

PUBLIC HEARING**Professional Conduct Committee
Review Hearing****27-28 March 2025****Name:** GARCIA MIGUEL, Lorena**Registration number:** 285430**Case number:** CAS-201899

General Dental Council: Carla Marie Clough, IHLPS**Registrant:** Not Present
Not represented

Fitness to practise: Impaired by reason of misconduct**Outcome:** Suspension extended (with a review)**Duration:** 12 months

Committee members: Elizabeth Rantzen (Lay) (Chair)
Katie Howlett (Dentist)
Nosheen Kabal (DCP)**Legal adviser:** Lucia Whittle-Martin**Committee Secretary:** Jenny Hazell

1. Neither party is present at this resumed hearing of the Professional Conduct Committee (PCC). The hearing is being conducted remotely using Microsoft Teams in line with the GDC's current practice. The General Dental Council (GDC) has invited the Committee to conduct the hearing on the papers in the absence of both parties.

Purpose of hearing

2. The purpose of this hearing is to carry out a statutory review of an order suspending Miss Garcia Miguel's registration. The hearing is being held in accordance with section 36Q of the Dentists Act 1984 (as amended) ('the Act').

Service

3. The Committee first considered whether service has been properly effected in accordance with Rules 35 and 65 of the 'General Dental Council (Fitness to Practise) Rules Order of Council 2006' ('the Rules') and Section 50A(2) of the Act. The Committee accepted the advice provided by the Legal Adviser

4. The Committee has received a copy of a notice of hearing (the notice) dated 20 February 2025 which was sent to Miss Garcia Miguel's registered address on the same day using the Royal Mail's Special Delivery service. A copy of the notice was also sent to Miss Garcia Miguel's known email address. The Committee noted that the screen shot of Miss Garcia Miguel's postal and email addresses as registered with the GDC match the address shown on the notice and the email address used by the GDC in emailing the notice to her. The notice sets out the date and time of the hearing, as well as confirming the remote nature of the hearing and the proposal that the review hearing would be taking place on the papers.

5. The Royal Mail's Track and Trace service records that the Royal Mail attempted delivery but the item was returned to sender on 14 March 2025. The Committee is mindful that there is no requirement within the Rules for the GDC to prove delivery of the notice, only that it was sent.

6. The Committee was satisfied that the notice dated 20 February 2025 sent to Miss Garcia Miguel complied with the 28-day notice period required by the Rules and that it contained all the required particulars. Accordingly, the Committee was satisfied that service was effected in accordance with the Rules and the Act.

Proceeding in absence

7. The Committee then went on to consider whether to exercise its discretion to proceed in the absence of Miss Garcia Miguel in accordance with Rule 54. It was mindful that its discretion to proceed in the absence of a registrant must be exercised with the utmost care and caution. The Committee notes that the GDC has invited the Committee to proceed in Miss Garcia Miguel's absence. The Committee accepted the advice of the Legal Adviser.

8. The Committee considers that the GDC has made all reasonable efforts to inform Miss Garcia Miguel of this hearing, both by sending the notice to her registered address and by emailing it to her. Miss Garcia Miguel has not responded to the notice dated 20 February 2025, even though she was asked to do so by 3 March 2025.

9. The Committee is aware that as a registered dental professional, Miss Garcia Miguel has a duty to co-operate with the GDC in relation to concerns about her fitness to practise. The Committee has borne in mind that the background to Miss Garcia Miguel's case involves her failing to co-operate with the GDC between January to September 2022; she has not attended previous Professional Conduct Committee (PCC) hearings, either the initial enquiry in 2023 or the review in

2024. In these circumstances, the Committee has concluded that she has voluntarily absented herself. In the Committee's judgment an adjournment, which has not been sought, would not be likely to secure Miss Garcia Miguel's attendance given her previous non-attendance at GDC proceedings.

10. The Committee was also mindful of the public interest in the expeditious review of the order in light of its expiry on 7 May 2025. Accordingly, the Committee determined to proceed in the absence of Miss Garcia Miguel.

Factual background

11. In October 2023 the PCC considered allegations relating to Miss Garcia Miguel's conduct. The PCC found proved that Miss Garcia Miguel failed to co-operate with a GDC investigation between 4 January 2022 and 9 September 2022 in that she did not provide the GDC with any or sufficient evidence of her indemnity insurance arrangements.

12. That PCC determined that the facts found proved amounted to misconduct, and that Miss Garcia Miguel's fitness to practise was impaired by reason of that misconduct. In reaching its decision on impairment the PCC noted that Miss Garcia Miguel had provided no evidence of any insight into or remediation of her misconduct. It determined that Miss Garcia Miguel posed a risk to the public, and further that a finding of impairment was also in the public interest. The PCC determined to suspend Miss Garcia Miguel's registration for a period of six months, with a review hearing to take place prior to the expiry of the suspension. It also made recommendations to Miss Garcia Miguel about the evidence that she might wish to provide to a reviewing Committee.

13. The PCC reviewed the order of suspension on 23 March 2024. It noted that Miss Garcia Miguel had not engaged with the proceedings and had produced no evidence of any insight into or remediation of her misconduct. It considered that Miss Garcia Miguel continued to pose a risk to the public, and that her fitness to practise continued to be impaired. It further considered that a finding of impairment was required to declare and uphold proper professional standards of conduct and behaviour, and to maintain public trust and confidence in the profession and in the regulatory process.

14. The PCC determined that the order of suspension should be continued for a period of 12 months, with a review. That PCC also set out some information from Miss Garcia Miguel that would assist the next reviewing Committee.

Current review hearing

15. This Committee has comprehensively reviewed the suspension order. In so doing, it has had regard to the GDC's bundle of documents as well as its written submissions. It notes from the information before it that Miss Garcia Miguel has not engaged with the GDC since the last review hearing and has not provided any of the documents suggested by the PCC.

Submissions

16. The GDC submits that there has been no material change in circumstances since the last hearing. It submits that Miss Garcia Miguel has continued not to engage in these proceedings or provide any evidence of remediation or insight. It therefore submits that the public remains at risk if Miss Garcia Miguel is permitted to practice without restriction.

17. The GDC's position is that Miss Garcia Miguel's fitness to practise remains impaired by reason of her misconduct, and that a further period of suspended registration for 12 months would be appropriate.

Committee's determination

18. The Committee has considered carefully all the information presented to it, including the documentation and written submissions provided by the GDC as referred to above. 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.

Current Impairment

19. The Committee is mindful that there is a persuasive burden on the registrant to demonstrate that their fitness to practise is no longer impaired. The Committee notes that there has been no material change of circumstances since the last PCC review hearing in March 2024. Miss Garcia Miguel has not engaged with these proceedings and has produced no evidence of any insight into or remediation of her misconduct. The Committee considers that Miss Garcia Miguel therefore continues to pose a risk to the public, and that her fitness to practise remains impaired by reason of her misconduct.

20. The Committee also considers that a further finding of impairment is required to declare and uphold proper professional standards of conduct and behaviour, and to maintain public trust and confidence in the profession and in the regulatory process.

Sanction

21. The Committee next considered whether it would be appropriate to terminate the suspension, or to replace the suspension with a direction of conditional registration.

22. The Committee considered that terminating the suspension would not be sufficient to protect the public or meet the public interest considerations referred to above.

23. The Committee next considered whether it could formulate conditions which would be workable and which would address the ongoing risks. There is no evidence before the Committee to suggest that Miss Garcia Miguel would comply with conditions, given her long history of non-engagement with the GDC. Accordingly, it concluded that conditions would not be sufficient or workable to meet the public protection and public interest considerations in this case.

24. The Committee then considered whether it would be appropriate to extend the current period of suspension. The Committee concluded that a further period of suspended registration is the appropriate and proportionate sanction to impose in the particular circumstances of this case. The Committee considers that a further period of 12 months' suspension is required to protect the public and the public interest. It also considers any lesser period of time would serve no useful purpose given Miss Garcia Miguel's continued lack of engagement. It also has in mind that there are cost implications for the GDC in scheduling review hearings at shorter intervals, particularly when it seems unlikely that there will be any material change of circumstances, given Miss Garcia Miguel's pattern of non-engagement.

25. The Committee hereby directs that Miss Garcia Miguel's registration be suspended for a further period of 12 months, with a review hearing to take place prior to the end of that period of suspended registration. This direction will take effect from the date on which the existing period of suspension would otherwise expire, namely on 7 May 2025.

26. Although the Committee in no way wishes to bind or fetter the future reviewing Committee which will review Miss Garcia Miguel's suspension in around 12 months' time, it considers that the future reviewing Committee may be assisted by the following:

- Evidence of Miss Garcia Miguel's meaningful engagement with the GDC.
- A written reflective piece from Miss Garcia Miguel on her failure to engage with the GDC, including her understanding of its regulatory functions and the importance of her engagement as a GDC registrant.
- Evidence of Miss Garcia Miguel's employment and indemnity history.

27. The above recommendations are the same as those proposed by the PCC in October 2023.

Right of appeal

28. Miss Garcia Miguel will have 28 days from the date on which notice of this decision is deemed to have been served on her to appeal against this decision. Should she decide to appeal, the existing direction of suspension will remain in force until the resolution of any such appeal. Should she decide not to appeal, the extension of the suspension will take effect on the date on which it would otherwise expire, that is to say on 7 May 2025.

29. That concludes this case for today.