

**Professional Conduct Committee
Review Hearing**

18 December 2024

Name: STAMOULIS, Athanasios

Registration number: 80390

Case number: CAS-205058-N7G7S1

General Dental Council: Ashraf Khan, Counsel
Instructed by IHLPS

Registrant: Not present and unrepresented

Fitness to practise: Impaired by reason of misconduct

Outcome: Suspension extended (with a review)

Duration: Seven months

Committee members: Zareen Elleby (Chair, Dental Care Professional member)
Gaon Hart (Lay member)
Samaneh Nezamivand-Chegini (Dentist member)

Legal adviser: Alastair McFarlane

Committee Secretary: Sara Page

1. This is a hearing before the Professional Conduct Committee pursuant to section 27C of the '*Dentists Act 1984 (as amended)*' ('the Act'). Members of the Committee, as well as the Legal Adviser and the Committee Secretary, are participating via Microsoft Teams in line with the General Dental Council's (GDC) current practice of holding hearings remotely.
2. Mr Stamoulis was not present and unrepresented.
3. Mr Ashraf Khan, Counsel, appeared as Case Presenter on behalf of the GDC.

Decision on service of Notice of Hearing

4. The Committee was informed at the start of this hearing that Mr Stamoulis was not present at today's hearing.
5. In his absence, the Committee first considered whether the Notice of Hearing ('the Notice') had been served on Mr Stamoulis in accordance with Rules 28 and 65 of the '*General Dental Council (Fitness to Practise) Rules Order of Council 2006*' ('the Rules').
6. The Committee had regard to the indexed hearing bundle of 45 pages, which contained a copy of the Notice, dated 29 October 2024. The Notice was sent to Mr Stamoulis' registered address by First Class post and Special Delivery on 29 October 2024, in accordance with Section 50A of the '*Dentists Act 1984 (as amended)*' ('the Act') and via email on the same date.
7. The Committee was satisfied that the Notice contained proper and correct information relating to today's hearing. This included the time, date and that it is being conducted remotely via Microsoft Teams, as well as notification that the Committee has the power to proceed with the review in Mr Stamoulis' absence.
8. In light of the information available, the Committee was satisfied that Mr Stamoulis has been served with proper notification of this hearing, including a notice period of 28 days, in accordance with the Rules.

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

9. The Committee next considered whether to exercise its discretion to proceed with the hearing in the absence of Mr Stamoulis. The Committee was mindful that the discretion to proceed in the absence of Mr Stamoulis must be exercised 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 review of this case.
10. Mr Khan, on behalf of the GDC, provided the Committee with a chronology detailing engagement with Mr Stamoulis since June 2024. He informed the Committee that the substantive hearing outcome letter was first sent to Mr Stamoulis on 28 June 2024. He stated that in preparation for today's review, the GDC sent the Notice on 29 October 2024. In the absence of any response to the Notice, the GDC sent an email to Mr Stamoulis on 12 November 2024 chasing a response. Mr Khan confirmed that no response to this email was received. On 20 November 2024, the GDC attempted to call Mr Stamoulis, and a voicemail was left. Mr Khan stated that a further email sent on 20 November 2024 to which Mr Stamoulis replied, confirming he would be attending today's review and representing himself. Mr Khan stated that the GDC responded to Mr Stamoulis' email, reminding him of the recommendations of the original PCC and to provide any documentations for today's review by 11 December 2024. However, he confirmed that no response has been received.

11. Mr Khan submitted that, in the absence of any response from Mr Stamoulis following numerous attempts by the GDC to contact him this morning, there would be no benefit in adjourning today's review as it was highly unlikely that Mr Stamoulis would attend if this review was relisted for a further date. Additionally, Mr Khan submitted that Mr Stamoulis has not sought to make an application to adjourn these proceedings. Finally, he submitted that the discretion to proceed in absence must be exercised with the utmost care and caution, the fairness to Mr Stamoulis must be considered along with the fairness to the regulator. Mr Khan therefore submitted that it would be fair in all the circumstances, given the numerous attempts to communicate with Mr Stamoulis between November 2024 and today, having said he would attend and without any explanation regarding his non-attendance, arrangements have been made, at cost, to assemble the panel to consider the matter this morning.
12. The Committee noted that there has not been any engagement by Mr Stamoulis in relation to today's hearing since his email of 20 November 2024 and he has not provided any documentation to the GDC before the deadline of 11 December 2024. In addition, it took into account that Mr Stamoulis has not responded to any of the attempts to contact him by telephone this morning. The Committee was satisfied that Mr Stamoulis was made aware that this review hearing would commence at 09:30 on 18 December 2024 and, having allowed him some 40 minutes to make contact or to join the link, he has not engaged. As a consequence, the Committee was not convinced that adjourning would secure Mr Stamoulis' attendance on some future occasion.
13. The Committee bore in mind that today's review has been arranged prior to the expiration of the current suspension order on 29 January 2025 and were today's review not to proceed, there was a risk that Mr Stamoulis' suspension would expire without a fresh consideration of his current fitness to practise, and this posed a risk of harm to the public and may adversely affect public interest.
14. In all these circumstances, the Committee determined that Mr Stamoulis had voluntarily absented himself and it was therefore fair, proportionate, and in the public interest to proceed with the hearing in the absence of Mr Stamoulis.

Background

15. This hearing was convened to review the current suspension order, which is due to expire on 29 January 2025.
16. This is the first review of a substantive order initially imposed by the Professional Conduct Committee ('the PCC') in June 2024.
17. The original PCC found that Mr Stamoulis provided an inadequate standard of care to Patient A in April 2022.
18. The original PCC found Mr Stamoulis' fitness to practise impaired by reason of misconduct. The original PCC's findings can be summarised as follows:

"...[The Committee] was of the view that the failings in this case are serious and the Committee concluded that Mr Stamoulis' conduct was a significant departure from the standards expected of a registered dental professional. In considering the gravity of Mr Stamoulis' departures from the GDC's Standards, the Committee took into account the opinion of the expert witness in this case, Mr Bateman for the GDC. Mr Bateman opined that Patient A had a high caries risk and active caries. There was a strong risk of caries progression leading to pain and potentially loss of teeth as well as new carious lesions going undetected. Mr Bateman was of the view that Mr Stamoulis had failed to provide all treatment options, discuss the risks and benefits,

treat Patient A's UL8 and LL7 and failed to take bitewing radiographs as clinically indicated fell far below the standard expected of a competent Registrant.

The Committee noted that the factual findings in this case included clinical failings by Mr Stamoulis in relation to one patient during one appointment. It accepted the opinion evidence of Mr Bateman and considered that these failings concern fundamental aspects of dentistry and directly impacted upon the overarching issue of patient safety and that Mr Stamoulis' failures fell far below the standards. The Committee was satisfied that the failures concern basic and fundamental obligations of a competent dentist and it was of the view that the findings amount to misconduct."

19. The original PCC also decided the following in respect of impairment:

"The Committee was of the view that Mr Stamoulis' clinical failures are capable of being remedied. However, he chose not to engage with these proceedings and there is nothing before this Committee to demonstrate that any remediation has taken place. It had regard to Mr Stamoulis' letter dated 21 March 2023 to the GDC, in which he refers to Patient A's complaint and stated that the allegations are without foundation and that there was 'vindictiveness' against Mr Stamoulis. Furthermore, in an email to the GDC dated 21 June 2024 Mr Stamoulis states that he wants his name to be 'withdrawn from the GDC lists'. The Committee has received no other representations or evidence from Mr Stamoulis. This demonstrated Mr Stamoulis' lack of insight into his actions and a lack of remorse.

The Committee was also presented with evidence of Mr Stamoulis' CPD between January and December 2023 which he provided to the GDC in respect of previous matters. However, the Committee considered that the CPD was not targeted to the concerns in this case, and neither were any reflective learning pieces provided. The Committee did not attach significant weight to this material.

As a consequence, there was no evidence before the Committee that Mr Stamoulis has taken any action to remedy his failings. There is nothing from him to indicate that he has been undertaking any targeted remediation to improve his practice since the concerns first arose.

The Committee found that Mr Stamoulis' misconduct was such that it had the potential to place patients at future unwarranted risk of harm. Moreover, his conduct had brought the profession into disrepute and breached the fundamental professional tenet of providing appropriate patient care. It concluded that in the absence of any evidence of remediation or insight Mr Stamoulis presents an ongoing risk to patients. The Committee also had regard to Mr Stamoulis' previous fitness to practise history. It considered this in detail before reaching its conclusion noting that there were similar concerns to the ones in this case. Taking these matters as a whole the Committee concluded that the risk of repetition was high, if Mr Stamoulis were to continue practising.

...

Furthermore, members of the public would be concerned by Mr Stamoulis' misconduct and would expect his regulatory body to declare and uphold the standards expected of all registered practitioners. In the Committee's judgement public confidence in the profession would be significantly undermined were the Committee not to make a finding of current impairment. Having regard to all of this

the Committee has concluded that Mr Stamoulis' fitness to practise is currently impaired by reason of misconduct."

20. The original PCC directed that Mr Stamoulis' registration be subject to a period of suspension for six months, with a review, stating:

"The Committee considered that a suspension Order would protect patients and would send a signal to Mr Stamoulis, the profession and the public reaffirming the standards of conduct and behaviour expected of a registered practitioner. A period of suspension would also provide Mr Stamoulis with the opportunity to demonstrate a willingness to reengage with his regulator and work towards a return to unrestricted practice.

This is not, in the Committee's opinion, a case where the evidence of Mr Stamoulis' attitude is currently so strong as to be incompatible with remaining on the register. Consequently, the Committee concluded that the sanction of erasure would not be appropriate or proportionate at this time as it is not the only option that would adequately protect the wider public interest. Taking all these factors into account, the Committee is satisfied that the public interest concerns in this case are sufficiently met by a period of suspension.

Accordingly, the Committee directs that Mr Stamoulis' registration on the Dentists Register be suspended for a period of 6 months. The Committee is satisfied that this period of time is appropriate to mark the seriousness of Mr Stamoulis' misconduct. A period of 6 months would also provide Mr Stamoulis with the opportunity to demonstrate a wish to work towards a return to the register unrestricted.

...

The Committee considered that a Committee reviewing Mr Stamoulis' case may find it helpful to receive the following:

- *evidence of his meaningful engagement with the GDC;*
- *evidence of CPD and training relevant to the clinical risks identified;*
and
- *a reflective piece demonstrating his insight and understanding of the impact of his misconduct upon Patient A and the wider public in the dental profession."*

Submissions

21. Mr Khan, on behalf of the GDC, invited the Committee to extend the current suspension order for a period of between six and nine months.
22. Mr Khan submitted that there has been no material change since the sanction was imposed in June 2024. As per his chronology, he stated that there has been limited engagement with the GDC and, despite the GDC having requested the information recommended by the original PCC, it has not been provided by Mr Stamoulis. He stated that, given Mr Stamoulis' history in relation to non-compliance with conditional registration in an additional case with a sanction running parallel to this one, Mr Khan submitted that the Committee could have no confidence that he would comply with conditions, even if appropriate and workable conditions could be formulated to address the clinical failings in this case. He submitted that Mr Stamoulis seems to have an attitudinal issue regarding the role of the regulator that cannot be addressed by the imposition of conditions. Mr

Khan submitted that to replace the current suspension order with conditions would not protect the public or address the public interest concerns.

23. In the light of Mr Stamoulis' fitness to practise history and the lack of engagement or provision of documentation requested by the original PCC, Mr Khan submitted that his fitness to practise remains impaired by reason of his misconduct and the most appropriate sanction is an extension of the current suspension order. He invited the Committee to extend the order for a period of between six and nine months with a review on both public protection and public interest grounds. Despite his lack of engagement, Mr Khan submitted that if the order is extended, this period would give Mr Stamoulis a further opportunity to engage with these proceedings, and with his regulator, and provide him the opportunity to furnish a future PCC with evidence of insight and remediation.
24. Mr Stamoulis has not provided any written submissions for consideration by the Committee today.

Decision and reasons on impairment

25. The Committee considered whether Mr Stamoulis' fitness to practise remains impaired. In reaching its decision on the issue of impairment, the Committee exercised its own independent judgement. It bore in mind that its duty is to consider the public interest, which includes the protection of the public, the maintenance of public confidence in the profession and the declaring and upholding of proper standards of conduct and behaviour. The Committee acknowledged that the persuasive burden is on Mr Stamoulis today to demonstrate that his fitness to practise is no longer impaired.
26. The Committee heard and accepted the advice of the Legal Adviser.
27. In coming to its decision, the Committee had regard to the recommendations of the original PCC in June 2024. The Committee assessed whether Mr Stamoulis' conduct has been remedied, whether it is likely to be repeated, and whether there remained a risk of harm.
28. The Committee accepted the GDC's submission that there has been no material change since the PCC imposed the suspension in June 2024. Mr Stamoulis has not provided any evidence of insight or remediation, or that he understands or appreciates the importance of public safety or the wider public interest. Mr Stamoulis has not addressed the recommendations of the original PCC and has not provided any evidence of CPD or training relevant to the clinical risks identified, nor has he provided a reflective piece demonstrating his insight and understanding of the impact of his misconduct upon Patient A and the wider public in the dental profession.
29. The Committee considered all the relevant circumstances, including the lack of material change since June 2024, and was not satisfied that Mr Stamoulis has discharged the persuasive burden that his fitness to practise is no longer impaired as he has not demonstrated any evidence of further insight or remediation.
30. Therefore, the Committee determined that Mr Stamoulis' fitness to practise remains impaired on the grounds of public protection and in the wider public interest for the same reasons as set out in the original PCC in June 2024.

Decision and reasons on sanction

31. The Committee next considered what sanction it should impose in light of its findings on Mr Stamoulis' fitness to practise.
32. The Committee was aware that it should have regard to 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 standards of conduct and performance within the profession.

33. In coming to its decision on sanction, the Committee had regard to the GDC document, "*Guidance for the Practice Committees including Indicative Sanctions Guidance (December 2020)*".
34. The Committee first considered the imposition of conditional registration, but given the lack of Mr Stamoulis' substantive and meaningful engagement with the GDC, the Committee was not provided with any evidence that conditional registration would be complied with. Therefore, the Committee concluded that there were no workable or practicable conditions that could be imposed that would adequately address the public protection or the public interest concerns in this case.
35. Therefore, the Committee determined that a suspension order remained the appropriate and proportionate sanction to protect the public and to address the public interest concerns raised in this case. In its consideration of the length of the suspension, the Committee concluded that a period of seven months, beginning with the date on which the present order would otherwise expire, would maintain confidence in the regulatory process and address the wider public interest. It would provide Mr Stamoulis with a further opportunity to demonstrate full insight and any remediative steps or learning that he has undertaken to demonstrate a reduction in the likelihood of repetition of such conduct in the future and mitigate the risk identified to public protection.
36. The Committee noted that there are parallel proceedings regarding a separate matter relating to Mr Stamoulis' clinical practice for which he is subject to a period of suspension, due to expire in August 2025. If there is no further engagement by Mr Stamoulis, the GDC may wish to give consideration to whether there is a more efficient way of resolving these matters together in order to ensure fairness to both Mr Stamoulis and the GDC as the regulator.
37. The extension of the current suspension order will be reviewed before its expiry. At the review hearing, the Committee may revoke the order, it may confirm the order, or it may replace the order with another order.
38. For clarity, as previously requested, the reviewing PCC may be assisted by:
 - *evidence of Mr Stamoulis' meaningful engagement with the GDC;*
 - *evidence of CPD and training relevant to the clinical risks identified; and*
 - *a reflective piece demonstrating Mr Stamoulis' insight and understanding of the impact of his misconduct upon Patient A and the wider public in the dental profession.*
39. A PCC will review Mr Stamoulis' case at a resumed hearing to be held shortly before the end of the period of suspension. That PCC will consider what action to take in relation to Mr Stamoulis' registration. Mr Stamoulis will be informed of the date and time of that resumed hearing.
40. Mr Stamoulis has 28 days, from the date that notice is deemed to have been served upon him, to appeal this Committee's direction. Unless Mr Stamoulis exercises his right of appeal, the current suspension order on his registration will be extended by a period of seven months. In the event that Mr Stamoulis does exercise his right of appeal, the current suspension order will remain in force until the resolution of the appeal or the next review hearing.
41. This will be confirmed to Mr Stamoulis in writing in accordance with the Act.

42. That concludes this hearing.