

PUBLIC HEARING

Professional Performance Committee Review Hearing

27 March 2024

Name: YOVEV, Dimitar Yovchev

Registration number: 274588

Case number: CAS-193694-K4D0X

General Dental Council: Miss Natalie Bird, Counsel.
Instructed by Holly Watt, IHLPS

Registrant: Present
Unrepresented

Fitness to practise: Impaired by reason of misconduct and deficient professional performance

Outcome: Suspension extended (with a review)

Duration: 12 months

Committee members: Bill Nelson (Chair, Lay member)
Alison Mayell (Dental member)
Victoria Hewson (Dental Care Professional member)

Legal adviser: Margaret Obi

Committee Secretary: Andrew Keeling

Mr Yovev,

1. This was a review hearing before the Professional Performance Committee (PPC) in accordance with Section 27C of the Dentists Act 1984 (as amended) ('the Act'). The purpose of this hearing was for this PPC to review your case and determine what action to take in relation to your registration.
2. You were present at the hearing, but you were not represented. Miss Natalie Bird, Counsel, appeared on behalf of the General Dental Council (GDC). The hearing was held remotely on Microsoft Teams.

Background

3. You qualified as a dentist in Bulgaria in 2016, but did not practise until commencing dental foundation training in the United Kingdom in September 2019 with NHS Health Education England South West (HEESW) Region. The purpose of the training was summarised in the findings of fact of the Professional Performance Committee (PPC) on 1 March 2021 as being *"...to provide a one-year programme of foundation training to make a safe beginner (a new graduate) into an independent practitioner."*
4. In November 2019 you were suspended from treating patients as part of the dental foundation training, owing to concerns regarding your clinical performance. In February 2020, the Postgraduate Dental Dean for HEESW decided to terminate your training over those concerns, which were also referred to the General Dental Council and which were subsequently the subject of the findings of fact of the PPC on 1 March 2021.
5. On 3 March 2021, the Professional Performance Committee (PPC) found your fitness to practise to be impaired by reason of misconduct and deficient professional performance relating to your clinical performance between September and November 2019 whilst undertaking the dental foundation training.
6. The March 2021 PPC summarised the misconduct as follows:

"...numerous clinical failings by you in relation to several patients and [the Committee] considered that these failings concern fundamental aspects of dentistry and directly impacted upon the overarching issue of patient safety. It identified the following areas (listed below) covering poor clinical practice into which your failings fall:

- *Treatment planning*
- *Diagnosis*
- *Patient communication*

- *Taking of medical histories*
- *Placing a filling*
- *Radiography*
- *The use of dental instruments*
- *Administration of ID block injections*

The Committee was satisfied that the clinical failings in these areas were wide-spread, repeated and serious. The failures concern basic and fundamental knowledge and skills of a competent dentist.”

7. The March 2021 PPC summarised the deficient professional performance as follows:

“The Committee considered DPP and noted that the evidence of treatment you provided (under supervision) related to twelve patients over six days. It accepted this was a fair sample of your work over a period of time. It considered that the sample was sufficient to show that the breaches were repeated and persistent and demonstrate a pattern of conduct that underlies Charges 2. The matters set out in Charge 2 span the entire period of your clinical practice. Therefore, in the circumstances of this particular case a relatively small sample of twelve patients is in fact demonstrative of your practice overall.

The Committee considered that your failures in treatment planning, patient communication and diagnosis led to a poor standard of care to patients. Whilst these failures did not cause actual harm, they had the potential to do so. The Committee considered that these failings concern fundamental aspects of basic dentistry and directly impacted upon the overarching issue of patient safety. Given the number of patients and the nature of the matters where facts have been found proved over a period of just 6 days of practice, the Committee was satisfied that this connoted a standard of professional performance which was unacceptably low.”

8. In finding your fitness to practise to be impaired, the March 2021 PPC stated:

“The Committee considered there to be insufficient evidence of how you have addressed the fundamental issues arising in this case or that you have fully reflected on what you have learned. There was no evidence before the Committee to demonstrate any improvement in your clinical practice or the standards that are expected of you. The Committee is satisfied that you have developed some insight into your clinical shortcomings. It also took into account the full admissions you made at the outset of the hearing and the apology given. However, it was concerned as to your level of insight given your attempt at remediation which it considered to be at a very early stage.

The Committee recognises that the matters outside your control (the pandemic) may have impacted your ability to fully remediate. However, in the Committee's view, the position as of today is that you are significantly deskilled and a significant amount of learning is required before you can safely treat patients. Given its concerns regarding your level of insight and insufficient remediation, the Committee concluded that the risk of repetition was high and that your misconduct and DPP had the potential to place patients at future unwarranted risk of harm.

A finding of no impairment would seriously undermine public confidence in the dental profession as well as the regulatory process."

9. The March 2021 PPC directed that your registration be suspended for a period of 12 months with a review, stating:

"The Committee then considered whether a period of suspension was appropriate. Having decided that the proven facts were capable of being remedied by way of conditions, but that conditions were inappropriate given that you lack the basic necessary knowledge and experience required of a qualified dentist and that you demonstrate limited insight. The Committee noted that during your clinical skills assessment day at Portsmouth University, the remediation team reviewed the level of your practice and planned a bespoke remediation support programme for you. It was recommended that you undertake a pre-clinical practice phantom heads-based skills module. The module contains six targeted topics each addressing a range of clinical skills. Your progression to clinical practice would then be dependent on satisfactory completion of the topics in the pre-clinical module. The Committee determined that an order of suspension for 12 months with a review would be proportionate and that it would still allow you to engage with the remediation support programme at Portsmouth University. Further, a period of suspension would allow you to demonstrate to a reviewing panel, that you have the requisite level of insight and provide evidence of your remediation."

10. The case was reviewed by the PPC on 25 March 2022. It found that your fitness to practise continued to be impaired by reason of both misconduct and deficient professional performance and directed that the suspension of your registration be replaced with a period of conditional registration for 12 months with a review. In reaching its decision, it stated:

"...you have undertaken a good amount of theoretical and practical learning. [The Committee] considered that, given the level of insight and proactivity that you have demonstrated thus far, it could formulate a set of workable conditions that would protect the public and the wider public interest, whilst assisting you in addressing the gaps in your practical experience in a clinical setting. The Committee was satisfied on the evidence received, both

documentary and oral, that you would be willing to comply with any conditions imposed. It therefore decided that conditional registration would be an appropriate and proportionate sanction...

11. In August 2022, you commenced employment at a dental practice to work under close supervision in accordance with the requirements of the conditions on your registration. However, your employment was withdrawn the same month owing to concerns regarding your clinical practice and the corresponding workability of supervision.

12. The PPC reviewed the case on 13 October 2022 and found that your fitness to practise continued to be impaired by reason of misconduct and deficient professional performance. It reinstated the suspension of your registration for a period of 6 months with a review. In its decision, it stated:

“...in August 2022 you had commenced employment at a dental practice. However, during the course of that employment, your development adviser contacted the GDC to indicate that it will be unlikely that you will continue practising at the dental practice. Subsequent to this notification, your employment was terminated on 18 August 2022. It was the view of your employer that you require supervision for all of your cases and that it will take a period of time before you are considered safe to practice unsupervised. It was further stated that you may want to consider embarking upon non-clinical roles in dentistry.

The Committee had sight of a report titled “REPORT ON THE CLINICAL PERFORMANCE OF DIMITAR YOVEV”. The author of the report was one of your employers who had supervised you at the dental practice and was based on their supervision of you with 4 patients on 4 separate dates. The report highlights a number of concerns at each appointment and your employer concluded that “Although he has an acceptable knowledge of the theoretical basis, Mr Yovev appears to lack the dexterity and follow through for clinical work. His clinical skills in my opinion are at par with that of a young dental student just starting clinical dentistry. While some degree of anxiety is understandable given the length of time out of practice, Mr Yovev appears to be lacking some basic skills even for simple routine dental appointments. I am of the opinion that Mr Yovev should be supervised at all times for at least 6 months should he wish to practice clinical dentistry. Unfortunately, this is not a role that I am able to provide hence my reason for regretfully terminating his employment.”

The Committee noted that there still appear to be residual concerns that have been highlighted previously within your clinical practice...

...The Committee is satisfied that you have complied with your conditions and there is no evidence of any breaches before it. However, it went on to consider the comments made by your previous employers which leads it to determine that conditions are not suitable or workable at this current time. Whilst the Committee has taken account of your perseverance in wanting to enhance your skills and further develop your clinical practice, its main focus is public safety. There is a risk that patients may be at risk of harm if you were to continue practising at this moment of time. The Committee had regard to your oral evidence and acknowledges your determination in wanting to continue practising dentistry, however it considered ...that the concerns raised within your clinical practice to be serious. Whilst the Committee is not unsympathetic towards your current situation, in light of all the evidence, it considered that conditional registration is no longer workable.

The Committee has therefore determined to suspend your registration. It considered that it is proportionate in all the circumstances. Whilst it had regard to the serious nature of such a sanction and the potential consequences for you, the Committee considered that the need to protect the public and the wider public interest is paramount."

13. The PPC most recently reviewed your case at a hearing on 13 April 2023. At that hearing, you explained to the Committee that your circumstances had remained unchanged since the October 2022 hearing. You had remained out of work since that time and had not been able to secure any training to help develop your clinical skills. That Committee noted that the serious and clinical failings in the case had not been remedied by you, and there was a marked lack of evidence of any relevant CPD activity. That Committee determined that your fitness to practise continued to be impaired by reason of misconduct and also by reason of deficient professional performance. It further determined that the suspension of your registration should be extended by a further period of 12 months with a review hearing before its expiry.
14. That Committee also re-iterated the recommendations given to you at the initial hearing that the reviewing Committee may be assisted by the following:
- A reflective piece addressing and demonstrating insight into the areas of deficiency in your practice as found proved.
 - Any steps taken by you to remedy the deficiencies in your practice, including any evidence of training or other remedial actions, testimonials and references.
 - A structured Personal Development Plan which includes addressing the shortcomings identified at this [the initial] hearing. Recent revised enhanced

Continued Professional Development.

15. In particular, the PPC stated that the reviewing Committee might also be assisted by the following:

- Evidence that you have continued to maintain and develop your theoretical knowledge of dentistry.
- Evidence that you have continued to maintain and develop your clinical skills in so far as you are able, by, for example, practising on phantom heads.
- Evidence of a mentor relationship with an experienced dentist and/or a Development Adviser in relation to formulating, maintaining and reviewing a Personal Development Plan.

Today's Review

16. 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 and took account of the submissions made by Miss Bird and yourself. 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").

17. Miss Bird, on behalf of the GDC, invited the Committee to find that your fitness to practise remained currently impaired by reason of misconduct and deficient professional performance. She submitted that the failings found proved at the substantive hearing were serious and wide-ranging and involved fundamental aspects of dentistry. She submitted that at this hearing you have not provided sufficient evidence of any remediation or further training undertaken. Furthermore, there was no evidence that you had complied with any of the recommendations made at the previous review hearing. Therefore, she submitted that there was a high risk of repetition of your clinical failings and consequently there remained a risk of harm to the public and to public confidence in the dental profession if a finding of impairment was not made.

18. With regard to sanction, Miss Bird invited the Committee to extend the period of suspension for a further period of 12 months with a review hearing before the expiry. She submitted that in light of your lack of remediation, it would not be appropriate for your registration to be subject to conditions.

19. You submitted that you thought it was proper that you attended your review hearing, although you were unsure about what to say to the Committee as your circumstances had not changed since the previous review hearing. In answer to

questions from the Committee, you stated that you still intended to pursue a dental career and your focus had been on exploring how to repeat your final year at university. You admitted that you had not complied with the recommendations of the previous Committee, in particular that you had not formulated a new Personal Development Plan (PDP) or undertaken any verifiable Continuing Professional Development (CPD) courses. You also stated that you had not contacted other organisations for advice, such as the British Dental Association (BDA) or postgraduate deaneries, as their previous advice to you was in respect of theoretical learning, rather than improving your practical skills, which was the main issue.

Decision on Current Impairment

20. In making its decision, the Committee first sought to determine whether your fitness to practise was currently impaired by reason of your misconduct and deficient professional performance. It exercised its independent judgement and was not bound by the decision of the previous committee. It balanced your 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.
21. The Committee noted that there has been no change in the circumstances of your case since the conclusion of the previous review hearing in April 2023. The Committee acknowledged that you had attended the hearing and appeared to be engaging with the proceedings. However, the Committee was concerned that there was no evidence before it that you had made any productive steps in addressing the failings found proved at the substantive hearing. The Committee noted that these clinical failings were serious and wide-ranging and involved fundamental and basic aspects of dentistry. The Committee had not received any evidence that you had undertaken any remediation and it noted that you acknowledged that you had not complied with the previous recommendations of the previous reviewing Committee. In the absence of any remediation or attempts to undertake any, including the formulation of a PDP or verifiable CPD undertaken, the Committee considered that you possessed little insight into how to remedy your clinical failings. As a result, the Committee was of the view that there remained a high risk of repetition of these failings and that there remained a real risk of harm to patients if you were allowed to practise without any restrictions.
22. Accordingly, the Committee determined that your fitness to practise remained currently impaired by reason of misconduct and deficient professional performance. Furthermore, it determined that a finding of current impairment was required in the public interest as public confidence in the profession would be undermined if such a finding were not made.

Decision on Sanction

23. The Committee next considered what sanction to impose on your registration. The Committee has found that your 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 or in the public interest.
24. The Committee next considered whether to replace the current suspension order with one of conditions. In so doing, it determined that in view of the lack of any evidence of remediation or full insight into your clinical failings, conditions would not be appropriate, workable or sufficient for this case.
25. Accordingly, the Committee determined that it was necessary to maintain the current suspension order in order to protect the public and maintain public confidence in the dental profession.
26. The Committee further determined that your suspension should be reviewed before its expiry. The Committee also wished to re-iterate the previous recommendations made at the substantive and review hearings of evidence that a future reviewing Committee may find helpful:
- A reflective piece addressing and demonstrating insight into the areas of deficiency in your practice as found proved.
 - Any steps taken by you to remedy the deficiencies in your practice, including any evidence of training or other remedial actions, testimonials and references.
 - A structured Personal Development Plan which includes addressing the shortcomings identified at this [the initial] hearing. Recent revised enhanced Continued Professional Development.
 - Evidence that you have continued to maintain and develop your theoretical knowledge of dentistry.
 - Evidence that you have continued to maintain and develop your clinical skills in so far as you are able, by, for example, practising on phantom heads.
 - Evidence of a mentor relationship with an experienced dentist and/or a Development Adviser in relation to formulating, maintaining and reviewing a Personal Development Plan.
27. In addition to the above, the Committee noted from your submissions that your focus for the future was on securing a place at a university to repeat your final year.

Therefore, the Committee was of the view that it would be helpful at your next review hearing if you could provide any evidence of the attempts you have made to do this, for example copies of your correspondence with universities.

28. Unless you exercise your right of appeal, the current suspension order will be extended by a period of 12 months, 28 days from the date that notice of this direction is deemed to have been served upon you. In the event that you do exercise your right of appeal, the suspension order currently in place on your registration will remain in force until the resolution of the appeal.

29. That concluded this review hearing.