

ON PAPERS**Interim Order Committee
Review Hearing****14 December 2023****Name:** SHAH, Keval Amritlal**Registration number:** 85736**Case number:** CAS-203805-G8G7C2

General Dental Council: IHLPS**Registrant:** Represented by Clyde & Co

Outcome: Conditions of practice order continued**Duration:** 18 months

Committee members: Martin Isherwood(Chair and DCP member)
Harpreet Ark (Dentist member)
Liz Avital (Lay member)**Legal adviser:** Barrie Searle**Committee Secretary:** Jamie Barge

At this hearing the Committee made a determination that includes some private information. That information shall be omitted from this public version of the determination and the document marked to show where private material is removed.

The role of the Interim Orders Committee (IOC) is to undertake a risk assessment based on the information before it. Its role is to assess the nature and substance of any risk to the public in all the circumstances of the case and to consider whether it is necessary for the protection of the public, is otherwise in the public interest, or is in the registrant's own interests to impose an interim order on their registration. It is not the role of the IOC to make findings of fact in relation to any charge. That is the role of a differently constituted committee at a later stage in the process.

1. Neither party was present at today's hearing, following a request for the review of the interim order to be conducted on the papers. The hearing was conducted remotely via Microsoft Teams in line with current General Dental Council (GDC) practice.
2. In the absence of both parties, the Committee first considered the issues of service and whether to proceed with the hearing in the absence of Mr Shah and any representatives for either party. The Committee accepted the advice of the Legal Adviser on these matters.

Decision on service of Notice of Hearing

3. The Committee was informed at the start of this hearing that Mr Shah was neither present nor represented at today's hearing.
4. In his absence, the Committee first considered whether the Notice of Hearing ('the Notice') had been served on Mr Shah in accordance with Rules 35 and 65 of the '*General Dental Council (Fitness to Practise) Rules Order of Council 2006*' ('the Rules').
5. The Committee had regard to the hearing bundle, which contained a copy of the Notice, dated 13 November 2023. The Notice was sent to Mr Shah's registered address by Special Delivery on 13 November 2023, in accordance with Section 50A of the '*Dentists Act 1984*' (as amended) ('the Act') and via email on the same date.
6. The Committee was satisfied that the Notice contained proper and correct information relating to today's hearing. This included the time that the review will take place and that it is being conducted remotely via Microsoft Teams, as well as notification that the GDC intends to conduct the review on the papers.
7. The Committee was content that the Notice was sent to Mr Shah's registered address and that the GDC had therefore complied with the Rules in this regard.
8. The Committee noted that Mr Shah's legal representative has confirmed receipt of the Notice and that Mr Shah was also notified by email. In light of the information available, the Committee was satisfied that Mr Shah has been served with proper notification of this hearing, within a reasonable period of time, in accordance with the Rules.

Decision on whether to proceed in the absence of Mr Shah and on the papers

9. The Committee next considered whether to exercise its discretion to proceed with the hearing in the absence of Mr Shah and any representative for either party. The Committee was mindful that its decision to proceed in the absence of Mr Shah must be handled with the utmost care and caution. The Legal Adviser reminded the Committee of the requirement to be fair to both parties, as well as considering the public interest in the expeditious disposal of this case.
10. The Committee noted the email dated 20 November 2023 from Mr Shah who states, "*I act on behalf of Dr Shah in relation to this matter. I write further to your letter to Dr Shah of 13 November 2023, in which you notified him of the upcoming review of his IOC conditions, on*

a date to be confirmed. I confirm that Dr Shah is content for the matter to be reviewed on the papers, without need for a hearing."

11. The Committee noted that no application for an adjournment had been made by Mr Shah and there was information before the Committee that Mr Shah is content for today's review to take place in his absence. On the basis of the information before it, the Committee concluded that Mr Shah had voluntarily absented himself from today's hearing.
12. In all these circumstances, the Committee determined that it was fair and in the public interest to proceed with the hearing in the absence of Mr Shah and any representatives for either party.

Background

13. Mr Shah's case was first considered by the IOC on 28 June 2023, when it determined that it was necessary for the protection of the public and was otherwise in the public interest to impose an interim conditions of practice order for a period of 18 months.
14. The case was referred to the IOC by the GDC's Registrar following the receipt of a complaint by the Council dated 4 June 2023 from a patient ('the Informant'). The Informant has raised concerns in relation to Mr Shah's conduct during an appointment for root canal treatment on 14 April 2023.

15. [IN PRIVATE].

16. [IN PRIVATE]

17. [IN PRIVATE].

18. The information provided by the GDC before the Committee today includes the clinical records relating to the appointment on 14 April 2023, as well as written accounts provided by members of staff at the practice in question, as part of an internal investigation.
19. This is the first review of this order. The order is due to expire on 27 December 2024.

Submissions

20. In its written submissions, the GDC invited the Committee to continue with the current interim conditions of practice. The GDC stated that *"Considering this, the Council submits that there has been no material change in circumstances following the initial hearing before the Committee on 28 June 2023 that would necessitate an amendment to the current interim order of conditions. The Council submits that an interim order remains necessary on the same grounds and reasons as set out by the Committee at the initial hearing."*
21. Mr Shah's representatives in an email dated 20 November 2023 provided their consent for this hearing to proceed on the papers in Mr Shah's absence.

Decision on review

22. In reviewing this order, the Committee considered all the documentation contained within the hearings bundle, as well as the written submissions made. The Committee had regard to the GDC's 'Interim orders guidance for decision making - Interim Orders Committee (October 2016)' and accepted the advice of the Legal Adviser. The Committee bore in mind its overarching objectives to protect, promote and maintain the health, safety and well-being of

the public; to promote and maintain public confidence in the dental and dental care professions; and to promote and maintain proper professional standards and conduct for members of the dental and dental care professions.

23. The Committee first considered whether an interim order remained necessary on the grounds of public protection. **[IN PRIVATE]**. The Committee considered that the allegations are such that there would be a real risk of harm to the health, safety, or well-being of patients if Mr Shah were permitted to continue in unrestricted practice.
24. In the Committee's view, there is currently a risk of harm to patients if Mr Shah were to practise as a dentist without there being some restriction on his registration. Accordingly, the Committee determined that an interim order is still required for the protection of the public.
25. The Committee took into account that there has been no material change in circumstances since the last review. On the basis of the information before it, the Committee has concluded that there remains a risk of harm to the public should Mr Shah be able to practise without restriction.
26. The Committee also determined that an interim order is necessary on the grounds of public interest in order to maintain public confidence in the profession and to uphold proper professional standards.
27. Having determined an interim order is necessary in the circumstances, the Committee must impose the minimum restriction on Mr Shah's registration necessary to protect the public and the wider public interest.
28. In considering the type of order required, the Committee has applied the principle of proportionality, balancing the public interest with Mr Shah's own interests.
29. The Committee took into account that there has been no reported breach of his conditions and there are no concerns raised regarding his compliance with his conditions. The Committee was satisfied that Mr Shah is engaging with the GDC. In this regard, the Committee was satisfied that the current interim conditions of practice order remained the appropriate and proportionate order for the same reasons as those stated by the IOC at the initial hearing, dated 28 June 2023.
30. The Committee notes that the continuation of this interim conditions of practice order restricts Mr Shah's practice as a dentist pending the outcome of the GDC's investigation. The Committee is satisfied that the need to protect the public and the wider public interest outweigh his own interests.
31. The Committee was of the view that the public and the wider public interest would be suitably protected by the continuation of the following conditions of practice:
 1. He must notify the GDC promptly of any post he accepts for which GDC registration is required and the Commissioning Body on whose Dental Performers List he is included.
 2. If employed, he must provide contact details of his employer and allow the GDC to exchange information with his employer or any contracting body for which he provides dental services.
 3. He must inform the GDC of any formal disciplinary proceedings taken against him, from the date of this determination.
 4. He must inform the GDC if he applies for dental employment outside the UK.

5. Except in life threatening emergencies, he must not undertake consultations with any patients without a chaperone present. The chaperone must be a fully registered healthcare practitioner.
6. He must maintain a log detailing every case where he has undertaken a consultation with a patient, which must be signed by the chaperone.
7. He must maintain a log detailing every case where he has undertaken a consultation with a patient in a life-threatening emergency, without a chaperone present.
8. He must provide a copy of the logs referred to at Conditions 6 and 7 above to the GDC prior to any review or alternatively, confirm that there have been no such cases.
9. He must not undertake any teaching or supervision on a one-to-one basis.
10. He must inform within one week the following parties that his registration is subject to the conditions, listed at 1 to 9 above:
 - Any organisation or person employing or contracting with him to undertake dental work.
 - Any locum agency or out-of-hours service he is registered with or applies to be registered with (at the time of application).
 - Any prospective employer (at the time of application).
 - The Commissioning Body in whose Dental Performers List he is included or seeking inclusion (at the time of application).
11. He must permit the GDC to disclose the above conditions, 1 to 10 above to any person requesting information about his registration status.

33. The interim conditions of practice order will continue for the remainder of the current order.

Review of the order

34. Unless there has been a material change of circumstances, the Committee will review the interim order on the papers at an administrative hearing within the next six months. The Committee will be invited by the GDC to confirm the order and Mr Shah will be asked whether there are any written submissions to be put before the Committee on his behalf. Mr Shah will then be notified of the outcome in writing following the decision of the Committee.

35. Alternatively, Mr Shah is entitled to have the interim order reviewed at an oral hearing. This means that he will be able to attend and make representations, send a representative on his behalf or submit written representations about whether the order continues to be necessary. Mr Shah must inform the GDC if he would like the interim order to be reviewed at a hearing.

36. Even if Mr Shah does not request a hearing, where there has been a material change of circumstances that might mean that the order should be revoked, varied or replaced, the Committee will review the order at a hearing to which he and any representative will be invited to attend.

37. Notification of this decision will be served upon Mr Shah in accordance with the Act.

38. That concludes this determination.



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