

**Hearing held in public**

**Summary**

<b>Name:</b>	<b>BOUSMPOUKI, Maria [Registration number: 111222]</b>
<b>Type of case:</b>	<b>Professional Conduct Committee (Review)</b>
<b>Outcome:</b>	<b>Suspended indefinitely</b>
<b>Date:</b>	<b>21 May 2021</b>
<b>Case number:</b>	<b>CAS-183058</b>

This is a resumed hearing before the Professional Conduct Committee (PCC) pursuant to section 27C of the *Dentists Act 1984 (as amended)* ('the Act'). Members of the Committee, as well as the Legal Adviser and the Committee Secretary, are participating via Microsoft Teams in line with the General Dental Council's current practice of holding hearings remotely.

The purpose of this hearing has been for the Committee to review Ms Bousmpouki's case and determine what action should be taken in relation to her registration. Neither party is participating in today's hearing, following a request for the review to be conducted on the papers.

The Committee first considered the issues of service and whether to proceed with the hearing in the absence of Ms Bousmpouki and any representatives for either party. The Committee accepted the advice of the Legal Adviser on these matters.

**Decision on service**

The Committee considered whether notice of the hearing had been served on Ms Bousmpouki in accordance with Rules 28 and 65 of the *General Dental Council (Fitness to Practise) Rules 2006 Order of Council* ('the Rules').

The Committee received from the GDC an indexed hearing bundle of 54 pages. The bundle contained a copy of the Notice of Hearing dated 15 April 2021 ('the notice'), which was sent to Ms Bousmpouki's registered address. A copy of the notice was also sent to her by email. The Committee noted from the associated Royal Mail 'Track and Trace' receipt, also within the hearing bundle, that delivery of the notice letter had been attempted on 13 May 2021 and instructions were left for Ms Bousmpouki to book a redelivery. The Committee took into account that there is no requirement within the Rules for the GDC to prove delivery of the notice, only that it was sent.

The Committee was satisfied that the notice sent to Ms Bousmpouki complied with the required 28 day notice period. It was also satisfied that it contained proper notification of today's hearing, including its date and time, as well as confirmation that the hearing would be held remotely via Microsoft Teams. Ms Bousmpouki was further notified that the Committee had the power to proceed with the hearing in her absence.

On the basis of all the information provided, the Committee was satisfied that notice of the hearing had been served on Ms Bousmpouki in accordance with the Rules and the Act.

### **Decision on whether to proceed with the hearing in the absence of Ms Bousmpouki**

The Committee next considered whether to exercise its discretion under Rule 54 to proceed with the hearing in the absence of Ms Bousmpouki and any representative for either party. It approached this issue with the utmost care and caution. The Committee took into account the factors to be considered in reaching its decision, as set out in the case of *General Medical Council v Adeogba* and *General Medical Council v Visvardis [2016] EWCA Civ 162*. The Committee remained mindful of the need to be fair to both Ms Bousmpouki and the GDC, taking into account the public interest in the expeditious review of this case.

The Committee noted from the Notification of Hearing letter of 15 April 2021 that Ms Bousmpouki was asked to confirm by 27 April 2021, whether she would be attending today's hearing and/or whether she would be represented. The Committee noted that the GDC sent a chaser email on 13 May 2021 and also attempted to call Ms Bousmpouki on 14 May 2021. The information before the Committee indicates that there has been no response from Ms Bousmpouki. Ms Bousmpouki has not provided a reason for her non-attendance, nor has she requested an adjournment. The Committee therefore concluded that Ms Bousmpouki had voluntarily absented herself from today's proceedings. The Committee noted there was no information before it to indicate that an adjournment was likely to secure her attendance on a future date. The Committee also noted that Ms Bousmpouki did not attend and was not represented at her initial and review hearings.

In all the circumstances, the Committee determined that it was fair and in the public interest to proceed with the hearing in the absence of Ms Bousmpouki and on the papers.

### **Background to Ms Bousmpouki's case**

Ms Bousmpouki's case was first considered by a PCC at a hearing held on 02 May 2019. She did not attend that hearing and she was not represented in her absence. That Committee considered and found proved allegations relating to her clinical practice. The Committee in May 2019 determined that Ms Bousmpouki's fitness to practise was impaired by reason of her misconduct. That Committee considered that:

*"The Committee considered whether Ms Bousmpouki's misconduct is remediable, has been remedied and whether it is highly unlikely to be repeated. The Committee was satisfied that the misconduct found in this case relates to clinical failings that are inherently capable of being remedied. When considering whether the Registrant has remedied her misconduct, the Committee took account of the Registrant's observations at an earlier stage of the fitness to practise process. The Committee acknowledged that the Registrant offered an explanation for her actions, provided context about the difficult working conditions of the Practice at the time, took responsibility for what happened, and accepted the need to address certain deficiencies in her knowledge and skill. However, the Committee noted that Ms Bousmpouki has not provided any evidence of current or up to date remediation relating to the facts found proved by this Committee. The Committee was therefore not satisfied that there is any evidence available to it that the Registrant has taken practical steps to give it confidence that she would not repeat her misconduct.*

*The Committee has borne in mind the wider public interest, including the need to declare and uphold proper standards of conduct and behaviour, in order to maintain public confidence in the profession. The Committee considered that Ms Bousmpouki has acted in the past so as to put patients at risk of harm, that her actions brought the profession into disrepute and that she breached some of the fundamental tenets of the profession. The Committee considered that in the absence of any active remediation shown by the Registrant in regard to these matters, she remains liable to do so in the future. It determined, therefore, that public confidence in the profession and the regulatory*

*process would be undermined were the Committee not to make a finding of current impairment.*

*Having regard to all of this, the Committee has concluded that Ms Bousmpouki's fitness to practise is currently impaired by reason of her misconduct."*

That initial Committee directed that Ms Bousmpouki's registration should be suspended for a period of 12 months. It directed a review of her case prior to the end of the 12 month period and in doing so stated that a future reviewing Committee may be assisted by:

*"being provided with a reflective statement, evidence of targeted CPD relevant to the shortcomings in this case, such as informed consent, antibiotics prescribing, radiographic practice and record keeping. The reviewing committee may also be assisted by the Registrant's attendance at that hearing to evidence her reflection and further development of her insight into the matters that have led to the Committee's findings as set out above."*

#### First review 15 May 2020

A PCC reviewed Ms Bousmpouki's case at a resumed hearing held on 15 May 2020. She did not attend that hearing and she was not represented in her absence. In determining that her fitness to practise remained impaired, that Committee stated the following:

*"In the Committee's judgment Ms Bousmpouki has not discharged the persuasive burden on her to demonstrate that her fitness to practise is no longer impaired. The Committee has not seen any evidence of Ms Bousmpouki's insight or learning in relation to the serious clinical concerns identified at the initial hearing in May 2019. The absence of this evidence means that the Committee cannot say that her misconduct is unlikely to be repeated, and considers that Ms Bousmpouki remains a risk to the public. Accordingly, it has determined that Ms Bousmpouki's fitness to practise remains impaired by reason of misconduct."*

The Committee in May 2020 directed that the order of suspension in place on Ms Bousmpouki's registration should be extended by a period of 12 months. It also directed a further review of her case shortly before the end of that 12 month period. That Committee considered that an order of 12 months would give Ms Bousmpouki sufficient time to engage with the process and provide evidence that she has addressed her deficiencies.

#### Today's review

Today is the second review. In comprehensively reviewing this case today, the Committee considered all the evidence presented to it. It took account of the written submissions provided by the GDC. The Committee accepted the advice of the Legal Adviser. No written representations were provided on behalf of Ms Bousmpouki.

In its written submissions, the GDC submits that there is no evidence to show any material change in position since the last hearing. Ms Bousmpouki has failed to engage with the GDC despite the attempts to contact her. Ms Bousmpouki has not provided the GDC with any reflections or evidence of remediation or CPD to satisfy the Committee that the risk of repetition has reduced to allow safe return to practice. Therefore, the GDC submits that Ms Bousmpouki's fitness to practise remains impaired by reason of her misconduct.

In relation to sanction, the GDC submits that it would be appropriate and proportionate to consider imposing an indefinite suspension on Ms Bousmpouki's registration.

#### Decision on impairment

The Committee considered whether Ms Bousmpouki's fitness to practise remains impaired by reason of her misconduct. In doing so, it exercised its own independent judgement. It had regard to the over-arching objective of the GDC, which is: the protection, promotion and

maintenance of the health, safety and well-being of the public; the promotion and maintenance of public confidence in the dental profession; and the promotion and maintenance of proper professional standards and conduct for the members of the dental profession.

The Committee notes that since the last review hearing in May 2020 the GDC emailed Ms Bousmpouki on 19 May 2020 to inform her of the outcome. On 20 May 2020 and 03 February 2021, the GDC contacted Ms Bousmpouki to remind her of the recommendations made by that Committee. The Committee notes that there has been no response from Ms Bousmpouki.

The Committee went on to consider whether Ms Bousmpouki's fitness to practise is still impaired by reason of her misconduct. It bore in mind that at a review hearing the onus is on the registrant to demonstrate that their fitness to practise is no longer impaired. There is no evidence before this Committee that Ms Bousmpouki has recognised the seriousness of her misconduct, demonstrated insight or provided any information as recommended to her by the previous reviewing PCC. It also notes that Ms Bousmpouki has not meaningfully engaged with the GDC in relation to these proceedings over a protracted period of time, despite repeated attempts by the GDC to secure her involvement. Given its concerns regarding Ms Bousmpouki's lack of insight and remediation the Committee considers that Ms Bousmpouki's fitness to practise remains impaired by reason of her misconduct.

### **Sanction**

The Committee next considered what direction, if any, to make. It has had regard to the GDC's "Guidance for the Practice Committees including Indicative Sanctions Guidance" (Effective October 2016, revised December 2020).

The Committee has borne in mind the principle of proportionality, balancing the public interest against Ms Bousmpouki's own interests. The public interest includes the protection of the public, the maintenance of public confidence in the profession, and declaring and upholding proper standards of conduct and performance within the profession.

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. Given Ms Bousmpouki's lack of engagement with the GDC and the absence of any remediation or insight into her misconduct, the Committee has concluded that it would not be appropriate to terminate the current order or to allow it to lapse.

The Committee next considered whether a period of conditional registration would be appropriate in this case. The Committee is aware that in order for conditions to be appropriate and workable there would need to be some measure of positive engagement from Ms Bousmpouki. To date, she has not meaningfully engaged with the GDC or provided any evidence of remediation, despite being given ample opportunity to do so. In these circumstances, the Committee has concluded that replacing the suspension order with a conditions of practice order would not be workable or appropriate.

The Committee then went on to consider whether to direct that the current period of suspension be extended for a further period. It has borne in mind Ms Bousmpouki's lack of engagement with the GDC over a sustained period of time. Ms Bousmpouki did not attend her initial PCC hearing, the first review hearing or provide any information set out in the recommendations. In these circumstances, the Committee has concluded that a further time limited period of suspension is unlikely to achieve her engagement or delivery of material requested to assist any future Committee. In these circumstances an indefinite period of suspension is the appropriate and proportionate outcome and is required in order to maintain public confidence in the profession. It therefore directs that Ms Bousmpouki's registration be suspended indefinitely.

The effect of the foregoing direction is that, unless Ms Bousmpouki exercises her right of appeal, her registration will be suspended indefinitely from the date on which the direction

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takes effect; she will not be able to seek a review until at least two years have elapsed from that date.

That concludes this hearing.