

HEARING HEARD IN PUBLIC

BETT, Michael

Registration No: 141034

PROFESSIONAL CONDUCT COMMITTEE

AUGUST 2016

Outcome: Erased with Immediate Suspension

Michael BETT, a dental technician, Verified experience in Dental Technology, was summoned to appear before the Professional Conduct Committee on 8 August 2016 for an inquiry into the following charge:

Charge

“That being a registered Dental Care Professional:

1. At all material times you were practising as a Dental Technician at Camelon Dental Lab, 274 Main Street, Camelon, Falkirk, Stirlingshire, FK1 4EG.
2. On 23 September 2015 you offered to:
 - a) Provide a set of dentures without the prescription of a dentist or clinical dental technician;
 - b) Take impressions of a patient’s mouth;
 - c) Undertake the fitting of a denture.
3. Your conduct at Charge 2 was beyond the scope of your practice.
4. Your conduct at Head of Charge 3 was:
 - a) Misleading
 - b) Dishonest
5. On 30 April 2015 you:
 - a) Adjusted Patient A’s dentures without the prescription of a dentist or clinical dental technician;
 - b) Fitted Patient A’s dentures.
6. Your conduct at Charge 5 was beyond the scope of your practice
7. Your conduct at Head of Charge 6 was:
 - a) misleading;
 - b) dishonest.

And that by reason of the facts alleged, your fitness to practise as a dental technician is impaired by reason of your misconduct.”

On 8 August 2016 the Chairman announced the determination as follows:

“Mr Bett,

This is a Professional Conduct Committee hearing. You are represented at this hearing by Mr Corre. Mr Grey is the Case Presenter for the General Dental Council (GDC).

Admissions and the Committee’s findings of fact

At all material times you were practising as a Dental Technician at your own laboratory, Camelon Dental Lab in Falkirk. The charge in this case relates to your acting outside your scope of practice on two dates, 23 September 2015 and 30 April 2015.

At the outset of the hearing, Mr Corre told the Committee that you admitted the charge in its entirety. In particular, that on 23 September 2015 you offered to:

- provide a set of dentures without the prescription of a dentist or clinical dental technician;
- take impressions of a patient’s mouth; and
- undertake the fitting of a denture.

Further, on 30 April 2015 you adjusted Patient A’s dentures without the prescription of a dentist or clinical dental technician and fitted the patient’s dentures.

You admitted that your conduct on 23 September 2015 and 30 April 2015 was beyond the scope of your practice. You also admitted that your conduct on both of these occasions was misleading and dishonest.

Following advice from the Legal Adviser, the Committee accepted your admissions and found all of the heads within the charge proved.

Stage Two of the hearing

The Committee’s task at this stage of the hearing is to consider whether the facts found proved amount to misconduct, and if so, whether your fitness to practise is currently impaired by reason of that misconduct. If current impairment is found, the Committee proceeds to consider what sanction, if any, to impose on your registration.

In reaching its decisions, the Committee has considered all of the evidence presented to it. The Committee has also taken into account the submissions made by Mr Grey on behalf of the GDC. Mr Corre made no submissions on your behalf in relation to the issues of misconduct, impairment and sanction. However, the Committee took into account Mr Corre’s statement, made at the outset of the hearing, that you accept your fitness to practise is currently impaired. The Committee has accepted the advice of the Legal Adviser.

Misconduct

In deciding whether the facts found proved amount to misconduct, the Committee has taken into account that a finding of misconduct in this regulatory context requires a serious falling short of the standards to be expected of a registered dental professional.

You acted outside the scope of your practice on two separate occasions. The Committee was satisfied from the evidence that your decisions and actions in this respect were deliberate and calculated. It took into account the evidence of your advertising dental services which you were not permitted to undertake. You are a dental technician of many years’ experience. You knew that what you were doing was outwith your scope of practice. The Committee considered that your behaviour was a clear and serious breach of the

relevant standards and was conduct that other dental professionals would find deplorable. You offered and provided dental services for which you were not properly trained or qualified and therefore put Patient A and other patients at risk of harm.

Accordingly, the Committee has determined that the facts found proved amount to misconduct.

Impairment

Notwithstanding your acceptance that your fitness to practise is currently impaired by reason of your misconduct, the Committee went on to decide whether it considered this to be the case. In reaching its decision, the Committee exercised its independent judgement. It remained mindful of its duty to consider the public interest, which includes the protection of patients, the maintenance of public confidence in the profession, and the declaring and upholding of proper standards of conduct and behaviour.

The Committee was satisfied that your fitness to practise was impaired at the time of the events in question. Whilst the Committee was of the view that your misconduct, which included dishonesty, is such that it is difficult to remedy, it considered that remediation was not an impossibility. However, you have offered no evidence in relation to any remediation. Further, the Committee has received no evidence in respect of your insight. In the absence of such evidence, the Committee has not been able to assess your understanding of the matters in this case, particularly the potential impact of your misconduct on patient safety, as well as the reputation of the dental profession.

In the light of this, the Committee has concluded that the concerns that have brought you before your regulator remain outstanding and, as such, there is a real risk of repetition on your part.

The Committee also considered the wider public interest in this case. It took into account the serious nature of your misconduct, which put patients at risk of harm. It also took into account that there is no evidence to suggest a discernible change in your attitude towards what you did. The Committee was satisfied that public confidence in the dental profession would be undermined if a finding of impairment were not made in these circumstances.

The Committee has determined that your fitness to practise is currently impaired.

Sanction

The Committee considered what sanction, if any, to impose on your registration. The purpose of a sanction is not to be punitive, although it may have that effect, but to protect patients and the wider public interest.

In reaching its decision, the Committee took into account the '*Guidance for the Practice Committees including Indicative Sanctions Guidance (effective from October 2015)*' ('the Guidance'). It considered the range of sanctions available to it, starting with the least serious. The Committee applied the principle of proportionality, balancing the public interest with your own interests.

In view of the gravity of your misconduct and the Committee's concern regarding the risk of repetition, it concluded that some action needed to be taken in relation to your registration in order to protect patients and to serve the wider public interest.

The Committee concluded that a reprimand would be insufficient and inappropriate in the circumstances of this case. This sanction would not afford protection to the public, as it

would not restrict your registration in any way. The Committee also considered that a reprimand would not reflect the seriousness of your behaviour.

The Committee considered whether to impose conditions on your registration. However, it decided that it could not formulate any workable conditions to address the matter of your dishonesty. Furthermore, the Committee took into account that your misconduct concerns your failure to adhere to the scope of your practice. In these circumstances, particularly given the lack of evidence in respect of remediation, the Committee was not satisfied that you would comply with conditions in any event.

The Committee went on to consider whether to suspend your registration. In doing so, it had regard to paragraph 7.2.8 of the Guidance, which sets out a number of factors which may be taken into account when deciding whether suspension is an appropriate sanction. Whilst the Committee noted that a number of those factors could be applied in this case, it remained concerned about your apparent lack of insight into your misconduct. In view of this, the Committee questioned whether a period of suspension would be a proportionate outcome.

The Committee considered paragraph 7.3.4 of the Guidance which deals with the sanction of erasure. There are a number of applicable factors listed in this paragraph, namely:

- that this case concerned a serious departure from the relevant professional standards;
- that there continues to be a real risk of harm to patients;
- that your behaviour represented an abuse of your position as a dental professional;
- there was serious dishonesty on your part.

In the Committee's view, your behaviour, as highlighted in this case, demonstrated a serious disregard for patient safety and the standards of your regulatory body. You were willing to act and did act beyond your scope of practice and have not sought to mitigate your misconduct in any way. It is for these reasons that the Committee has concluded that suspending your registration would not be sufficient to mark the gravity of your misconduct. The Committee considered that your behaviour, as identified in this case, is fundamentally incompatible with being a dental professional.

In all the circumstances, the only appropriate and proportionate sanction to protect the public and maintain confidence in the dental profession, is that of erasure.

Unless you exercise your right of appeal, your name will be erased from the Register of Dental Care Professionals, 28 days from the date upon which notice is deemed to have been served upon you.

The Committee now invites submissions from Mr Grey and then from Mr Corre as to whether your registration should be suspended immediately, pending the taking effect of its substantive determination."

"Mr Bett,

In deciding whether to impose an immediate order on your registration, the Committee took into account the submissions of Mr Grey on behalf of the GDC that such an order should be imposed. Mr Corre made no submissions on your behalf. The Committee accepted the advice of the Legal Adviser.

The Committee has determined that it is necessary for the protection of the public and is otherwise in the public interest to impose an order for the immediate suspension of your registration. The Committee has seen no evidence to suggest that you have addressed the serious concerns raised in this case. In the light of this, the Committee considers that there would be an ongoing risk to the public if you were to continue in practice without restriction.

Further, it is this Committee's judgement that public confidence in the dental profession and this regulatory process would be undermined if an immediate order were not imposed.

The effect of the foregoing determination and this order is that your registration is suspended immediately. If you do not appeal, the substantive direction for erasure, as already announced, will take effect 28 days from the date when notice is deemed to have been served upon you.

Should you exercise your right of appeal, this immediate order for suspension will remain in place until the resolution of any appeal.

The interim order currently on your registration is hereby revoked.

That concludes this hearing."