

**Professional Conduct Committee  
Review Hearing**

**2 February 2024**

**Name:** BIJLANI, Monica

**Registration number:** 67109

**Case number:** CAS-191659

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**General Dental Council:** Chris Hamlet, Counsel  
Instructed by Carla Marie Clough, IHLPS

**Registrant:** Present  
Jonathan Goldring, Counsel  
Instructed by Alex Lane, Bankside Law

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**Fitness to practise:** Impaired by reason of misconduct

**Outcome:** Suspension extended (with a review)

**Duration:** 12 months

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**Committee members:** Anthony Mole (Lay) (Chair)  
Caitriona Gerber Walsh (Dentist)  
Avril Fraser (Dental Care Professional)

**Legal adviser:** Jenny Appleton

**Committee Secretary:** Gareth Llewellyn

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Ms Bijlani

1. You are present at this resumed hearing of the Professional Conduct Committee (PCC). You are represented by Jonathan Goldring of Counsel, instructed by Alex Lane of Bankside Law. Chris Hamlet of Counsel, instructed by Carla Marie Clough of the GDC's (General Dental Council's) In-House Legal Presentation Service, appears for the GDC. The hearing is being conducted remotely using Microsoft Teams in line with the GDC's current practice.

### **Purpose of hearing**

2. The purpose of today's hearing is to review a substantive direction of suspension first imposed on your registration by the PCC on 21 June 2021. The hearing is being held in accordance with section 27C of the Dentists Act 1984 (as amended) ('the Act') and Part 4 of the General Dental Council (Fitness to Practise) Rules 2006 ('the Rules'). The substantive direction of suspension is due to expire on 6 February 2024.
3. The hearing was postponed by the PCC on 18 January 2024 for the purposes of allowing you and your legal representatives further time to prepare for a review hearing. The hearing has been relisted to take place today.

### **Background to the hearing**

4. In June 2021 the PCC held a hearing of inquiry in relation to allegations pertaining to your fitness to practice. The Committee heard, and went on to find proved, allegations of 'multiple and serious clinical failings' in relation to the standard of your care and treatment of a number of patients.
5. That Committee went on to determine that the facts that it had found proved amounted to misconduct. In relation to the question of impairment the Committee determined that, although you had shown some insight, that insight was not sufficient, and that you continued to pose a risk to patients. The Committee determined that your fitness to practice was impaired. That Committee also determined that a finding of impairment was required in the public interest. The Committee determined to suspend your registration for a period of 12 months, with a review hearing to take place prior to the expiry of the period of suspension. The substantive direction of suspension came into effect on 7 February 2022 following your withdrawal of your appeal.
6. The PCC reviewed the matter on 25 January 2023 and determined that your fitness to practice remained impaired because of the continued lack of insight and remediation. That Committee determined that a repeated finding of impairment was not also required in the public interest, as in its judgment wider public interest considerations had already been met by the index PCC's declaration of impairment. The Committee determined to suspend your registration for a further period of 12 months, with a review hearing to take place prior to the expiry of the period of suspension.
7. In deciding on a further period of 12 months' suspension, the Committee stated that it was '*satisfied that this would provide you with an opportunity to develop your insight and provide evidence that you fully understand the impact your failings had on your patients. It would also provide you with an opportunity to work with an independent mentor and complete targeted areas of CPD so that you are able to demonstrate any learning you have been able to achieve to reassure a reviewing committee that you have reduced the likelihood of repetition of such conduct in the future.*' It also determined that the future reviewing Committee may be assisted

by targeted and focused CPD addressing the concerns identified by the initial PCC, formalised documentation of discussions with a mentor, and further developed insight and reflection focusing on the impact on patients.

8. It falls to this Committee to review the suspension.

### **Submissions**

9. Mr Hamlet set out the background to today's review as summarised above. Mr Hamlet on behalf of the GDC submitted that your fitness to practise remains impaired, given your ongoing lack of insight and remediation. Mr Hamlet submitted that it would be appropriate and proportionate to extend your suspension by a further period of 12 months, with a review hearing to again take place before the end of that extended period of suspension. Mr Hamlet referred in particular to concerns that you may be offering dental services as the director of a company and also advertising dental services. Mr Hamlet submitted that these concerns underline that your fitness to practise remains impaired, and that suspension continues to be the appropriate direction. Mr Hamlet submitted that a further period of 12 months' suspension would also allow you to develop and demonstrate insight into and remediation of your misconduct.
10. Mr Goldring on your behalf made no submission as to whether your fitness to practise is currently impaired, but that he would not oppose the extension of the period of suspension by 12 months. Mr Goldring submitted that you are not in fact practising as a dentist and that similarly you are not offering dental services. Mr Goldring submitted that he has only recently been instructed, but that he is able to properly represent you today. Mr Goldring submitted that he has some concerns about the index hearing of this case in June 2021, and that it would not be appropriate for him to make representations on, for instance, questions such as impairment at this time. Mr Goldring referred to other proceedings that you are currently facing which you wish to resolve. Mr Goldring raised those matters for the purposes of explaining the absence of evidence and information from you.

### **Committee's determination**

11. The Committee has carefully considered all the documentary information presented to it, including the submissions of Mr Hamlet on behalf of the GDC and those of Mr Goldring on your behalf. The members of the Committee put the other proceedings referred to by Mr Goldring as summarised at paragraph (10) above out of their minds for the purposes of conducting their review, including in relation to current impairment and any further sanction that might arise.
12. 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, and in particular that you effectively bear a persuasive burden to demonstrate that your fitness to practise is no longer impaired.

### **Impairment**

13. The Committee has determined that your fitness to practise remains impaired. The Committee considers that you have not provided any information to suggest that you have developed any insight into your misconduct or any evidence to suggest that you have embedded the necessary changes into your practice by way of remediation. The Committee considers that the same risks of harm to the public remain, and that accordingly your fitness to practise remains impaired.

14. As with the determination of the previous reviewing Committee in January 2023, this Committee determines that a finding of impairment is not further required in the public interest, for instance for the purposes of declaring and upholding proper professional standards of conduct and behaviour and maintaining trust and confidence in the profession. The Committee is of this view because it considers that the index Committee's declaration of impairment was sufficient to address those public interest considerations.

### **Sanction**

15. The Committee next considered whether it would be appropriate to revoke the suspension, or to replace the suspension with a direction of conditional registration.
16. The Committee considered that revoking the suspension would place the public at unwarranted risk of harm because of your unremediated misconduct. The Committee also determined that conditional registration would not adequately protect the public. In the Committee's judgment conditions cannot be formulated in such a way as to be practicable and workable, particularly given the absence of any information from you about insight and remediation.
17. The Committee then went on to consider whether to extend the extant direction of suspension. The Committee determined that a further period of suspended registration is the appropriate and proportionate direction to make in the particular circumstances of this case. The Committee considers that the public would be insufficiently protected were you to be permitted to practise. The Committee also concludes that the appropriate and proportionate period of the extended suspension should be 12 months. In the Committee's judgement this period of time is likely to be required for you to develop and demonstrate insight into and remediation of your misconduct. The Committee also directs that this further direction of suspended registration be reviewed before its expiry in around 12 months' time.
18. Although this Committee in no way wishes to bind or fetter the Committee which will review the suspension, it considers that the reviewing Committee may be assisted by:
- evidence of targeted and focused continuing professional development (CPD) addressing the concerns identified by the initial PCC, including appropriate refresher training,
  - formalised engagement in a mentoring programme, with documentary evidence of such,
  - further developed insight and reflection focusing on the impact on patients.

### **Right of appeal**

19. You will have 28 days from the date on which notice of this decision is deemed to have been served on you to appeal against this decision. Should you decide to appeal, the existing direction of suspension will remain in force until the resolution of any such appeal. Should you decide not to appeal, the current suspension will take effect on the date on which it would otherwise expire.
20. That concludes this case for today.