

PUBLIC HEARING
Professional Performance Committee
Review Hearing

28 November 2024

Name: Muniyellippa, Kokila
Registration number: 249684
Case number: CAS-190573-F3H7J6

General Dental Council: Mr Tom Stevens, Counsel.
Instructed by IHLPS

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

Fitness to practise: Impaired by reason of misconduct
Outcome: Conditions extended and varied (with a review)
Duration: 12 months

Committee members: Gill Mullen (Chair and lay member)
Clare McIlwaine (DCP member)
Sobiah Sattar (Dentist member)

Legal adviser: Melanie Swinnerton

Committee Secretary: Jamie Barge

Ms Muniyellippa,

1. This was a resumed hearing before the Professional Performance Committee (PPC) 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, Counsel. Mr Tom Stevens, Counsel, appeared on behalf of the GDC.

Background

2. Your 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 you provided to 16 patients over a period of 9 months between August 2016 and June 2017. The PPC found proved that whilst you were in a dental vocational training post at a dental practice, 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. The PPC determined that your failings in this case were serious and amounted to deficient professional performance. The PPC considered that although you had made some progress in remediating your professional performance, the process of remediation was still in its early stages. In the PPC's view a finding of impairment was necessary in the interests of public protection as well as in the wider public interest to maintain public confidence in the profession and uphold proper standards of conduct.

4. In terms of sanction, the PPC was satisfied that conditional registration would be appropriate, proportionate and sufficient to protect the public. It noted that you had already begun the process of remediation and that you had demonstrated some insight. The PPC determined to impose conditions on your registration for a period of twenty-four months. The PPC also directed that there be a review of your case.

First review hearing

5. The PPC reviewed the order at a hearing on 23 February 2024. You were present and you were represented at the hearing. The PPC noted that you had only been in part-time practice as an assistant dentist since November 2023. It recognised that you had demonstrated compliance with your conditions but given that you had been practising as an assistant dentist for a short period of time, this has limited your ability to demonstrate full remediation. The PPC determined that the risk of repetition remained and therefore that you remained a risk to the public. It determined that your fitness to practise remained impaired.

6. The PPC was mindful that you had only relatively recently returned to practice, having undertaken employment as an assistant dentist part-time for approximately 3 months. It noted that your workplace supervisor had concerns with your practice and had offered to continue

to closely supervise you for a further period. The PPC considered that you still required additional time whilst under close supervision to ensure that all your identified clinical deficiencies had been adequately addressed.

7. The PPC determined to extend the period of conditional registration by 10 months. In the PCC's view *"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"*.

Today's Review

8. The Committee has carried out a comprehensive review of the order. In doing so, the Committee had regard to all in the information before it, including a copy of your updated Personal Development Plan (PDP) (November 2024), a report dated 12 November 2024 from the Assistant Postgraduate Dental Dean NHS England (your educational supervisor) and from your workplace supervisor. It has also had regard to the documents contained in the Defence Bundle, including your reflective statement, CPD certificates and the audits of your record-keeping.

9. It has taken into account the submissions made by Mr Stevens on behalf of the GDC and those made by Mr McDonagh on your behalf. The Committee has accepted the advice of the Legal Adviser.

10. Mr Stevens on behalf of the GDC, submitted that having considered all the documents provided by you for this hearing, that your fitness to practise still remains impaired. Mr Stevens submitted that since the last review PCC hearing in February 2024, you have been compliant with the conditions imposed on your registration. There are reports from both your clinical supervisor and your educational supervisor. These reports confirm you are making progress in areas such as record keeping and continue to engage in the process. However, they indicate that they had not observed sufficient examples in the treatment of areas such as endodontics and crown work.

11. Mr Stevens submitted that you have engaged and reflected, however, it is acknowledged by you and your supervisors, that you need a further period of supervision and that you are not yet in a position to return to unrestricted practice. He submitted that your remediation is not complete therefore your fitness to practise remains impaired on the grounds of public protection and public interest.

12. Mr Stevens submitted that, given the conclusions of the recent supervision reports, conditions should be continued. He submitted that if the Committee want to revise the level of supervision to "mere" supervision, they may determine to add another condition ensuring close supervision in respect of the outstanding areas of concern such as endodontics and crown treatment and also add a condition ensuring that you do not to engage in single handed treatment. Mr Stevens submitted that this order should be extended for a further period of 12 months.

13. Mr McDonagh on your behalf, submitted you do not contest that your fitness to practise remains impaired. He 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.

14. Mr McDonagh submitted that you have made real efforts to remediate your clinical failings. He referred to your ongoing engagement with your Educational Supervisor – meetings on a monthly basis. Mr McDonagh submitted that you have clearly remediated and made

substantial improvements in a number of areas of concern, however, you have accepted you would benefit from ongoing educational input around diagnosis and treatment planning.

15. Mr McDonagh submitted that close supervision affects the ability for you to work, as this is too onerous on you and the practice. He submitted that you do not need a supervisor to be on site at all times given the improvements you have made. A reduction will dramatically improve your chances of getting a job, as you are currently not working, and assist the growing confidence you have gained since the last review PCC hearing. He submitted that in respect of Mr Stevens proposed condition of implementing two levels of supervision, this is unworkable and does not reflect the remaining concerns raised in the supervision reports. He submitted that this proposal brings another level of scrutiny. Mr McDonagh submitted that a reduction in the level of supervision to “mere” is proportionate, and that this should be for a period of 9 months in order for you to obtain a new dental position and obtain 6 months of supervision reports.

Decision on Current Impairment

16. 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.

17. 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.

18. The Committee is satisfied that although you have made significant improvements in your clinical practice, some areas of your clinical practice still remain deficient and require further supervision. The Committee noted the reports from your workplace and educational supervisors as well as your comments in your own reflective statement which acknowledge that you require further learning and supervision and that your fitness to practise remains impaired.

19. 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 although you have remediated some areas of concern, there are still areas such as endodontics and crown work where you need to further develop your skills to a satisfactory level. Although you have demonstrated compliance with your conditions, you still are on a journey of learning and 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

20. 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.

21. The Committee notes that you have acknowledged that you require a further period of supervision. The Committee is satisfied that although you have made significant improvements in your clinical practice, you still require additional time whilst under supervision to ensure that all your identified clinical deficiencies have been adequately addressed and remediated.

22. In the Committee's judgment conditions should remain in place in order to allow you to continue to make progress with your safe return to unrestricted practice. The Committee considers that you have engaged well with the current 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 improve your clinical skills. The Committee commends you for the positive engagement that you have demonstrated. It noted that you have requested to lower the level of supervision from close to general (condition 13). Reports indicate that you no longer require supervision in some areas that were of concern. The Committee determined, having taken into account the progress you have made, together with your reflection and awareness, with the findings of the recent reports, that a lower form of supervision would be necessary, adequate and proportionate. The Committee is satisfied that general supervision would protect the public and maintain public confidence in the profession.

23. The Committee noted the GDC's proposed condition to separate the areas of concerns with different levels of supervision but considers that this would be unworkable. In respect of the GDC's proposed condition not to work in single handed practice, it is satisfied that this is necessary, given the on-going need for on-going peer support, as highlighted by both supervisors. This is the new condition 7.

24. In the circumstances, the Committee has determined that it would be appropriate and proportionate to vary and extend the period of conditional registration by 12 months. It recognises the significant reflection and remediation you have undertaken and considers that this period would be fair and proportionate and should provide you sufficient time to remedy deficiencies in your practice and get necessary satisfactory reports for the next reviewing Committee. It also considers that this period of time is likely to be sufficient for you to continue to demonstrate that you are ready to return to practice unrestricted. The Committee has further determined that the conditions should once more be reviewed prior to their expiry.

25. 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 remaining issues of concern.

26. The conditions, varied, will 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 not engage in single-handed dental practice [and must only work at premises where another GDC registrant (in his or her category of the Register) is working at the same time as she is working and with whom she has made personal contact before she commences treatment of patients at each session].
8. 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:
 - Using patient management software
 - Patient Communication
 - Anaesthetic practice
 - Radiographic practice
 - Treatment planning and diagnosis
 - Patient consent
9. 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.
10. 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).
11. 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.

12. 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).
13. 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 *general supervision of a workplace supervisor nominated by her, and agreed by the GDC.
14. 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.
15. She must keep her professional commitments under review and limit her dental practice in accordance with her workplace supervisor's advice.
16. She must inform within one week the following parties that her registration is subject to the conditions, listed at (1) to (15), 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).
17. She must permit the GDC to disclose the above conditions, (1) to (16), to any person requesting information about her registration status.

***Supervised:** *the workplace supervisor must supervise the registrant's day-to-day work in a way prescribed in the relevant condition or undertaking. The workplace supervisor does not need to work at the same practice as the registrant, but they must be available to provide advice or assistance if the registrant needs it. Where the workplace supervisor is unavailable through illness or planned absence, the registrant must not work, unless an approved alternative workplace supervisor is in place.*

The workplace supervisor must review the registrant's work at least once a fortnight in one-to-one meetings and case-based discussions. These meetings must focus on all areas of concern identified by the conditions or undertakings. These meetings

should usually be in person. If this is not possible, at least one of every two fortnightly meetings must be in person.

27. The period of the conditional registration shall be extended by 12 months, beginning with the date on which those conditions would otherwise have expired.
28. The extended period of conditional registration shall be reviewed prior to its expiry.
29. That concludes this hearing.