

HEARING HEARD IN PRIVATE*

*The Committee has made a determination in this case that includes some private information.
That information has been omitted from the text.

KATONA, Arpad Huba

Registration No: 182964

PROFESSIONAL CONDUCT COMMITTEE

JUNE – JULY 2022

Outcome: Erased with Immediate Suspension

KATONA, Arpad Huba, a dentist, DMD Cluj-Napoca 2000, was summoned to appear before the Professional Conduct Committee on 29 June 2022 for an inquiry into the following charge:

Charge (as AMENDED on 29 June 2022)

“That being a registered dentist,

1. Between 21 August 2016 and 13 February 2019, you possessed indecent images of children.

and that, by reason of the facts alleged your fitness to practise is impaired by reason of misconduct.”

Mr Katona was not present and was not represented. On 29 June 2022 the Chairman made a statement regarding the preliminary applications. On 30 June 2022 the Chairman announced the findings of fact to the Counsel for the GDC:

“This is a Professional Conduct Committee hearing in respect of Mr Katona’s case. The hearing is being conducted remotely by Microsoft Teams video-link.

Mr Katona is not present at the hearing, and he is not represented in his absence. The Case Presenter for the General Dental Council (GDC) is Mr Fraser Coxhill, Counsel.

PRELIMINARY MATTERS

Determination on application to proceed with the hearing in the registrant’s absence – made on 29 June 2022

At the outset of the proceedings, Mr Coxhill made an application under Rule 54 of the *GDC (Fitness to Practise) Rules Order of Council 2006* (‘the Rules’), to proceed with the hearing notwithstanding Mr Katona’s absence. The Committee took account of Mr Coxhill’s submissions in respect of the application, and it considered the supporting documentation provided. The Committee accepted the advice of the Legal Adviser in relation to service, and proceeding in the absence of Mr Katona.

The Committee's decision on service

The Committee first considered whether notice of the hearing had been served on Mr Katona in accordance with Rules 13 and 65. It had regard to the Notice of Hearing dated 1 June 2022 ('the notice'), which was sent to Mr Katona's registered address by Special Delivery. The Committee was provided with the Royal Mail tracking information as proof of postage. It noted from the tracking information that on 4 June 2022, the notice was refused by a person at Mr Katona's registered address. The notice was subsequently 'delivered back to sender' on 6 June 2022.

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. It was satisfied on the material provided that the Council had met its obligation in this regard. The Committee noted that copies of the notice were also sent to Mr Katona by email on 1 and 15 June 2022. These copies were sent to an email account that had been used by Mr Katona to correspond with the GDC previously, including when he referred himself to the GDC in respect of the matters in this case.

The Committee was satisfied that the notice sent to Mr Katona complied with the 28-day notice period required by the Rules. It was also satisfied that the notice contained all the required particulars, including the date and time of the hearing, confirmation that it would be held remotely by video-link on Microsoft Teams, and that the Committee had the power to proceed with the hearing in Mr Katona's absence.

On the basis of all the information before it, the Committee was satisfied that notice of the hearing had been served on Mr Katona in accordance with the Rules.

The Committee's decision on whether to proceed with the hearing in the absence of the registrant

The Committee next considered whether to exercise its discretion under Rule 54 to proceed with the hearing in the absence of Mr Katona. 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 relevant case law, and as referred to in the GDC's '*Guidance for the Practice Committees including Indicative Sanctions Guidance*' (Effective from October 2016; last revised in December 2020). The Committee remained mindful that fairness to Mr Katona was an important consideration. However, it also took into account the need to be fair to the GDC, as well as the public interest in the expeditious disposal of this case.

The Committee was satisfied that all reasonable efforts had been made by the GDC to send notification of the hearing to Mr Katona. It noted that in addition to sending him copies of the notice of 1 June 2022 by post and by email, the Council also made attempts to contact him by telephone. Those attempts were unsuccessful. A further email was also sent to Mr Katona on 27 June 2022, in which the GDC advised him of the importance of his participation in this hearing. The Committee heard that attempts to engage Mr Katona had continued up until the start of this hearing on 29

June 2022, when additional documentation relating to the case was sent to him by email. There has been no response from Mr Katona to any of the GDC's communications regarding these proceedings.

The Committee considered that having referred himself to the GDC, Mr Katona must be aware of his ongoing case before his regulator. As he has failed to engage with the process, there has been no request from him, or on his behalf, for an adjournment. There is also no information before the Committee to suggest that deferring the hearing would secure his attendance on a future date.

The Committee had regard to the principle of fairness. It took into account that the GDC was ready and prepared to present its case in this matter. The Committee also had regard to its duty to act expeditiously in the public interest, particularly given the nature and seriousness of the allegations against Mr Katona.

In all the circumstances, the Committee concluded that there was no good reason to direct an adjournment. It determined that it was fair, and in the public interest, to proceed with the hearing in the absence of Mr Katona.

Determination on application to hold the hearing in private - made on 29 June 2022

Mr Coxhill next made an application to proceed with the hearing entirely in private. The Committee agreed to hear the application itself in private, due to the private and sensitive nature of some of the matters to be considered.

Mr Coxhill acknowledged that the presumption was that all hearings are conducted in public. He highlighted, however, that the Committee had a discretion under Rule 53 to hold all or part of a hearing in private.

Mr Coxhill told the Committee that his application for a wholly private hearing was made pursuant to Rules 53(2)(a) and 53(2)(b), which state as follows:

“(2) All or part of a hearing may be held in private—

- (a) where the interests of the parties or the protection of the private and family life of the respondent or any other person so requires; or*
- (b) to the extent that a Committee are of the opinion that, in the special circumstances of the case, it is strictly necessary to do so as publicity would prejudice the interests of justice.”*

[IN PRIVATE].

It was for these reasons, **[IN PRIVATE]**, that Mr Coxhill invited the Committee to direct that the hearing be held in private. Further, that in accordance with Rule 24(2), no party or witness who took part in the private hearing should be identified in any publication (other than the registrant, Mr Katona).

The Committee's decision

The Committee took account of the submissions made by Mr Coxhill. It accepted the advice of the Legal Adviser.

The Committee was satisfied that there are aspects of this case which required the protection of Mr Katona's private and family life. It was also satisfied that there are special circumstances in this case, which would mean that publicity would prejudice the interests of justice, [IN PRIVATE].

Taking all of these factors into account, the Committee determined that it was appropriate to proceed with the hearing entirely in private at this stage, whilst the evidence is being heard, and before any substantive decisions have been made. It therefore acceded to Mr Coxhill's application.

However, the Committee remained cognisant of the serious nature of the allegation against Mr Katona. It bore in mind the over-arching objective of the GDC, which includes the protection of the public and the upholding of the wider public interest. The Committee recognised that it had a discretion as to what could and should ultimately be made public, after it had made its finding on the alleged fact.

Determination on application to amend the charge - made on 29 June 2022

With the hearing now proceeding entirely in private session, Mr Coxhill made a final preliminary application to amend the charge, pursuant to Rule 18.

[IN PRIVATE].

Mr Coxhill applied to amend the format of the charge to bring it in line with the standard GDC formatting [IN PRIVATE].

It was Mr Coxhill's submission that such an amendment would make no substantive alteration to the underlying charge faced by Mr Katona, and would cause no unfairness or prejudice.

The Committee's decision

The Committee took account of the submissions made by Mr Coxhill. It accepted the advice of the Legal Adviser.

The Committee was satisfied that the amendment proposed by Mr Coxhill was a formatting change only, and that it made no difference to the substance of the allegation against Mr Katona. The Committee also considered that the charge would read more clearly if amended as suggested. Accordingly, it acceded to Mr Coxhill's application, and the charge was amended accordingly.

FINDING OF FACT – 30 June 2022

Mr Katona faces a single factual allegation, [IN PRIVATE].

In opening the case for the GDC, Mr Coxhill provided the Committee with a written opening note. He also addressed the Committee orally. Mr Coxhill set out

comprehensively the background chronology to the allegation against Mr Katona with reference to the documentary evidence relied upon by the GDC.

[IN PRIVATE].

Evidence

The evidence relied upon by the GDC in this case is solely documentary. Mr Coxhill told the Committee that in the absence of Mr Katona or any representative on his behalf, the Council did not intend to call any of its witnesses to give oral evidence. The Committee considered whether it required any of the GDC's witnesses to attend to give oral evidence, but it was satisfied that it did not have any questions to ask of them that would assist beyond their written evidence.

[IN PRIVATE].

In addition to this evidence provided by the GDC, the Committee was provided with a second evidence bundle, which the Council referred to as a "quasi defence bundle". It was considered that in fairness to Mr Katona, evidence of his denial of knowledge of what had happened, should be placed before the Committee. [IN PRIVATE].

The Committee's finding

The Committee considered all the evidence presented to it. It took account of the detailed opening submissions made by Mr Coxhill on behalf of the GDC. It accepted the advice of the Legal Adviser. The Committee bore in mind that the burden of proof rests with the GDC, and that the standard of proof is the civil standard, that is, whether the alleged matter is proved on the balance of probabilities.

The Committee's finding in relation to the allegation against Mr Katona is as follows:

1.	<p>[IN PRIVATE].</p> <p>Found proved.</p> <p>Mr Katona has not engaged with these fitness to practise proceedings and, as such, there has been no formal response from him in relation to this allegation brought by the GDC. However, the Committee was provided with evidence which suggests that Mr Katona has never accepted the alleged matter. [IN PRIVATE].</p> <p>The Committee considered the evidence adduced by the GDC in support of the allegation. [IN PRIVATE].</p> <p>Having taken into account all the evidence, the Committee was satisfied on the balance of probabilities that this allegation is proved.</p>
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We move to Stage Two."

On 01 July 2022 the Chairman announced the determination as follows:

“This is a Professional Conduct Committee hearing in respect of Mr Katona’s case. The hearing is being conducted remotely by Microsoft Teams video-link.

Mr Katona is not present at the hearing, and he is not represented in his absence. The Case Presenter for the General Dental Council (GDC) is Mr Fraser Coxhill, Counsel.

Determination on publication of the charge

Following a successful application made by the GDC during the preliminary stage of these proceedings, the Committee determined that the entire hearing should be held in private. The Committee was satisfied that there were aspects of this case which required the protection of Mr Katona’s private and family life. It was also satisfied that there were special circumstances in this case, which would mean that publicity would prejudice the interests of justice. In view of this, the Committee determined that it was appropriate to proceed with the hearing entirely in private whilst the evidence was being heard, and before any substantive decisions had been made in respect of Mr Katona.

However, in agreeing to a wholly private hearing, the Committee also stated that it remained cognisant of the serious nature of the allegation against Mr Katona. It bore in mind the over-arching objective of the GDC, which includes the protection of the public and the upholding of the wider public interest. The Committee recognised that it had a discretion as to what could and should ultimately be made public, after it had made its finding on the alleged fact.

At the conclusion of the fact-finding stage of the hearing, having found the factual allegation proved, the Committee wished to reconsider whether the charge against Mr Katona should be made public. The Committee invited submissions from Mr Coxhill in this regard. The Committee made clear that it was inviting submissions from the GDC on the publication of the charge only, which includes the nature of the allegation. The Committee remained of the view that the background information underlying the charge should remain private.

Mr Coxhill told the Committee that the position of the GDC was that the charge should not be made public. He told the Committee that the Council considered that the provisions of Rule 53(2)(a) remained engaged, in particular that non-publication of the charge remained necessary for the protection of the private and family life of other persons, **[IN PRIVATE]**. In the circumstances, Mr Coxhill submitted that Rule 53(2)(a) continued to be engaged, but he accepted that the balance had shifted. He stated that it might be that the Committee considered that there was now more weight towards disclosure in the public interest, than there was at the fact-finding stage of this hearing. However, it was the submission of the GDC that, in the particular circumstances of this case, the need to protect the private and family life of other persons outweighed the public interest. Mr Coxhill told the Committee that

given the GDC's position the charge had not been published online prior to the hearing.

[IN PRIVATE].

Mr Coxhill made clear that his submission was not that Mr Katona's interests required protecting. Mr Coxhill also acknowledged that, given the limited disclosure being considered, namely publication of the charge including the nature of the allegation, the concern about publicity prejudicing the interests of justice [IN PRIVATE] would no longer be engaged.

The Committee's decision on publication of the charge

The Committee took account of the submissions made by Mr Coxhill. It accepted the advice of the Legal Adviser, who advised that the publication of disciplinary proceedings and any sanction imposed by the Committee is an important aspect of the public interest. It protects the public from people who may be unfit to practise and publication of the results may prevent anybody else straying from the standards of good professional conduct that the reputation of the profession needs. A registrant seeking to prevent publication of the disciplinary outcome will need to show cogent evidence of serious harm or disproportionate damage such that it would be unfair not to prohibit publication (*Williams v Architects Registration Board* [2016] EWHC 1904 (Admin)).

The Committee considered whether it was relevant that its findings of fact are made to the civil standard [IN PRIVATE]. It noted that all GDC findings are made to the civil standard and that these are routinely published to meet the public interest. It concluded therefore that the only relevance is that the information has not previously been in the public domain.

[IN PRIVATE].

Having balanced the interests of other persons concerned with the public interest, the Committee determined that the charge against Mr Katona should be made public. [IN PRIVATE]. Without such evidence, the Committee considered that keeping the nature of the finding against Mr Katona private would be incompatible with the GDC's overarching purpose of public protection. The Committee considered that there should be some kind of public audit trail of the allegation that had been found proved, and how the GDC as a regulatory body deals with such serious matters. The Committee also considered that publication of the charge would provide a protective measure, in that members of the profession and the public would be aware of the serious nature of the finding made against Mr Katona.

Accordingly, the Committee was satisfied that the charge should be made public, and as such, it has made reference to the wording of the charge, and details of the allegation in the remainder of this document. This document sets out the fact found proved against Mr Katona, as well as the Committee's decisions at this second stage of the hearing. Description of the background matters will be kept confidential.

Misconduct, Impairment and Sanction

The Committee found proved a single factual allegation against Mr Katona, namely, that between 21 August 2016 and 13 February 2019, he possessed indecent images of children.

The matters found proved by the Committee did not result in any criminal prosecution. In the light of this, the overriding allegation in this case is that of impaired fitness to practise by reason of misconduct, as opposed to impaired fitness to practise by reason of any conviction.

[IN PRIVATE].

The Committee's task at this second stage of the hearing has been to consider whether the fact found proved against Mr Katona amounts to misconduct and, if so, whether his fitness to practise is currently impaired by reason of that misconduct. The Committee noted that if it found current impairment, it would need to consider the issue of sanction.

The Committee considered all the evidence presented to it at the fact-finding stage. It did not receive any further evidence at this stage of the proceedings.

The Committee took account of the written and oral submissions of Mr Coxhill in relation to misconduct, impairment, and sanction.

The Committee accepted the advice of the Legal Adviser. It noted that there is no burden or standard of proof at this stage of the proceedings. The Committee reminded itself that its decisions were for its independent judgement.

Summary of the submissions made by the GDC

Mr Coxhill informed the Committee that Mr Katona had no fitness to practise history before the GDC.

Mr Coxhill referred the Committee to the relevant case law in relation to misconduct, as set out in his written submissions. He stated that the matter found proved at the first stage of the hearing clearly amounted to misconduct, in that Mr Katona's conduct represented a serious and prolonged departure from a fundamental tenet of the profession, and the GDC's '*Standards for the Dental Team*' (September 2013) ('the GDC Standards'). In particular, Mr Coxhill highlighted the following principles and standards:

- 1.3 ... act with integrity.
- 1.3.2 You must make sure you do not bring the profession into disrepute.
- 9. Make sure your personal behaviour maintains patients' confidence in you and the dental profession.
- 9.1 Ensure that your conduct, both at work and in your personal life, justifies patients' trust in you and the public's trust in the dental profession.

9.2 Protect patients and colleagues from risks posed by your health, conduct or performance.

In relation to impairment, Mr Coxhill again referred the Committee to a number of relevant legal principles. He acknowledged that impairment was a matter for the Committee, exercising its professional judgment. However, he submitted on behalf of the GDC that Mr Katona's fitness to practise was currently impaired for the following reasons:

- The nature of the misconduct in this case alone is sufficiently grave to lead to a finding of current impairment.
- The misconduct is such that it presents an inherent risk to patients and members of the public. In this regard, Mr Coxhill submitted that if allowed to continue to practise as a dentist, Mr Katona could pose a risk to child patients.
- Mr Katona's failure to engage in the GDC's fitness to practise process demonstrates a persistent lack of insight into his actions and their consequences, from which the Committee may infer that the risk to patients and members of the public subsists.
- The Committee may conclude that a finding of current impairment would be required, in any event, to maintain public confidence in the dental profession. Mr Coxhill submitted that the need to uphold proper professional standards and public confidence in the profession would be undermined if a finding of impairment were not made in the circumstances of this case.

In addressing the Committee on sanction, Mr Coxhill invited the Committee to take into account the GDC's '*Guidance for the Practice Committees including Indicative Sanctions Guidance*' (Effective from October 2016; last revised in December 2020). It was Mr Coxhill's submission that, the only appropriate and proportionate sanction in this case, was one of erasure. Mr Coxhill submitted that Mr Katona's conduct was so seriously below appropriate standards that he is fundamentally unsuited for registration as a dental professional.

The Committee's decision on misconduct

The Committee considered whether the fact found proved amounts to misconduct. It took into account that a finding of misconduct in the regulatory context requires a serious falling short of the professional standards expected of a registered dental professional. The Committee had regard to the GDC Standards. It was satisfied that the principles and standards referred to in the submissions of the GDC are engaged in this case.

Mr Katona's behaviour, as found proved, was conduct that fell far short of the relevant professional standards. The Committee considered that the possession of

indecent images of children by anyone was a very serious matter. [IN PRIVATE]. The Committee also took into account that his behaviour persisted over a period of two and a half years.

Whilst this was not conduct that occurred during the exercise of Mr Katona's professional practice as a dentist, it was, in the Committee's view, conduct of a morally culpable or otherwise disgraceful kind, which brings disgrace upon him as a dentist, and as a result prejudices the reputation of the dental profession. The Committee was in no doubt that other members of the dental profession and members of the public would regard Mr Katona's actions as deplorable.

In all the circumstances, the Committee was satisfied that the fact found proved against Mr Katona amounts to misconduct.

The Committee's decision on impairment

The Committee next considered whether Mr Katona's fitness to practise is currently impaired by reason of his misconduct. 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 considered that, given the serious nature of Mr Katona's misconduct, it would be very difficult to provide any evidence of remediation that could address the concerns that this case raises about public protection and the wider public interest. The Committee noted that Mr Katona has not engaged with these proceedings in any event, and therefore, there has been no evidence from him regarding any steps he has taken to address his misconduct. In these circumstances, the Committee considered there to be a risk of repetition.

[IN PRIVATE]. In the circumstances, the Committee considered there could be a potential risk of harm to patients, in particular child patients, if Mr Katona was permitted to continue practising as a dentist without restriction.

The Committee also considered the risk to the public in the broader sense. It noted that conduct of the kind exhibited by Mr Katona serves to create demand for material which involves the sexual abuse of children.

Having considered all the evidence, the Committee was satisfied that a finding of impairment in this case is necessary for the protection of the public.

Given the grave nature of Mr Katona's misconduct, the Committee was also satisfied that public confidence in the dental profession would be seriously undermined if a finding of impairment were not made in the circumstances of this case. Mr Katona's behaviour significantly impacts on the public's perception of the dental profession, and the trust placed in it, as well as the trust placed in him as a member of the profession. Accordingly, a finding of impaired fitness to practise is required to

maintain public confidence in the profession, and to declare and uphold proper standards of conduct and behaviour.

In all the circumstances, the Committee determined that Mr Katona's fitness to practise is currently impaired by reason of his misconduct.

The Committee's decision on sanction

The Committee considered what sanction, if any, to impose on Mr Katona's registration. It noted that the purpose of any sanction is not to be punitive, although it may have that effect, but to protect patients and the wider public interest. In reaching its decision, the Committee had regard to the GDC's '*Guidance for the Practice Committees including Indicative Sanctions Guidance*' (Effective from October 2016; last revised in December 2020). It applied the principle of proportionality, balancing the public interest with Mr Katona's interests.

In deciding on the appropriate sanction, the Committee first considered the issue of mitigating and aggravating factors. The Committee considered that it was difficult to consider what mitigation there could be in the circumstances of this case, and it noted that it did not receive any evidence in this regard from Mr Katona. However, it did take into account that Mr Katona has no fitness to practise history before the GDC, and that he referred himself to the Council in respect of the matters in this case.

The Committee identified the following aggravating features:

- actual harm or risk of harm to a patient or another;
- that his misconduct was premediated;
- his actions involved a breach of the trust placed in the dental profession and in him as a dental professional;
- there was involvement of vulnerable individuals, namely the children depicted in the indecent images;
- the misconduct was sustained or repeated over a period of time;
- Mr Katona's lack of insight.

Taking all of these factors into account the Committee considered the available sanctions, starting with the least restrictive, as it is required to do. The Committee first considered whether to conclude this case without taking any action in relation to Mr Katona's registration. It decided, however, that such a course would be wholly inappropriate, would not serve to protect the public, nor would it satisfy the wider public interest.

The Committee considered whether to issue Mr Katona with a reprimand. However, it similarly concluded that a reprimand would be insufficient to protect the public and the wider public interest, and would be disproportionate in all the circumstances. A reprimand is the lowest sanction which can be applied, and it would not impose any

restriction on Mr Katona's practice. A reprimand is usually considered to be appropriate where there is no identified risk to patients or the public, and the misconduct is at the lower end of the spectrum. This is not such a case.

The Committee next considered whether to impose conditions on Mr Katona's registration. However, it decided that conditional registration could not meet the impairment found. Mr Katona's behaviour occurred outside of his work as a dentist, and therefore conditions of practice would not address all of the concerns raised by the Committee in terms of public protection. The Committee also considered that conditional registration would be insufficient to manage the wider public interest, particularly public confidence in the dental profession. Mr Katona has not engaged with the fitness to practise process, so conditions of practice would not be workable in any event, even if it was considered that they could be imposed.

The Committee went on to consider whether to suspend Mr Katona's registration for a specified period. In doing so, it had regard to the Guidance at paragraph 6.28, which outlines factors to be considered when deciding whether the sanction of suspension would be appropriate. The Committee considered that a number of the factors set out in this paragraph applied in this case, namely that:

- there is evidence of repetition of the behaviour, in that Mr Katona's misconduct was sustained and repeated over the material time;
- patients' interests would be insufficiently protected by a lesser sanction; and
- public confidence in the profession would be insufficiently protected by a lesser sanction.

The Committee considered however, that whilst the suspension of Mr Katona's registration would provide a measure of protection in terms of the potential risk to patients, the wider public interest would not be safeguarded. The Committee considered the wider public interest to be fundamental in a case such as this, involving the highly serious issue of indecent images of children. Given the Committee's concerns about the broader risk of harm posed by Mr Katona's behaviour, and given the Committee's duty to promote and maintain public confidence and proper standards in the dental profession, it considered whether the highest sanction of erasure would be a more appropriate and proportionate outcome.

The Committee had regard to paragraph 6.34 of the Guidance which deals with erasure. This paragraph states that, "*Erasure will be appropriate when the behaviour is fundamentally incompatible with being a dental professional: any of the following factors, or a combination of them, may point to such a conclusion:*

- *serious departure(s) from the relevant professional standards;*
- *where serious harm to patients or other persons has occurred, either deliberately or through incompetence;*

- *where a continuing risk of serious harm to patients or other persons is identified;*
- *the abuse of a position of trust or violation of the rights of patients, particularly if involving vulnerable persons;*
- *convictions or findings of a sexual nature, including involvement in any form of child pornography;*
- *...;*
- *a persistent lack of insight into the seriousness of actions or their consequences.*

The Committee noted that all but one of the factors from paragraph 6.34 apply in this case, which, in its view, demonstrates the seriousness of the matters concerning Mr Katona. Taking this into account, the Committee was satisfied that Mr Katona's behaviour is conduct that is fundamentally incompatible with continued registration as a dental professional. The Committee considered that there would be a real loss of public confidence in the dental profession, and in the GDC as a regulator, if a lesser sanction than erasure was imposed in this case. The Committee was satisfied that a reasonable and informed member of the public would expect an outcome of erasure.

In all the circumstances, the Committee determined to erase Mr Katona's name from the Dentists Register.

Unless Mr Katona exercises his right of appeal, his name will be erased from the Register, 28 days from the date when notice of this Committee's direction is deemed to have been served upon him.

The Committee now invites submissions from Mr Coxhill, as to whether an immediate order of suspension should be imposed on Mr Katona's registration to cover the appeal period, pending this substantive determination taking effect.

In reaching its decision on whether to impose an immediate order of suspension on Mr Katona's registration, the Committee took account of Mr Coxhill's submission that such an order should be imposed. He submitted that in circumstances where public protection and public interest issues are so fundamentally engaged, an immediate order is necessary on both grounds.

The Committee accepted the advice of the Legal Adviser.

The Committee determined that it is necessary for the protection of the public, and is otherwise in the public interest to impose an immediate order of suspension on Mr Katona's registration.

The Committee has found misconduct of a very serious nature. Mr Katona has not engaged with the fitness to practise process, and there has been no evidence of his insight into the gravity of his behaviour. In all the circumstances, the Committee has identified a risk of harm to the public, and it is satisfied that an immediate order is necessary for the protection of the public.

The Committee also considered that the imposition of an immediate order is in the wider public interest. It has determined that Mr Katona is not fit to remain on the Dentists Register. The Committee considered that public confidence in the dental profession and the regulatory process would be seriously undermined in the absence of an order suspending Mr Katona's registration immediately. It considered that it would be inconsistent not to impose an immediate order following its substantive decision of erasure.

The effect of the foregoing determination and this order is that Mr Katona's registration will be suspended from the date on which notice is deemed to have been served upon him. Unless he exercises his right of appeal, the substantive direction for erasure, as already announced, will take effect 28 days from the date of deemed service.

Should Mr Katona exercise his right of appeal, this immediate order of suspension will remain in place until the resolution of any appeal.

The interim order currently in place on Mr Katona's registration is hereby revoked under Section 27B(9) of the Dentists Act 1984 (as amended).

That concludes this determination."