

## PUBLIC HEARING ON PAPERS

### Professional Conduct Committee Review Hearing

30 August 2024

**Name:** RUGINA, Julien

**Registration number:** 109370

**Case number:** CAS-194588

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**General Dental Council:** Holly Watt, IHLPS (not present)

**Registrant:** Not present  
Not represented

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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:** Bill Nelson (Lay) (Chair)  
Alison Mayell (Dentist)  
Nosheen Kabal (Dental Care Professional)

**Legal adviser:** Melanie Swinnerton

**Committee Secretary:** Gareth Llewellyn

1. Neither party is present at this resumed hearing of the Professional Conduct Committee (PCC). The hearing is being conducted remotely using Microsoft Teams in line with the GDC's current practice. The GDC has invited the Committee to conduct the hearing on the papers in the absence of both parties.

### **Purpose of hearing**

2. The purpose of today's hearing is to review a substantive direction of suspension first imposed on Mr Rugina's registration by the PCC on 8 September 2023. The hearing is being held in accordance with section 27C of the Dentists Act 1984 (as amended) ('the Act').

### **Service**

3. The Committee first considered whether service has been properly effected in accordance with the General Dental Council (Fitness to Practise) Rules 2006 ('the Rules').
4. In their written submissions the GDC submitted that Mr Rugina has been properly notified of today's hearing in accordance with Rule 28 of the Rules. The Committee noted that a notice of hearing was sent to Mr Rugina's registered address on 2 July 2024 using the Royal Mail's Special Delivery postal service. The notice set out the date, time and remote nature of the hearing, as well as confirming the nature of the hearing and the powers available to the Committee. The Royal Mail's Track and Trace service records that the notice was due to be delivered on 4 July 2024. Copies of the notice were also sent to Mr Rugina by first class post and email.
5. The Committee accepted the advice provided by the Legal Adviser. Having regard to the GDC's submissions and the evidence placed before it the Committee was satisfied that service has been properly effected in accordance with the Rules.

### **Proceeding in absence**

6. The Committee then went on to consider whether to exercise its discretion to proceed in the absence of Mr Rugina in accordance with Rule 54 of the Rules. It was mindful that the discretion to proceed in the absence of a registrant must be exercised with the utmost care and caution. In their written submissions the GDC invited the Committee to proceed in the absence of Mr Rugina.
7. The Committee accepted the advice of the Legal Adviser. It determined that it would be appropriate and fair to proceed in Mr Rugina's absence on the papers alone. The Committee considered that Mr Rugina has voluntarily absented himself from this hearing and that an adjournment, which has not been requested, would be unlikely to secure his attendance. The Committee was also mindful of the public interest in the expeditious consideration of this case, particularly given the imminent expiry of the extant suspension.

### **Existing order**

8. In September 2023 the PCC held a hearing of inquiry to consider allegations relating to Mr Rugina's fitness to practise. Mr Rugina was not present and was not represented in his absence. The PCC found proved that Mr Rugina had failed to inform the GDC that he had been charged with an offence of assault by beating. It also found that he had breached a condition of his bail because of those criminal proceedings, and had also failed to attend a Magistrates' court hearing in respect of those same proceedings. The PCC also found proved

that Mr Rugina had failed to inform the GDC that he had been charged with an offence of failing to provide a specimen. The PCC also found that Mr Rugina had failed to attend a Magistrates' court hearing in respect of those criminal proceedings. The PCC found that Mr Rugina's failure to inform the GDC of him being charged with the two offences was misleading and dishonest. The PCC also found that Mr Rugina had failed to co-operate with a GDC investigation.

9. That Committee went on to determine that the facts that it had found proved amounted to misconduct, and that Mr Rugina's fitness to practise was impaired by reason of that misconduct. The Committee determined to suspend Mr Rugina for a period of 12 months, with a review hearing to take place prior to the end of that period of suspended registration. The Committee also made recommendations to Mr Rugina about the information that a future reviewing Committee might find useful.
10. It falls to this Committee to review the suspension.

### **Summary of submissions**

11. In their written submissions the GDC invited the Committee to conclude that Mr Rugina's fitness to practise remains impaired, and that it would be appropriate and proportionate to extend his suspension by 12 months.

### **Committee's determination**

12. The Committee has carefully considered all the information presented to it, including the written submissions of the GDC. 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. The Committee accepted the advice of the Legal Adviser that Mr Rugina effectively bears the persuasive burden of demonstrating that his fitness to practise is no longer impaired.

### **Impairment**

13. The Committee has determined that Mr Rugina's fitness to practise remains impaired by reason of misconduct. The Committee considers that the factual findings which gave rise to the previous Committee's findings of misconduct and impairment are very serious, relating as they do in particular to dishonest conduct. The Committee notes that Mr Rugina has not engaged in any way with these proceedings, and has not provided any evidence whatsoever to demonstrate that he has developed insight into, or has taken steps to remedy, his misconduct. The Committee therefore considers that the same risks to the safety of the public persist on account of Mr Rugina's unremediated misconduct. The Committee also considers that a finding of current impairment is again required in the wider public interest, and more particularly to declare and uphold proper professional standards of conduct and behaviour and to maintain public trust and confidence in the profession.

### **Sanction**

14. The Committee next considered whether it would be appropriate to revoke the suspension, or to replace the suspension with a direction of conditional registration.
15. The Committee considered that revoking the suspension would not provide the level of protection to the public and the wider public interest that it has identified.

16. The Committee also considers that replacing the extant suspension with conditions would not be appropriate. Even if conditions could be formulated, which in the Committee's judgement is highly unlikely given the nature of Mr Rugina's misconduct and the lack of information as to his current circumstances, it would not be able to be satisfied that he would comply with any such conditions, particularly as aspects of this case relate to his lack of co-operation with the GDC.
17. The Committee then went on to consider whether to extend the extant suspension. The Committee determined that it would be appropriate and proportionate to extend Mr Rugina's suspension for a period of 12 months, with a review hearing to take place prior to the end of that period of suspended registration. It considers that this sanction is the only one that is capable of protecting the public and meeting the wider public interest considerations in this case.
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 sight of:
- Evidence of Mr Rugina's reflection on the GDC *Standards*, in particular the importance of reporting criminal proceedings to his regulatory body.
  - Evidence of Mr Rugina's reflection on his behaviour, as outlined in this case, and the impact of his conduct on the public and the dental profession.
  - Information regarding Mr Rugina's employment history and his indemnity
  - Evidence of how Mr Rugina has maintained his knowledge and skills during the period of suspension, including evidence of any Continuing Professional Development undertaken.
19. The Committee therefore directs that Mr Rugina's registration be suspended for a further period of 12 months, with a review.

### **Right of appeal**

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