

PUBLIC HEARING**Professional Conduct Committee
Review Hearing****7 March 2025****Name:** AMITHARAJ, Praveena**Registration number:** 253262**Case number:** CAS-191528-F4F9Z7

General Dental Council: Lucy Sweetland, Counsel
Instructed by IHLPS**Registrant:** Present
Represented by Peter Ward, Counsel.
Instructed by Rodney Hylton-Potts

Fitness to practise: Impaired by reason of misconduct**Outcome:** Conditions extended (with a review)**Duration:** 9 months

Committee members: David Wood (Chair, Lay member)
Jodie Mahoney (Dental Care Professional member)
Elizabeth Murphy (Dentist member)**Legal adviser:** Michael Bell**Committee Secretary:** Jenny Hazell

Mrs Amitharaj,

1. This was a review hearing before the Professional Conduct Committee (PCC) in accordance with Section 27C of the Dentists Act 1984 (as amended) ('the Act'). The purpose of this hearing has been for this PCC to review your case and determine what action to take in relation to your registration.

2. You were present at the hearing and represented by Mr Ward, Counsel. Ms Sweetland, Counsel, appeared on behalf of the General Dental Council (GDC). The hearing was held remotely on Microsoft Teams.

Background

3. At the initial substantive hearing in August 2020, at which you were neither present nor legally represented, the PCC considered allegations relating to poor clinical treatment and administrative practice into which your failings fell:

- *Failed to carry out adequate assessments for patients*
- *Failed to take radiographs*
- *Failed to adequately treatment plan and communicate treatment plans to patients*
- *Failed to give adequate advice in relation to oral health*
- *Provided treatment which was not clinically indicated*
- *Failed to have key discussions with patients and obtain informed consent*
- *Failed to carry out an adequate assessment before extracting two teeth*
- *Made inaccurate notes which were misleading*

4. The PCC in August 2020 was satisfied that the clinical failings set out above were widespread, repeated, serious and amounted to misconduct. The PCC considered that in the absence of any evidence of remediation or full insight, you presented an ongoing risk to patients. It found that your fitness to practise was impaired by reason of misconduct. The PCC directed that your registration be subject to an order of suspension for 12 months with a review.

5. The PCC reviewed the matter on 10 September 2021 (first review). You attended the hearing, but you were not represented. At that hearing the PCC noted that you were not working at that time. The PCC concluded that there remained a real risk of the misconduct in this case owing to your lack of insight and remediation. It determined, therefore, that your fitness to practise remained impaired by reason of misconduct. That Committee also determined to impose a further period of suspension on your registration for six months with a review hearing.

6. Your case was reviewed by the PCC on 17 March 2022 (second review). You were present at the hearing and you were legally represented. The PCC determined that you had made significant steps to remediate your failings. This included evidence of your targeted Continuing Professional Development (CPD) as well as a reflective statement. The PCC noted that you had been applying for positions as a dentist. However, due to your suspension, you had not been able to provide evidence to demonstrate that you have fully embedded your learning into your practice. The PCC considered that there remained a risk of repetition of your misconduct. It acknowledged that your insight had developed since the substantive hearing but was not yet complete. Accordingly, the PCC determined that your fitness to practise remained impaired by reason of misconduct.

7. The PCC noted that you had identified the problems which led to your clinical failings in this case and had begun to address them through your ongoing remediation. It therefore determined to terminate your suspension and impose conditions on your registration, with a requirement of close supervision. The Order was for a period of 18 months with a review hearing.

8. The PCC reviewed the order on 16 October 2023 (third review). You were present at the hearing and you were legally represented. The Committee noted that you had not yet been working as a dentist. It had regard to the documents before it which included a copy of your Personal Professional Development Plan (PPDP), details of CPD and a written reflective statement.

9. The PCC noted the extensive remediation work you have undertaken since the previous review hearing in March 2022, which included undertaking CPD courses, providing a PPDP and a written reflective statement, and working with a Development Adviser. However, the PCC noted that you had not practised since the previous review hearing and that you were waiting for your application to be approved to join the NHS Performers List before commencing work.

10. The PCC also had regard to your oral evidence. It considered from the responses you gave to questions that you were not able to explain the reasons for the failings previously found proved by the PCC in 2020. The PCC, therefore, could not be satisfied that your remediation and insight into your misconduct was fully complete. In addition, the PCC took into account that you had not been able to show that the remediation you had undertaken has been fully embedded in your clinical practice since you had not practised since the review hearing. Therefore, the PCC concluded that there remained a risk of repetition of the failings found proved and a risk to patient safety. It determined that a finding of current impairment remained necessary to protect the public.

11. The PCC was satisfied that the conditions currently on your registration remained workable and proportionate to protect patients and address the outstanding concerns in this case. It therefore determined to continue the current conditions unvaried for a further period of 18 months. It was satisfied that this period of time would be sufficient for you to find suitable employment and give you the opportunity to embed your learning into your clinical practice. The PCC was also of the view that this would enable you to continue to reflect and discuss your clinical failings with your workplace supervisor and Development Adviser in order to gain full insight into why they occurred and the impact it has had on patients and the dental profession.

Today's Review

12. This hearing was convened to review the current order of conditions, which is due to expire on 18 April 2025.

13. The Committee has carried out a review of this case. In so doing, it has had regard to all the documentary evidence before it, including the GDC bundle of documents, as well as your own oral evidence. The Committee has also had regard to the submissions made by both parties and your oral evidence. It accepted the advice of the Legal Adviser.

14. The Committee had regard to the GDC's Guidance for the Practice Committees, including Indicative Sanctions Guidance (October 2016, updated December 2020) ("the Guidance").

15. Ms Sweetland, on behalf of the GDC, referred to the background of your case and the information contained in the bundle regarding events since the last review hearing in October 2023. The bundles set out your employment details in October 2023 you worked at a Clinic in the Isle of Man (Isle of Man 1) for a period of a month; you then worked at a different location on the Isle of Man (Isle of Man 2) as a dental auditor for a period of six months and from June 2024 until February 2025 you have been working as a dentist at a practice in Wales.

16. During the course of Ms Sweetland's submissions she referred to the email dated 6 January 2024 from you to the GDC in which you notified the GDC that "I wish to inform you that I am planning to start my job at (Isle of Man 2) as I could not have enough number of patients in (Isle of Man 1), I feel it is appropriate to start with (Isle of Man 2) where I can (have) a high inflow of patients." Ms Sweetland then referred the Committee to an email dated 9 January 2024 to the GDC from your then

Workplace Supervisor/the Practice Manager at Isle of Man 1 which set out an appraisal of your progress. In summary, the Workplace Supervisor highlighted a concern regarding your treatment of a new patient on 13 December 2023. It is said that the filling was not done correctly. The patient returned on 5 January 2024 as an emergency appointment as the patient complained that she had not slept for three nights due to severe pain. The report goes on to state that the Practice Manager decided to revoke your practising privileges in view of the concerns raised in connection with your treatment of this patient.

17. Ms Sweetland submitted that this matter in relation to Isle of Man 1 has been referred to the GDC as a separate complaint and is currently under Rule 4 stage of the proceedings.

18. The Committee's attention was drawn to the recent Workplace Supervisor report dated 31 January 2025. He confirmed that you have been having twice weekly meetings with each other. He reported favourably on a number of areas of concern, including in the areas of Assessment, Treatment planning and communicating treatment plans to patients, treatment, advising in relation to oral health, communication with patients, obtaining informed consent, radiographic practice and record keeping. He commented that recent random audits still showed small areas requiring improvement, but errors and omissions were now being noted and taken on board to avoid repetition of mistake. His overall conclusion is that "There has been a marked improvement since start and I now feel much more confident in recommending a status no longer requiring regular audit and review (based on patient and staff feedback as well as my own observations)."

19. The Committee has had regard to your reflective statement dated 5 February 2025 in which you set out the work you carried out with your Workplace Supervisor from December 2024 to February 2025.

20. Ms Sweetland acknowledged that you have made progress during the last eight months. However, she referred to your Workplace Supervisor's overall conclusion that while he felt it appropriate to recommend a relaxation of the regular audit and review of your work, he did not explicitly state that it was appropriate to revoke the Order of Conditions on your registration. In addition, Ms Sweetland made the point that you have only been working in clinical practice for around 8 months and that you need a longer period in clinical practice to demonstrate that the improvements you have made are embedded in your daily practice. Ms Sweetland highlighted that the previous Committee had directed that your registration should be subject to conditions for 18 months with the expectation that you would need this period of time working in practice to remediate the shortcomings previously identified.

21. Ms Sweetland also highlighted the matter of the Isle of Man 1 complaint, which, although at an early stage of the process, was of sufficient concern to warrant a separate referral to the GDC.

22. Ms Sweetland therefore submitted that your fitness to practise remains impaired by reason of your misconduct. She invited the Committee to extend the conditions on your registration unamended for a further period of 9 months with a review hearing before the expiry. She submitted that this period would effectively make up the balance of the number of months the previous PCC had anticipated that it would take you to allow you to demonstrate safe practice under the framework of conditions.

23. Mr Ward, on your behalf, submitted that you are safe to practise without restrictions and invited the Committee to revoke the conditions on your registration with immediate effect. He invited the Committee to consider that you have been honest and candid in respect of your responses to Isle of Man 1 complaint. He made the point that there have been no findings against you in respect of the Isle of Man 1 complaint and that any concerns that have been identified are of a minor nature.

24. In your oral evidence you set out the work you undertook since October 2023. You also gave evidence on your reflections on the PCC's initial findings in August 2020 and acknowledged the impact the shortcomings had on the patients. In respect of the Isle of Man 1 complaint, you say that you disagree with the Practice Manager's interpretation of events and reasons for revoking your right to treat patients at the practice. You claimed in an email to the GDC dated 6 January 2025 and in your evidence that it was your decision to leave the practice but when cross-examined by the GDC on this point, you accepted that you had been dismissed. You told the Committee that you are not currently working but that you hope to find dental work in the North East.

Decision on Current Impairment

25. The Committee first sought to determine whether your fitness to practise was currently impaired by reason of your misconduct. It exercised its independent judgement and was not bound by the decision of the previous committee. It balanced your interests with those of the public and bore in mind that its primary duty is to protect the public, including maintaining public confidence in the profession and declaring and upholding proper standards and behaviour. It reminded itself that it is not bound by the decisions of the previous PCCs.

26. The Committee is encouraged by the improvements you have made in your clinical progress in the last eight months, as confirmed by your Workplace Supervisor in their report dated 31 January 2025. He reported favourably on a number of areas of concern. However, while acknowledging the progress you have made, your Workplace Supervisor has not recommended that you are now free to practise without restrictions.

27. The Committee has also borne in mind that there is a complaint against you in respect of your treatment of a patient at Isle of Man 1, which is currently being investigated. While noting that there have been no findings against you, the Committee is mindful that this in itself raises a concern as to your current fitness to practise.

28. The Committee was concerned about some of the responses you gave in your oral evidence. It considered that you appeared to minimise the potential seriousness of the incident on 13 December 2023 (Isle of Man 1 complaint) by describing it as "*not a big issue*" and "*greatly exaggerated*" when it was accepted that the patient had suffered three sleepless nights with pain.

29. Taking all these factors into account, the Committee could not be satisfied that your remediation and insight into your misconduct was fully complete. In addition, you have not been able to show that the remediation you have undertaken has been fully embedded in your clinical practice as you have only been practising for six months since the last review hearing. Therefore, it considers that there remains a risk of repetition of the failings found proved and, consequently, there remains a risk to patient safety. Accordingly, the Committee determined that a finding of current impairment remains necessary to protect the public.

30. In respect of the public interest, the Committee concluded that, in the absence of sufficient evidence of full remediation and insight from you, public confidence in the profession would be undermined if a finding of impairment was not made.

31. The Committee, therefore, determined that your fitness to practise remains currently impaired by reason of your misconduct.

Decision on Sanction

32. The Committee next considered what sanction to impose on your registration.

33. The Committee first considered whether it would be appropriate to allow the current order to lapse at its expiry or to terminate it with immediate effect. The Committee determined that it would not be appropriate to terminate the current order or to allow it to lapse, given that it has found that your fitness to practise remains currently impaired. Terminating the conditions of practice order would neither protect the public nor satisfy the wider public interest considerations in this case.

34. For the reasons already given, the Committee determined that the continued restriction of your registration remains necessary for the protection of the public and to maintain public confidence in the profession. Having regard to all the circumstances, the Committee was satisfied that the conditions currently on your registration remain workable and proportionate to protect patients and address the outstanding concerns in this case. It further noted that you have complied with the conditions currently and was satisfied that you would continue to do so. It therefore determined to continue the current conditions unvaried.

35. Accordingly, the Committee directs that the current period of conditional registration be extended for a period of 9 months pursuant to Section 27C (2)(b) of the Dentists Act 1984, as amended. It considers that this period of time will be sufficient for you to demonstrate a sustained level of improvement while you are working in clinical practice. The conditions remain unvaried.

36. The conditions, as they will appear against your name in the Dentists Register are:

1. She must notify the GDC promptly of any professional appointment she accepts and provide the contact details of her employer or any organisation for which she is contracted to provide dental services and the Commissioning Body on whose Dental Performers List she is included or Local Health Board if in Wales, Scotland or Northern Ireland.

2. She must allow the GDC to exchange information with her employer or any organisation for which she is contracted to provide dental services, Development Adviser and workplace supervisor referred to in these conditions.

3. She must inform the GDC of any formal disciplinary proceedings taken against her, from the date of this determination.

4. She must inform the GDC if she applies for dental employment outside the UK.

5. She must work with a Development Adviser (or equivalent elsewhere in the UK) to formulate a Personal Professional Development Plan ("PPDP") (or a Professional Development Plan (PDP) elsewhere in the UK), specifically designed to facilitate her return to safe clinical practice. Her Development Adviser shall be nominated by her, and agreed by the GDC. Her PPDP must address the following areas:

- Assessment
- Treatment planning, and communicating treatment plans to patients;
- Treatment;
- Advising in relation to oral health;
- Communication with patients;
- Obtaining informed consent;
- Radiographic practice; and,
- Record-keeping.

6. She must forward an initial copy of her PPDP to the GDC within 28 days from the date on which these conditions become effective.

7. She must forward an updated copy of her PPDP to the GDC every 6 months and 14 days prior to any review hearing.
8. She must meet with the Development Adviser, on a regular basis to discuss her progress towards achieving the aims set out in her PPDP. The frequency of her meetings is to be set by the Development Adviser.
9. At any time she is employed, or providing dental services, which require her to be registered with the GDC, she must place herself and remain under the close supervision* of a workplace supervisor nominated by her and agreed by the GDC.
10. She must allow her workplace supervisor to provide reports to the GDC at intervals of not more than 3 months and 14 days prior to any review hearing.
11. She must keep her professional commitments under review and limit her dental practice in accordance with her workplace supervisor's advice.
12. She must not work as a locum or undertake any out-of-hours work or on-call duties without the prior agreement of the GDC.
13. She shall carry out 3 monthly audits of;
 - Assessment
 - Treatment planning, and communicating treatment plans to patients;
 - Treatment;
 - Advising in relation to oral health;
 - Communication with patients;
 - Obtaining informed consent;
 - Radiographic practice; and,
 - Record-keeping.
14. The audits must be signed by her workplace supervisor.
15. She must provide a copy of the audits to the GDC at intervals of not more than 3 months and 14 days prior to any review hearing or, alternatively, confirm that there have been no such cases.
16. She must inform within one week the following parties that her registration is subject to the conditions, listed at (1) to (15), above:
 - Any organisation or person employing or contracting with her to undertake dental work; and,
 - Her workplace supervisor; and,
 - Any prospective employer (at the time of application); and,
 - The Commissioning Body on whose Dental Performers List she is included or seeking inclusion, or Local Health Board if in Wales, Scotland or Northern Ireland (at the time of application).
17. She must permit the GDC to disclose the above conditions, (1) to (16) to any person requesting information about her registration status.

** Closely supervised:*

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.

37. The order will be reviewed prior to the end of the 9 month period.

38. Further, the Committee reflected that you may derive assistance from appointing a GDC approved mentor, who is able to offer you guidance concerning resolving the matters that have brought you to the attention of the GDC. Although such an appointment must be approved by the GDC, no reports have to be provided as it is a confidential relationship. This suggestion does not form part of the substantive conditions.

39. It is noted that you are currently not employed as a dental professional but that you intend to apply for a post. The reviewing Committee will be assisted by Workplace Supervisors' reports covering a sufficient period to ensure remediation is completed and embedded.

40. That concludes the hearing of your case today.