

**Professional Conduct Committee
Review Hearing**

17 October 2024

Name: STAMOULIS, Athanasios

Registration number: 80390

Case number: CAS-193787

General Dental Council: Callum Munday, Counsel
Instructed by IHLPS

Registrant: Present
Unrepresented

Fitness to practise: Impaired by reason of misconduct

Outcome: Suspension extended (with a review)

Duration: Nine months

Committee members: Jane Everitt (Chair, lay member)
Aysha Ahmed-Kibria (Dentist member)
Rachel McCoubrey (Dental Care Professional member)

Legal adviser: Claire Robinson

Committee Secretary: Sara Page

Mr Stamoulis,

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. You were present at the hearing and unrepresented.
3. Mr Callum Munday, Counsel, appeared as Case Presenter on behalf of the GDC.

Background

4. This hearing was convened to review the current suspension order, which is due to expire on 28 November 2024.
5. This is the sixth review of a substantive order initially imposed by the Professional Conduct Committee ('the PCC') in October 2020.
6. At the initial substantive hearing, the original PCC found your fitness to practise impaired by reason of misconduct. The original PCC's findings can be summarised as follows:

“The facts found proved against you relate to two separate matters. The first matter concerns your care and treatment of one patient, Patient A, between 30 November 2017 and 16 November 2018, whilst you were working as a dentist at a dental practice. The second matter concerns your care and treatment of another patient, Patient B, at an appointment that took place on 6 April 2017 at a different dental practice....

The finding of the Committee was that you failed to undertake sufficient treatment planning in respect of Patient A's treatment by virtue of the failings in your radiographic practice. It also found that you failed to obtain informed consent from Patient A for the treatment you provided, by virtue of your radiographic failings and your consequent failure to communicate effectively with the patient about the risks of the proposed treatment at UR2.

In addition, the Committee found proved that you failed to maintain an adequate standard of record keeping in respect of Patient A's appointments on numerous occasions over the period in question.

You also provided root canal treatment to Patient B at a single appointment on 6 April 2017. The Committee found proved that you provided a poor standard of endodontic treatment to the patient...The Committee found that as a result of your actions, you put Patient B at risk of infection and harm.”

7. The original PCC found that the threshold for misconduct was met only in relation to:

“...your radiographic failings, the resultant failings in treatment planning and informed consent, and your record keeping failings in Patient A's case, as well as your omission in not taking intra-operative radiographs or using an electronic apex locator in Patient B's case.”

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

“Whilst the Committee was of the view that the clinical issues raised in this case are remediable, it received no evidence of any remediation, although it heard from you in submissions that you have undertaken some CPD. Further, the Committee had concerns about your insight. It noted that you appeared to make some admissions to the allegations in your opening statement to the Committee on 5 October 2020. Having chosen not to give evidence on oath, the Committee was unable to ask you any questions...”

In the absence of any evidence of remediation, and in view of the limited nature of your insight, the Committee concluded that there is a risk of repetition, which in turn raises a concern about patient safety. It therefore decided that a finding of impairment is required on public protection grounds.

The Committee also considered that a finding of impairment is in the wider public interest. In its view, public confidence in the dental profession would be undermined if such a finding were not made in all the circumstances of this case...”

8. The original PCC directed that your registration be subject to conditional registration for a period of 12 months, with a review, stating:

“...you should be given an opportunity to demonstrate remediation and insight via a period of conditional registration [and that] a 12-month period [of conditional registration] would give you reasonable time to demonstrate how you have embedded your remediation into your clinical practice”.

9. The conditions imposed on your registration included the requirement that you formulate a Personal Development Plan (PDP), work under the supervision of an Educational Supervisor and undertake audits of your radiographic practice and record keeping.

Previous reviews

10. The history of the reviews in your case was summarised at the previous review as follows:

First review (22 October 2021)

In October 2021 the first review of the order took place. The PCC determined that “You have provided no evidence at this review hearing of any remediation or insight. Whilst there has been technical compliance by you with the conditions on your registration, as the substantive requirements of the conditions do not apply whilst you are practising outside the United Kingdom, there is nothing to suggest that you have through your own efforts taken any steps to address the deficiencies identified in your practice. You have made no attempt to formulate a PDP or to undertake any CPD, notwithstanding, for example, that CPD can be completed online from anywhere in the world.

There is no evidence of any progress since the October 2020 PCC hearing. You continue to demonstrate only very limited insight into the deficiencies in your practice and there remains in the Committee’s judgment a real risk of repetition should you be allowed to practise without restriction. The Committee determined that your fitness to practise as a dentist continues to be impaired by reason of your misconduct.”

The Committee determined to extend and vary the conditions for a further period of 12 months, with a review.

Second review (28 October 2022)

In October 2022 the second review of the order was held. That Committee determined: “The Committee took account of the submissions made by you. You appear to not understand the importance of your compliance with the conditions on your registration. The GDC had been endeavouring to liaise with you about the conditions since they were first imposed in October 2020. The Committee is satisfied that you have failed to demonstrate an appropriate level of insight into the failings identified in October 2020. The Committee cannot accept that a registered professional could believe that regulatory concerns and conditions on a professional’s registration could adequately be addressed simply by the passage of time, without any remediation or insight on their part. The Committee concluded, therefore, that you had demonstrated a flagrant and persistent breach of the conditions and that these matters were serious.

The Committee therefore could not be satisfied that the failings have been remedied. It concluded that there remains a risk of repetition. It considered that until sufficient remediation has been undertaken and the impact of that remediation in your day-to-day practice has been demonstrated, a finding of current impairment is required to protect patients.

In addition, a finding of current impairment is in the public interest in order to uphold the standards of the profession. The Committee considered that a fully informed member of the public aware of the initial findings made and the lack of remediation that you have undertaken, would be shocked if a finding of current impairment was not made.

The Committee therefore determined that your fitness to practise remains currently impaired by reason of your misconduct.”

The Committee determined to revoke the order of conditions and replace it with an order of suspension for a period of 9 months with a review. It considered that a period of 9 months would afford Mr Stamoulis the opportunity to reflect, provide a PDP and evidence of CPD, engage fully with the GDC and to take appropriate action in relation to all the matters in this case.

Third review (3 August 2023)

In August 2023 the third review of the order was held. That Committee determined: “The Committee considered that there has been no evidence of material change since the last review hearing in October 2022. There is no evidence before this Committee that Mr Stamoulis has addressed his past conduct and provided any evidence of remediation. It also took account of the fact that Mr Stamoulis is unrepresented and accepted that this process may be challenging for him. However, the Committee was of the view that it is incumbent on Mr Stamoulis, as a GDC registrant, to engage with his regulator and provide evidence of

remediation. The Committee considered that Mr Stamoulis has not demonstrated sufficient insight into his misconduct.

Given its concerns regarding Mr Stamoulis' lack of insight and remediation the Committee determined that a finding of current impairment is required to protect patients. The Committee was of the view that a finding of current impairment was also in the public interest in order to maintain public confidence and uphold the standards of the profession. It was also of the view that a fully informed member of the public aware of the initial findings made would be concerned if a finding of current impairment was not made.

The Committee therefore determined that Mr Stamoulis' fitness to practise remained currently impaired by reason of his misconduct as found in October 2020".

The Committee determined to extend the order of suspension for a period of 12 months with a review. It considered that a period of 12 months would afford Mr Stamoulis the opportunity to reflect, provide a PDP and evidence of CPD, engage fully with the GDC and to take appropriate action in relation to all the matters in this case.

Mr Stamoulis did not attend that review hearing. However, on 4 September 2023, he appealed the decision to the High Court on the basis that he had provided evidence in writing to the GDC on 17 April 2023 which had not been placed before the reviewing Committee.

By agreement of the parties, the reviewing Committee's decision was quashed, and the matter was remitted back to the PCC for reconsideration and disposal under Section 27C of the Act.

Fourth review (5 December 2023)

In December 2023 the fourth review of the order was held. That Committee determined: "You accepted that you had made some mistakes, and the Committee considered the context in which you were working. You have been able to explain to some degree what went wrong, and took some steps to remediate initially, including refunding Patient A's treatment fees and attempting to refer Patient B to a specialist. The Committee also considered that you have completed some CPD and provided a PDP.

Furthermore, the Committee acknowledged your acceptance that your previous approach to engagement with the GDC was wrong, and that you have come to understand the role of your regulator, as well as the significance of being a registered professional and the obligation to engage with your regulator that it entails.

However, the Committee found that your insight, whilst developing, is incomplete. Your focus during your evidence was mainly on the impact these proceedings have had upon you, rather than on how your actions may have affected Patient A and Patient B. You have also shown limited foresight into the changes you would make

to your practice to avoid repetition of these events in the future. Furthermore, your CPD is not targeted towards the specific issues that arose in respect of your treatment of Patient A and Patient B and appears to have been completed within a period of two months, with a significant number taking place in a single day.

In all the circumstances, the Committee is satisfied that there remains a real risk of repetition. Accordingly, it has determined that a finding of current impairment is required in order to protect the public.

The Committee considered that a fully informed member of the public would be concerned if a finding of current impairment was not made in the circumstances. It therefore determined that a finding of current impairment is also in the public interest in order to maintain public confidence in the dental profession and to declare and uphold standards of performance and conduct for its members.

The Committee determined to revoke the order of suspension and impose a conditions of practice order for a period of 12 month with a review. It considered that:..."in the light of your renewed engagement with the GDC and stated commitment to doing what is required to return eventually to unrestricted practice, the Committee concluded that workable and proportionate conditions could now be formulated to address the discrete clinical concerns arising from the charges found proved. For these reasons, the Committee concluded that extending the current suspension order would be disproportionate and punitive.

The Committee was satisfied that a conditions of practice order is the appropriate and proportionate order".

Fifth review (26 April 2024)

11. At the most recent review, in April 2024, the reviewing PCC stated:

"The Committee reviewed the correspondence in 2024 between the GDC, Mr Stamoulis and his proposed employer. It noted that his employer had written to the GDC on 8 February 2024 confirming that Mr Stamoulis had started work as a dentist on 1 February 2024. At this point, no Reporter had been approved by the GDC. There was, therefore, an apparent breach of conditions 3 and 12 of the order made in December 2023. The Committee also noted that no Personal Development Plan (PDP) had been sent to the GDC by 3 April 2024. This was a breach of condition 9.

The Committee was therefore satisfied that Mr Stamoulis is in significant breach of the conditions imposed on his registration in December 2023."

12. As a result of your having breached your conditions, the reviewing PCC concluded that conditional registration was no longer workable and therefore, it would not be appropriate to continue the current conditions of practice order either in their current form or a revised form. The reviewing PCC stated:

"In all the circumstances, the Committee has therefore determined to suspend Mr Stamoulis' registration. Whilst it had regard to the serious nature of such a sanction

and the potential consequences for him, the Committee considered that the need to protect the public and the wider public interest is paramount. Mr Stamoulis failed to properly engage in this process that is designed to assist him and to afford protection to the public. In view of this, it has concluded that members of the public and the wider public interest would not be sufficiently protected by a lesser sanction than suspension.

The Committee has decided to impose a suspension order for a period of 6 months. In deciding on this period, the Committee took into account the lack of engagement and compliance, particularly as he has been under conditions previously. It now considers that an increased level of engagement will be required on Mr Stamoulis' part. A 6-month suspension would afford Mr Stamoulis the opportunity to reflect, provide his Personal Development Plan (PDP) and to take appropriate action in relation to all the matters in this case. It will also ensure that the public is protected adequately."

Submissions

13. Mr Munday, on behalf of the GDC, invited the Committee to extend the current suspension order for a period of 12 months with a review. He submitted that there has been no material change of circumstances since the last review and there has been no evidence of insight or remediation.
14. Since the last review, a second matter (referred to hereafter as "the second case") has been dealt with by the PCC in relation to similar allegations. Mr Munday confirmed that the PCC in the second case imposed a suspension order for six months with a review. He stated that the Committee may consider this to be an aggravating factor and to assess the significance of this new information.
15. In light of the absence of any evidence of insight or remediative steps taken, and taking into account the details and outcome of the second case, Mr Munday submitted that there is an ongoing risk of repetition of harm to patients. Therefore, he submitted that your fitness to practise remains impaired, and an extension of the suspension order is the only appropriate and proportionate sanction at this time.
16. You informed the Committee that the reasons for the revocation of conditional registration and imposition of a suspension were incorrect. You stated that you had not been able to find employment since the imposition of the conditions of practice and "*have not practised a minute*" but attended two weeks induction in Scotland. You said that despite not being able to gain employment whilst subject to conditional registration, you were more than happy to comply with conditions of practice as you respected the GDC as much as your own patients, but that you "*needed your certificate to be clean*".
17. You told the Committee that you are currently practising abroad and explained the financial impact this has had, and that you very much wish to return to practice in the United Kingdom.
18. You confirmed that you have not provided the evidence recommended by the previous PCC in April 2024 as you have not been working. You stated that you have not provided any reflection or a Personal Development Plan (PDP) and did not have a reason for this. Regarding the findings of the original PCC, you told the Committee that you accept you made mistakes that were not deliberate, and that you love your job and are focused on patient care.

Decision and reasons on impairment

19. The Committee considered whether your 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 you today to demonstrate that your fitness to practise is no longer impaired.
20. The Committee heard and accepted the advice of the Legal Adviser.
21. In coming to its decision, the Committee had regard to the recommendations of the previous reviewing PCC in April 2024. The Committee assessed whether your conduct has been remedied, whether it is likely to be repeated, and whether there remained a risk of harm.
22. The Committee accepted the GDC's submission that there has been no material change in circumstances since the last review in April 2024. You have not provided any documentary evidence of remediation or reflection, explaining that you have been unable to do so because you are not working as a dentist in the UK and because of costs. Whilst the Committee acknowledged that some CPD courses incur a cost, it did not accept that costs had prevented you from providing a written piece of reflection or to complete a detailed PDP. You have not been proactive since the last review in addressing the ongoing concerns highlighted by the previous PCC. The Committee noted that you are working as a dentist overseas, but you have not taken any steps to provide evidence of any learning undertaken and embedded that could be considered by this Committee as evidence of remediation.
23. Although you accepted at today's review that you take some responsibility for the findings of the original PCC, and this could be considered as evidence of developing insight, you continue to dispute a number of the facts found proved. You also do not accept that you breached your conditions of practice order as you were not formally working at the time in question but were undertaking a two-week induction in Scotland that did not result in an offer of employment. The Committee concluded that this was demonstrative of your limited insight into your failings, which were fundamental aspects of dentistry.
24. The Committee bore in mind that there has been an ongoing lack of meaningful engagement from you, for example, you were reminded by way of email in May 2024 of the recommendations made by the previous PCC, but no response was received prior to today.

In addition, the Committee noted that the second case related to clinical concerns of a similar nature to those found proved in October 2020.

25. Accordingly, the Committee was not satisfied that you have discharged your persuasive burden that your fitness to practise is no longer impaired as you have not yet adequately demonstrated evidence of insight and remediation.
26. Therefore, the Committee determined that your 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.

Decision and reasons on sanction

27. The Committee next considered what sanction it should impose in light of its findings on your fitness to practise.

28. The Committee was aware that it should have regard to 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 standards of conduct and performance within the profession.
29. 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)”*.
30. The Committee considered the following factors to be mitigation:
 - Some acceptance of some mistakes in the treatment of Patient A and Patient B; and
 - Time elapsed since the incident.
31. The Committee considered the following factors to be aggravation:
 - Risk of harm;
 - Lack of remediation and limited insight;
 - Previous adverse findings; and
 - Limited engagement, in that, despite reminders about this review, you have not provided any of the recommended evidence of insight or remediation.
32. The Committee first considered the imposition of conditions of practice but in light of the history provided that conditional registration has not been complied with on two previous occasions, and the fact that you would only accept certain conditions, it determined that conditions were not workable or appropriate in the circumstances of this case. The Committee also took into account that there has been a repetition of similar clinical failings in the second case, and that this occurred at a time when you were subject to a conditions of practice order imposed by the GDC.
33. 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 nine 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 also provide you with another opportunity to demonstrate full insight and any remediative steps or learning you have been able to achieve to reduce the likelihood of repetition of such conduct in the future.
34. The 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.
35. For clarity, as previously requested, the reviewing PCC may be assisted by:
 - Your attendance at the review hearing;
 - A focused, concise and personal reflective statement which demonstrates that you have a full understanding of the impact your actions have had on Patient A and Patient B and on public confidence in the profession, and

how you intend to change your practice in the future to prevent any repetition of the concerns;

- A detailed PDP addressing the initial concerns from October 2020;
- Targeted CPD relevant to the clinical risks identified; and
- Evidence of having kept your clinical knowledge and skills up to date.

36. A PCC will review your 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 your registration. You will be informed of the date and time of that resumed hearing.
37. You have 28 days, from the date that notice is deemed to have been served upon you, to appeal this Committee's direction. Unless you exercise your right of appeal, the current suspension order on your registration will be extended by a period of nine months. In the event that you do exercise your right of appeal, the current suspension order will remain in force until the resolution of the appeal or the next review hearing.
38. This will be confirmed to you in writing in accordance with the Act.
39. That concludes this hearing.