

**Professional Conduct Committee
Review Hearing
26 April 2024**

Name: STAMOULIS, Athanasios

Registration number: 80390

Case number: CAS-193787

General Dental Council: Mr Christopher Saad, Counsel, Instructed by IHLPS Manuel Cao Hernandez

Registrant: Unrepresented

Fitness to practise: Impaired by reason of misconduct

Outcome: Conditions revoked and suspension imposed (with a review)

Duration: 6 months

Immediate order Imposed

Committee members: Edythe Murie (Chair and lay member)
Laura Owen (DCP member)
Hemash Shah (Dentist member)

Legal adviser: William Hoskins

Committee Secretary: Jamie A Barge

1. This is a resumed hearing before the Professional Conduct Committee (PCC) pursuant to section 27C of the *Dentists Act 1984 (as amended)* ('the Act').
2. An early review was requested by the GDC, and the purpose of this hearing has been for the Committee to review Mr Stamoulis' case and determine what action should be taken in relation to his registration.
3. Mr Stamoulis is not present nor represented. Mr Christopher Saad, Counsel, appeared as Case Presenter on behalf of the GDC.
4. The Committee first considered the issues of service and whether to proceed with the hearing in the absence of Mr Stamoulis. The Committee accepted the advice of the Legal Adviser on these matters.

Decision on service

5. The Committee considered whether notice of the hearing had been served on Mr Stamoulis in accordance with Rules 28 and 65 of the *General Dental Council (Fitness to Practise) Rules 2006 Order of Council* ('the Rules').
6. The Committee received from the GDC a hearing bundle. The bundle contained a copy of the Notice of Hearing dated 6 March 2024 ('the notice'), which was sent to Mr Stamoulis' registered address. A copy of the notice was also sent to him by email. 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 noted from the associated Royal Mail 'Track and Trace' receipt, also within the hearing bundle, that the notice letter had been delivered on 8 March 2024.
7. The Committee was satisfied that the notice sent to Mr Stamoulis complied with the required 28-day notice period. It was also satisfied that it contained proper notification of today's hearing, including its date and time, as well as confirmation that the hearing would be held remotely via Microsoft Teams. Mr Stamoulis was further notified that the Committee had the power to proceed with the hearing in his absence.
8. On the basis of all the information provided, the Committee was satisfied that notice of the hearing had been served on Mr Stamoulis in accordance with the Rules and the Act.

Decision on whether to proceed with the hearing in the absence of Mr Stamoulis

9. The Committee next considered whether to exercise its discretion under Rule 54 to proceed with the hearing in the absence of Mr Stamoulis. 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 the case of *R v Jones [2003] 1 AC 1HL* and as explained in the cases of *General Medical Council v Adeogba [2016] EWCA Civ 162*. The Committee remained mindful of the need to be fair to both Mr Stamoulis and the GDC, taking into account the public interest in the expeditious review of this case.

10. The Committee noted from the Notification of Hearing letter of 6 March 2024 that Mr Stamoulis was asked to confirm by 13 March 2023, if there is any reason why this hearing should not proceed on the papers. The Committee had regard to an email dated 19 March 2024 from Mr Stamoulis to the GDC stating *"I will attend to the hearing on the 26/04/2024. At the moment i don't have any legal assistance. I will inform you accordingly if anything changes"*.
11. Mr Stamoulis has not attended today. GDC staff today have made numerous efforts to contact him via email and telephone, but no contact has been made. The Committee concluded that Mr Stamoulis is aware of today's hearing and had voluntarily absented himself. The Committee noted there was no information before it to indicate that an adjournment was likely to secure his attendance on a future date.
12. In all the circumstances, the Committee determined that it was fair and in the public interest to proceed with the hearing in the absence of Mr Stamoulis.

Background to Mr Stamoulis' case

13. On 9 October 2020 the PCC found that Mr Stamoulis' fitness to practise to be impaired by reason of misconduct, summarising the background to the case as follows in its determination:
14. *"The facts found proved against you relate to two separate matters. The first matter concerns your care and treatment of one patient, Patient A, between 30 November 2017 and 16 November 2018, whilst you were working as a dentist at a dental practice. The second matter concerns your care and treatment of another patient, Patient B, at an appointment that took place on 6 April 2017 at a different dental practice...."*
15. *The finding of the Committee was that you failed to undertake sufficient treatment planning in respect of Patient A's treatment by virtue of the failings in your radiographic practice. It also found that you failed to obtain informed consent from Patient A for the treatment you provided, by virtue of your radiographic failings and your consequent failure to communicate effectively with the patient about the risks of the proposed treatment at UR2.*
16. *In addition, the Committee found proved that you failed to maintain an adequate standard of record keeping in respect of Patient A's appointments on numerous occasions over the period in question.*
17. *You also provided root canal treatment to Patient B at a single appointment on 6 April 2017. The Committee found proved that you provided a poor standard of endodontic treatment to the patient...The Committee found that as a result of your actions, you put Patient B at risk of infection and harm."*
18. In relation to these matters, the October 2020 PCC found that the threshold for misconduct was met only in relation to
 - a. *"your radiographic failings, the resultant failings in treatment planning and informed consent, and your record keeping failings in Patient A's case, as well as your omission in not taking intra-operative radiographs or using an electronic apex locator in Patient B's case".*

19. In finding Mr Stamoulis' fitness to practise to be impaired by reason of misconduct, the October 2020 PCC stated:
- a. *"Whilst the Committee was of the view that the clinical issues raised in this case are remediable, it received no evidence of any remediation, although it heard from you in submissions that you have undertaken some CPD. Further, the Committee had concerns about your insight. It noted that you appeared to make some admissions to the allegations in your opening statement to the Committee on 5 October 2020. Having chosen not to give evidence on oath, the Committee was unable to ask you any questions..."*
 - b. *In the absence of any evidence of remediation, and in view of the limited nature of your insight, the Committee concluded that there is a risk of repetition, which in turn raises a concern about patient safety. It therefore decided that a finding of impairment is required on public protection grounds.*
 - c. *The Committee also considered that a finding of impairment is in the wider public interest. In its view, public confidence in the dental profession would be undermined if such a finding were not made in all the circumstances of this case..."*
20. The October 2020 PCC directed that Mr Stamoulis' registration be made conditional on his compliance with conditions for a period of 12 months with a review, reasoning that "you should be given an opportunity to demonstrate remediation and insight via a period of conditional registration" and that "a 12-month period [of conditional registration] would give you reasonable time to demonstrate how you have embedded your remediation into your clinical practice". The conditions imposed on Mr Stamoulis' registration included the requirement that he formulate a Personal Development Plan (PDP), work under the supervision of an Educational Supervisor and undertake audits of his radiographic practice and record keeping.

First review of the order 22 October 2021

21. In October 2021 the first review of the order took place. The PCC determined that "You have provided no evidence at this review hearing of any remediation or insight. Whilst there has been technical compliance by you with the conditions on your registration, as the substantive requirements of the conditions do not apply whilst you are practising outside the United Kingdom, there is nothing to suggest that you have through your own efforts taken any steps to address the deficiencies identified in your practice. You have made no attempt to formulate a PDP or to undertake any CPD, notwithstanding, for example, that CPD can be completed online from anywhere in the world.
22. *There is no evidence of any progress since the October 2020 PCC hearing. You continue to demonstrate only very limited insight into the deficiencies in your practice and there remains in the Committee's judgment a real risk of repetition should you be allowed to practise without restriction. The Committee determined that your fitness to practise as a dentist continues to be impaired by reason of your misconduct."*
23. The Committee determined to extend and vary the conditions for a further period of 12 months, with a review.

Second review of the order 28 October 2022

24. In October 2022 the second review of the order was held. That Committee determined: *“The Committee took account of the submissions made by you. You appear to not understand the importance of your compliance with the conditions on your registration. The GDC had been endeavouring to liaise with you about the conditions since they were first imposed in October 2020. The Committee is satisfied that you have failed to demonstrate an appropriate level of insight into the failings identified in October 2020. The Committee cannot accept that a registered professional could believe that regulatory concerns and conditions on a professional’s registration could adequately be addressed simply by the passage of time, without any remediation or insight on their part. The Committee concluded, therefore, that you had demonstrated a flagrant and persistent breach of the conditions and that these matters were serious.*
25. *The Committee therefore could not be satisfied that the failings have been remedied. It concluded that there remains a risk of repetition. It considered that until sufficient remediation has been undertaken and the impact of that remediation in your day-to-day practice has been demonstrated, a finding of current impairment is required to protect patients.*
26. *In addition, a finding of current impairment is in the public interest in order to uphold the standards of the profession. The Committee considered that a fully informed member of the public aware of the initial findings made and the lack of remediation that you have undertaken, would be shocked if a finding of current impairment was not made.*
27. *The Committee therefore determined that your fitness to practise remains currently impaired by reason of your misconduct.”*
28. The Committee determined to revoke the order of conditions and replace it with an order of suspension for a period of 9 months with a review. It considered that a period of 9 months would afford Mr Stamoulis the opportunity to reflect, provide a PDP and evidence of CPD, engage fully with the GDC and to take appropriate action in relation to all the matters in this case.

Third review of the order 3 August 2023

29. In August 2023 the third review of the order was held. That Committee determined: *“The Committee considered that there has been no evidence of material change since the last review hearing in October 2022. There is no evidence before this Committee that Mr Stamoulis has addressed his past conduct and provided any evidence of remediation. It also took account of the fact that Mr Stamoulis is unrepresented and accepted that this process may be challenging for him. However, the Committee was of the view that it is incumbent on Mr Stamoulis, as a GDC registrant, to engage with his regulator and provide evidence of remediation. The Committee considered that Mr Stamoulis has not demonstrated sufficient insight into his misconduct.*
30. *Given its concerns regarding Mr Stamoulis’ lack of insight and remediation the Committee determined that a finding of current impairment is required to protect patients. The Committee was of the view that a finding of current impairment was also in the public interest in order to maintain public confidence and uphold the standards of the profession. It was also of the view that a fully informed member of the public aware of the initial findings made would be concerned if a finding of current impairment was not made.*

31. *The Committee therefore determined that Mr Stamoulis' fitness to practise remained currently impaired by reason of his misconduct as found in October 2020".*
32. The Committee determined to extend the order of suspension for a period of 12 months with a review. It considered that a period of 12 months would afford Mr Stamoulis the opportunity to reflect, provide a PDP and evidence of CPD, engage fully with the GDC and to take appropriate action in relation to all the matters in this case.
33. Mr Stamoulis did not attend that review hearing. However, on 4 September 2023, he appealed the decision to the High Court on the basis that he had provided evidence in writing to the GDC on 17 April 2023 which had not been placed before the reviewing Committee.
34. By agreement of the parties, the reviewing Committee's decision was quashed, and the matter was remitted back to the PCC for reconsideration and disposal under Section 27C of the Act.

Fourth review of the order 5 December 2023

35. In December 2023 the fourth review of the order was held. That Committee determined: *"You accepted that you had made some mistakes, and the Committee considered the context in which you were working. You have been able to explain to some degree what went wrong, and took some steps to remediate initially, including refunding Patient A's treatment fees and attempting to refer Patient B to a specialist. The Committee also considered that you have completed some CPD and provided a PDP.*
36. *Furthermore, the Committee acknowledged your acceptance that your previous approach to engagement with the GDC was wrong, and that you have come to understand the role of your regulator, as well as the significance of being a registered professional and the obligation to engage with your regulator that it entails.*
37. *However, the Committee found that your insight, whilst developing, is incomplete. Your focus during your evidence was mainly on the impact these proceedings have had upon you, rather than on how your actions may have affected Patient A and Patient B. You have also shown limited foresight into the changes you would make to your practice to avoid repetition of these events in the future. Furthermore, your CPD is not targeted towards the specific issues that arose in respect of your treatment of Patient A and Patient B and appears to have been completed within a period of two months, with a significant number taking place in a single day.*
38. *In all the circumstances, the Committee is satisfied that there remains a real risk of repetition. Accordingly, it has determined that a finding of current impairment is required in order to protect the public.*
39. *The Committee considered that a fully informed member of the public would be concerned if a finding of current impairment was not made in the circumstances. It therefore determined that a finding of current impairment is also in the public interest in order to maintain public confidence in the dental profession and to declare and uphold standards of performance and conduct for its members.*

40. The Committee determined to revoke the order of suspension and impose a conditions of practice order for a period of 12 month with a review. It considered that:..."*in the light of your renewed engagement with the GDC and stated commitment to doing what is required to return eventually to unrestricted practice, the Committee concluded that workable and proportionate conditions could now be formulated to address the discrete clinical concerns arising from the charges found proved. For these reasons, the Committee concluded that extending the current suspension order would be disproportionate and punitive.*
41. *The Committee was satisfied that a conditions of practice order is the appropriate and proportionate order".*

Today's review

42. Today is the fifth review of the PCC substantive order. In comprehensively reviewing this case today, the Committee took account of the oral submissions provided by Mr Saad. It accepted the advice of the Legal Adviser.
43. Mr Saad on behalf of the GDC, invited the Committee to revoke the conditions on Mr Stamoulis' registration and impose an order of suspension for a period of 6-12 months with a review before its expiry. He submitted that since the last review in November 2023, Mr Stamoulis has started work at a practice without having a Reporter and a Supervisor approved by the GDC. He submitted that Mr Stamoulis should not have commenced work until requirements in condition 3, 10, 12 and 15 were met. Mr Stamoulis was informed by the GDC on more than on occasion that a Reporter cannot be appointed until an assessment has taken place and the GDC confirm the approval of his nominee to act in their nominated role. They cannot be solely appointed by himself. Mr Saad submitted that there has been no response received from the Registrant since he was informed of the GDC's concerns.
44. Mr Saad submitted that Mr Stamoulis has failed to get through the preliminary stages of the conditions put before him, and he has started work without having a supervisor approved by the GDC. Mr Saad submitted that this is a further act of disengagement, and conditional registration is predicated on confidence that Mr Stamoulis is capable and willing to comply. He submitted that conditions are no longer workable, and on that basis would not provide sufficient protection to the public.
45. Mr Saad submitted that due to Mr Stamoulis' failure to comply with the conditions, an order of suspension would be the most appropriate course of action given the circumstances.

Committee's review

46. The Committee has been convened early to review a conditions of practice order imposed in December 2023 as a result of a finding that the registrant's fitness to practise was still impaired. That conditions of practice order was imposed for a period of 12 months so as to give the registrant time to strengthen his practice. This hearing has been convened, at the request of the Council and by way of early review to consider whether the registrant has breached his conditions of practice order. The Committee is satisfied that the registrant's fitness to practise remains impaired for the reasons given by the Committee in December

2023 and is required now to consider whether the registrant is in breach of the conditions imposed then.

47. The Committee reviewed the correspondence in 2024 between the GDC, Mr Stamoulis and his proposed employer. It noted that his employer had written to the GDC on 8 February 2024 confirming that Mr Stamoulis had started work as a dentist on 1 February 2024. At this point, no Reporter had been approved by the GDC. There was, therefore, an apparent breach of conditions 3 and 12 of the order made in December 2023. The Committee also noted that no Personal Development Plan (PDP) had been sent to the GDC by 3 April 2024. This was a breach of condition 9.
48. The Committee was therefore satisfied that Mr Stamoulis is in significant breach of the conditions imposed on his registration in December 2023.
49. The Committee next considered what direction, if any, to make. It has had regard to the GDC's "Guidance for the Practice Committees including Indicative Sanctions Guidance" (Effective October 2016, revised December 2020).
50. The Committee has borne in mind the principle of proportionality, balancing the public interest against Mr Stamoulis' own interests. The public interest includes the protection of the public, the maintenance of public confidence in the profession, and declaring and upholding proper standards of conduct and performance within the profession.
51. The Committee first considered whether it would be appropriate to allow the current order to lapse at its expiry or to terminate it with immediate effect. Given Mr Stamoulis' lack of compliance with the conditions imposed, the Committee has concluded that it would not be appropriate to terminate the current order or to allow it to lapse.
52. The Committee then went on to consider whether conditional registration remains necessary and proportionate. It considers that Mr Stamoulis has demonstrated a pattern of behaviour of failing to properly notify and engage with the GDC, as well as failing to comply with the conditions on his registration. The Committee noted that he started work at the practice without having obtained approval of a Reporter and Supervisor by his regulatory body. The Committee considers that it would be inappropriate to continue to impose conditions given his lack of compliance. He has not provided any written representations to this Committee as to the reasons for his breaches. It considers that Mr Stamoulis had ample opportunities to provide evidence of compliance, but he has failed to do so. In the light of all the evidence, the Committee considered that conditional registration is no longer workable and would not be appropriate to continue the current conditions of practice order either in their current form or a revised form.
53. In all the circumstances, the Committee has therefore determined to suspend Mr Stamoulis' registration. Whilst it had regard to the serious nature of such a sanction and the potential consequences for him, the Committee considered that the need to protect the public and the wider public interest is paramount. Mr Stamoulis failed to properly engage in this process that is designed to assist him and to afford protection to the public. In view of this, it has concluded that members of the public and the wider public interest would not be sufficiently protected by a lesser sanction than suspension.
54. The Committee has decided to impose a suspension order for a period of 6 months. In deciding on this period, the Committee took into account the lack of engagement and compliance, particularly as he has been under conditions previously. It now considers that an increased level of engagement will be required on Mr Stamoulis' part. A 6-month

suspension would afford Mr Stamoulis the opportunity to reflect, provide his Personal Development Plan (PDP) and to take appropriate action in relation to all the matters in this case. It will also ensure that the public is protected adequately.

55. A Committee will review Mr Stamoulis' case at a resumed hearing to be held shortly before the end of the period of suspension. That Committee will consider whether it should take any further action in relation to his registration. He will be informed of the date and time of that resumed hearing, with which he will be expected to engage.
56. Unless he exercises his right of appeal, his registration will be suspended 28 days from the date when written notification of this determination is deemed to have been served upon him.
57. The Committee now invites submissions from Mr Saad as to whether an immediate order of suspension should now be imposed on Mr Stamoulis' registration pending its substantive determination taking effect.

Immediate order

58. Mr Saad submitted that an immediate order of suspension is necessary for the protection of the public and is otherwise in the public interest during the appeal period of 28 days following notification of the Committee's decision to Mr Stamoulis.
59. In accordance with Section 30(2) of the Act, the Committee decided to impose an immediate order of suspension. In reaching this decision, the Committee referred to the reasons outlined in its decision to impose the substantive order. An immediate order is necessary to protect the public, and is otherwise in the public interest in view of the previous clinical failings identified and the breaches of the conditions of practice.
60. Unless Mr Stamoulis exercises his right of appeal, the substantive order of suspension will come into effect at the end of the 28-day appeal notice period. In the event that Mr Stamoulis does exercise his right of appeal, the immediate order will remain in force until the resolution of the appeal.
61. That concludes this determination.