

ON PAPERS**Health Committee
Review Hearing****22 August 2024****Name:** MAZONI, Lucy Jayne**Registration number:** 156446**Case number:** CAS-197080-L5D8X5

General Dental Council: Holly Watt, IHLPS**Registrant:** Unrepresented

Fitness to practice: Impaired by reason of misconduct and adverse physical or mental health**Outcome:** Suspension extended (with a review)**Duration:** 12 months

Committee members: Val Evans (Lay) (Chair)
Alison Mayell (Dentist)
Joshua Kelly (Dental Care Professional)**Legal adviser:** Trevor Jones**Committee Secretary:** Andrew Keeling

At this hearing the Committee made a determination that includes some private information. That information shall be omitted from any public version of this determination and the document marked to show where private material is removed.

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1. This was a resumed hearing pursuant to Section 36Q of the Dentists Act 1984 (as amended) ('the Act'). The purpose of this hearing was for this Health Committee (HC) to review Ms Mazoni's case and determine what action to take in relation to her registration. The hearing took place remotely on Microsoft Teams.

2. Neither party was present nor represented today. The General Dental Council (GDC) requested that the hearing be conducted on the papers and it provided written representations.

Decision on Service of the Notice of Hearing

3. The Committee first considered whether notice of the hearing had been served on Ms Mazoni in accordance with Rules 28 and 65 of the GDC's Fitness to Practise Rules 2006 ('the Rules') and Section 50A of the Dentists Act 1984 (as amended) ('the Act'). The Committee received from the GDC an indexed hearing bundle, which contained a copy of the Notice of Hearing ('the notice'), dated 8 July 2024, thereby complying with the 28-day notice period. The notice was sent by special delivery and first-class post to Ms Mazoni's registered address. The Committee had before it a copy of a Royal Mail document which showed that the notice of hearing letter was delivered and signed for on 9 July 2024. The notice was also emailed to Ms Mazoni on 8 July 2024.
4. The Committee was satisfied that the notice sent to Ms Mazoni contained proper notification of today's hearing, including its time, date and that it will be conducted remotely, and the other prescribed information including notification that the Committee had the power to proceed with the hearing in Ms Mazoni's absence.
5. On the basis of the information provided, the Committee was satisfied that notice of the hearing had been served on Ms Mazoni in accordance with the Rules and the Act.

Decision on Proceeding in the Registrant's Absence

6. The Committee next considered whether to exercise its discretion under Rule 54 of the Rules to proceed with the hearing in the absence of Ms Mazoni. The Committee approached the issue of proceeding in absence with the utmost care and caution. It took into account the factors to be considered in reaching its decision, as set out in the case of *GMC v Adeogba & Visvardis* [2016] EWCA Civ 162. It remained mindful of the need to be fair to both Ms Mazoni and the GDC, taking into account the public interest and Ms Mazoni's own interests in the expeditious review of the suspension order imposed.
7. It first concluded that all reasonable efforts had been taken to send the notification of hearing to Ms Mazoni in accordance with the Rules. It noted that the GDC had sent further emails to Ms Mazoni on 24 July 2024 and 2 August 2024 in respect of the hearing taking place on the papers, but no response was received. Ms Mazoni did not attend the substantive hearing and has not engaged with these proceedings since then. The Committee also noted that the suspension order will expire on 2 October 2024 and that there was a statutory duty for the order to be reviewed before then. The Committee concluded that Ms Mazoni had voluntarily absented herself and that to adjourn the hearing would not secure her attendance.

8. In those circumstances, the Committee determined that it was fair and appropriate to proceed with the hearing in the absence of Ms Mazoni and on the papers.

Private Hearing

9. The Committee noted the GDC's application, made in its written submissions, for today's hearing to be held in private. In the absence of either party, the Committee's review of the substantive order on Ms Mazoni's registration was conducted on the basis of the papers in the absence of any public observers. Nevertheless, in light of some of the information before it, which relates to Ms Mazoni's health, and following advice from the Legal Adviser, the Committee had regard to its power under Rule 53 of the Rules. It decided that it would produce a private and public version of its determination.

Background

10. On 30 November 2022, the HC found Ms Mazoni's fitness to practise as a dental nurse to be impaired by reason of: (i) misconduct; (ii) conviction; and (iii) adverse physical or mental health. Ms Mazoni was neither present nor represented at the hearing before the HC but had made written submissions which the HC took into account.

11. The HC summarised Ms Mazoni's misconduct as follows:

"...between 23 November 2020 and 30 April 2021, Ms Mazoni failed to co-operate with a GDC investigation. It has also found that [IN PRIVATE: Text omitted]. The Committee has also found that on 21 September 2020 Ms Mazoni failed to protect patient confidentiality.

The Committee considers that Ms Mazoni's conduct fell far short of the standards reasonably expected of a dental care professional. The Committee considers that Ms Mazoni's failure to co-operate with the GDC's investigation over a number of months, despite having had numerous opportunities to engage, as well as her failure to protect patient confidentiality, represent breaches of fundamental tenets of the profession. The Committee notes that the patient information in question concerned sensitive COVID-19 information, and that there was a COVID-19 pandemic at the time. [IN PRIVATE: Text omitted]

The Committee considers that the conduct summarised in the preceding paragraph brought the standing and reputation of the profession into disrepute, and has also undermined public trust and confidence in the profession. The Committee finds that Ms Mazoni's misconduct was serious, and would be considered by her fellow practitioners to be deplorable..."

12. In finding Ms Mazoni's fitness to practise to be impaired by reason of misconduct, the HC stated:

“The Committee has been provided with only very limited information to suggest that Ms Mazoni has insight into, and has remedied, her misconduct. It notes that Ms Mazoni made full admissions to all of the facts that the Committee went on to find proved. However, Ms Mazoni has not provided any further information to suggest that she has reflected upon how her misconduct may have affected the safety, trust and confidence of patients, the wider public and her colleagues. Ms Mazoni has also not provided any information to demonstrate that she has considered how she would act differently in the future.

The Committee finds that a finding of impairment is also required in order to declare and uphold proper standards of conduct and behaviour and to maintain trust and confidence in the profession.”

13. In finding Ms Mazoni’s fitness to practise to be impaired by reason of conviction, the HC stated: “...on 23 October 2020 Ms Mazoni was convicted of an offence of drink driving. Although the Committee has not identified a continuing risk to the public in light of Ms Mazoni’s conviction, the Committee finds that a finding of impairment is required in order to declare and uphold proper standards of conduct and behaviour and to maintain trust and confidence in the profession in light of this conviction...”

14. In finding Ms Mazoni’s fitness to practise to be impaired by reason of adverse physical or mental health, the HC stated:

[IN PRIVATE: “...Text omitted”]

15. The HC directed that Ms Mazoni’s registration be suspended for a period of nine months with a review, stating:

“...Ms Mazoni has shown only limited insight and that she presents a risk to the public on account of her unremediated misconduct, health and conviction. In the Committee’s judgement a sanction lesser than suspension would be insufficient to protect the public, to declare and uphold proper professional standards of conduct and behaviour and to maintain trust and confidence in the profession and in the regulatory process.

The Committee gave consideration as to whether the higher, and ultimate, sanction of erasure would be appropriate. The Committee considered that such a sanction would not be appropriate or proportionate, as there is no evidence that Ms Mazoni has a harmful deep-seated personality or professional attitudinal problem which might make erasure the appropriate sanction. The Committee is also mindful that the case does not involve serious harm or dishonesty.”

16. In directing that the period of suspension be reviewed, the HC stated that the reviewing Committee might be assisted by:

[IN PRIVATE:

- Text omitted
- Text omitted
- Text omitted
- A reflective piece setting out Ms Mazoni's reflections on her conduct and this Committee's findings

17. The HC reviewed Ms Mazoni's case at a hearing on 12 September 2023. This hearing took place on the papers with neither the GDC nor Ms Mazoni in attendance. That Committee noted that:

"There was no record before the Committee of any response or engagement from Ms Mazoni regarding her attendance or otherwise at this hearing. The last record of any communication is an email exchange between Ms Mazoni and the GDC on 27 April 2023. In that exchange, Ms Mazoni stated that [IN PRIVATE: Text omitted] she had changed career and did not intend to return to dental nursing. The GDC replied to inform her that if her firm intention was not to return to dental nursing she might be eligible to apply for voluntary removal from the DCP register, in response to which Ms Mazoni stated:

"Thank you for your quick response.

Yes, it is my firm intention not to work in dentistry again.

I am the manager of a specialist running store owned by my partner and I do this full time.

If you could send me the form to remove myself from the register I would be very grateful."

The GDC then sent to Ms Mazoni information on how to apply for voluntary removal along with the form to use. There is no record before the Committee of Ms Mazoni pursuing the application for voluntary removal or of any further response or communication from her."

18. That Committee determined that Ms Mazoni's fitness to practice continued to be impaired by reason of misconduct and adverse health.
19. However, that Committee determined that Ms Mazoni's fitness to practise was no longer impaired by reason of her conviction. That Committee noted that Ms Mazoni's period of disqualification from driving had expired and that the nine months period of suspension was sufficient to mark the seriousness of Ms Mazoni's criminal offending and no further regulatory intervention was required in respect of her conviction.

20. That Committee determined that the continued suspension of Ms Mazoni's registration remained necessary and proportionate. It determined that the period of suspension should be extended for a further period of 12 months and that it should be reviewed before its expiry.

Submissions

21. In its written submissions, the GDC stated that Ms Mazoni has not engaged with the GDC since the review hearing on 12 September 2023 or responded to any correspondence sent to her. It further submitted that, Ms Mazoni has not provided any evidence of remediation or insight into her misconduct, or any information in respect of her health condition. Therefore, the GDC submitted that Ms Mazoni's fitness to practise remained impaired by reason of her misconduct and health. The GDC invited the Committee to impose a further period of suspension for 12 months.

Committee's Decision on Impairment

22. It is the role of the Committee today to undertake a comprehensive review as per the request of the GDC. In so doing, the Committee had careful regard to all the documentary evidence before it and took account of the GDC's written submissions. No written submissions were received by or on behalf of Ms Mazoni. The Committee also heard and accepted the advice of the Legal Adviser. The Committee had regard to the *Guidance for the Practice Committees including Indicative Sanctions Guidance, October 2016, revised December 2020, ("PCC Guidance")*.
23. In making its decision, the Committee first sought to determine whether Ms Mazoni's fitness to practise is still impaired by reason of her misconduct and/or her adverse health. It exercised its independent judgement and was not bound by the decision of the previous committee. It balanced Ms Mazoni's 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.
24. The Committee bore in mind that there is a persuasive burden on Ms Mazoni to demonstrate that her fitness to practise is not currently impaired. However, there has been no engagement with these proceedings from Ms Mazoni since the HC review hearing in September 2023. The Committee noted that the GDC emailed Ms Mazoni on 24 July 2024 and 2 August 2024 to invite her to undergo a health assessment, but no response was received. There is no evidence before this Committee that she has undertaken any remediation, shown any insight into the matters found proved or provided any information about her current state of health. The Committee concluded that, in the absence of this information, there has been no material change since the substantive hearing and previous review hearing, and the concerns about her misconduct and her health have not been addressed. The Committee therefore

determined that Ms Mazoni's fitness to practise remains currently impaired by reason of misconduct and her adverse health.

Committee's Decision on Sanction

25. The Committee next considered what sanction, if any, should be imposed on Ms Mazoni's registration. It bore in mind the need to protect patients and the public interest. The Committee once again had regard to the principle of proportionality, weighing the interests of the public with Ms Mazoni's own interests.
26. The Committee was satisfied that taking no action and allowing the current suspension to expire would not protect the public. The Committee was also satisfied that imposing conditions would not be workable owing to Ms Mazoni's continuing non-engagement with these proceedings. Conditions would not be in the public interest or protect patients as there is no evidence before this Committee that the concerns about her misconduct and health have been addressed. The Committee therefore determined that only a further period of suspension was sufficient and proportionate. The Committee determined that the suspension should be for a further 12 months in the circumstances to allow Ms Mazoni to engage with the GDC and provide evidence recommended at the substantive hearing and there should be a review before its expiry.
27. Ms Mazoni has 28 days, from the date that notice is deemed to have been served upon her, to appeal this Committee's direction. Unless Ms Mazoni exercises her right of appeal, the current suspension order on her registration will be extended by a period of 12 months from the date that the current order would otherwise expire. In the event that Ms Mazoni does exercise her right of appeal, the current suspension order will remain in force until the resolution of the appeal.
28. That concludes this hearing.