

## ON PAPERS

### Professional Conduct Committee Review Hearing

4 July 2024

**Name:** ONCERIU, Meliana

**Registration number:** 164092

**Case number:** CAS-173068

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**General Dental Council:** Instructed by Sarah Barker, IHLPS

**Registrant:** Unrepresented

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**Fitness to practise:** Impaired by reason of misconduct

**Outcome:** Suspended indefinitely

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**Committee members:** Martin Isherwood (Dental Care Professional, Chair)  
Arjun Shinh (Dentist)  
Jeannett Martin (Lay)

**Legal adviser:** Trevor Jones

**Committee Secretary:** Andrew Keeling

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1. This was a review hearing before the Professional Conduct Committee (PCC) in accordance with Section 27C of the Dentists Act 1984 (as amended) ('the Act'). The purpose of this hearing was for this PCC to review Ms Onceriu's case and determine what action to take in relation to her registration.
2. The General Dental Council (GDC) had requested that the hearing be conducted on the papers and, therefore, neither party was present nor represented today.
3. The Committee first considered the issues of service and whether to proceed with the hearing on the papers in the absence of Ms Onceriu and any representatives for either party. The Committee accepted the advice of the Legal Adviser on both of these matters.

## Preliminary Matters

### Decision on Service of the Notice of Hearing

4. The Committee first considered whether notice of the hearing had been served on Ms Onceriu 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 16 May 2024, thereby complying with the 28-day notice period. The notice was sent to Ms Onceriu's registered address by Special Delivery. A copy of the notice was also sent by first-class post and email.
5. The Committee was satisfied that the notice sent to Ms Onceriu contained proper notification of today's hearing, including its time, date and venue, and the other prescribed information including notification that the Committee had the power to proceed with the hearing in Ms Onceriu's absence.
6. On the basis of the information provided, the Committee was satisfied that notice of the hearing had been served on Ms Onceriu in accordance with the Rules and the Act.

### Decision on Proceeding in the Registrant's Absence and on the Papers

7. 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 Onceriu. The Committee approached the issue of proceeding in absence 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 *R v Jones [2003] 1 AC 1HL* and the cases of *General Medical Council v Adeogba [2016] EWCA Civ 162* and *Davies v HCPC [2016] EWHC Civ 1593*. It remained mindful of the need to be fair to both Ms Onceriu and the GDC, taking into account the public interest and Ms Onceriu's own interests in the expeditious review of the substantive order of suspension imposed.
8. The information before the Committee indicated that there had been no response from Ms Onceriu. She had not provided a reason for her non-attendance and had previously demonstrated a history of non-engagement with these proceedings. The Committee had not received any request for an adjournment from Ms Onceriu and it considered that adjourning the hearing would be unlikely to secure her attendance. It was also mindful that this was a statutory review hearing, which had to take place before the expiry of the substantive order of suspension in August 2024. Therefore, the Committee determined that it was fair and appropriate to proceed with the hearing in the absence of Ms Onceriu and to conduct the hearing on the papers.

## Background

### ***PCC Hearing (August 2015)***

9. Ms Onceriu's case was first considered by a PCC at a hearing in August 2015. Ms Onceriu did not attend that hearing nor was she represented in her absence. At the initial hearing, the Committee found proved allegations that Ms Onceriu had failed to provide an adequate standard of care to a patient during several appointments in October 2011. The allegations were that Ms Onceriu had provided an inappropriate form of treatment to the patient after she attended an appointment with a chipped tooth or having lost a filling from the upper right 1 (UR1) by preparing a crown for the UR1, that Ms Onceriu had failed to provide an adequate standard of care when providing root canal treatment to the UR1 and that she had failed to place a temporary crown on UR1. Furthermore, Ms Onceriu had failed to provide an adequate standard of care when attempting corrective root canal treatment for the UR1, and that she had failed to maintain an adequate standard of record keeping.
10. The Committee determined that Ms Onceriu had provided limited information in response to these allegations and seemed to blame other factors as to the reasons for certain procedures not being carried out. It concluded that Ms Onceriu's fitness to practise was impaired by reason of misconduct owing to her lack of insight into her misconduct, the risk that she may repeat her behaviour and that Ms Onceriu's conduct represented a serious falling short of the standards expected of a dental professional. The Committee imposed a suspension order for 12 months with a review hearing before the expiry of that order. The Committee further stated that a Committee reviewing Ms Onceriu's case would be assisted by receiving the following information:
- Evidence of reflection as to what she has learnt about her behaviour and the issues identified in this case.
  - The steps she has taken to address the issues identified in this case.
  - Independent evidence that she has undertaken appropriate professional development courses in relation to the shortcomings identified in this case.
  - Testimonials from any employer for whom she has worked, or is working for.

### ***First PCC Review (August 2016)***

11. A PCC reviewed Ms Onceriu's case at a resumed hearing held in August 2016. Ms Onceriu did not attend and was not represented. The Committee noted that Ms Onceriu had only engaged sporadically with the GDC and provided limited information for the hearing. The Committee concluded that Ms Onceriu had continued to show a lack of insight into her actions and provided little evidence that she had taken steps to address her misconduct. The Committee determined that Ms Onceriu's fitness to practise remained impaired, and it extended the order of suspension by a further period of 12 months.

### ***Second PCC Review (August 2017)***

12. A PCC reviewed Ms Onceriu's case at a resumed hearing held on 8 August 2017. Ms Onceriu did not attend and was not represented.
13. The Committee determined that Ms Onceriu had provided insufficient evidence of remediation or insight and there remained a real risk that the misconduct would be repeated. It concluded that her fitness to practise remained impaired. When considering the sanction to impose it bore in mind that Ms Onceriu had only engaged with these proceedings on a limited basis during the previous two years, and that she had provided insufficient evidence of remediation during that time. It therefore directed that the order of suspension be extended indefinitely.

### ***Third PCC Review (June 2020)***

14. A review of the order was originally held in February 2020 and Ms Onceriu had intended to attend the hearing remotely. However, owing to a misunderstanding about the time the hearing was due to start, Ms Onceriu had only attended part-way through the hearing. The Committee subsequently decided to adjourn the hearing to allow the case to be properly heard. The review was re-listed in June 2020. Ms Onceriu attended the hearing and represented herself. At that hearing the Committee determined that Ms Onceriu's fitness to practise remained impaired, given that she had not practised in the UK for five years and that insufficient evidence had been provided that all of the concerns raised at the initial hearing had been addressed. It however noted that Ms Onceriu had started to engage in the proceedings and begun the process of remediation. On this basis, the Committee imposed conditions on Ms Onceriu's registration for a period of 24 months, to allow her to demonstrate to any future Committee that the initial clinical failings had been addressed and any necessary improvements had been embedded into her clinical practice.

### ***Fourth PCC Review (July 2022)***

15. A PCC reviewed Ms Onceriu's case at a resumed hearing held on the papers on 15 July 2022. Ms Onceriu did not attend and was not represented. The Committee noted that since the previous hearing, Ms Onceriu had failed to meaningfully engage with the GDC. The Committee considered that there had been no material change since the last review. There was no evidence before the Committee that Ms Onceriu had addressed her past conduct or provided any information of her compliance with her conditions. Therefore, the Committee determined that Ms Onceriu's fitness to practise remained impaired.
16. With regard to sanction, the Committee determined that owing to Ms Onceriu's lack of engagement with the regulatory process and her stated intention that she wanted to voluntarily remove herself from the register, conditional registration was no longer workable. The Committee therefore determined to suspend Ms Onceriu's registration for a period of 12 months with a review hearing before the expiry.

### ***Fifth PCC Review (July 2022)***

17. The most recent PCC review hearing took place on the papers in July 2022 with neither the GDC nor Ms Onceriu present. The Committee noted that there had been a total lack of engagement from Ms Onceriu since the previous review hearing and she had not demonstrated any insight or remediation into her misconduct. It took into account Ms Onceriu's assertion that she was not residing in the UK and wanted to be removed from the register, although it noted that no formal request had been made to date. It was therefore mindful that by not making a finding of current impairment, Ms Onceriu would be able to return to the UK and/or practise at any time and continue putting patients at risk of harm. Accordingly, the Committee found Ms Onceriu's fitness to practise remained impaired.
18. With regard to sanction, that Committee determined that the only appropriate and proportionate sanction was to extend the suspension for a further period of 12 months, with a review hearing before the expiry of the order.
19. The order was due to expire on 16 August 2024.

### **Today's Review**

20. It was the role of the Committee today to undertake a comprehensive review of this case. In so doing, the Committee had careful regard to all the documentary evidence before it. It took account of the written submissions from the GDC. No written submissions or documentary evidence was received from, or on behalf of, Ms Onceriu. The Committee also heard and accepted the advice of the Legal Adviser. The Committee had regard to the GDC's *Guidance for the Practice Committees, including Indicative Sanctions Guidance (October 2016, updated December 2020)* ("the Guidance").
21. In its written submissions, the GDC stated that Ms Onceriu had not provided any information to address the concerns identified by the previous Committee, and, therefore, no evidence had been provided to indicate remediation of the clinical issues in this case. Therefore, it submitted that there had been no material change in the circumstances of the case since the previous review hearing and invited the Committee to find that Ms Onceriu's fitness to practise remained impaired by reason of her misconduct for the same reasons identified by the previous committees.
22. With regard to sanction, the GDC submitted that the appropriate and proportionate order remained suspension. However, it further submitted that it would also be appropriate and proportionate to consider imposing an indefinite suspension on Ms Onceriu's registration. It submitted that the last communication with Ms Onceriu was via email on 17 December 2020 and that there was no indication that she would start engaging in the process.

## Decision on Current Impairment

23. In making its decision, the Committee first sought to determine whether Ms Onceriu's fitness to practise was currently impaired by reason of her misconduct. It exercised its independent judgement and was not bound by the decision of the previous committees. It balanced Ms Onceriu's interests with those of the public and bore in mind that its primary duty is to protect the public, including maintaining public confidence in the profession and declaring and upholding proper standards and behaviour.
24. The Committee noted that there has been no material change in the circumstances of Ms Onceriu's case since the conclusion of the previous review hearing in July 2022. The Committee noted that serious failings had been found proved in respect of Ms Onceriu's clinical practice and that there was a persuasive burden on her to demonstrate that her fitness to practise was no longer impaired. However, she has continued not to engage with these proceedings. Therefore, there was no evidence of remediation or evidence that she had shown insight into her clinical failings. Therefore, the Committee considered that there remained a risk of repetition of the failings found proved.
25. In relation to the public interest, the Committee concluded that, in the absence of any evidence of remediation and insight from Ms Onceriu, public confidence in the profession would be undermined if a finding of impairment was not made.
26. The Committee determined therefore that Ms Onceriu's fitness to practise remained impaired by reason of her misconduct.

## Decision on Sanction

27. The Committee next considered what sanction to impose on Ms Onceriu's registration.
28. The Committee has found that Ms Onceriu's fitness to practise remains impaired. In these circumstances, the Committee concluded that terminating the current suspension order would not be appropriate or sufficient for the protection of the public.
29. The Committee next considered whether to replace the current suspension order with one of conditions. In so doing, it considered that Ms Onceriu had not engaged with these proceedings or provided any evidence to address the concerns identified. The Committee further noted that Ms Onceriu had failed to comply with conditions when they were previously imposed on her registration at the review hearing in June 2020. In these circumstances, the Committee was satisfied that conditions were not appropriate, workable or sufficient for this case.
30. The Committee considered that it was necessary to maintain the current suspension in order to protect the public and safeguard public confidence in the dental profession.

However, the Committee considered that it would not be in the public interest for the suspension to be subject to a review in 12 months' time as Ms Onceriu has not engaged at all with these proceedings since December 2020 and has displayed a pattern of intermittent engagement with the GDC since the substantive hearing in August 2015. The Committee considered that it was unlikely that Ms Onceriu would attend any future review hearings and therefore they would be unlikely to serve any purpose and cause unnecessary costs.

31. Accordingly, the Committee directed that Ms Onceriu's registration be indefinitely suspended. It was satisfied that the provisions of Section 27C(1)(d)(i) and (ii) of the Act were met. It noted that this direction meant that a review of the order could only take place if Ms Onceriu requests a review and a minimum of two years has elapsed since the direction took effect. Given that Ms Onceriu has been given ample opportunity to remediate and show insight into her misconduct but has not done so, it was satisfied that this direction was appropriate and proportionate.
32. The effect of the foregoing direction is that, unless Ms Onceriu exercises her right of appeal, her registration will be suspended indefinitely from the date on which the direction takes effect.
33. That concludes this review hearing.