

## PUBLIC HEARING

### Professional Conduct Committee Review Hearing

16 October 2023

**Name:** AMITHARAJ, Praveena

**Registration number:** 253262

**Case number:** CAS-191528-F4F9Z7

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**General Dental Council:** Natalie Bird, Counsel.  
Instructed by IHLPS

**Registrant:** Present  
Represented by Sheila Aly, Counsel.  
Instructed by Rodney Hylton-Potts

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**Fitness to practise:** Impaired by reason of misconduct

**Outcome:** Conditions extended (with a review)

**Duration:** 18 months

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**Committee members:** Aysha Ahmed-Kibria  
Helen Woodall  
Corinna Kershaw

**Legal adviser:** Angus Macpherson

**Committee Secretary:** Andrew Keeling

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Mrs Amitharaj,

1. This was a review hearing before the Professional Conduct Committee (PCC) in accordance with Section 27C of the Dentists Act 1984 (as amended) ('the Act'). The purpose of this hearing has been for this PCC to review your case and determine what action to take in relation to your registration.

2. You were present at the hearing and represented by Miss Sheila Aly, Counsel. Miss Natalie Bird, Counsel, appeared on behalf of the General Dental Council (GDC). The hearing was held remotely on Microsoft Teams.

## Background

3. This is the third review of a substantive order initially imposed on your registration in August 2020. At the initial substantive hearing in August 2020, which you did not attend, the PCC considered allegations relating to whether your fitness to practise was impaired by reason of misconduct. That Committee identified the following themes covering poor clinical and administrative practice into which your failings fell:

- *Failed to carry out adequate assessments for patients*
- *Failed to take radiographs*
- *Failed to adequately treatment plan and communicate treatment plans to patients*
- *Failed to give adequate advice in relation to oral health*
- *Provided treatment which was not clinically indicated*
- *Failed to have key discussions with patients and obtain informed consent*
- *Failed to carry out an adequate assessment before extracting two teeth*
- *Made inaccurate notes which were misleading*

4. The PCC in August 2020 found that your fitness to practise was impaired by reason of misconduct and imposed a suspension order for 12 months with a review. In making that decision the Committee gave the following reasons:

*“The Committee has given careful consideration to whether it is sufficient to direct that Mrs Amitharaj’s registration be suspended or whether this is a case where an order of erasure is necessary in the wider public interest. It is in no doubt that the findings against Mrs Amitharaj are serious. The Committee considered that a suspension order would protect patients and would highlight and reaffirm to Mrs Amitharaj, the profession and the public the standards of conduct and behaviour expected of a registered practitioner.”*

5. The matter was reviewed at a hearing on 10 September 2021. You attended the hearing, but you were not represented. That reviewing Committee determined that there remained a real risk of the misconduct in this case owing to your lack of insight and remediation. It determined, therefore, that your fitness to practise remained impaired by reason of misconduct. That Committee also determined to impose a further period of suspension on your registration for six months with a review hearing.

6. Your case was further reviewed at a hearing which took place on 17 March 2022, which you attended and were represented by Miss Aly. At that hearing, the Committee determined that you had made significant steps to remediate your failings. However, due to your suspension, you had not been able to provide evidence to demonstrate that you have fully embedded your learning into your practice. Therefore, the Committee considered that there remained a risk of repetition of your misconduct. With regard to your insight, the Committee was satisfied that your level of insight had developed since the substantive hearing. However, it determined that it was not yet complete as you had not fully demonstrated an understanding why your misconduct occurred in the first place. It determined, therefore, that your fitness to practise remained impaired by reason of misconduct.
7. With regard to sanction, that Committee noted that you had identified the problems which led to your clinical failings in this case and had begun to address them through your ongoing remediation. It determined to terminate your suspension and impose conditions on your registration, with a requirement of close supervision, for a period of 18 months with a review hearing. That Committee determined that this period was necessary to allow you an opportunity to find employment and demonstrate how your learning has been embedded into your clinical practice.
8. This hearing was convened to review the current order of conditions, which is due to expire on 18 October 2023.

### Today's Review

9. It was the role of the Committee today to undertake a comprehensive review of this case. In so doing, the Committee had careful regard to all the documentary evidence before it, the submissions made by both parties and your oral evidence. The Committee also heard and accepted the advice of the Legal Adviser. The Committee had regard to the GDC's Guidance for the Practice Committees, including Indicative Sanctions Guidance (October 2016, updated December 2020) ("the Guidance").
10. Miss Bird submitted that you have been complying with the conditions on your practice, and you have been engaging with the process and with the GDC's Case Review Team. You have provided a bundle of documents, which included a Personal Professional Development Plan (PPDP), details of Continuing Professional Development (CPD) courses you have undertaken and a written reflective statement. She submitted that you have not practised since the previous review hearing. However, you are currently waiting for your application to be approved to join the NHS Performers List before commencing work.
11. Miss Bird submitted that as you have not been able to find work as a dentist since the previous review hearing, you have not been able to demonstrate that your

learning has been fully embedded into your clinical practice. Furthermore, she submitted that you have not practised as a dentist since August 2020. Therefore, she submitted that your fitness to practise remains impaired for the same reasons as outlined by the Committee at the previous review hearing in March 2022. She invited the Committee, therefore, to extend the conditions on your registration unamended for a further period of 18 months with a review hearing before the expiry. She submitted that this period was appropriate to allow you to demonstrate safe practice under the framework of conditions.

12. Miss Aly, on your behalf, submitted that your fitness to practise is not currently impaired and invited the Committee to lift the conditions on your registration. She submitted that you have been complying with the conditions and that it is through no fault of your own that you have not been able to find employment. She submitted that you are in a very different position now compared to the time of the previous review hearing. She submitted that you have engaged heavily with your CPD and undertaken courses to address the failings found proved at the substantive hearing. She further submitted that you have worked with your Development Adviser and Workplace Supervisor to demonstrate that your learning has been embedded.
13. In your oral evidence, you informed the Committee that you have targeted your remediation to address the failings found previously. You stated that you have discussed the case with your Development Adviser, who has helped you to formulate your PPDP, and you referred the Committee to the reports he has provided. You stated that the reflective statement you have provided shows that your learning has been embedded. You informed the Committee that you undertook clinical work experience for three months from November 2021 to February 2022 in India. However, you have been unable to find employment in the UK and stated that it was difficult to do so with conditions imposed. You stated that you are reapplying to join the NHS England Performers List. You answered questions from the GDC in respect of your insight into your failings and in respect of the specific findings made against you at the substantive hearing. You informed the Committee about the importance of good record keeping and acknowledged that this needed to improve. In conclusion, you stated that you are highly motivated to grow professionally and requested that the conditions be lifted from your registration.

### **Decision on Current Impairment**

14. In making its decision, the Committee first sought to determine whether your fitness to practise was currently impaired by reason of your misconduct. It exercised its independent judgement and was not bound by the decision of the previous committee. It balanced your interests with those of the public and bore in mind that its primary duty is to protect the public, including maintaining public confidence in the profession and declaring and upholding proper standards and behaviour.

15. The Committee noted that there have been no concerns raised about your compliance with the conditions on your registration. It also noted the extensive remediation work you have undertaken since the previous review hearing in March 2022, which included undertaking CPD courses, providing a PPDP and a written reflective statement, and working with a Development Adviser. The Committee had sight of the Development Adviser's reports and noted that no issues have been raised. However, the Committee noted that as you have not been able to find employment as a dentist you have not practised dentistry since the previous hearing.
16. The Committee also considered your oral evidence. It noted that in response to Miss Bird's questions, it appeared that you did not fully understand or were not able explain the reasons for the failings found proved at the substantive hearing. Instead, your answers focused on your acknowledgement of your record keeping failures and not on your clinical failings. Furthermore, you explained about the impact these proceedings have had on you, but you did not mention about the impact your misconduct has had on the patients involved or the dental profession. The Committee, therefore, could not be satisfied that your remediation and insight into your misconduct was fully complete. In addition, you have not been able to show that the remediation you have undertaken has been fully embedded in your clinical practice as you have not practised since the review hearing. Therefore, it considers that there remains a risk of repetition of the failings found proved and, consequently, there remains a risk to patient safety. Accordingly, the Committee determined that a finding of current impairment remains necessary to protect the public.
17. In respect of the public interest, the Committee concluded that, in the absence of any evidence of full remediation and insight from you, public confidence in the profession would be undermined if a finding of impairment was not made.
18. The Committee, therefore, determined that your fitness to practise remains currently impaired by reason of your misconduct.

## **Decision on Sanction**

19. The Committee next considered what sanction to impose on your registration.
20. The Committee first considered whether it would be appropriate to allow the current order to lapse at its expiry or to terminate it with immediate effect. The Committee determined that it would not be appropriate to terminate the current order or to allow it to lapse, given that it has found that your fitness to practise remains currently impaired. Terminating the conditions of practice order would neither protect the public nor satisfy the wider public interest considerations in this case.

21. For the reasons already given, the Committee determined that the continued restriction of your registration remains necessary for the protection of the public and to maintain public confidence in the profession. Having regard to all the circumstances, the Committee was satisfied that the conditions currently on your registration remain workable and proportionate to protect patients and address the outstanding concerns in this case. It further noted that you have complied with the conditions currently and was satisfied that you would continue to do so. It therefore determined to continue the current conditions unvaried.
22. The Committee concluded that your conditional registration should be extended for a further period of 18 months. It was satisfied that this period of time would be sufficient for you to find suitable employment and give you the opportunity to embed your learning into your clinical practice. The Committee was also of the view that this would enable you to continue to reflect and discuss your clinical failings with your workplace supervisor and Development Adviser in order to gain full insight into why they occurred and the impact it has had on patients and the dental profession.
23. Accordingly, the Committee directs that the current period of conditional registration be extended for a period of 18 months pursuant to Section 27C (2)(b) of the Dentists Act 1984, as amended. The conditions remain unvaried.
24. The conditions, as they will appear against your name in the Dentists Register are:
  1. She must notify the GDC promptly of any professional appointment she accepts and provide the contact details of her employer or any organisation for which she is contracted to provide dental services and the Commissioning Body on whose Dental Performers List she is included or Local Health Board if in Wales, Scotland or Northern Ireland.
  2. She must allow the GDC to exchange information with her employer or any organisation for which she is contracted to provide dental services, Development Adviser and workplace supervisor referred to in these conditions.
  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 work with a Development Adviser (or equivalent elsewhere in the UK) to formulate a Personal Professional Development Plan ("PPDP") (or a Professional Development Plan (PDP) elsewhere in the UK), specifically designed to facilitate her return to safe clinical practice. Her Development Adviser shall be

nominated by her, and agreed by the GDC. Her PPDP must address the following areas:

- Assessment
  - Treatment planning, and communicating treatment plans to patients;
  - Treatment;
  - Advising in relation to oral health;
  - Communication with patients;
  - Obtaining informed consent;
  - Radiographic practice; and,
  - Record-keeping.
6. She must forward an initial copy of her PPDP to the GDC within 28 days from the date on which these conditions become effective.
7. She must forward an updated copy of her PPDP to the GDC every 6 months and 14 days prior to any review hearing.
8. She must meet with the Development Adviser, on a regular basis to discuss her progress towards achieving the aims set out in her PPDP. The frequency of her meetings is to be set by the Development Adviser.
9. 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 close supervision\* of a workplace supervisor nominated by her and agreed by the GDC.
10. She must allow her workplace supervisor to provide reports to the GDC at intervals of not more than 3 months and 14 days prior to any review hearing.
11. She must keep her professional commitments under review and limit her dental practice in accordance with her workplace supervisor's advice.
12. She must not work as a locum or undertake any out-of-hours work or on-call duties without the prior agreement of the GDC.
13. She shall carry out 3 monthly audits of;
- Assessment
  - Treatment planning, and communicating treatment plans to patients;
  - Treatment;
  - Advising in relation to oral health;
  - Communication with patients;
  - Obtaining informed consent;
  - Radiographic practice; and,
  - Record-keeping.

14. The audits must be signed by her workplace supervisor.

15. She must provide a copy of the audits to the GDC at intervals of not more than 3 months and 14 days prior to any review hearing or, alternatively, confirm that there have been no such cases.

16. She must inform within one week the following parties that her registration is subject to the conditions, listed at (1) to (15), above:

- Any organisation or person employing or contracting with her to undertake dental work; and,
- Her workplace supervisor; and,
- Any prospective employer (at the time of application); and,
- The Commissioning Body on whose Dental Performers List she is included or seeking inclusion, or Local Health Board if in Wales, Scotland or Northern Ireland (at the time of application).

17. She must permit the GDC to disclose the above conditions, (1) to (16) to any person requesting information about her registration status.

\* *Closely 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 and who must be on site and available at all times. As a minimum, the registrant's work must be reviewed at least twice a week by the supervisor via one-to-one meetings and case-based discussion. These bi-weekly meetings must be focused on all areas of concern identified by the conditions/undertakings. These meetings must take place face to face.*

25. The order will be reviewed prior to the end of the 18-month period.

26. Further, the Committee reflected that you may derive assistance from appointing a GDC approved mentor, who is able to offer you guidance concerning resolving the matters that have brought you to the attention of the GDC. Although such an appointment must be approved by the GDC, no reports have to be provided as it is a confidential relationship. This suggestion does not form part of the substantive conditions.

27. That concludes the hearing of your case today.