

## **ON PAPERS**

### **Interim Order Committee Review Hearing**

**21 March 2024**

**Name:** PAPAGALANI, Evdokia

**Registration number:** 228487

**Case number:** CAS-198481-K5Q8Z5

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**General Dental Council:** Rosie Geddes, IHLPS

**Registrant:** Represented by Clyde and Co Solicitors

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**Outcome:** Interim conditions confirmed

**Duration:** For the remainder of the period of the High Court extension

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**Committee members:** Andrea Hammond (Chair, Dental Care Professional member)  
Alison Mayell (Dentist member)  
Kamaljit Sandhu (Lay member)

**Legal adviser:** Edward Hosking

**Committee Secretary:** Andrew Keeling

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The role of the Interim Orders Committee (IOC) is to undertake a risk assessment based on the information before it. Its role is to assess the nature and substance of any risk to the public in all the circumstances of the case and to consider whether it is necessary for the protection of the public, is otherwise in the public interest, or is in the registrant's own interests to impose an interim order on their registration. It is not the role of the IOC to make findings of fact in relation to any charge. That is the role of a differently constituted committee at a later stage in the process.

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1. This was an Interim Orders Committee (IOC) review hearing in respect of an interim order currently in place on Ms Papagalani's registration. The hearing was conducted remotely on Microsoft Teams.
2. Neither party was present today, following a request for the review of the interim order to be conducted on the papers.
3. The Committee first considered the issues of service and whether to proceed with the hearing on the papers in the absence of Ms Papagalani and any representatives for either party. The Committee accepted the advice of the Legal Adviser on both of these matters.

### **Decision on Service**

4. The Committee considered whether notice of the hearing had been served on Ms Papagalani in accordance with Rules 35 and 65 of the *GDC (Fitness to Practise) Rules Order of Council 2006* ('the Rules') and Section 50A of the *Dentists Act 1984 (as amended)* ('the Act').
5. The Committee received from the General Dental Council (GDC) an indexed hearing bundle which contained a copy of the Notice of Hearing, dated 26 February 2024 ('the notice'). The notice was sent to Ms Papagalani's registered address by Special Delivery. The Committee took into account that there is no requirement within the Rules for the GDC to prove delivery of the notice, only that it was sent. However, it noted from the Royal Mail 'Track and Trace' receipt, also provided in the bundle, that the notice was delivered on 27 February 2024. A copy of the notice was also sent to Ms Papagalani by first class post and email on 26 February 2024, and to her legal representatives by email on the same date.
6. The Committee was satisfied that the notice contained proper notification of today's hearing, including its date and time, as well as confirmation that the hearing would be held remotely. Ms Papagalani was also notified that the Committee had the power to proceed with the hearing in her absence.
7. On the basis of all the information provided, the Committee was satisfied that notice of the hearing had been served on Ms Papagalani in accordance with the Rules and the Act. The Committee was also satisfied that the period of notice given was reasonable in all the circumstances.

### **Decision on Proceeding in the Absence of the Registrant and On the Papers**

8. The Committee next considered whether to exercise its discretion under Rule 54 to proceed with the hearing in the absence of Ms Papagalani, and any representative for either party. It approached this issue with the utmost care and caution. The Committee took into account the factors to be considered in reaching its decision,

as set out in the case of *R v Jones [2003] 1 AC 1HL* and as explained in the cases of *General Medical Council v Adeogba* and *General Medical Council v Visvardis [2016] EWCA Civ 162*.

9. The Committee remained mindful of the need to be fair to both Ms Papagalani and the GDC, considering the public interest in the expeditious review of the interim order.
10. The Committee noted the letter dated 13 March 2024 from Ms Papagalani's legal representatives, in which they stated that, "*we confirm [Ms Papagalani's] agreement that the review should take place on the papers...*". There is no application for an adjournment from Ms Papagalani. In these circumstances, the Committee was satisfied that Ms Papagalani had voluntarily absented herself from the hearing. Accordingly, the Committee was satisfied that it was fair and in the public interest to proceed with the hearing in the absence of Ms Papagalani and on the papers.

## **Background**

11. Ms Papagalani's case was first considered by the IOC on 8 October 2021, when an interim order of conditions was imposed on her registration for a period of 15 months. This was on the basis that an interim order was necessary for the protection of the public and was otherwise in the public interest.
12. In imposing the interim order, the initial IOC considered information that had been received by the GDC which raised concerns about Ms Papagalani's fitness to practise as a dentist.
13. The background to the concerns relating to Ms Papagalani has previously been summarised as follows:

*"The information initially provided by webform referenced failings in [Ms Papagalani's] clinical performance and conduct in the period 2017 – 2019.*

*Following further requests for information by the Council to [Ms Papagalani's] previous employer, it transpired that the concerns were wide ranging and clinical issues were raised in respect of 40 patients. The Council subsequently requested records for these patients, which were received and forwarded to an external Clinical Adviser for opinion. The Clinical Adviser provided their view on 10 September 2021, which was critical of the standard of care provided to the patients by [Miss Papagalani].*

*In particular, the concerns raised by the Clinical Adviser's report include that [Miss Papagalani did not, to the standard expected:*

- *undertake or record an adequate pre-treatment assessment;*
- *request and report radiographs;*

- *undertake treatment planning and evaluation of the associated risks and benefits (there being also no evidence that appropriate discussions with patients took place); and,*
- *provide the patients with information related to treatment options, risks and benefits, so as to allow the patient to give valid informed consent.*

*There were also concerns raised about [Miss Papagalani's] communication with patients, and in terms of [her] honesty and integrity. Overall, the Clinical Adviser's conclusion was that the care provided by [Miss Papagalani] was below the level of practice reasonably expected."*

14. The interim order imposed on Ms Papagalani's registration in October 2021 has been subject to a number of reviews and an extension. These have been as follows:

- 24 March 2022 (Interim conditions of practice order confirmed);
- 12 September 2022 (Interim conditions of practice order confirmed);
- 5 January 2023 (High Court extension granted for 12 months);
- 23 March 2023 (Interim conditions of practice order confirmed);
- 6 September 2023 (Interim conditions of practice order confirmed);
- 5 January 2024 (High Court extension granted for 12 months).

15. The interim order is currently due to expire on 12 January 2025.

16. Today's hearing is the fifth review of the interim order.

## **Submissions**

17. In its written submissions, the GDC stated that there has been no material change in circumstances following the previous review hearing in September 2023 that would necessitate an amendment to the current order of conditions. The GDC further stated that its investigation was ongoing and that a decision from the GDC's case examiners was currently awaited. It submitted that an interim order of conditions remained necessary for the protection of the public and was otherwise in the public interest.

18. In their letter dated 13 March 2024, Mr Papagalani's legal representatives stated that Ms Papagalani was, "...content at the present time for the existing conditions to be maintained".

## **Committee's Decision on Interim Order**

19. In comprehensively reviewing the order, the Committee had regard to all the documentary information provided to it. It also took account of the written submissions from the GDC and from Ms Papagalani's legal representatives, and

had regard to the GDC's *Guidance for the Interim Orders Committee (December 2023)*. The Committee heard and accepted the advice of the Legal Adviser.

20. The Committee noted that there has been no material change in circumstances since the previous review hearing to undermine the necessity for an interim order on Ms Papagalani's registration. It considered that serious and wide-ranging concerns have been raised about fundamental aspects of Ms Papagalani's clinical practice. These concerns also involved multiple patients. Furthermore, the Committee noted that concerns have been raised about Ms Papagalani's honesty and integrity. The Committee therefore determined that an interim order remained necessary for the protection of the public was otherwise in the public interest for the same reasons as set out at the initial and review hearings.
21. The Committee was also satisfied that the current interim conditions remain workable, proportionate and sufficient to address the risk identified in this case. It noted that the conditions appear to be working well and there was no evidence to suggest that Ms Papagalani was not complying with them. The Committee received no information to suggest any change to the level of risk and therefore decided that it would not be appropriate or proportionate to vary the order or to change it to one of suspension.
22. Accordingly, the Committee has determined to continue the interim order of conditions for the remainder of the term of the order.
23. The interim conditions as they will appear against Ms Papagalani's name in the Register are as follows:
  1. *She must notify the GDC within 7 days of any post she accepts for which GDC registration is required, and the Commissioning Body on whose Dental Performers List she is included.*
  2. *If employed, she must, within 7 days, provide contact details of her employer and allow the GDC to exchange information with her employer or any contracting body for which she provides dental services.*
  3. *She must inform the GDC within 7 days of any formal or informal disciplinary proceedings taken against her, from the date of this determination.*
  4. *She must inform the GDC within 7 days of any complaints made against her from the date these conditions take effect.*
  5. *She must inform the GDC within 7 days from the date of application, if she applies for dental employment outside the UK.*

6. *She must not work as a locum or undertake any out-of-hours work or on-call duties.*

7. *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 supervision\* of a workplace supervisor nominated by her and agreed by the GDC. The workplace supervisor shall be a GDC registered dentist at the same level or higher.*

8. *She must present the workplace supervisor with a copy of this determination and a copy of the papers before this Committee, suitably anonymised. She must provide evidence to the GDC that she has done so within 7 days.*

9. *She must permit the GDC and the workplace supervisor to exchange information.*

10. *She must provide reports from her workplace supervisor to the GDC every 3 months and at least 14 days prior to any review. The reports will address, but not be limited to, the following concerns:*

- *Pre-treatment assessments*
- *Radiographic practice*
- *Treatment planning*
- *Treatment plans and options*
- *Informed consent throughout treatment*
- *Record keeping*
- *Communication with patients*

11. *She shall carry out audits of the areas in condition 10 above. The results of these audits must be signed by her workplace Supervisor and discussed at meetings with her workplace supervisor. The audits must be submitted to the GDC every three months and, at least 14 days in advance of any review hearing.*

12. *She must allow the GDC to exchange information with her employer or any organisation for which she is contracted to provide dental services, and her workplace supervisor referred to in these conditions.*

13. *She must inform within one week, the following parties that her registration is subject to the conditions, listed at (1) to (12), above:*

- *Any organisation or person employing or contracting with her to undertake dental work.*
- *Any prospective employer (at the time of application).*
- *The Commissioning Body in whose Dental Performers List she is included, or seeking inclusion (at the time of application).*

14. *She must permit the GDC to disclose the above conditions, (1) to (13), to any person requesting information about her registration status.*

***\*Supervised***

*The registrant's day to day work must be supervised by a person who is registered with the GDC in their category of the register or above. The supervisor need not work at the same practice as the registrant, but must make themselves available to provide advice or assistance should they be required. The registrant's work must be reviewed at least once fortnightly by the supervisor via one to one meetings and case-based discussion. These fortnightly meetings must be focused on all areas of concern identified by the conditions/undertakings. These meetings should take place face to face however, as a minimum, at least one of the two meetings must be face to face per month.*

**Review of the Order**

24. Unless there has been a material change of circumstances, the Committee will review the interim order on the papers at an administrative meeting within the next six months. The Committee will be invited by the GDC to confirm the order and Ms Papagalani will be asked whether she wishes to put any written submissions before the Committee. Ms Papagalani will be notified of the outcome in writing following the decision of the Committee.
25. Alternatively, Ms Papagalani is entitled to have the interim order reviewed at a hearing. This means that she will be able to attend and make representations, send a representative on her behalf or submit written representations about whether the order continues to be necessary. Ms Papagalani must inform the GDC if she would like the interim order to be reviewed at a hearing. Even if Ms Papagalani does not request a hearing, where there has been a material change of circumstances that might mean that the order should be revoked, varied or replaced, the Committee will review the order at a hearing to which Ms Papagalani will be invited to attend.
26. That concludes this determination.