

PUBLIC HEARING**Professional Conduct Committee
Review Hearing****21 January 2025****Name:** CARACUEL SANZ, Margarita**Registration number:** 230807**Case number:** CAS-200964

General Dental Council: Represented by Natalie Bird, counsel
Instructed by Rosie Geddes, IHLPS**Registrant:** Present
Represented by Vivienne Tanchel, counsel
Instructed by Samuel Birrell, MDDUS

Fitness to practise: Impaired by reason of misconduct**Outcome:** Suspension revoked and conditions imposed (with a review)**Duration:** Nine months**Immediate order:** Immediate conditional registration order

Committee members: Edythe Murie (Lay) (Chair)
Nosheen Kabal (Dental Care Professional)
Alison Mayell (Dentist)**Legal adviser:** Alastair McFarlane**Committee Secretary:** Gareth Llewellyn

Miss Caracuel Sanz

1. This is a resumed hearing of the Professional Conduct Committee (PCC). The hearing is being conducted remotely using Microsoft Teams in line with the Dental Professionals Hearings Service's current practice.
2. You are present and are represented by Vivienne Tanchel of counsel, instructed by Samuel Birrell of the Medical and Dental Defence Union of Scotland (MDDUS). Natalie Bird of counsel, instructed by Rosie Geddes of the GDC's In-House Legal Presentation Service, appears for the GDC.

Purpose of hearing

3. The purpose of today's hearing is to review a substantive direction of suspension imposed on your registration for a period of six months by the PCC on 15 August 2024. The hearing is being held in accordance with section 27C of the Dentists Act 1984 (as amended) ('the Act').

Existing order

4. In August 2024 the PCC held a hearing of inquiry in respect of allegations about your fitness to practise.
5. That Committee found that you failed to provide an adequate standard of care to a patient, who was referred to as Patient 1, on 19 November 2019, in that:
 - The extraction of LL8 was not clinically justified;
 - You did not carry out sufficient pre-treatment assessments;
 - You did not conduct proper treatment planning;
 - You did not discuss the full risks and benefits of the proposed treatment;
 - You did not discuss any other treatment options;
 - You did not gain informed consent for the extraction of LL8;
 - You failed to make arrangements for Patient 1 to be referred to a suitably qualified clinician for the extraction of LL8;
 - You did not ensure the appropriate equipment and/or materials were available prior to commencing the extraction;
 - You did not remove the mesial root of LL8;
 - You damaged Patient 1's hard palate;
 - You damaged the inferior alveolar nerve;
 - You did not prescribe any post-operative medication at the time of Patient 1 leaving the surgery.
6. The Committee also found proved that on 4 November 2019, you failed to inform Patient 1 of the likelihood that the inferior alveolar nerve had been damaged and failed to immediately refer Patient 1 to a specialist setting for a second opinion and/or treatment.
7. It was further found proved that between 1 November 2019 and 17 December 2019, you failed to maintain an adequate standard of records keeping in respect of Patient 1's appointments, in that:
 - You did not record any discussion of the risks and benefits of the treatment;
 - You did not record any discussions with regards to other treatment options;

- You did not clinically justify, grade or report the radiographs taken;
 - You did not make any record of the medications prescribed; and
 - You did not record that the mesial root of LL8 was left in situ on 1 November 2019.
8. That Committee went on to determine that your fitness to practise was impaired by reason of the misconduct that it had found. The Committee also found that such a finding of impairment was required in the wider public interest. The Committee determined that the appropriate sanction to impose was one of suspension for a period of six months, with a review hearing to take place prior to the end of the period of suspended registration.
9. It falls to this Committee today to review the suspension.

Evidence

10. The Committee has been provided with documentary evidence relevant to its review. Ms Tanchel on your behalf apologised for the relatively late production of that material. The material includes your recent witness statement, a personal development plan (PDP), certificates of, and reflective notes on, continuing professional development (CPD), testimonials, reading lists and reflective notes, and a logbook.
11. The Committee heard no oral evidence at today's review hearing.

Summary of submissions

12. Ms Bird on behalf of the GDC submitted that your fitness to practise remains impaired. Ms Bird invited the Committee to replace the extant suspension with a direction of conditional registration for a period of nine months, with a review hearing to take place prior to the end of that period of conditional registration. Ms Bird submitted that the GDC recognises that you have submitted a considerable amount of remediation material. But observes that there does not appear to be any independent clinical evidence to attest to the embedding of that learning into your practice. Ms Bird therefore submitted that a period of conditional registration would be appropriate.
13. Ms Tanchel on your behalf submitted that your fitness to practise is no longer impaired, and that the direction of suspended registration should be revoked forthwith. Ms Tanchel invited the Committee to bear in mind the considerable amount of time that has passed since the events giving rise to these proceedings took place, and that those events relate to a single course of treatment for a single patient. Ms Tanchel submitted that you have subsequently practised safely and to good effect abroad, and that you have engaged in effective and focussed remediation and learning. Ms Tanchel submitted that the Committee would be entitled to conclude that you no longer pose a risk to the public or to the wide public interest.

Committee's determination

14. The Committee has carefully considered all the information presented to it, including the submissions of Ms Bird on behalf of the GDC and the submissions of Ms Tanchel on your behalf.
15. In its deliberations the Committee has had regard to the GDC's *Guidance for the Practice Committees, including Indicative Sanctions Guidance* (October 2016, updated December 2020). The Committee has accepted the advice of the Legal Adviser concerning its powers and the principles to which it should have regard.

Impairment

16. The Committee has determined that your fitness to practise remains impaired. The Committee finds that you have produced a considerable amount of information to demonstrate that you have insight into the misconduct that was previously found, and that you have taken some steps to remedy that misconduct. Your witness statement, in particular, sets out your considered reflections on the matters that have given rise to these proceedings. The Committee finds that you have the required degree of insight into your misconduct. However, the Committee considers that this information is not sufficient for it to be able to conclude that you have remedied in full the shortcomings that have been identified in your practice. The Committee notes in particular that the CPD that you have provided in your remediation bundle, whilst targeted, has only recently been undertaken. Accordingly, there has not been sufficient time for that learning to be embedded into your practice. The Committee is also mindful that there does not appear to be any independent verification of the work that you have been undertaking, with particular regard to the small number of extractions that from your logs you appear to have performed. In the circumstances the Committee is not able to conclude that a repeat of your misconduct is highly unlikely. The Committee has therefore determined that the public remains at continued risk of harm if no restrictions were in place on your registration, and that your fitness to practise remains impaired.
17. The Committee also considers that a finding of impairment is also, and again, required in the wider public interest in order to declare and uphold proper professional standards of conduct and behaviour and to maintain public trust and confidence in the profession.

Sanction

18. The Committee next considered whether it would be appropriate to revoke the suspension, or to replace the suspension with a direction of conditional registration.
19. The Committee considered that revoking the suspension would not be appropriate, as it would place the public at unwarranted risk of harm because of the risks that arise from your unremediated misconduct.
20. The Committee then went on to consider whether to replace the existing suspension with a direction for conditional registration. After careful consideration the Committee determined that conditions can be formulated to provide the necessary protection for the public and safeguard the wider public interest considerations referred to above.
21. Having determined that a direction of conditional registration can adequately protect the public and the wider public interest, the Committee finds that extending the extant suspension would be disproportionate.
22. The Committee hereby directs that the suspension in place on your registration is terminated and replaced with conditions for a period of nine months. The Committee also directs that the period of conditional registration be reviewed by the PCC prior to its expiry.
23. The conditions, as they will appear against your name, are as follows:
1. *She must inform the GDC within 7 days of her return to the UK. The following conditions can only be fulfilled in the UK and the monitoring of her compliance of these conditions will start from the date of her return.*
 2. *She must notify the GDC promptly of any professional appointment she accepts and provide the contact details of her employer or any organisation for which she is contracted*



to provide dental services, and the Commissioning Body on whose Dental Performers List she is included or Local Health Board if in Wales, Scotland or Northern Ireland.

3. *She must allow the GDC to exchange information with her employer or any organisation for which she is contracted to provide dental services, and any Postgraduate Dental Dean/Director, reporter, workplace supervisor or educational supervisor referred to in these conditions.*
4. *At any time she is providing dental services, which require her to be registered with the GDC, she must agree to the appointment of a reporter nominated by her and approved by the GDC. The reporter shall be a GDC registrant.*
5. *She must allow the reporter to provide reports to the GDC at intervals of not more than three months, and the GDC will make these reports available to any Postgraduate Dental Dean/Director, workplace supervisor or educational supervisor referred to in these conditions.*
6. *She must inform the GDC of any formal disciplinary proceedings taken against her, from the date of this determination.*
7. *She must inform the GDC if she applies for dental employment outside the UK.*
8. *She must forward a copy of her updated Personal Development Plan to the GDC within one month of the date on which these conditions become effective.*
9.
 - a. *She must not carry out extractions unless directly observed by a GDC registered dentist, nominated by her and approved by the GDC in advance. This individual may be the same person as the reporter referred to in conditions (4) and (5) above.*
 - b. *She must maintain an audit detailing every case where she has undertaken extractions.*
 - c. *She must provide a copy of this audit to the GDC on a three-monthly basis, or, alternatively, confirm that there have been no such cases during that period. The audit(s) must be signed by the GDC registered dentist referred to at condition (9) (a) above.*
10. *She must inform within 1 week the following parties that her registration is subject to the conditions, listed at (1) to (9) above:*
 - a. *any organisation or person employing or contracting with her to undertake dental work;*
 - b. *any locum agency or out-of-hours service she is registered with or applies to be registered with (at the time of application);*
 - c. *any prospective employer (at the time of application);*
 - d. *the Commissioning Body in whose Dental Performers List she is included or seeking inclusion, or Local Health Board if in Wales, Scotland or Northern Ireland (at the time of application).*
11. *She must permit the GDC to disclose the above conditions, (1) to (10), to any person requesting information about her registration status.*

Immediate order

24. The Committee then invited submissions as to whether an order for immediate conditional registration should be imposed, pending the direction of conditional registration taking effect.
25. Ms Bird on behalf of the GDC submitted that an order for immediate conditional registration is appropriate. Ms Tanchel on your behalf submitted that an order for immediate conditional registration is not needed.
26. The Committee accepted the advice of the Legal Adviser concerning its powers and the principles to which it should have regard.
27. Having determined that a direction of conditions is now appropriate for the reasons set out in the foregoing determination, the Committee considers that an immediate order of conditions is necessary to protect the public and is otherwise in the public interest. The Committee has determined that, given the risks that it has identified to the public and to the public interest, an immediate order for conditions is proportionate, and is consistent with the findings that it has set out in its foregoing determination.
28. The effect of the foregoing determination and this immediate order is that your registration will be made subject to conditions from the date on which notice of this decision is deemed served upon you. Unless you exercise your right of appeal, the substantive direction of conditions will be recorded in the register 28 days from the date of deemed service. Should you exercise your right of appeal, this immediate order of conditions will remain in place until the resolution of any appeal.
29. That concludes this case for today.