

HEARING PARTLY HEARD IN PRIVATE*

*The Committee has made a determination in this case that includes some private information. That information has been omitted from the text.

HOOLEY, Louise Elizabeth

Registration No: 254939

HEALTH COMMITTEE

MARCH 2018 – MARCH 2020

Most recent outcome: Suspended indefinitely**

** See page 10 for the latest determination

Louise Elizabeth HOOLEY, a dental nurse, Qual- National Certificate NEBDN 2000, was summoned to appear before the Health Committee on 15 March 2018 for an inquiry into the following charge:

Charge (as amended on 15 March 2018)

“That being a registered dental care professional:

1. On 6 March 2016, you were convicted at Nottinghamshire Magistrates’ Court of ‘driving with excess alcohol’ contrary to section 5(1)(a) of the Road Traffic Act 1988 and Schedule 2 to the Road Traffic Offenders Act 1988;
2. You have an adverse health condition as specified in Schedule A¹;
3. From May 2016 to 3 November 2017 you failed to cooperate with an investigation conducted by the GDC including by:
 - (a) not providing the GDC with evidence of indemnity;
 - (b) not undergoing a health assessment.

And by reason of the facts alleged at charge 1, your fitness to practise is impaired by reason of conviction and/or; by reason of the facts alleged at charge 2 your fitness is to practise is impaired by reason of adverse health and/or; in relation to charge 3 your fitness to practise is impaired by reason of misconduct.”

On 15 March 2018 the Chairman made the following statement regarding the finding of facts:

“This is the Health Committee’s inquiry into the facts which form the basis of the allegation against Ms Hooley that her fitness to practise is impaired by reason of conviction and/or adverse health and/or misconduct.

Preliminary applications

Decision on service of notification of hearing

¹ The Schedules are private documents that cannot be disclosed

Ms Hooley was neither present nor represented in this hearing. At the commencement of the hearing Mr Ahmed, Case Presenter for the General Dental Council (GDC) submitted that the notification of hearing had been sent to the Registrant in accordance with Rules 13 and 65 of the General Dental Council (Fitness to Practise) Rules 2006 (the Rules).

The Committee had before it a copy of the notification of hearing letter dated 13 February 2018 which was sent to Ms Hooley's registered address as it appears on the Register, by special delivery. It was satisfied that the letter contained all the components necessary for a notice of hearing to be valid as set out in the Rules. The Committee noted the Royal Mail track and trace proof of delivery document which showed that the letter was delivered on 14 February 2018 at 11:02am and signed for in the printed name "HOOLEY". The notification of hearing was also sent to Ms Hooley via email to two email addresses known to the Council. Having heard the advice of the Legal Adviser, the Committee was satisfied that the notification of hearing had been served in accordance with Rules 13 and 65.

Decision on proceeding in the Registrant's absence

Mr Ahmed then made an application under Rule 54 that the hearing should proceed in Ms Hooley's absence. The Committee bore in mind that its discretion to proceed with a hearing in these circumstances should be exercised with the utmost care and caution. It took account of Mr Ahmed's submissions and it accepted the advice of the Legal Adviser.

The Committee noted the multiple correspondence sent by the GDC to Ms Hooley during the course of its investigations. Although Ms Hooley initially engaged with the GDC, her engagement deteriorated over time and ceased early in 2017. She has not responded to any GDC correspondence since. The Committee concluded that Ms Hooley has waived her right to attend this hearing. There is no request for an adjournment or postponement from Ms Hooley and the Committee concluded based on the information before it that an adjournment was unlikely to secure her attendance at a future date. The Committee noted that this case first came to the GDC's attention in April 2016 by way of a self-referral by Ms Hooley. It concluded that fairness to the GDC and the public interest in the expeditious disposal of this case requires that the hearing should proceed notwithstanding that Ms Hooley is absent.

Decision on application to proceed in private

Mr Ahmed made an application under Rule 53(2) for parts of the hearing to be held in private because they related solely to the Registrant's health. The Committee accepted the advice of the Legal Adviser and granted the application and directed that the hearing should proceed in private at the appropriate stages in order to protect Ms Hooley's private and family life.

Decision on application to amend the charge

Mr Ahmed made an application under Rule 18 to amend the charge in the notification of hearing. He submitted that the amendments were to correct typographical errors and to accurately reflect the evidence. He submitted further that they do not alter the substance of the charge. Mr Ahmed informed the Committee that Ms Hooley was informed of the proposed amendment by way of a letter dated 8 March 2018. The Committee accepted the advice of the Legal Adviser and granted the application. It was satisfied that the amendment could be made without injustice.

Decision on application to adduce further evidence

Mr Ahmed then made an application under Rule 57 to adduce further evidence at this stage of the proceedings. He submitted that the evidence consists of a witness statement from Ms Hooley’s employer at the time in which he expands on his initial letter to the GDC dated 25 July 2016. That initial letter formed part of the hearing bundle which was sent to Ms Hooley during the GDC’s investigations. The witness statement was sent to Ms Hooley on 8 March 2018 via recorded delivery. The Committee notes from the Royal Mail track and trace receipt provided that the letter was delivered on 10 March 2018 at 10:42am and signed for in the printed name “HOOLEY”. Mr Ahmed apologised to the Committee and Ms Hooley for the delay in securing and disclosing the witness statement. The Committee accepted the advice of the Legal Adviser. Although the Committee was concerned at the late service of the witness statement, it was of the view that it was not determinative of the charges against Ms Hooley. It provided helpful background information. In the Committee’s view, the evidence was relevant and it would be in the interest of justice to admit the evidence. It therefore granted the application.

Case Background

In a letter dated 6 April 2016, Ms Hooley informed the GDC that she had been convicted of a drink driving offence and given a 23 month driving ban which will be reduced to 17 months should she complete a driving awareness course.

Private

[Private Information]

Public

Ms Hooley had initially engaged with the GDC and agreed to undergo a health assessment organised by the GDC. However she stopped responding to correspondence from the GDC, did not undergo the health assessment and failed to provide evidence of indemnity.

Witnesses

The Committee received witness statements dated 2 November 2017 from two GDC staff who had been in correspondence with Ms Hooley during the GDC’s investigation of the case. The GDC sought to rely on their witness statements as their evidence in chief. The Committee did not have questions for these witnesses as their evidence was predominantly to produce documents that showed the attempts by the GDC to contact Ms Hooley.

The Committee also received a witness statement from Ms Hooley’s employer at the time.

[Private Information]

The Committee carefully considered all the evidence before it. It took account of the submissions made by Mr Ahmed on behalf of the GDC. The Committee accepted the [Private Information] and the advice of the Legal Adviser. In accordance with that advice it considered each head of charge separately.

The Committee’s findings in relation to each head of charge are as follows:

1.	<p>Amended to: On 8 March 2016, you were convicted at Nottinghamshire Magistrates’ Court of ‘driving with excess alcohol’, contrary to section 5(1)(a) of the Road Traffic Act 1988 and Schedule 2 to the Road Traffic Offenders Act 1988.</p> <p>Found Proved</p>
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	<p>Rule 57(5) states:</p> <p>“Where a respondent has been convicted of a criminal offence—</p> <p>(a) a copy of the certificate of conviction, certified by a competent officer of a court in the United Kingdom (or, in Scotland, an extract conviction) shall be conclusive proof of the conviction;”</p> <p>The Committee had before it a certified copy of the memorandum of conviction.</p>
2.	<p>You have an adverse health condition as specified in Schedule A;</p> <p>Found Proved</p> <p>[Private Information]</p>
3.	<p>From May 2016 to 3 November 2017 you failed to cooperate with an investigation conducted by the GDC including by:</p>
3. a)	<p>not providing the GDC with evidence of indemnity;</p> <p>Found Proved</p> <p>Ms Hooley was first asked to provide details of her current indemnity provider and cover arrangements in a letter dated 6 May 2016 from the GDC. In this letter Ms Hooley was informed that failing to respond may lead to a consideration of an allegation of non-cooperation into a GDC investigation as set out in Standard 9.4 of the GDC’s Standards for the Dental Team, September 2013. This letter was sent to Ms Hooley’s registered address. In July 2016, Ms Hooley updated her address with the GDC. Subsequent correspondence were then sent to Ms Hooley at her updated address requesting for details of her indemnity provider. Ms Hooley did not respond to the GDC’s request.</p>
3. b)	<p>not undergoing a health assessment.</p> <p>Found Proved</p> <p>[Private Information]</p>

We move to Stage Two.”

On 16 March 2018 the Chairman announced the determination as follows:

“Having announced its decision on the facts, Mr Ahmed proceeded to make submissions pursuant to Rule 20 of the General Dental Council (GDC)(Fitness to Practise) Rules 2006. He informed the Committee that Ms Hooley has no previous fitness to practise history. He then made submissions on misconduct and impairment in relation to charges 3(a) and 3(b), and impairment in relation to charges 1 and 2. He submitted that the facts found proved in relation to charges 3(a) and 3(b) amount to misconduct, that Ms Hooley’s fitness to practise is impaired by reason of her misconduct, conviction and adverse health and that the appropriate sanction to impose is one of suspension for a period of 12 months.

The Committee took account of the submissions made by Mr Ahmed on behalf of the GDC. It accepted [Private Information] and the advice of the Legal Adviser.

The Committee bore in mind that its decisions on misconduct and impairment are matters for its own independent judgement. There is no burden or standard of proof at this stage of the proceedings. The Committee was referred to several authorities including *Roylance (no 2) v GMC* [2000] AC 311 and *Nandi v GMC* [2004] EWHC 2317 (Admin).

Misconduct in relation to charges 3(a) and 3(b)

The Committee found proved that Ms Hooley, a dental nurse, failed to cooperate with an investigation conducted by the GDC by not providing the GDC with evidence of her indemnity and not undergoing a health assessment. By failing to cooperate with the GDC, Ms Hooley breached a standard of the profession, namely *Standards for the Dental Team* (September 2013), in particular Standard 9.4:

- 9.4 Co-operate with any relevant formal or informal inquiry and give full and truthful information.

As a registered Dental Care Professional, Ms Hooley has a duty to adhere to the standards that govern the profession. Failing to cooperate with the GDC's investigation demonstrates a disregard for the regulator and prevents the regulator from carrying out its duty of protecting the public. The Committee's view is that Ms Hooley's actions are sufficiently serious that they amount to misconduct.

The Committee next considered whether Ms Hooley's fitness to practise is currently impaired by reason of her misconduct, health and conviction. It was referred to the case of *Council for Healthcare Regulatory Excellence v Nursing and Midwifery Council and Paula Grant* [2011] EWHC 927 (Admin). The Committee considered each allegation of impaired fitness to practise separately.

Impairment by reason of Misconduct

The Committee considered whether Ms Hooley's misconduct is remediable, has been remedied and whether it is likely to be repeated. The Committee's view is that the misconduct is easily remediable however there is no current evidence before it from Ms Hooley of any steps she has taken towards addressing her failings. There is also no current evidence of Ms Hooley's insight into the importance of complying with directions from her regulator. Ms Hooley's engagement with the GDC ceased in early 2017 and no further communication has been received from her. In the absence of any recent evidence from Ms Hooley, the Committee could not conclude that she has remedied her failings or that she has developed sufficient insight into those failings. It therefore considers that there is a potential risk of repetition. Furthermore, the Committee is of the view that public confidence would be undermined if a finding of impairment was not made in the light of the misconduct found proved and the absence of any evidence to demonstrate remediation. It concluded that a finding of impairment is required in the public interest to uphold and maintain professional standards in the profession. The Committee therefore determined that Ms Hooley's fitness to practise is impaired by reason of her misconduct.

[Private Information]

Impairment by reason of Conviction

Ms Hooley was convicted of driving with excess alcohol. She was found to be more than three times the legal limit and had two passengers with her. Whilst the reason for the conviction is not related to patient care and did not occur in the workplace, the conviction is serious and placed her own safety, and that of her passengers and other road users at risk.

The Committee considers Ms Hooley's conviction to be serious and breached the GDC's *Standards for the Dental Team* (September 2013), in particular:

- 9.1 Ensure that your conduct, both at work and in your personal life, justifies patients' trust in you and the public's trust in the dental profession.

Ms Hooley's conviction also brought the profession into disrepute. She demonstrated some insight by self-referring to the GDC following the conviction. However, there is no current evidence from her of any remediation undertaken in order to address the cause of her conviction. The Committee's view is that public confidence would be undermined if a finding of impairment was not made in this case given the serious nature of the conviction, the limited insight shown by Ms Hooley in the past and the current non-engagement over the past year. It concluded that a finding of impairment is in the public interest. The Committee therefore determined that Ms Hooley's fitness to practise is impaired by reason of her conviction.

Disposal

The Committee next considered what action, if any, to take in relation Ms Hooley's registration. It reminded itself that the purpose of a sanction is not to be punitive although it may have that effect. The Committee bore in mind the principle of proportionality.

To conclude this case with no further action would be inappropriate given that misconduct was found proved, Ms Hooley's fitness to practise is currently impaired by reason of her misconduct, [Private Information] and conviction and there is no current evidence of engagement from Ms Hooley. The Committee determined that it could not allow Ms Hooley to practise unrestricted.

The Committee then considered the available sanctions in ascending order. It had regard to the Guidance for the Practice Committees, including Indicative Sanctions Guidance (1 October 2016). It first considered the mitigating and aggravating features of this case. In mitigation there is evidence of Ms Hooley's previous good character and some of evidence of insight. The aggravating features of this case include evidence of a risk of harm to herself and others and wilful disregard for the role of the GDC and the systems regulating the profession.

The Committee is of the view that a reprimand would be inappropriate and insufficient given the seriousness of Ms Hooley's conviction, misconduct and [Private Information]. A reprimand is not appropriate because Ms Hooley is not fit to practise; there is some evidence that she may pose a risk to the public; she has demonstrated limited insight and there is no evidence of rehabilitative and corrective steps taken to address her [Private Information], misconduct and conviction.

The Committee then considered whether to impose a period of conditional registration. It notes from its guidance that conditions must be relevant to the identified shortcomings and proportionate to the identified impairment. The Committee's view is that workable conditions cannot be formulated in this case given Ms Hooley's lack of engagement with these proceedings.

The Committee then considered whether a period of suspension would be appropriate. In doing so it considered paragraph 7.28 of the PC Guidance. The Committee notes that all the factors which make suspension appropriate are present in this case. There is evidence of repetition, limited insight and a risk of further repetition. In addition, the Committee has identified a risk to patients as a result of a lack of judgement by Ms Hooley. Therefore,

patients' interests and public confidence in the profession would be insufficiently protected by a lesser sanction.

The Committee considered whether erasure would be appropriate. Its view is that the findings in relation to failing to cooperate and Ms Hooley's conviction which are linked to her [Private Information] are not sufficiently serious to warrant a direction of erasure. There is also no evidence of harmful deep-seated personality or professional attitudinal problems (which might make erasure the appropriate order). The Committee has determined that the proportionate and appropriate sanction to impose is suspension.

The Committee considered whether a period of suspension would adequately protect the public. Ms Hooley would be unable to work as a dental care professional during her suspension and a review would be required prior to the suspension being lifted which will require her to demonstrate, amongst other requirements, [Private Information]. Suspension would also be sufficient to maintain confidence in the profession because an informed member of the public would recognise that erasure would be disproportionate. Suspension would be sufficient to uphold the standards of the profession as a severe sanction.

[Private Information]

The Committee therefore determined that the suspension should be for a period of 12 months.

The Committee therefore determined to direct pursuant to section 36P(7)(b) of the Dentists Act 1984, as amended, that Ms Hooley's registration be suspended for a period of 12 months. The case will be reviewed prior to the end of the suspension. A reviewing Committee may be assisted by receiving:

[Private Information]

Any interim order currently on Ms Hooley's registration is hereby revoked."

Decision on immediate order of suspension

"The Committee took account of the submissions made by Mr Ahmed on behalf of the GDC that an immediate order should be imposed on Ms Hooley's registration. The Committee accepted the advice of the Legal Adviser.

The Committee considered that given the nature of its findings on misconduct, impairment and sanction, the lack of current evidence on Ms Hooley's health and the need to protect patients and the wider public interest, an immediate order is necessary for the protection of the public, otherwise in the public interest and in Ms Hooley's own interest. It therefore determined to impose an immediate order of suspension on Ms Hooley's registration pursuant to Section 36U(1) of the Dentists Act 1984, as amended.

The effect of the foregoing direction and this order is that Ms Hooley's registration will be suspended with immediate effect and unless she exercises her right to appeal, the substantive direction of suspension for 12 months will take effect 28 days from when notice is deemed served on her. Should she exercise her right to appeal, this order for immediate suspension will remain in place pending the resolution of any appeal proceedings.

That concludes the case."

At a review hearing on 2 April 2019 the Chairman announced the determination as follows:

“Neither parties is present as this matter is on the papers at the request of the General Dental Council (GDC).

Purpose of hearing

The purpose of today’s hearing is to review a substantive direction of suspension imposed on Ms Hooley’s registration by the HC on 16 March 2018. The hearing is being held in accordance with section 36Q (1) of the Dentists Act 1984 (as amended) (‘the Act’). The Committee accepted the advice provided by the Legal Adviser.

Service

The Committee first considered whether service has been properly effected in accordance with the General Dental Council (Fitness to Practise) Rules 2006 (‘the Rules’).

The Committee had regard to the written submissions from the GDC which stated that Ms Hooley 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 Ms Hooley’s registered address on 21 February 2019 using the Royal Mail’s Special Delivery service. That notice set out the date, time and venue of the hearing, as well as confirming the nature of the hearing and the powers available to the Committee.

Having regard to all the information placed before it the Committee was satisfied that service had been properly effected in accordance with the Rules.

Proceeding in absence

The Committee then went on to consider whether to exercise its discretion to proceed in the absence of Ms Hooley in accordance with Rule 54 and Rule 65 of the Rules. It was mindful that its discretion to proceed in the absence of a registrant must be exercised with the utmost care and caution. The GDC in their written submissions submitted that the Council has complied with its duty to inform Ms Hooley of this hearing and that it would be fair and appropriate to proceed in her absence.

The Committee determined that it would be appropriate and in the interests of justice to proceed with the hearing in Ms Hooley’s absence. The Committee considered that Ms Hooley has voluntarily and consistently absented herself from these proceedings. The Committee considered that an adjournment would serve no useful purpose, as there is no indication that to do so would secure Ms Hooley’s attendance. The Committee also considered that there is a clear public interest in ensuring that the suspension order is reviewed before its expiry.

Preliminary matters

The GDC in their written submissions made an application under Rule 53 of the Rules for the hearing to be held in private given that the case relates to Ms Hooley’s health. Having accepted the advice of the Legal Adviser, the Committee decided to accede to the application. The hearing was thereafter held in private.

IN PRIVATE

Existing order

[PRIVATE]

The substantive suspension was reviewed by the HC on 18 October 2017 and was extended for a further period of 12 months, with a further review hearing to take place before the end of that extended period. It falls to this Committee today to conduct the statutory review.

Submissions

The GDC in their written submissions stated “The Committee will note that the Registrant has not provided any remediation to address the concerns that were identified by the previous Committee.

[PRIVATE]

The Council submit that the current suspension order should be extended for a period of 12 months. The Committee will note that the Registrant has not provided any information during the last 12 months. It is unlikely that she will provide evidence in the future on the basis she has not engaged since 2017 and correspondence sent to her is being returned. The Council submit that it would be appropriate and proportionate in this instance to extend the order for a further 12 months with a review”.

Committee’s determination

The Committee has carefully considered all the information presented to it, including the written documentation and submissions provided by 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). The Committee has accepted the advice of the Legal Adviser.

Impairment

The Committee has determined that Ms Hooley’s fitness to practise remains impaired. It notes that Ms Hooley has not provided any information to suggest that she has taken steps to acknowledge, address and remediate the matters that gave rise to the finding of impairment, or that she has any intention of doing so. Instead, Ms Hooley has continued to take no part in these proceedings. Ms Hooley has indicated that she does not wish to practise in the future. **[PRIVATE]**. The Committee has concluded that the same risks to the public persist, and that Ms Hooley’s fitness to practise remains impaired. The Committee also considers that a further finding of impairment is required to maintain public trust and confidence in the profession and to declare and uphold proper professional standards of conduct and behaviour.

Sanction

The Committee next considered what sanction, if any, should be imposed on Ms Hooley’s registration. It bore in mind the need to protect patients and the public interest. The Committee once again had regard to the principle of proportionality, weighing the interests of the public with her own interests.

The Committee first considered whether it would be appropriate to terminate the current order of suspension and take no further action. It determined that given the lack of evidence that Ms Hooley’s is fully co-operating with the regulator, such action would neither serve to protect the public nor safeguard public confidence in the profession.

It next considered whether it should terminate the current order of suspension and impose conditions of practice upon Ms Hooley’s registration. However, conditions of practice would require her full engagement in order to be workable. The Committee therefore determined

that such an order would be neither appropriate nor proportionate given her none engagement since 2017.

The Committee then went on to consider whether to extend the order of suspension. There is no evidence before the Committee to demonstrate that Ms Hooley's engaging meaningfully with the GDC, or that she has insight. The Committee has therefore determined that it is necessary for the protection of the public, is otherwise in the public interest, as well as in Ms Hooley's own interests, to direct that her registration be suspended for a further period of 12 months.

[PRIVATE]

[PRIVATE]

That concludes this case for today.”

At a review hearing on 13 March 2020 the Chair announced the determination as follows:

“Service

This is the resumed Health Committee (HC) hearing of Mrs Hooley's case which is being held in accordance with Section 36Q of the Dentists Act 1984 (the Act). Mrs Hooley is neither present nor represented today. In her absence, the Committee first considered whether the Notification of Hearing had been served on Mrs Hooley at her registered address in accordance with Rules 28 and 65(1) of the General Dental Council (GDC) (Fitness to Practise) Rules Order of Council 2006 (the Rules).

The Committee has received a bundle of documents which contains a copy of the Notification of Hearing letter dated 5 February 2020, addressed to Mrs Hooley's registered address. That letter notified Mrs Hooley of the time, date and venue of the review hearing, her right to attend the hearing and the fact that the Committee has the power to proceed with the hearing in her absence. The Royal Mail track and trace receipt confirms that it attempted to deliver the letter on 6 February 2020. The Committee is satisfied that the Notification of Hearing contains the information required by Rule 28 and that it was sent to Mrs Hooley's registered address more than 28 days in advance of today's hearing, also in accordance with Rule 28. The Committee also notes that the GDC sent notification of today's hearing to Mrs Hooley by email on 5 February 2020. Having regard to all these documents, the Committee is satisfied that the GDC has complied with Rules 28 and 65(1).

Proceeding in absence

The Committee then went on to consider whether to exercise its discretion to proceed in the absence of Mrs Hooley in accordance with Rule 54. The GDC in its written submissions dated 25 February 2020 submit that the GDC has complied with its duty to inform Mrs Hooley of this hearing and that it would be fair and appropriate to proceed in her absence. It refers to the steps taken by the GDC to notify Mrs Hooley of today's hearing, both by her registered address and via email to the email address that the GDC holds for her. The GDC also refers to the further chaser emails sent to Mrs Hooley on 13 February 2020 and 19 February 2020. No response has been received. Furthermore, the GDC reminds the Committee that the current suspension order is due for review no later than 17 April 2020.

The Committee has considered the submissions made by the GDC. It has accepted the advice of the Legal Adviser. The Committee notes that the posted Notification of Hearing was not collected from the Post Office and the email Notification has not been downloaded. It also notes the absence of any response from Mrs Hooley in connection with today's hearing. The Committee is satisfied that the GDC has taken all reasonable efforts to notify Mrs Hooley of today's hearing. The Committee has concluded that Mrs Hooley has chosen to absent herself from either attending today's hearing or providing the Committee with any evidence. She has not requested an adjournment of today's hearing and there is nothing before the Committee today to suggest that Mrs Hooley might attend the hearing on a future occasion. Indeed, the Committee notes that she did not attend the initial hearing in March 2018 or at the review hearing in April 2019. In addition, the Committee considers that there is a clear public interest in reviewing the order today given that it is due to expire next month. Accordingly, the Committee has determined that it is fair to proceed with today's review hearing on the basis of the papers and in the absence of both parties.

Application to hear matters in private

The GDC made an application under Rule 53(2) that Mrs Hooley's hearing be heard in private since the matters before it relate to her health. The Committee has heard the advice of the Legal Adviser. Given that the matters under consideration relate to Mrs Hooley's health, the Committee has acceded to the GDC's request. The hearing was thereafter held in private.

Background to the case and sanctions previously imposed

In a letter dated 6 April 2016, Mrs Hooley informed the GDC that she had been convicted of a drink driving offence on 4 March 2016. Mrs Hooley was given a 23 month driving ban which could be reduced to 17 months should she complete a Steer Clear Drinking Rehabilitation course.

[PRIVATE]

Mrs Hooley initially engaged with the GDC and agreed to undergo a health assessment organised by the GDC. However, she stopped responding to correspondence from the GDC, she did not undergo the health assessment and failed to provide evidence of indemnity.

The HC in March 2018 found that Mrs Hooley's fitness to practise was impaired by reason of her misconduct, conviction and her health. In respect of the conviction, the HC noted that Mrs Hooley was found to be more than three times over the legal limit and had two passengers in the vehicle with her. It considered that the conviction was serious and placed her own safety, that of her passengers and other road users at risk. Regarding the misconduct, the HC bore in mind her failure to co-operate since early 2017. In respect of both matters the HC noted that there was no current evidence from Mrs Hooley of any remediation undertaken to address these matters or that she had developed any insight.

[PRIVATE]

The HC directed that her registration be suspended for a period of 12 months, with a review hearing to take place prior to the end of that period. An immediate order of suspension was also imposed to cover the period before the substantive direction of suspension took effect. The HC indicated that a reviewing Committee might be assisted by being provided with information in relation to Mrs Hooley's current state of health. **[PRIVATE]**

The substantive suspension was reviewed by the HC on 2 April 2019. The hearing took place on the papers, in the absence of both parties. At that hearing the HC noted the absence of any evidence of remediation to address the concerns that were identified by the HC at the initial hearing. The HC also noted that Mrs Hooley had not complied with the GDC's efforts to obtain further information about her current health. The HC concluded that the same risks to the public persisted and determined that her fitness to practise remained impaired. It directed that the suspension order be extended for a further period of 12 months, with a further review hearing to take place before the end of that extended period. The HC also indicated that a future Committee reviewing her case would be assisted by evidence in relation to her current state of health.

Current impairment

This Committee has today considered whether Mrs Hooley's fitness to practise remains impaired. The GDC's position is that there is no evidence to show any material change in position in respect of Mrs Hooley's health or misconduct since the initial hearing. It therefore invites the Committee to find that Mrs Hooley's fitness to practise remains impaired.

The Committee has considered the GDC's written submissions. It notes that the GDC has sent numerous emails/letters to Mrs Hooley to remind her of the recommendations of the previous HCs. To date, Mrs Hooley has not responded to any of this correspondence. This Committee, like the previous HC in March 2019 has no medical evidence as to Mrs Hooley's current state of health. Given these circumstances, the Committee has concluded that the same risks to the public persist. Accordingly, it finds that Mrs Hooley's fitness to practise remains impaired. The Committee also considers that confidence in the dental profession would be undermined if a finding of current impairment was not reached.

Sanction

The Committee next considered what sanction, if any, should be imposed on Mrs Hooley's registration. It has borne in mind the need to protect patients and the public interest. The Committee once again had regard to the principle of proportionality, weighing the interests of the public with her own interests.

The GDC invites the Committee to direct that Mrs Hooley's registration be suspended indefinitely.

The Committee first considered whether it would be appropriate to terminate the current order of suspension and take no further action. Given that Mrs Hooley has not engaged substantively with the GDC since 2017 the Committee has concluded that such a course of action would neither adequately protect the public nor safeguard public confidence in the dental profession.

It next considered whether to terminate the current order of suspension and impose conditions of practice on Mrs Hooley's registration. Given Mrs Hooley's lack of engagement with the GDC since 2017, the Committee has concluded that such an order would not be workable or sufficient.

The Committee considers that it is necessary to maintain the current suspension in order to protect the public and safeguard public confidence in the dental profession. However, the Committee considers that it would not be in the public interest for the suspension to be subject to a review in 12 months' time as Mrs Hooley has not engaged with the GDC over a sustained period. There is nothing before the Committee to suggest that Mrs Hooley would engage in the future. Indeed, the Committee has no information from Mrs Hooley as to her

present circumstances. The Committee has taken into account the need of the GDC to perform its regulatory process in order to maintain confidence in the dental profession.

Accordingly, the Committee directs that Mrs Hooley's registration be indefinitely suspended. It is satisfied that the provisions of section 36Q of the Act are met. It notes that this direction means that a review of the order can take place if Mrs Hooley requests a review and a minimum of two years has elapsed since the direction took effect. Given Mrs Hooley's lack of engagement with the GDC, it is satisfied that this direction is appropriate and proportionate.

The effect of the foregoing direction is that, unless Mrs Hooley exercises her right of appeal, her registration will be suspended indefinitely from the date on which the direction takes effect.

That concludes this hearing of her case.”