level of professional practice reasonably expected. In summary the clinical adviser noted that:

1. You failed to keep records in line with the expectations of professional standards
2. You failed to have possession or record an up to date medical history for a patient
3. You failed to provide when asked by the Council, details of appointments which would clarify the dental records previously supplied and in doing so, failed to engage with his regulator
4. You failed to provide diagnoses or treatment plans with estimates of associated cost

5. You failed to provide or offer treatment for the two patients to relieve their symptoms on initial presentation
6. You provided conflicting information regarding the caries of one patient
7. You failed to record a justification for the referral of one patient for treatment; and
8. You failed to make a referral in line with professional standards for one patient.

In addition the GDC allege that you sent a number of e-mails to the Council's Registration team asking questions covering a range of topics including patient consent, patient confidentiality, basic dental diagnoses, CPD advice, the remit of the Council and about the application of the GDC standards. Some of these questions have raised concerns as they are in relation to basic aspects of dentistry, which you, as a registered dentist, should be aware of.

On behalf of the GDC, Ms Denholm submitted that the clinical advice report raises serious clinical concerns about your practice. She submitted that there is a potential risk to patients and public safety if you are allowed to practice without restrictions. Ms Denholm submitted that an interim order on your registration is necessary for the protection of the public and otherwise in the public interest. She invited the Committee to consider imposing conditions on your registration. She submitted that conditions would be appropriate in this case and presented proposed conditions for the Committee's consideration. Ms Denholm submitted that the interim order of conditional registration should be imposed for a period of 18 months as this case is in its early stages and further investigations would need to be carried out including the instruction of experts.

On your behalf Mr Andrews provided the Committee with a summary of your work history since graduation and the NHS investigations into your practice. He informed the Committee that it was your wish to bring to its attention that you are currently suspended from practising as a Dentist within the NHS. Mr Andrews submitted on your behalf a character reference and two letters from NHS England confirming your suspension.

Mr Andrews submitted that you accept that there are failings in your practice. He submitted further that you are willing to engage with the Council to address the concerns raised. He also submitted that the conditions proposed by the Council are clear, proportionate and workable. Mr Andrews confirmed that you accept the imposition of conditions on your registration. However, he invited the Committee to consider imposing the conditions for a period of 12 months rather than the 18-month duration proposed by the Council. Mr Andrews submitted that an interim order of suspension would be wholly disproportionate as conditions are sufficient at this stage.

The Committee considered all of the information presented to it today. It took into account the submissions made by Ms Denholm on behalf of the GDC and those made by Mr Andrews on your behalf. The Committee accepted the advice of the Legal Adviser.

The Committee bore in mind that its function is not to find facts but to assess the nature and substance of any risk to the public in light of the allegations made. It took into account the principle of proportionality, balancing the public interest with your own interests. The Committee first considered whether an interim order is necessary for the protection of the public, otherwise in the public interest or in your interest. In making its decision it took into account the *Interim orders guidance for decision makers – Interim Orders Committee (October 2016) (IOC Guidance)*.

The Committee considered that an interim order is necessary for the protection of the public and in the public interest. The concerns in this case are in relation to wide ranging failings in several areas of basic dentistry. The clinical advice report commissioned by the GDC highlights serious concerns of significant deficiencies in your practice including the

identification of caries, the taking and evaluation of radiographs, failing to provide treatment plans or appropriate costing to patients. Further, your emails to the GDC's Registration Team also show a lack of basic understanding of a number of key areas of dentistry. The Committee is of the view that there is a real risk of harm to patients if an interim order is not imposed on your registration today. It therefore determined that an interim order is necessary for the protection of the public.

In relation to the public interest, the Committee considered paragraph 16 of the IOC Guidance:

“In deciding whether to impose an interim order, the IOC will consider whether serious damage will be caused to public confidence in the profession and the maintenance of good standards if an order is not imposed, and whether an informed member of the public looking on would be surprised, dismayed, shocked or troubled, if the IOC did not make an order in respect of a matter that was later found proved.”

The Committee concluded that in light of the failings identified in the clinical advice report and set out above, an interim order is otherwise in the public interest and public confidence in the GDC as a regulator would be damaged if an order is not imposed. The Committee therefore determined that an interim order is also otherwise in the public interest.

The Committee noted the submission made on your behalf that an order is also in your own interests as it would help you rectify the failings that you accept are extant in your practice.

The Committee considered whether interim conditions would be appropriate in this case. It was of the view that conditions would be appropriate and proportionate to address the clinical concerns set out in the clinical advice report and protect patients from the risks that arise from those concerns. The Committee therefore determined, in accordance with Section 32(4) of the Dentists Act 1984 (as amended) that your registration shall be conditional on your compliance for a period of 18 months. The Committee was of the view that this duration is necessary given that the case is in its early stages of investigation by the GDC. This will also give you sufficient time to begin to address the failings identified in your practice.

The Committee reviewed the conditions of practice proposed by the GDC. While the Committee was largely content with these it considered that patient safety could only be adequately safeguarded by close supervision (defined below) given that the concerns are in relation to wide ranging failings in several areas of basic dentistry and your lack of basic understanding of a number of key areas of dentistry.

The conditions as they will appear against your name in the Dentists Register are as follows:

1. He must notify the GDC promptly of any post he accepts for which GDC registration is required.
2. If employed, he must provide contact details of his employer within 7 days and allow the GDC to exchange information with his employer or any contracting body for which he provides dental services.
3. He must inform the GDC within 7 days of any formal disciplinary proceedings taken against him, from the date of this determination. He must inform the GDC within 7 days of any complaints made against him from the date these conditions take effect.
4. He must inform the GDC if he applies for dental employment outside the UK.
5.
 - (a) He must work with a Postgraduate Dental Dean/Director (or a nominated deputy), to formulate a Personal Development Plan, specifically designed to address the deficiencies in the following areas of his practice:
 - Record keeping

- Radiography
 - Caries diagnosis
 - Valid consent
 - Clinical assessments
 - Root Canal Treatment
 - Extractions
 - Communicating the costs and benefits of the proposed treatment
 - Maintaining patient confidentiality
 - Referrals
- (b) He must forward a copy of his Personal Development Plan to the GDC after 3 months of the date on which these conditions take effect and an updated copy at least 21 days prior to any review hearing.
- (c) He must meet with the Postgraduate Dental Dean/Director (or a nominated deputy), on a regular basis to discuss his progress towards achieving the aims set out in his Personal Development Plan. The frequency of his meetings is to be set by the Postgraduate Dental Dean/Director (or a nominated deputy).
- (d) He must allow the GDC to exchange information about the standard of his professional performance and his progress towards achieving the aims set out in his Personal Development Plan with the Postgraduate Dental Dean/Director (or a nominated deputy).
6. At any time, he is employed, or providing dental services, which require him to be registered with the GDC; he must place himself and remain under the close supervision* of a Workplace Supervisor nominated by him and agreed by the GDC. The workplace supervisor must be a GDC registered dental professional.
7. He must present the Workplace Supervisor with a copy of this determination and a copy of the papers before this Committee, suitably anonymised.
8. He must permit the GDC and the Workplace Supervisor to exchange information.
9. He must carry out audits in the following areas:
- (a) Valid consent
 - (b) Clinical assessments
 - (c) Record keeping, including medical histories
 - (d) Radiographs
- The audits must be reviewed as part of his meetings with his Workplace Supervisor and be signed by the Workplace Supervisor.
10. He must provide the audits as referred to in condition 9 to the GDC every three months and, at least 14 days in advance of any review hearing.
11. He must provide a report from his Workplace Supervisor to the GDC every three months and, at least 14 days in advance of any review hearing.
12. He must inform, within one week, the following parties that his registration is subject to the conditions listed at (1) to (11), above:
- (a) Any organisation or person employing or contracting with him to undertake dental work;

- (b) Any locum agency or out-of-hours service he is registered with or applies to be registered with (at the time of application);
 - (c) Any prospective employer (at the time of application) and
 - (d) The Commissioning Body in whose Dental performers List he is included or seeking inclusion (at the time of application).
13. He must permit the GDC to disclose the above conditions, (1) to (12), to any person requesting information about his registration status.

** The registrant's day to day work must be supervised by a person who is registered with the GDC in their category of the register or above and who must be on site and available at all times. As a minimum, the registrant's work must be reviewed at least twice a week by the supervisor via one to one meetings and case-based discussion. These bi-weekly meetings must be focused on all areas of concern identified by the conditions/undertakings. These meetings must take place face to face.*

The order will take effect from today. 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 you will be asked whether there are any written submissions to be put before the Committee on your behalf. You will then be notified of the outcome in writing following the decision of the Committee.

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

Even if you do 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 you and your representative will be invited to attend.

That concludes this determination.