

PUBLIC HEARING**Interim Orders Committee
Initial Hearing****16 April 2024****Name:** ADNAN, Mohammed**Registration number:** 300071**Case number:** CAS-206507-Z0D8B5

General Dental Council: Ms Louise Price, counsel.
Instructed by IHLPS.**Registrant:** Present
Represented by Mr Anthony Haycroft, counsel.
Instructed by DWF Law.

Outcome: Interim conditions of practice**Duration:** 12 months

Committee members: Andrea Hammond (Chair and DCP member)
Hall Graham (Dentist member)
Jim Hurden (Lay member)**Legal adviser:** Valerie Paterson**Committee Secretary:** Jamie Barge

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.

1. This is an Interim Orders Committee initial hearing. You are present and represented at this hearing by Mr Anthony Haycroft, Counsel. Ms Louise Price of Counsel appeared on behalf of the General Dental Council (GDC). The hearing was held remotely on Microsoft Teams in line with the GDC's current guidance.

Background

2. The circumstances of this case relate to information received by the Council on 30 May 2023 from an anonymous complainant raising concerns in relation to the standard of care provided by you to patients at [...] 'the Practice'. The concerns related to nine patients treated between May 2022 and January 2023 and included:

- Advising a patient that their amalgam filling required replacement as it contained mercury
- Informing a patient that you were unable to provide RCT treatment and more expensive, specialist care was required, when it was not and in another instance, failing to refer for specialist treatment when required.
- Extracting the wrong tooth
- Proposing unnecessarily complex and expensive treatment plans, including inappropriately charging a patient for a surgical extraction when only a "straightforward" extraction was required; and advising a mentally vulnerable patient that she required 11 restorations when only one was required
- A serious clinical incident in January 2023 relating to an emergency appointment wherein you allegedly ignored a patient's serious medical condition in beginning a procedure which required intervention from the Practice Manager.

3. It is understood that multiple patient complaints have been received and internal action has been taken by the Practice. The Council has obtained the patient records for the nine patients and a Clinical Advice Report. In the report dated 11 March 2024, a Clinical Advisor has assessed that the care provided by you to these patients fell significantly below the level of professional practice reasonably expected. This is because of failings in:

- Diagnostic practice: failing to consistently record decay on radiographs and for caries and periodontal disease; misdiagnosing pain
- Radiographic practice: inconsistent reporting, failing to take radiographs prior to crown and bridgework, missed decay
- Inappropriate antimicrobial prescribing which delayed treatment
- Incorrect tooth extracted on two patients
- Poor record keeping: spelling mistakes, unclear, incomplete, not amending templates
- Poor treatment planning

4. The Clinical Advisor has also commented that you have “inexperience of treating patients with complex medical conditions”. In light of this information the Registrar has referred this matter to the Interim Orders Committee for consideration under section 32(4) of the Dentists Act 1984. The Committee will be invited to make an order on the basis that an order is necessary for the protection of the public and/or is otherwise in the public interest.

Submissions

5. Ms Price, on behalf of the GDC applied for a conditions of practice interim order for a period of 12 months. She submitted that an interim order was necessary on the grounds of public protection, is otherwise necessary to uphold and maintain public confidence in the GDC as a regulator.
6. Ms Price submitted that a number of concerns were raised by an anonymous complainant regarding your care of 9 patients. These concerns are serious, which demonstrates that at this stage your clinical practice is deficient in a number of wide-ranging areas. Ms Price submitted that these include failures in pre-treatment investigations, radiography, treatment planning, prescription and prescribing practices, tooth extractions, dentures, root canal treatment, diagnostic practices, record keeping and aftercare.
7. Ms Price submitted that in respect of public protection, there is a realistic risk of harm to patients, arising from the allegations in this case. The Clinical Adviser's report identified a wide range of repeated failings and Ms Price stated that patients would be at risk of harm and a risk of repetition still remains. Ms Price submitted that given the wide-ranging failures, an interim order is necessary for the protection of the public.
8. Ms Price submitted that an order is also required on the grounds of public interest.
9. Ms Price submitted that the proportionate and appropriate order is one of conditions. She provided a proposed set of conditions. She submitted that given the level and the nature of the serious clinical issues raised, as well as the findings of the Clinical Advisors report therefore a risk of harm remains, a level of supervision is necessary to mitigate the risks identified. She stated that the level is to be determined by this Committee. She submitted that an order should be for a period of 12 months.
10. Mr Haycroft submitted that you do not resist the imposition of a practice of conditions order on your registration. You accept the generality of the clinical complaint and the findings of the Clinical Advisors report. Mr Haycroft submitted that in respect of the GDC's proposed draft conditions, that a level of general supervision is accepted. You have three colleagues who are willing to act as your supervisor in each of the three practices you work in. Mr Haycroft submitted that close supervision is both unnecessary and disproportionate.
11. Mr Haycroft submitted that there have been no concerns with your practice since the complaint was made, and you have kept up to date with your learning and there are Continuing Professional Development (CPD) certificates addressing the areas of concern. Also, there are testimonials from colleagues that give positive assessments of you as a dentist. Mr Haycroft invited the Committee to impose the conditions as currently drafted.

Decision on interim order

12. The Committee considered all the documentation contained within the hearings bundle, as well as the submissions made. The Committee had regard to the GDC's *'Interim orders guidance for decision making - Interim Orders Committee (October 2016)'* ('the IO Guidance') and accepted the advice of the Legal Adviser.

13. The Committee accepted the advice of the Legal Adviser. The Committee applied the principle of proportionality. These are interim proceedings where an investigation is continuing. The role of the Committee is to assess risk and not to make findings of fact.
14. The Committee noted the wide-ranging concerns in the Clinical Advisor's Report which identifies a number of failings in fundamental and basic aspects of the safe practice of dentistry including radiography, record keeping, treatment planning and extractions. These occurred over a period of time, and some were repeated. If these alleged failings are found proved, present a real risk of repetition and future harm to patients.
15. The Committee notes that both parties do not dispute that an order is necessary on your registration. The Committee has taken account the volume of CPD, and also supportive testimonials submitted on your behalf that hold you as a competent and well-regarded practitioner. It has heard that there have been no reported previous or subsequent concerns. However, the Committee considers that this learning has not reduced the risks to the public that arises from the concerns to an acceptable level.
16. As the Committee considers that the risks that it has identified have not been mitigated to the extent required, the Committee finds that there is a possibility of recurrence. Any recurrence would place the public at unwarranted risk of harm. The Committee is of the view that, based on the serious, multiple and wide-ranging concerns in your practice, an interim order is necessary to protect the public.
17. The Committee also considers that an interim order is otherwise in the public interest. The Committee considers that the wide-ranging nature and seriousness of the concerns are such that a reasonable and well-informed member of the public would be troubled if an order were not made. An interim order is in the Committee's judgment required to maintain trust and confidence in the profession pending the conclusion of the substantive case.

Type of order

18. The Committee first considered whether an interim order of conditions can adequately meet the identified risks. The Committee considers that conditions can address those concerns, and that an interim order of conditions is workable, appropriate and proportionate. Having determined that an interim order of conditions is the suitable and commensurate order, capable as it is of meeting the identified risks, the Committee determined that an interim order of suspension would be disproportionate.
19. The Committee noted that you have engaged in the process, demonstrated a level of insight and a willingness to comply with conditions on your registration. It noted the GDC has proposed a set of draft conditions for the Committee's consideration. This set of draft conditions includes a requirement that you perform under supervision. The Committee took into account the number of wide-ranging clinical deficiencies which involve a number of aspects of dentistry, however, the Committee noted that your current colleagues have raised no concerns about your clinical practice. The Committee noted that three colleagues are willing to act as your supervisors. The Committee is satisfied in terms of mitigation of risk, a general level of supervision would adequately meet the risks identified.
20. The Committee has therefore determined that the interim order of conditions should be in place for a period of 12 months, with such a period of time likely to be required for the GDC to continue and conclude its substantive case.
21. The interim conditions as they will appear against your name in the Register are as follows:
 1. He must notify the GDC within 7 days of any post he accepts for which GDC registration is required and the Commissioning body on whose Dental Performers List he is included.

2. If employed, he must provide contact details of his employer to the GDC within 7 days of this determination 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.
4. He must inform the GDC within 7 days of any complaint made against him from the date of this determination.
5. He must inform the GDC if he applies for dental employment outside the UK, within 7 days of such an application being made.
6. He must not work as a locum or undertake any out-of-hours work or on-call duties and must not work as a sole practitioner.
7. At any time he is employed, or providing dental services, which require him to be registered with the GDC as a dentist, he must place himself and remain under general* supervision of a workplace supervisor nominated by him and agreed by the GDC. The workplace supervisor must be in the same registration category as him or higher.
8. He must not return to work as a dentist until the workplace supervisor has been approved by the GDC.
9. He must allow the GDC to exchange information with his workplace supervisor referred to in these conditions.
10. He must allow his workplace supervisor to provide reports to the GDC every 3 months and at least 14 days prior to any review. The reports will include details of the discussions and any action points resulting from the one-to-one meetings and cover (including but not limited to) the following areas of his clinical practice:
 - Diagnostic practice
 - Radiographic practice
 - Prescribing practice
 - Teeth extractions
 - Record keeping
 - Treatment planning
11. He must complete and submit a log of cases including but not limited to the areas of his clinical practice listed in condition 10 (not including record keeping). The log must be approved and signed by his workplace supervisor and sent to the GDC every month and at least 14 days prior to any review hearing.
12. He must inform within 7 days the following parties that his registration is subject to the conditions, listed at 1 to 11 above, and provide evidence to the GDC that this has been done: GDC and Adnan- Council's proposed conditions
 - a. Any organisation or person employing or contracting with him to undertake dental work;
 - b. Any prospective employer (at the time of application);

- c. The Commissioning Body or Health Board on whose Dental Performers List He is included or seeking inclusion (at the time of application);
- d. Every member of the dental team and all employees at the practice(s) where he works. They must also be informed that they should contact the GDC immediately if they are concerned about his fitness to practise and/or his compliance with the conditions;
- e. His workplace supervisor.

13. He must permit the GDC to disclose the conditions, listed at 1 to 12 above, to any person requesting information about his registration status

* General supervision: 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. The supervisor need not work at the same practice as the registrant but must make themselves available to provide advice or assistance should they be required. The registrant's work must be reviewed at least once fortnightly by the supervisor via one-to-one meetings and case-based discussion. These fortnightly meetings should take place face to face, however, as a minimum, at least one of the two meetings must be face to face per month.

Review of the order

- 22. Unless there has been a material change of circumstances, the Committee will review the interim order on the papers at an administrative hearing 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.
- 23. Alternatively, you are entitled to have the interim order reviewed at an oral 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.
- 24. 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 any representative will be invited to attend.
- 25. Notification of this decision will be served upon you in accordance with Section 32(7)(b) of the Act.
- 26. That concludes this determination.