

PUBLIC HEARING

Professional Performance Committee Review Hearing

23 February 2024

Name: MUNIYELLAPPA, Kokila Vani

Registration number: 249684

Case number: CAS-190573-F3H7J6

General Dental Council: Ms Rebecca Vanstone, counsel.
Instructed by IHLPS

Registrant: Present and represented by Mr Matthew McDonagh,
counsel.
Instructed by BTO Solicitors

Fitness to practise: Impaired by reason of deficient professional performance

Outcome: Conditions extended (with a review)

Duration: 10 months

Committee members: Andrew Skelton (Chair and lay member)
Alison Mayell (Dentist member)
Katherine Ross (DCP member)

Legal adviser: Alastair McFarlene

Committee Secretary: Jamie Barge

Ms Muniyellappa,

1. This was a resumed hearing before the Professional Conduct Committee (PCC) pursuant to Section 27C of the *Dentists Act 1984 (as amended)* ('the Act'). The hearing was held remotely on Microsoft Teams. You were present and represented by Mr Matthew McDonagh of Counsel. Ms Rebecca Vanstone of Counsel appeared on behalf of the GDC.

Background

2. This case was considered at a PPC hearing that took place in February 2022. At that hearing, which you attended, you faced allegations relating to the treatment provided to 16 patients over a period of 9 months. The Committee found proved that whilst you were in a dental vocational training post at a dental practice on 01 August 2016, during the LEP process, your performance was assessed as "needing improvement" in the following areas:
 - Communication skills;
 - Technical ability in that, during an appointment on 10 August 2016 with Patient 2 you were unable to operate, adequately, the radiographic equipment;
 - Knowledge (Level and Application);
 - Organisation' in that, during an appointment on 10 August 2016 with Patient 4 you displayed a lack of understanding of the patient management software;
 - Clinical Judgement and Diagnosis;
 - Professionalism' in that, during an appointment on 27 April 2017 with Patient 32 you did not offer the patient the option of an extraction.
3. That Committee determined that, individually and cumulatively, your failings in this case were serious and amounted to deficient professional performance. With regard to impairment, that Committee, was of the view that although you had made some progress in remediating your professional performance, your remediation was still in its early stages. In that Committee's view a finding of impairment was necessary in the interests of public protection. That Committee also determined that a finding of impairment was necessary in the wider public interest to maintain public confidence in the profession and uphold proper standards of conduct.
4. With regard to sanction, that Committee was satisfied that conditional registration would be appropriate, proportionate, and sufficient to protect the public. That Committee, accordingly, determined to impose conditions on your registration for a period of twenty-four months. In deciding on this period, that Committee considered that this would be sufficient time for you to demonstrate complete insight into your failings and also to show that this has been fully embedded in your practice. That Committee also directed that there be a review of your case.

Today's Review

5. It was the role of the Committee today to undertake a comprehensive review of this case. The Committee today considered all the information available to it, including the submissions made by Ms Rebecca Vanstone, on behalf of the GDC, and by Mr Matthew McDonagh, on your behalf. It has accepted the advice of the Legal Adviser.

6. Ms Vanstone, on behalf of the GDC, submitted that having considered all the documents provided by you for this hearing, the GDC considers that your fitness to practise still remains impaired. You have undergone steps to remediate your clinical deficiencies, however this has yet to be fully embedded as you have only practised as an assistant dentist since November 2023. Supervision reports indicate that there are still areas for improvement, such as in radiography as well as treatment planning and diagnosis. Ms Vanstone submitted that the length of time you have practiced is not sufficient to demonstrate that the failings have been remediated and that a risk of repetition is likely to occur again. Ms Vanstone submitted, whilst it appears that you are making good progress, you are still at an early stage in your remediation.
7. Ms Vanstone submitted that there remains concerns about your practice as identified by the previous Professional Conduct Committee. Ms Vanstone submitted that it would therefore be premature to revoke the conditions in place on your practice. Ms Vanstone submitted that the conditions ensuring close supervision should be extended for a further period of 12 months.
8. Mr McDonagh, on your behalf, submitted you do not contest that your fitness to practise remains impaired. He submitted that there were communication issues during your vocational year. However, since then you have made repeated searches for dental employment and in August 2022 worked as a dental nurse. However, in this role you were unable to fully comply and address all of the conditions on your registration. You were contacted by a separate dental practice, where you have been employed as an assistant dentist since November 2023.
9. Mr McDonagh submitted that it is clear you still require supervision and require further remediation into your clinical failings. This has been acknowledged by your workplace and education supervisors. He submitted that as of today, you are impaired and that a proportionate sanction is one of a further period of conditions but for a reduced time of 6 months. Mr McDonagh submitted that your confidence has greatly increased with the assistance of other dental professionals, and you have made real efforts to remediate your clinical failings. He submitted that a reduction of the level of supervision is proportionate, from close to general supervision for a period of 6 months. He submitted that this view is supported by your workplace supervisor.

Decision on Current Impairment

10. In considering whether your fitness to practise is currently impaired the Committee bore in mind that this was a matter for its own independent judgement. It also had regard to its duty to protect the public, declare and uphold proper standards of conduct and competence and maintain public confidence in the profession.
11. The Committee has carefully considered all the information presented to it, including the written documentation and oral submissions provided by Ms Vanstone on behalf of the GDC and those provided by Mr McDonagh on your behalf.
12. The Committee has taken into account the GDC's Guidance for the Practice Committees, including Indicative Sanctions Guidance (December 2020). The Committee has accepted the advice of the Legal Adviser. Throughout its deliberations, the Committee has borne in mind that its primary duty is to address the public interest, which includes the protection of patients, the maintenance of public confidence in the profession and the declaring and upholding of proper standards of conduct and behaviour.

13. The Committee is satisfied that although you have made significant improvements in your clinical practice, some areas of your clinical practice still remains deficient and requires further supervision. The Committee noted the reports from your workplace supervisors as well as your comments in your own reflective statement which acknowledge that your fitness to practise remains impaired.
14. The Committee bore in mind that at a review hearing there is a persuasive burden on the registrant to demonstrate that their fitness to practise is no longer impaired. The Committee noted that you have only been part-time practice as an assistant dentist since November 2023. Although you have demonstrated compliance with your conditions, given you have been practising as an assistant dentist for a short period of time, this has limited your ability to demonstrate full remediation. The Committee determined that the risk of repetition remains and therefore that you remain a risk to the public. The Committee also considers that confidence in the profession and in the regulator would be undermined if a finding of impairment were not made. Accordingly, the Committee has determined that your fitness to practise remains impaired.

Sanction

15. The Committee next considered what direction, if any, to make. The Committee has borne in mind the principle of proportionality, balancing the public interest against your 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.
16. The Committee notes that you have only relatively recently returned to practice, having undertaken employment as an assistant dentist part-time for approximately 3 months. The overall period of time is therefore short. The Committee further notes that your workplace supervisor still has concerns with your practice and has offered to continue to closely supervise you for a further period. The Committee is therefore satisfied that although you have made significant improvements in your clinical practice, you still require additional time whilst under close supervision to ensure that all your identified clinical deficiencies have been adequately addressed and remediated.
17. In the Committee's judgment these conditions should remain in place in order to allow you to continue to make progress with your safe return to practice. The Committee considers that you have engaged well with the extant conditions, and that you have approached the process in a positive and purposeful manner, embracing both the spirit and terms of the conditions as you regain your clinical skills. The Committee commends you for the responsibility and resourcefulness that you have demonstrated.
18. In the circumstances, the Committee has determined that it would be appropriate and proportionate to extend the period of conditional registration by 10 months. It recognises the significant reflection and remediation you have undertaken, and considers that a period of 10 months would be fair and proportionate. It considers that this period of time is likely to be sufficient for you to continue with the process of complying with your on-going PDP and demonstrate that you are ready to return to practice unrestricted. The Committee considers that this period of time is proportionate to the progress that you have made hitherto, and the work that you continue to need to undertake in pursuit of practising without restriction. In the Committee's judgment any period of time short of 10 months would not be sufficient for you to demonstrate that you have safely and successfully returned to practice. It also considers that a further period of close supervision together with reports will assist the next reviewing Committee.

19. The Committee considers that a period of suspended registration, which has not been sought by either party, is not appropriate or proportionate, given that conditions continue to address the issues of deskilling and absence from work that are central at this time.
20. The Committee has therefore determined to extend the period of conditional registration without variation by 10 months. The Committee has further determined that the conditions should once more be reviewed prior to their expiry.
21. The conditions that will continue to appear against your name in the register are as follows:
 1. She must notify the GDC within 7 days of any professional appointment she accepts and provide the contact details of her employer or any organisation for which she is contracted to provide dental services and the Commissioning Body on whose Dental Performers List she is included or the Local Health Board if in Wales, Scotland or Northern Ireland.
 2. She must allow the GDC to exchange information with her employer or any organisation for which she is contracted to provide dental services, and any Postgraduate Dental Dean/Director, reporter, workplace supervisor or educational supervisor referred to in these conditions.
 3. At any time she is providing dental services, which require her to be registered with the GDC, she must agree to the appointment of a reporter nominated by you and approved by the GDC. The reporter can be the educational supervisor/workplace supervisor.
 4. She must allow the reporter to provide reports to the GDC at intervals of not more than 3 months and the GDC will make these reports available to any Postgraduate Dental Dean/Director, workplace supervisor or educational Supervisor referred to in these conditions.
 5. She must inform the GDC of any formal disciplinary proceedings taken against her, within 7 days of being notified of any such disciplinary proceedings.
 6. She must inform the GDC within 7 days if she applies for dental employment outside the UK.
 7. She must work with a Postgraduate Dental Dean (or a nominated deputy), to formulate a Personal Development Plan, specifically designed to address the deficiencies in the following areas of her practice:
 - Patient Communication
 - Using patient management software
 - Anaesthetic practice
 - Radiographic practice

- Treatment planning and diagnosis
- Patient consent

8. She must forward a copy of her Personal Development Plan to the GDC within three months of the date on which these conditions become effective and at least 14 days prior to any review hearing.

9. She must meet with the Postgraduate Dental Dean (or a nominated deputy), on a regular basis to discuss her progress towards achieving the aims set out in her Personal Development Plan. The frequency of her meetings is to be set by the Postgraduate Dental Dean (or a nominated deputy).

10. She must allow the GDC to exchange information about the standard of her clinical performance and her progress towards achieving the aims set out in her Personal Development Plan with the Postgraduate Dental Dean (or a nominated deputy), and any other person involved in her retraining and supervision.

11. At any time that she is employed, or providing dental services, which require her to be registered with the GDC; she must place herself and remain under the supervision of an educational supervisor appointed by the Postgraduate Dental Dean/Director (or a nominated deputy).

12. At any time she is employed, or providing dental services, which require her to be registered with the GDC; she must place herself and remain under the *close supervision of a workplace supervisor nominated by her, and agreed by the GDC.

13. She must allow her workplace supervisor to provide reports to the GDC at intervals of not more than 3 months and the GDC will make these reports available to any Postgraduate Dean/Director or Educational Supervisor referred to in these conditions.

14. She must keep her professional commitments under review and limit her dental practice in accordance with her workplace supervisor's advice.

15. She must inform within one week the following parties that her registration is subject to the conditions, listed at (1) to (14), above:

- any organisation or person employing or contracting with her to undertake dental work;
- any locum agency or out-of-hours service she 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 on whose Dental Performers List she is included or seeking inclusion, or Local Health Board if in Wales, Scotland or Northern Ireland (at the time of application).

16. She must permit the GDC to disclose the above conditions, (1) to (15), to any person requesting information about her registration status.

**Closely supervised: The registrant's day to day work must be supervised by a person who is registered with the GDC in their category of the register or above and who must be on site and available at all times. As a minimum, the registrant's work must be reviewed at least twice a week by the supervisor via one to one meetings and case-based discussion. These bi-weekly meetings must be focused on all areas of concern identified by the conditions/undertakings. These meetings must take place face to face.*

22. The period of the conditional registration shall be extended by 10 months, beginning with the date on which those conditions would otherwise have expired. The Committee considered that this period was required to allow you sufficient time to continue your remediation and to demonstrate embedded improvement in practice.

23. The extended period of conditional registration shall be reviewed prior to its expiry.

24. That concludes this hearing.