## Summary

<table>
<thead>
<tr>
<th>Name:</th>
<th>PARIKH, Ekta [Registration no: 244198]</th>
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<tbody>
<tr>
<td>Type of case:</td>
<td>Interim Orders Committee (Review)</td>
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<tr>
<td>Outcome:</td>
<td>Conditions continued</td>
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<tr>
<td>Duration:</td>
<td>For the remainder of the period of the High Court Extension</td>
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<tr>
<td>Date:</td>
<td>25 March 2022</td>
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<td>Case number:</td>
<td>CAS-190211</td>
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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.

Miss Parikh,

This was an Interim Orders Committee (IOC) review hearing in respect of an interim order currently in place on your registration. The hearing was conducted remotely on Microsoft Teams in line with the GDC’s current guidance. You attended the hearing and were represented by Mr Matthew Barnes of Counsel. Mr Tom Stevens of Counsel appeared on behalf of the General Dental Council (GDC).

**Background**

This is the seventh review of the interim order of conditions which was first imposed on your registration on 7 February 2019 for a period of 18 months. The order was considered to be necessary to protect the public and was otherwise in the public interest. The Committee which imposed the order considered a referral from NHS England in relation to concerns that you did not follow the correct decontamination process when working at a dental practice over an extended period of time.

The interim order of conditions was reviewed and continued without variation by the IOC on 1 August 2019, 7 January 2020 and 22 June 2020. On 1 July 2020 the High Court extended the interim order for a further period of 12 months. The interim order was subsequently reviewed and continued without variation by the IOC on 17 September 2020 and on 4 March 2021.
On 28 June 2021 the High Court extended the interim order for a further period of 12 months. The interim order is now due to expire on 6 August 2022.

The interim order was next, and most recently, reviewed and continued without variation by the IOC on 1 October 2021.

Submissions

Mr Stevens, on behalf of the GDC, firstly took the Committee through the background and chronology of the case. He informed the Committee that since the previous review hearing in October 2021, the GDC has completed its initial investigation and the case has been referred to the GDC’s Case Examiners. As part of its investigation, the GDC received an expert report that outlined further concerns about your practice at the time of the alleged incidents and these were reflected in the allegations that were sent to the Case Examiners to consider. These additional concerns related to general failings in hygiene and infection control, including a repeated failure to provide patients with eye protection when treating them. The expert concluded that these failures were cumulatively far below the accepted standard, and Mr Stevens invited the Committee to consider this report when considering your case today.

Mr Stevens submitted that since the previous IOC review hearing, nothing material has changed that would undermine the necessity for an interim order to be imposed on your registration. He submitted that the allegations were serious and you do not oppose the continuation of an interim order on your registration. However, in light of the additional concerns raised by the expert, he invited the Committee to vary the conditions imposed on your registration to guard against the additional risks that have been identified. He submitted that the GDC has proposed additional conditions which would require you to be directly supervised and for the supervisor to submit reports to the GDC every three months which comment on the concerns raised by the expert. He submitted that this was a justified and proportionate response to the additional concerns raised and it would be in the public interest to respond to these new concerns.

Mr Barnes, on your behalf, submitted that the concerns raised by the expert related to events that occurred three and a half years ago. He submitted that from an early stage and at the initial IOC hearing in February 2019, you recognised the seriousness of the allegations and the need for an interim order to protect patients and the reputation of the profession. At that hearing, the Committee was reassured that you were taking appropriate steps to remediate the alleged failings and that they were unlikely to re-occur. Mr Barnes stated that there have been unexplained delays in the GDC’s investigation and this has been damaging to you as you have lived with these issues for a very long time. He submitted that the GDC must have been aware of the further concerns in the expert’s report since July 2021 but had not acted upon them until now.

Mr Barnes took the Committee through the work you have undertaken since the incident. He referred the Committee to your Continuing Professional Development (CPD), your Personal Development Plan (PDP) and work logs. He informed the Committee that you have had
sessions with three different mentors and were well supported by colleagues as shown in their positive testimonials. He also referred the Committee to the audits you have undertaken and your written reflections. He submitted that this was powerful evidence that the existing conditions were sufficient to protect the public and the reputation of the profession. He further submitted that it was of considerable importance that there had been no re-occurrence of the concerns.

With regard to the new conditions proposed by the GDC, Mr Barnes submitted that they would be unnecessary, unworkable and tantamount to suspension. It would not be possible for a supervisor as proposed by the GDC to be present at all times when you were treating patients. As a consequence, you would not be able to continue the good work that you have undertaken for the past three years. He therefore invited the Committee to continue with the existing conditions, as to vary them in line with the GDC’s proposals would have a damaging impact on you financially and in terms of your ongoing remediation.

**Committee’s Decision on Interim Order**

In comprehensively reviewing the order, the Committee had regard to all the documentary information provided to it. It also took account of the submissions from Mr Stevens and Mr Barnes. The Committee had regard to the GDC’s Interim Order Guidance for Decision Makers – Interim Orders Committee (October 2016). The Committee accepted the advice of the Legal Adviser.

The Committee noted that the allegations against you are serious and involve fundamental and basic aspects of dentistry. The Committee noted the extensive work you have undertaken since the events occurred to remediate the alleged failings and considered that the likelihood of the repetition of these concerns has diminished. However, the Committee noted that the GDC’s investigation is still ongoing and that if the alleged conduct was repeated it would have a significant impact on patient safety. The Committee also considered that public confidence in the profession would be damaged if an interim order was not continued on your registration.

The Committee therefore determined that an interim order remained necessary for the protection of the public and was otherwise in the public interest.

The Committee next considered whether conditions would continue to address the risks that have been identified in this case. The Committee noted that you have fully complied with the conditions on your registration since they were imposed. The Committee considered carefully the proposals by the GDC to vary the conditions. The Committee was of the view that the existing conditions were working well and that there was a low risk of repetition of the conduct that led to these proceedings. It noted that the additional concerns raised by the expert relating to general hygiene and patient protection in the surgery were not specifically covered by the existing conditions which related to decontamination of instruments. However, it also noted that the additional concerns were similar in nature and linked to infection control procedures.
The Committee had regard to the extensive remediation work you have undertaken and your stated intention to continue with this work. In particular, the Committee noted that you have worked with three different mentors and that you intend for a video review of your practice to be carried out and to undertake more audits of your work. The Committee noted that the work you have undertaken went well beyond what was required of you by the conditions to address the concerns about your practice, and included robust mentoring and the maintenance of daily logs, and a professional development regime.

In light of this extensive work, the Committee did not feel that a variation to the conditions was necessary. It was satisfied that the current interim conditions remain workable, proportionate and sufficient to address the risk identified in this case. The Committee, therefore, decided that it would not be appropriate or proportionate to vary the order of existing conditions or to change it to one of suspension.

Accordingly, the Committee has determined to continue the interim order of conditions for the remainder of the term of the order as follows:

1. She must notify the GDC promptly of any post she accepts for which GDC registration is required.
2. If employed*, she must 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 of any formal disciplinary proceedings taken against her, from the date of this determination.
4. She must inform the GDC if she applies for dental employment outside the UK.
5. She must not carry out decontamination processes unless in the presence of a registered dental professional.
6. She must inform the Regional Director of Public Health England that she is subject to investigation by the GDC and of the conditions, (1) to (5), above.
7. She must inform within 1 week the following parties that her registration is subject to the conditions, listed at (1) to (6), 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)
8. She must permit the GDC to disclose the above conditions, (1) to (7), to any person requesting information about her registration status.
Within conditions 2 and 7, “employed” and “any prospective employer” refer to situations where she is or shall be:

- Personally providing dental treatment to patients; or
- Assisting in providing dental treatment to patients; or
- Managing/supervising another registered dental professional who is providing direct patient care.

Review of the Order

The current order is due to expire in August 2022 and therefore the GDC would need to make an application to the High Court if the order remained in place and they wished to extend the order further. Should the High Court grant an extension of the current order, it will be reviewed within three months of that extension, in accordance with the GDC’s statutory provisions.

That concludes this determination.