

**GENERAL DENTAL COUNCIL  
PROFESSIONAL CONDUCT COMMITTEE**

**July 2008 – April 2011**

**Anna KOPEC-GRZESIK  
Registration No: 57942**

Anna KOPEC-GRZESIK, [address redacted] LDS, RCS Eng, 1983, was summoned to appear before the Professional Conduct Committee on 14 July 2008 for inquiry into the following charge:

**Amended with the agreement of both parties**

That being registered under the Dentists Act 1984:

1. At all material times you were practising as a sole practitioner from [address redacted] (“the Practice”);
2.
  - a. On 20 May 2005,
    - i. Patient A attended the Practice with a broken tooth,
    - ii. You recorded cavities in 9 of Patient A’s teeth,
  - b. In the course of 2005, your treatment of Patient A included,
    - i. the removal and replacement of a **number of** amalgam fillings with composite material following your advice that the amalgam fillings had expanded over time and needed replacing,
    - ii. the provision to Patient A of a bite guard,
  - c. In treating Patient A,
    - i. you failed to write a comprehensive diagnosis,
    - ii. you failed to record any discussions of consent,
    - iii. you failed adequately to describe a treatment plan,
    - iv. you failed to provide to Patient A a written costed treatment plan,
    - v. you failed to make a legible record of the materials used in treatment,
    - vi. you failed to make an examination of the periodontal condition, oral hygiene or soft tissue health of Patient A,
    - vii. you failed to record an examination of the periodontal condition, oral hygiene or soft tissue health of Patient A,

- viii. you erroneously retained within your clinical records relating to Patient A, a radiograph relating to another patient,
  - d. By a letter dated 16 October 2006, Patient A complained to you about the treatment he had received from you,
  - e. You failed to respond to Patient A's complaint timeously,
  - f. You replied to Patient A by a letter dated 7 December 2006 in which you stated,  
**"I am sorry for late reply but I am very busy. It is nearly 2 years ago when you came. It is up to the patient to look after their teeth and fillings. Therefore no money will be returned and no correspondences will be written."**
  - g. Your response to Patient A's complaint was unprofessional and disrespectful;
3. On divers occasions between September 2005 and September 2006 you failed conscientiously to cooperate with officers of Derby City Primary Care Trust (the "PCT") by cancelling or failing to attend,
- a. appointments or meetings with PCT officers,
  - b. practice visits by PCT officers,
  - c. Occupational Health appointments;
4. On 1 December 2005 you failed to make adequate provision for care of patients of the Practice in your absence in that,
- a. patients booked in for appointments on that date had not been informed that the Practice was closed,
  - b. there was no information displayed anywhere externally at the Practice indicating what patients might do in order to seek treatment elsewhere,
  - c. the message left on the Practice telephone answering machine indicated that the Practice would be open on "Wednesday" but did not give an indication as to the date;
5. On or about 31 March 2006, you failed to make adequate provision for care of patients of the Practice in your absence in that a message left on the Practice telephone answering machine,
- a. indicated that the Practice would be closed until 4 March,
  - b. failed to give patients a contact number for emergency care;
- 6.
- a. On 7 November 2005, you were sent by the General Dental Council ("GDC") a letter reminding you that your annual retention fee was due,
  - b. On 22 December 2005, you were sent by the GDC a letter informing you that the direct debit relating to your annual retention fee was unpaid,

- c. On 24 January 2006, your name was erased from the Dentists' Register and the EEA list and you were sent by the GDC a letter informing you that the reason for your erasure was the non-payment of your annual retention fee,
  - d. In February 2006, you sent a **cheque** to the GDC in the sum of £409 in purported payment of your annual retention fee,
  - e. On 20 February 2006, you were sent by the GDC a letter returning your cheque for £409 and stating that the deadline had now passed for registration with the result that you would have to apply for restoration,
  - f. Between the time of your erasure on 24 January 2006 and 5 July 2006,
    - i. you continued to work as a dentist at the Practice,
    - ii. you did so knowing that you were unregistered,
  - g. On 5 July 2006, when questioned by Rachel Gibson, an officer of the PCT,
    - i. you maintained that you had a valid registration certificate,
    - ii. you did so knowing that the assertion was untrue,
  - h. On 6 July 2006, you informed Rachel Gibson, an officer of the PCT, that,
    - i. you had paid the GDC for a second time in respect of your registration
    - ii. you had been told by the GDC that you would be given temporary registration permitting you to practise until your substantive certificate was received,
  - i. You knew that your assertions referred to in paragraph 6.h.ii were untrue,
  - j. On 26 July 2006, you submitted your application and payment to be restored to the Dentists' Register,
  - k. On 30 July 2006,
    - i. you wrote to Rosemary Stuckey, the PCT Director of Primary Care, stating that you were "back on the Dental Register" "since 26 July 2006" when you had paid "the full amount" and "everything was accepted",
    - ii. you did so knowing that the assertion that you were restored to the Register from 26 July 2006 was untrue,
  - l. On 23 August 2006, your name was restored to the Dentists' Register;
- 7.
- a. On 21 June 2006, you signed an advertisement order form for an advertisement relating to the Practice to appear in the Yellow Pages directory ("the advertisement") in the "Orthodontist" classification which was entitled "Specialist Orthodontist" and which represented the Practice as providing services which included orthodontist services,

- b. On 6 July 2006, a proof of the advertisement was sent to you under cover of letter specifying the classification heading under which it would appear,
  - c. The advertisement appeared in the Derby 2006/2007 edition of the Yellow Pages which was published *in* October 2006,
  - d. Your name did not appear within any of the Specialist Lists in Distinctive Branches of Dentistry held by the GDC during 2006,
  - e. You made the assertion in the advertisement referred to in paragraph 7.a as to the specialist orthodontic treatment available at the Practice knowing that it was untrue;
8. Your conduct referred to in paragraphs 2, 3, 4, 5, 6 and 7 was,
- a. inappropriate,
  - b. unprofessional,
  - c. (excepting paragraph 2) not in the best interests of patients,
  - d. in the case of paragraph 2, not in the best interests of Patient A;
9. Your conduct referred to in paragraphs 6.g.ii, 6.i, 6.k.ii and 7.e was,
- a. misleading,
  - b. intended to mislead,
  - c. dishonest;

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

On 14<sup>th</sup> July 2008 Mr Kennedy made a submission under Rule 58 on behalf of Mrs Kopec-Grzesik. The Chairman made the following response:

“Mr Kennedy,

The Committee has heard your submissions on behalf of Mrs Kopec-Grzesik and those of Mr Ozin on behalf of the General Dental Council (the Council). It has accepted the advice of the Legal Adviser.

The Committee first considered your application under Rule 58 of the General Dental Council (Fitness to Practise) Rules 2006 that this hearing should not proceed today in the absence of Mrs Kopec-Grzesik. The Committee noted the reason that you put forward on her behalf for her non-attendance was an inability to afford the cost of daily travel or travel and accommodation during the course of the hearing. Your proposal was that this matter be put back until the autumn of this year, at which time Mrs Kopec-Grzesik might be able to afford to attend having recovered monies owed to her.

Mr Ozin on behalf of the Council submitted that the Committee should consider the age of the events to be considered, that witnesses had attended today and the overall fairness to

all the parties. He further submitted that the reason given for Mrs Kopec-Grzesik's non-attendance was inadequate in all the circumstances.

The Committee considered the application with care, but concluded that the grounds put forward were not sufficient to merit a delay in the hearing of these matters. Accordingly the Committee does not accede to your application.

The Committee went on to consider Mr Ozin's application that this matter proceed in the absence of the respondent. The Committee considered the principles set out in R v Jones [2003] 1 A.C. 1:

1. that a practitioner has a right to be present and represented at a hearing;
2. that such rights can be waived by the practitioner; and
3. that by deliberately or voluntarily absenting him or herself from a hearing, having knowledge of its time and place, a practitioner may waive his or her right to be present.

The Committee noted that it has a discretion as to whether a hearing should take place in the absence of a respondent and that such discretion should be exercised with great care. The Committee considered the need to balance fairness to the respondent that she be present at the hearing with fairness to the Council that the matter proceed today. The Committee also considered the likelihood of the respondent attending any adjourned hearing of this matter and the effect of any delay on witnesses.

The Committee considered that in not appearing before it today, Mrs Kopec-Grzesik has voluntarily and deliberately waived her right to be present. The Committee paid particular attention, during its deliberations, to the risk of it reaching a wrong decision on the merits of the case by reason of its not having heard the respondent's evidence. In reaching its decision, taking all these matters into account and balancing the interests of the practitioner with the public interest the Committee concluded that it could reach a fair decision in Mrs Kopec-Grzesik's absence and that the hearing should proceed without her."

On 16<sup>th</sup> July 2008 the Chairman announced the findings of fact to the Counsel for the GDC:

"Mr Kennedy

The Committee has considered all the evidence before it, the submissions of Mr Ozin on behalf of the Council and your submissions on behalf of Mrs Kopec-Grzesik. It has accepted the advice of the Legal Adviser.

I have to announce that the facts alleged in the following Heads of Charge have not been proved to the satisfaction of the Committee:

2(a)ii. The Committee considered the dental records and was not satisfied on the balance of probabilities that Mrs Kopec-Grzesik recorded cavities in 9 of Patient A's teeth.

2(c)ii. The Committee was satisfied that consent was properly obtained although this was not recorded. The Committee recognised that although it would have been good practice to record consent, there was no positive obligation and this, therefore, did not constitute a failure.

2(c)iii. The Committee was satisfied that a treatment plan was discussed and the evidence of Patient A showed that he understood the treatment that he was to receive.

2(c)v. The Committee found that there was no positive obligation to record the materials used in the treatment of Patient A and hence there was no failure.

2(c)vi. The Committee could not be satisfied that Mrs Kopec-Grzesik did not carry out an examination as alleged.

3(a) The Committee found that, with regard to appointments or meetings arranged with PCT officers, other than formal practice visits, there was no evidence that Mrs Kopec-Grzesik did not cooperate in attending such meetings.

3(c) The Committee found that where Mrs Kopec-Grzesik did not attend Occupational Health appointments, she had reasonable excuses for her non-attendance.

4(c) The Committee could not be satisfied on the evidence as to who it was that listened to the relevant telephone message.

6(k)ii The Committee noted that Mrs Kopec-Grzesik attended an appointment at the General Dental Council's offices, presented her application for restoration to the Dental Register and paid the sum due. The Committee accepted, on the evidence, that Mrs Kopec-Grzesik could have understood that she had done everything necessary to be restored to the Dental Register on 26 July 2006 and that this would occur with immediate effect. In fact, on the application form, her General Medical Practitioner's qualifications and General Medical Council registration number were omitted with the result that the form was returned to Mrs Kopec-Grzesik in order for these omissions to be corrected. As a result, her restoration to the Register was delayed.

9(c) in relation to 7(e) The Committee considered that the words "Specialist Orthodontist" had been generated by an agent of Yell Ltd. and that Mrs Kopec-Grzesik had simply allowed the advertisement to be published in that form. It concluded that this misconduct was one of omission rather than commission and that, in the circumstances, this fell short of dishonesty.

The facts have been proved to the satisfaction of the Committee in relation to the following Heads of Charge:

1

2(a)i, (b)i as amended, (b)ii, (c)i, iv, vii, viii, 2(d), (e), (f) and (g)

3(b)

4(a) and (b)

5(a) and (b)

6(a) and (b),

6(c) as amended by the removal of the words "and the EEA list",

6(d) as amended by the replacement of the word "letter" with the word "cheque" and the removal of the words "containing a cheque",

6(e) as amended,

6(f)i and ii, 6(g)i and ii, 6(h)i and ii, 6(i), 6(j), 6(k)i and 6(l)

7(a) and (b),

7(c) as amended by the replacement of the words "on or about" with the word "in",

7(d) and (e)

8(a), (b) and (d) in relation to 2(c)i, iv, vii and viii, The Committee was satisfied that Mrs Kopec-Grzesik failed in her obligation:

- to write a comprehensive diagnosis;
- to provide a written, costed treatment plan because the treatment proposed was extensive and expensive;
- to record the results of her examination of Patient A's periodontal condition, oral hygiene and soft tissue health; and
- to ensure that the correct radiographs were placed in patient records.

8(a), (b) and (c) in relation to 3(b), The Committee was satisfied that Mrs Kopec-Grzesik failed in her obligation to co-operate with proposed practice visits by PCT officers.

8(a), (b) and (c) in relation to 4(a) and (b), and in relation to 5(a) and (b) The Committee was satisfied that Mrs Kopec-Grzesik failed in her obligation to inform patients of the closure of her practice and of appropriate alternative arrangements.

8(a), (b) and (c) in relation to 6(f)i and ii, 6(g)i, and ii, 6(h)ii, and 6(i) The Committee was satisfied that Mrs Kopec-Grzesik was aware of her obligation to keep her registration with the General Dental Council up-to-date and that she should not practise while unregistered. Further, she should not have misled representatives of the PCT with whom she had a contract to provide dental services.

8(a), (b) and (c) in relation to 7(a), (b), (c), (d) and (e) and 9 (a) and (b) in relation to 7(e) The Committee was satisfied that Mrs Kopec-Grzesik allowed an advertisement containing a misleading statement as to her level of competence in orthodontics to be published in the 2006/7 Derby Yellow Pages.

9(a), (b) and (c) in relation to 6(g)ii and 6(i), The Committee concluded that Mrs Kopec-Grzesik was motivated by a desire that her contract with the PCT be preserved or reinstated as soon as possible and that, consequently, she was prepared to make misleading and dishonest statements as to the status of her registration with the General Dental Council.

We move to Stage Two."

On 18<sup>th</sup> July 2008 the Chairman announced the determination as follows:

"Mr Kennedy

The Committee has considered very carefully the facts found proved against Mrs Kopec-Grzesik together with the submissions made by you on her behalf and those made by Mr Ozin on behalf of the General Dental Council. It has accepted the advice of the Legal Adviser.

The facts of this case cover 7 areas of misconduct:

1. Knowingly making untrue and misleading statements;
2. Allowing misleading statements to appear in an advertisement;
3. Practising dentistry while knowingly unregistered;
4. Failing to make proper arrangements for patients during periods of absence from the practice;
5. Failing to cooperate with other healthcare colleagues;
6. Failing to deal properly and professionally with a patient complaint; and
7. Failing to maintain full contemporaneous patient records.

1. Knowingly making untrue and misleading statements

Paragraph 6.1 of *Standards for Dental Professionals* requires that a dentist shall:

“justify the trust that your patients, the public and your colleagues have in you by always acting honestly and fairly”.

Mrs Kopec-Grzesik breached this standard by asserting to a representative of her Primary Care Trust that she had a valid current registration with the General Dental Council when she in fact did not. The Committee considered this dishonesty to be the most serious of Mrs Kopec-Grzesik’s failings.

2. Allowing misleading statements to appear in an advertisement

Paragraph 6.2 of *Standards for Dental Professionals* further requires that a dentist shall:

“Apply these principles to clinical and professional relationships, and any business or educational activities you are involved in.”

Mrs Kopec-Grzesik breached this standard by allowing an advertisement to appear in the local edition of Yellow Pages, which contained a misleading statement implying that she was a specialist orthodontist when she was not, in fact, on the General Dental Council’s specialist list at the relevant time.

3. Practising dentistry while knowingly unregistered

The General Dental Council is responsible for the maintenance of the Dentists Register. This is one of the ways in which it fulfils its duty to protect patients and to promote confidence in dental professionals. It is the cornerstone of self-regulation.

Dental professionals are required under Paragraph 1 of *Standards for Dental Professionals* to put the interests of their patients first and to act to protect them. A person who, after the removal of their name from the register, continues to practise dentistry does so unlawfully and may put patients at risk.

The Committee considered that, in continuing to practise dentistry knowing that her registration had lapsed by reason of her non-payment of the annual retention fee, Mrs Kopec-Grzesik was in breach of this standard.

4. Failing to make proper arrangements for patients during periods of absence from the practice

The Committee considered that Mrs Kopec-Grzesik further breached her obligation to put the interests of her patients first and to act to protect them by failing to make proper arrangements when her practice was closed.

5. Failing to cooperate with other healthcare colleagues

Paragraph 4 of *Standards for Dental Professionals* requires that a dentist shall co-operate with other healthcare colleagues in the interests of patients. Mrs Kopec-Grzesik did not cooperate with reasonable requests by her Primary Care Trust for practice visits and thereby breached this standard.

6. Failing to deal properly and professionally with a patient complaint

Paragraph 1.5 of the General Dental Council's *Standards for Dental Professionals* requires that a dentist should give a helpful response to a patient complaint at the appropriate time and that a dentist should respect the patient's right to complain.

Mrs Kopec-Grzesik breached this standard in that she initially responded inappropriately, unprofessionally and tardily to a reasonable complaint by one of her patients.

7. Failing to maintain full contemporaneous patient records.

Paragraph 4.3 of *General Dental Council: Maintaining Standards* requires that full contemporaneous records should be kept for all dental treatment. Paragraph 3.6 further requires that a written treatment plan should always be provided for extensive or expensive courses of treatment.

Mrs Kopec-Grzesik breached these standards in that she failed:

- to write a comprehensive diagnosis;
- to provide a written, costed treatment plan for extensive and expensive treatment;
- to record the results of her examination of a patient's periodontal condition, oral hygiene and soft tissue health; and
- to ensure that the correct radiographs were placed in patient records.

In view of the number and range of these failings, the Committee is satisfied that Mrs Kopec-Grzesik's fitness to practise is impaired by reason of this misconduct.

The Committee went on to consider what direction should be given with regard to Mrs Kopec-Grzesik's registration. In considering the appropriate sanction to impose, the Committee bore in mind that the purpose of a sanction is to protect the public interest and, whilst not intended to be punitive, a sanction may, nevertheless, have that effect. It also bore

in mind that any sanction imposed must be proportionate, balancing the public interest with that of the practitioner, and that it should begin by considering the lowest sanction available.

The Committee considered whether to conclude the case but determined that it would be inappropriate to do so in all the circumstances of this case. It went on to consider whether a reprimand would be an appropriate sanction but concluded that it would not, by reason of the seriousness of the matters found proved against Mrs Kopec-Grzesik.

The Committee then considered whether conditions could adequately address the failings demonstrated by Mrs Kopec-Grzesik. The Committee considered that Mrs Kopec-Grzesik's most serious failing involved attitudinal issues, including dishonesty, which could not be adequately addressed by the imposition of conditions. Further, the Committee was concerned as to whether Mrs Kopec-Grzesik would fully comply with any conditions imposed. Consequently, the Committee concluded that conditions would not be an appropriate and proportionate sanction in all the circumstances.

The Committee then deliberated upon the issue of whether it would be sufficient to impose a period of suspension on Mrs Kopec-Grzesik's registration. In the course of its deliberations, it bore in mind Paragraph 43 of the *Guidance for the Professional Conduct Committee* of June 2008 which requires the Committee, when considering a finding of dishonesty against a dentist, to justify carefully a decision not to erase.

The Committee noted that Mr Ozin, on behalf of the Council, submitted that suspension would be the appropriate and proportionate sanction to be imposed in this case. In considering the appropriate sanction, the Committee also took account of the matters of mitigation advanced on Mrs Kopec-Grzesik's behalf. These included personal and family health problems, which may have influenced her behaviour at that time, resulting in the poor administration of her practice and subsequent financial difficulties. The Committee further took into account that she has no previous relevant history with the General Dental Council.

In considering the most serious of its findings, that of Mrs Kopec-Grzesik's dishonesty, the Committee noted that the finding of dishonesty related to assertions made to one member of her Primary Care Trust over a two-day period only. The Committee noted that Mrs Kopec-Grzesik was eligible to be on the Dentists Register at the relevant time but was not entitled to be by reason of her non-payment of the annual retention fee. The Committee further noted that Mrs Kopec-Grzesik had made an attempt to pay the annual retention fee but that this payment had not been accepted by the General Dental Council because it was received after the final deadline for payment. Shortly after these events, Mrs Kopec-Grzesik's name was, in fact, restored to the Dentists Register.

The Committee noted a letter from Dental Protection which stated that, on the basis that Mrs Kopec-Grzesik was entitled to apply for her name to be included in the Dentists Register, she would be entitled to apply for advice and assistance under her indemnity, in the usual way, in relation to any incident which had arisen at that time. Accordingly, her patients' interests would have been protected during the period when she was unregistered.

With regard to the publication of the misleading advertisement in Yellow Pages, there is no evidence that any patient suffered as a result of this.

With regard to the other findings, the Committee heard no evidence of poor clinical practice or that the dental health of any patient suffered as a result of the poor administration of her

practice. In relation to the finding that Mrs Kopec-Grzesik had dealt improperly with a patient complaint, the Committee noted that she did subsequently produce an appropriate letter, in response to that complaint, which the patient accepted.

In view of all these matters, the Committee concluded that erasure would be a disproportionate sanction and that suspension for a period of 9 months would be the appropriate and proportionate sanction in this case. A review of this suspension will take place shortly before the end of the nine month period.

The Committee recognises the value of rehabilitation of a dental practitioner. It, therefore, recommends that, prior to that review, Mrs Kopec-Grzesik work with suitable organisations and professional bodies to identify and take advantage of appropriate educational and training opportunities. This may assist a reviewing Committee in determining whether or not the issues of integrity and attitudes to other professionals and patients have been adequately addressed.

Therefore, unless she exercises her right of appeal, the name of Anna Kopec-Grzesik will be suspended from the Dentists Register 28 days from the date on which notification of this determination will be deemed to have been served upon her. A review of this suspension will take place shortly before the end of the nine month period.

The Committee does not consider that immediate suspension is necessary in this case.

That concludes the case”

At the review hearing on 9 April 2009 the Chairman announced the determination as follows:

“Mr Ozin,

The Committee has heard your submissions on behalf of the General Dental Council and accepted the advice of the Legal Adviser.

Ms Kopec-Grzesik was neither present nor represented at today’s hearing. The Committee has seen evidence demonstrating that she was aware of these proceedings. The day before the scheduled hearing, Ms Kopec-Grzesik was in contact with both the GDC and Dental Protection. She asserted that she had health problems but that she would be flying from Poland to the United Kingdom on the afternoon of the day of the hearing. Ms Kopec-Grzesik mentioned that she would be seeking a two month postponement. In the light of this information the Committee agreed to adjourn the hearing until today so that she could appear.

In the event she did not attend and has made no further contact with the GDC or Dental Protection despite the efforts of both to establish whether or not she did in fact intend to appear before the Committee today. Nor has the Committee received any evidence to support the assertions mentioned above. It has concluded that her absence is voluntary and that she has waived her right to attend. The Committee accepts your submission that it is in the public interest for the hearing to proceed in Ms Kopec-Grzesik’s absence.

At the original hearing on 18<sup>th</sup> July 2008, the Committee decided to suspend the registration of Ms Kopec-Grzesik for 9 months. It expressed concerns about seven identified areas of misconduct, namely:

1. Knowingly making untrue and misleading statements;
2. Allowing misleading statements to appear in an advertisement;
3. Practising dentistry while knowingly unregistered;
4. Failing to make proper arrangements for patients during periods of absence from the practice;
5. Failing to cooperate with other healthcare colleagues;
6. Failing to deal properly and professionally with a patient complaint; and
7. Failing to maintain full contemporaneous patient records.

This Committee has revisited, by reference to the transcripts, the factual matters surrounding these concerns as well as the submissions made on Ms Kopec-Grzesik's behalf. These in part included matters of personal and family health, which may have influenced her behaviour at that time, resulting in the poor administration of her practice and subsequent financial difficulties. The previous Committee recommended that Mrs Kopec-Grzesik work with suitable organisations and professional bodies to identify and take advantage of appropriate educational and training opportunities, so as to assist in assessing her suitability to practise in future.

Mrs Kopec-Grzesik has not provided any evidence to this Committee to demonstrate that she has followed the recommendations of the previous Committee. The Committee accepts your submission that the concerns about her integrity and attitudes to other professionals and patients remain. It would not be in the interests of patients or the public to allow her to practise unrestricted. We agree with the conclusion of the previous Committee that conditions would not be appropriate in this case. We have concluded that the only appropriate course of action is to order a further suspension period of twelve months, to take effect on the expiry of the order currently in place.”

At the review hearing on 29 March 2010, the Chairman announced the determination as follows:

“Mr Ozin

The Committee has heard your submissions on behalf of the General Dental Council and accepted the advice of the Legal Adviser.

Mrs Kopec-Grzesik was neither present nor represented at today's hearing. The Committee has seen evidence demonstrating that she was aware of these proceedings, namely a letter from her dated 20 March 2010. It has concluded that her absence is voluntary and that she has waived her right to attend. The Committee accepts your submission that it is in the public interest for the hearing to proceed in Mrs Kopec-Grzesik's absence.

At the original hearing on 18<sup>th</sup> July 2008, the Committee decided to suspend the registration of Mrs Kopec-Grzesik for nine months. It expressed concerns about seven identified areas of misconduct, namely:

1. Knowingly making untrue and misleading statements;
2. Allowing misleading statements to appear in an advertisement;
3. Practising dentistry while knowingly unregistered;

4. Failing to make proper arrangements for patients during periods of absence from the practice;
5. Failing to cooperate with other healthcare colleagues;
6. Failing to deal properly and professionally with a patient complaint; and
7. Failing to maintain full contemporaneous patient records.

That Committee recommended that Mrs Kopec-Grzesik work with suitable organisations and professional bodies to identify and take advantage of appropriate educational and training opportunities, so as to assist in assessing her suitability to practise in future.

At the first review hearing on 9 April 2009, Mrs Kopec-Grzesik was again neither present nor represented. There was no evidence provided that she had addressed the recommendations of the previous Committee. That review Committee accepted your submissions that her integrity and attitudes to other professionals and patients remained unchanged.

At today's hearing again no evidence was presented to demonstrate that the areas of concern had been addressed. There is a continued failure to engage with the regulatory process. In the light of this the Committee has determined that Mrs Kopec-Grzesik's fitness to practise remains impaired. The Committee has considered the options open to it and concluded that the only appropriate course of action is to order a further suspension period of twelve months, to take effect on the expiry of the order currently in place.

Before the end of that period there will be a further review of this case and that Committee would expect to see evidence that Mrs Kopec-Grzesik has complied with the recommendations to address the shortcomings in the areas of deficiency and evidence of Continuing Professional Development. This Committee notes that Mrs Kopec-Grzesik has expressed a wish to return to practise in the future and would point out to her that the onus rests entirely with her to engage with the regulatory process."

At the review hearing on the 14 April 2011, the Chairman announced the determination as follows:

"Mr Singh

The Committee has heard your submissions on behalf of the General Dental Council (GDC) and accepted the advice of the Legal Adviser.

Mrs Kopec-Grzesik was neither present nor represented at today's hearing. The Committee has seen a copy of the notification dated 9 February 2011 that was sent to her. It has also seen a letter dated 6 March 2011, sent in response to the notice, in which she states that she will not be attending nor be represented. The Committee decided it was fair and reasonable to proceed in her absence.

At the original hearing on 18<sup>th</sup> July 2008, the Committee decided to suspend the registration of Mrs Kopec-Grzesik for nine months. It expressed concerns about seven identified areas of misconduct, namely:

1. Knowingly making untrue and misleading statements;
2. Allowing misleading statements to appear in an advertisement;
3. Practising dentistry while knowingly unregistered;
4. Failing to make proper arrangements for patients during periods of absence from the practice;

5. Failing to cooperate with other healthcare colleagues;
6. Failing to deal properly and professionally with a patient complaint; and
7. Failing to maintain full contemporaneous patient records.

That Committee recommended that Mrs Kopec-Grzesik work with suitable organisations and professional bodies to identify and take advantage of appropriate educational and training opportunities, so as to assist in assessing her suitability to practise in future.

At the first review hearing on 9 April 2009, Mrs Kopec-Grzesik was again neither present nor represented. There was no evidence provided that she had addressed the recommendations of the previous Committee. That review Committee accepted the submissions that her integrity and attitudes to other professionals and patients remained unchanged. That Committee suspended her for a period of 12 months.

At the second review hearing on 29 March 2010 Mrs Kopec-Grzesik was neither present nor represented. Once again, she failed to demonstrate or provide evidence that the areas of concern about her integrity and attitudes towards other professionals and patients remained. That Committee concluded that the only appropriate course of action was to order a further suspension period of 12 months to take effect on the expiry of the order that was then currently in place. It also recommended that at the next review hearing Mrs Kopec-Grzesik should provide evidence that she has complied with the recommendations to address the shortcomings in the areas of deficiency and provide evidence of Continuing Professional Development (CPD). That Committee also noted that the onus was upon her to engage with the regulatory process.

At today's hearing no evidence was presented to demonstrate that the areas of concern previously outlined had been addressed. Further there has been a continued failure to meaningfully engage with the regulatory process.

The Committee has received a letter dated 6 March 2011 that demonstrates a continued lack of insight and denial in relation to the findings made against Mrs Kopec-Grzesik, where she claims that the accusations were " a joke and completely false". The tone of the letter showed contempt not only for the GDC and the regulatory process but also for her Primary Care Trust (PCT) and her Post Graduate Dean.

This Committee is satisfied that Mrs Kopec-Grzesik's fitness to practise remains impaired.

The Committee then went onto consider what actions to take. The Committee concluded that conditional registration was not appropriate due to her lack of engagement and insight, and would not provide the necessary degree of protection for the public. The Committee next considered the question of suspension and decided that this was the appropriate and proportionate course of action. It then considered whether the suspension order should be limited or for an indefinite period. Mrs Kopec-Grzesik has now been suspended since July 2008 and has made no attempt whatsoever to address her attitudinal problems and areas of concern previously identified despite repeated requests to do so.

The Committee is of the view that her attitudinal problems have in fact deteriorated in the light of the contents of her letter dated 6 March 2011. In these circumstances the Committee feels that neither the public nor the profession would expect Mrs Kopec-Grzesik's name to be restored to the register until she has begun to demonstrate that she is addressing the deep seated concerns that have resulted in her current suspension.

The Committee concluded that it is now appropriate and proportionate to impose an indefinite suspension order.

The Committee has therefore decided to suspend her registration indefinitely. The effect of the foregoing is that, unless she exercises her right of appeal, in 28 days' time her name will be suspended from the register indefinitely. After two years have elapsed from the date of which this direction takes effect, she has the right to request a review of this order.

That concludes the case for today.”