

PRIVILEGED AND CONFIDENTIAL

COUNCIL FOR HEALTHCARE REGULATORY EXCELLENCE

CASE MEETING OF COUNCIL MEMBERS

ON 3rd August 2005

AT 11 STRAND, LONDON WC2

RE: MR IAIN RALPH MARSHALL AND THE DECISION OF THE PROFESSIONAL CONDUCT COMMITTEE OF THE GENERAL DENTAL COUNCIL MADE ON 14 JUNE 2005

PRESENT: Jane Wesson (Lay Member, in the Chair)
Jonathan Asbridge (Regulatory Member)
David Smith (Lay Member)

IN ATTENDANCE: Julie Stone (Deputy Director)
Michael Andrews (Fitness to Practise Manager)
Briony Mills (Fitness to Practise Officer)
Christian Dingwall (Legal Adviser, Bevan Brittan)
Edward Hooper (Legal Adviser, Bevan Brittan)

The Conduct Committee's Decision

- 1 Mr Iain Ralph Marshall (Mr Marshall) is a dental practitioner (registration number 57228). He appeared before the Professional Conduct Committee (PCC) of the General Dental Council (GCC) on 18th – 22nd April 2005 and 13th – 14th June 2005 on charges of serious professional misconduct.

- 2 The PCC heard the case in accordance with the General Dental Council Professional Conduct Committee (Procedure) Rules Order of Council 1984. The heads of charge and their findings against Mr Marshall are set out in Appendix 1.
- 3 In respect of the matters found proved, the PCC found Mr Marshall guilty of serious professional misconduct and suspended him for 12 months.

Documents

- 4 The following documents were before the meeting:
 - (1) Determination of the PCC
 - (2) Transcript of hearing 18th – 22nd April 2005 and 13th – 14th June 2005
 - (3) Exhibits before the PCC
 - (4) GDC publication *Professional Conduct and Fitness to Practice* (1993) (the Red Book)
 - (5) GDC publication *Maintaining Standards* (1997)
 - (6) GDC publication *Standards for Dental Professionals* (20 May 2005)
 - (7) Report by Bevan Brittan LLP prepared 1st August 2005

Conflicts of Interest

- 5 The members declared that they had no conflicts of interest and none was apparent.

Jurisdiction

- 6 The members noted that the purpose of the meeting was to decide whether to exercise the CHRE's statutory discretion to refer to the High Court under Section 29 of the NHS Reform and Health Care Professions Act 2002 ("the 2002 Act") the CCC's decision in respect of Mr Marshall.
- 7 It was agreed that the CHRE had the power to refer this case under Section 29 (4) (a) of the 2002 Act if they considered that the decision of the CCC was unduly lenient and it was desirable so to refer for the protection of members of the public.
- 8 The CHRE's time for referring the matter under Section 29 will expire on 5th August 2005. Mr Marshall is currently registered as of a New Zealand address and therefore under s.29(5)(c) the relevant court is the High Court of Justice in England and Wales.

Matters noted by the members

- 9** At the time of the matters alleged Mr Marshall practised at 35/37 Sandown Road, Belfast, BT5 6GT. In 2001 he went to New Zealand and he is currently registered as of 182 Whitford Road, Howick, Auckland 1705, New Zealand.
- 10** The PCC received evidence on behalf of the GDC from a number of witnesses. Their names and transcript references are set out at Appendix 2.
- 11** The PCC delivered their determination on findings of fact, serious professional misconduct and sanction on 14 June 2005. They found some but not all of the heads of charge proved. The particular failings that they identified in his practice included:
- failure to perform and note periodontal examinations, to provide treatment for advanced periodontal disease, and to provide advice on oral hygiene;
 - inadequate use of radiography;
 - very poor standards of root canal treatments;
 - failure to diagnose and treat caries;
 - provision of inappropriate treatments;
 - provision of defective crown and bridge work;
 - failure to inform one patient of a root perforation, and another patient of a fractured instrument left inside a root canal;
 - inadequate record keeping;
 - failure to explain to patients the nature of the contract under which they were being treated;
 - failure to provide adequate treatment plans; and
 - not always wearing gloves when treating patients.
- 12** Insofar as the PCC found heads of charge “not proved”, the members considered that the findings were reasonable.
- 13** As noted by the GDC’s counsel Mr Kolvin (transcript D5/47), there are over one hundred years of dental records that manifest the failings of Mr Marshall’s practice.

- 14 In mitigation, Mr Marshall's counsel submitted that, "He [Mr Marshall] would say that there is a wholesale change in his circumstances, such that he would like to think that there would be no re-occurrence of the shortcomings that I [*sic*] identified in this case."
- 15 When determining sanction, the PCC made general findings that:
- (1) Mr Marshall's testimony was somewhat unreliable and self-justifying.
 - (2) Mr Marshall's failures to provide an adequate standard of care were apparent in so many basic aspects of dentistry, and took place over such a lengthy period, that the PCC could only view them as extremely serious.
 - (3) Because of his failings, the oral health of his patients suffered. Their serious dental decay or periodontal disease should have been identified and treated while they were under his care, but his inaction over many years amounted to serious neglect of their needs.
 - (4) He showed lack of insight into his failings in this case.
- 16 The PCC determined that Mr Marshall was guilty of serious professional misconduct. They decided that a caution would be insufficient. They directed the Registrar to suspend his name from the Dentists' Register for 12 months.

Members' consideration

- 17 Taking account of all the matters they noted above, the members considered that the case raised the issue of public protection in terms of:
- (1) The extent to which Mr Marshall's actions caused or could have caused direct or indirect harm;
 - (2) The extent to which Mr Marshall would continue to be a risk to patients if he returns to practise without assessment and retraining to ensure that he is fit to practise; and
 - (3) Maintaining the reputation of the profession and public confidence in regulation.
- 18 The mitigation submitted by Mr Marshall's counsel provided no assurance about public protection. Whilst he might now be practising in different circumstances, there was no evidence that he was himself changed so that he is fit to practise. On the contrary, there was evidence of lack of insight. Similarly the testimonials submitted on his behalf provided no reassurance.
- 19 Suspension of Mr Marshall did not protect the public. There would not and could not (within the GDC's legislative scheme) be resumed consideration of Mr Marshall's fitness to

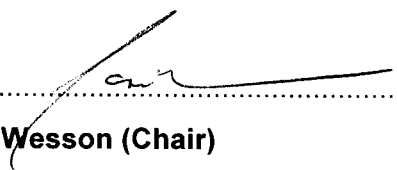
practise before his suspension expires. He would therefore be able to return to unrestricted practice without any assurance that he is fit to practise.

- 20 The PCC should have directed the GDC's Registrar to erase Mr Marshall from the Register. After ten months he would be able to apply for restoration. If the GDC turned his application down, they could at that point indicate such retraining as would be necessary to enable Mr Marshall to satisfy the GDC at some future point that he is of good character and in good health, and has the requisite skill and knowledge to be fit to practise.
- 21 If the PCC had erased Mr Marshall, then it would have been helpful if it had made recommendations to Mr Marshall for assessment and retraining before he applied for restoration.
- 22 Mr Marshall's current residence and practice in New Zealand does not offer any reassurance. He may return to practise in the United Kingdom when his suspension expires. Additionally the GDC's counterpart in New Zealand should be aware of any amended sanction that may arise out of the s 29 jurisdiction so that they may take appropriate steps to protect their own public.

Conclusions

- 23 Mr Marshall has been found to be an unsafe practitioner who breached the most fundamental tenets of his profession.
- 24 The PCC's decision to suspend him for 12 months was manifestly inappropriate and unduly lenient.
- 25 On the basis of the PCC's findings, the only appropriate sanction was erasure.
- 26 It is desirable for protection of members of the public for the Council to refer the case to the High Court under Section 29(4)(a) of the 2002 Act.
- 27 The Council should invite the GDC to agree that the High Court should direct its Registrar to erase Mr Marshall's name from the Register. In the event that an alternative to erasure is recommended, the members reserved to themselves the decision whether or not to approve it.
- 28 The meeting concluded that the case should be referred to the High Court. If the GDC agree that the PCC's decision was unduly lenient, then subject to agreement of appropriate

terms, it would be appropriate to invite the High Court to direct the GDC's Registrar to erase Mr Marshall's name from the Dentists' Register.


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Jane Wesson (Chair)

Dated 11/8/05 2005

APPENDIX 1

Heads of Charge	Finding
1. You provided dental treatment at 33/35 Sandown Road, Belfast BT5 6GT to patients A to I whose names are set out in the attached Schedule.	Admitted and found proved
Patient A	
2. From about October 1992 until about 17 th March 2001 you provided dental treatment to Patient A. You did not:	Stem admitted
(a) perform any or any adequate basic periodontal examination;	Found proved
(b) note any basic periodontal examination;	Admitted and found proved
(c) perform any [or any adequate] full periodontal examination;	Admitted except text []
(d) note any full periodontal examination;	Admitted and found proved
(e) provide any or any adequate advice on oral hygiene;	Not proved
(f) note any advice on oral hygiene;	Not proved
(g) perform any or any adequate gum treatment for chronic adult periodontal disease;	Found proved
(h) refer the patient for specialist periodontal opinion and treatment.	Admitted and found proved
3. On or about 18th March 1997 4 th February 1997 you undertook began root canal treatment of UL4. You did not:	Stem admitted as amended
(a) take any or any adequate pre-operative, working length or post-operative radiographs;	Found proved
(b) adequately obturate the root canals;	Admitted and found proved
(c) inform the patient that you had perforated the root of UL4;	Admitted and found proved

Heads of Charge	Finding
(d) note the perforation of the root of UL4;	Admitted and found proved
(e) adequately instrument the root canals;	Found proved
(f) make any record of the working lengths of the canals.	Found proved
4. On or about 17 th March 2000 you undertook root canal treatment of UL7. You did not:	
(a) take any or any adequate working length or post-operative radiographs;	Found proved
(b) adequately obturate the root canals;	Found proved
(c) adequately instrument the root canals;	Found proved
(d) make any record of the working lengths of the canals;	Found proved
(e) inform the patient of any difficulty with access to the canals;	Admitted and found proved
(f) record any difficulty with access.	Found proved
5. (a) You did not take sufficient bitewing radiographs properly to monitor the development of caries.	Admitted and found proved
(b) As revealed by a radiograph taken on 7 th March 2002 you did not:	
(i) diagnose;	Not proved
(ii) treat;	Not proved
(iii) record	Not proved
the presence of an extensive mesial carious lesion at UL4.	
(c)	<i>Withdrawn</i>
6. Your use of Chemfil on or about the following dates to restore extensive cavities in the following teeth was inappropriate:	
(a)	<i>Withdrawn</i>

Heads of Charge	Finding
(b) 16 th October 1996: UL4;	Found proved
(c) 18 th March 1997: UL4;	Found proved
(d) 11 th June 1999: LR8.	Not proved
7. You did not clearly explain to Patient A whether she was being accepted for treatment under the National Health Service or privately.	Found proved
Patient B	
8. From about June 1990 until about 12 th January 2001 you provided dental treatment to Patient B. You did not:	Stem admitted
(a) take sufficient or adequate bitewing radiographs properly to monitor the development of caries;	Admitted and found proved
(b) treat carious lesions revealed on bitewing radiographs taken on 19 th April 1997 at:	
(i) UR6;	Found proved
(ii) LR6;	Found proved
(iii) UL6;	Found proved
(iv) LL5;	Found proved
(v) LL7.	Not proved
9. On or about 2 nd July 1998 you provided sealant restorations to UR4 which was:	
(a) unnecessary;	Found proved
(b) inappropriate.	Found proved
10. On or about 3 rd September 1998 you inappropriately took impressions for inlays for UR4 and UR5 prior to root canal treatment.	Found proved
11. On or about 3 rd September 1998 you provided a defective composite inlay to UR5.	Not proved

Heads of Charge	Finding
12. (a) Between about 3 rd September 1998 and about 5 th October 1998 when root treating UR4 you did not:	
(i) take;	Found proved
(ii) record	Found proved
any or any adequate pre-operative, working length or post-operative radiographs.	
(b) You did not record any working lengths of the root canals.	Found proved
13. Between about 3 rd September 1998 and about 5 th October 1998 when root treating UR5 you did not:	
(i) take;	Found proved
(ii) record;	Found proved
any or any adequate pre-operative, working length or post-operative radiographs.	
14. On or about 18 th January 1999 you provided a sealant restoration to UL7 which was:	
(a)	<i>Withdrawn</i>
(b) inappropriate.	Not proved
15. Your use of tunnel preparations on or about the following dates to the following teeth was inappropriate:	
(a) 18 th January 1999: UL5;	Not proved
(b)	<i>Withdrawn</i> and not proved
(c)	<i>Withdrawn</i> and not proved
(d) 18 th August 2000: UR7;	Found proved
(e) 18 th August 2000: UR6;	Found proved
(f) 18 th August 2000: LR7;	Found proved
(g)	<i>Withdrawn</i> and not proved

Heads of Charge	Finding
16. On or about the following dates you inappropriately used Chemfil to restore the following teeth:	
(a) 3 rd August 1995: occlusal surface of UL6;	Not proved
(b) 11 th September 1997: UL4;	Not proved
(c) 11 th September 1997: UL5;	Not proved
(d) 19 th January 1998: LL5;	Not proved
(e) 12 th January 2001: UL7.	Not proved
17. On or about the following dates you took radiographs which were of little diagnostic value:	
(a) 19 th April 1997;	Not proved
(b) 25 th August 1999;	Found proved
(c) 30 th June 2000.	Not proved
18.	<i>Withdrawn</i>
19. (a) You did not provide any or adequate advice on oral hygiene.	Found proved
(b) You did not note any advice on oral hygiene.	Admitted and found proved
Patient C	
20. Between about July 1991 and about 20 th April 2001 you provided dental treatment to Patient C. You did not:	Stem admitted
(a) perform any or any adequate basic periodontal examination;	Found proved
(b) note any periodontal examination;	Admitted and found proved
(c) perform any [or any adequate] full periodontal examination;	Admitted except text in [] and found proved
(d) note any full periodontal examination;	Admitted and found proved

Heads of Charge	Finding
(e) provide any or any adequate advice on oral hygiene;	Found proved
(f) note any advice on oral hygiene;	Found proved
(g) diagnose or record a diagnosis of periodontal disease;	Found proved
(h) perform adequate gum treatment for chronic adult periodontal disease.	Found proved
21. You did not take sufficient bitewing radiographs to properly monitor the development of caries.	Admitted and found proved
22. Between about 11 th November 1991 and about 6 th January 1992 you provided root canal treatment to LR6. You did not:	
(a) adequately obturate two of the three root canals;	Not proved
(b) take any working length radiographs;	Found proved
(c) record any working length radiographs;	Found proved
(d) inform the patient that the fillings were inadequate.	Not proved
23. Between about 11 th December 1991 and about 18 th December 1991 you provided root canal treatment to UR5. You did not:	
(a) take any pre or post-operative radiographs;	Found proved
(b) record any pre or post-operative radiographs.	Found proved
24. On or about 9 th February 1993 you provided the patient with a defective crown to UR5.	Not proved
25. You did not take any pre-treatment radiograph before crowning UR5.	Found proved
26. Between about 19 th February 1993 and about 20 th April 2001 you attempted to treat UL234 with a 'Maryland', 'Rochette' and 'replacement bridge' ('the bridges').	Admitted and found proved

Heads of Charge	Finding
27. You did not:	
(a) provide bridges appropriate for their use such that the bridges required to be re-cemented on about nine occasions;	Found proved
(b) in the case of the Rochette bridge, provide a bridge of appropriate design.	Not proved
(c) take any radiographs prior to providing the bridges;	Found proved
(d) consider an appropriate alternative bridge;	Not proved
(e) at any time refer the patient for a second opinion;	Found proved
(f) on or about 20 th April 2001 use an appropriate adhesive material when cementing the replacement bridge;	Not proved
(g) except on or about 20 th April 2001 record the type of cement use to re-cement the bridges.	Found proved
28.	<i>Withdrawn</i>
29. You did not clearly explain to Patient C whether she was being accepted for treatment under the National Health Service or privately.	Found proved
Patient D	
30. Between about August 1985 and about 21 st May 2001 you provided dental treatment to Patient D. You did not:	Stem admitted
(a) take sufficient bitewing radiographs to properly monitor the development of caries;	Admitted and found proved
(b) (i) diagnose;	Not proved
(ii) treat;	Not proved
(iii) record	Not proved
the presence of caries at (a) UR5, (c) UL7, as revealed by radiographs taken on 26 th August	

Heads of Charge	Finding
1985 and 16 th March 1987;	
31. (a) On or about 18 th November 1987 alternatively 20 th April 1990 you crowned UL7.	Admitted and found proved (in respect of 20 April 1990)
(b) The crown had defective margins.	Found proved
(c) You placed screws in the root canals without having filled the canals.	Not proved
32. (a) On or about 14 th June 1993 you crowned LR4.	Admitted and found proved
(b) The crown had defective margins.	Not proved
(c) No radiographs were taken prior to crowning this tooth.	Found proved
33. (a) On or about 14 th August 1998 you crowned LL 7.	Admitted and found proved
(b) The crown had defective margins.	Admitted and found proved
34. Between about 22 nd April 1987 and about 2 nd May 1 st June 1987 you root filled UL7. You did not:	Stem admitted as amended
(a) take any or any adequate radiographs when root treating this tooth;	Found proved
(b) obturate two of the root canals adequately or at all;	Admitted and found proved (mesial)
(c) adequately instrument the root canals;	Admitted and found proved (mesial)
(d) make any record of the working lengths of the canals;	Found proved
(e) inform the patient of the poor outcome of this treatment.	Found proved
35.	<i>Withdrawn</i>
36. Between about 14 th November 1988 and about 13 th January 1989 you undertook root canal treatment of LR4. You did not:	
(a) take any or any adequate radiographs when root	Found proved

Heads of Charge	Finding
treating this tooth;	
(b) make any record of the working lengths of the root canals.	Found proved
37. Between about 25 th March 1994 and about 30 th June 1994 you root filled LL7. You did not:	Stem admitted
(a) take any or any adequate working length and post-operative radiographs when root treating this tooth;	Found proved
(b)	<i>Withdrawn</i>
(c) inform the patient that you had fractured an instrument parts of which were retained in one of the root canals;	Found proved
(d)	<i>Withdrawn</i>
(e) make any record of the working lengths of the root canals;	Found proved
(f) inform the patient of the poor outcome of this treatment.	Found proved
38. Between about 8 th July 1997 and about 28 th August 1997 you root filled LL5. You did not:	
(a) take any or any adequate radiographs when root treating this tooth;	Found proved
(b) adequately obturate the root canals;	Admitted and found proved
(c) adequately instrument the root canals;	Not proved
(d) make any record of the working lengths of the root canals;	Found proved
(e) inform the patient of the poor outcome of this treatment.	Found proved
39. Between about 31 st July 1997 and about 24 th September 1997 you root filled LL6. You did not undertake all or each of the steps identified in	Not proved in respect of (c) Admitted and found proved (in respect of 38(b))

Heads of Charge	Finding
paragraphs 38 (a) to (e) above.	Found proved (except in respect of instrumenting the root canals)
40. Between about 17 th August 1999 and about 9 th December 1999 you root filled UR2 and UR1. You did not:	Stem admitted
(a) take any or any adequate working length or post-operative radiographs when root treating these teeth;	Found proved
(b) make any record of the working lengths of the root canals of these teeth.	Found proved
41. (a) Your decision to root treat and crown the patient's crowded lower pre- molar teeth was:	
(i) ill advised;	Not proved
(ii) inappropriate.	Not proved
(b) On or about 10 th October 1997 you inappropriately placed an advanced restoration on LL5.	Not proved
42. On or about 2 nd November 1999 you placed veneers on the patient's UR2, UR1 and UL1. You did not:	Stem admitted
(a) adequately secure the veneers;	Found proved
(b) appropriately fit the veneer to UR1.	Not proved
43. On or about 22 nd May 1991 you inappropriately placed a sealant restoration on LL7.	Admitted and found proved
44.	<i>Withdrawn</i>
45. You did not:	
(i) perform;	Found proved
(ii) note	Admitted and found proved
any basic periodontal examination.	
46. (a) You did not provide any or any adequate advice	Found proved

Heads of Charge	Finding
on oral hygiene.	
(b) You did not note any advice on oral hygiene.	Admitted and found proved
47. You did not maintain adequate written records for this patient.	Admitted and found proved
48. When providing restorations to this patient you did not use a matrix band.	Not proved
49. You did not clearly explain to Patient D whether she was being accepted for treatment under the National Health Service or privately.	Found proved
Patient E	
50. Between about May 1986 and about 20 th October 2000 you provided dental treatment to Patient E. You did not:	Stem admitted
(a) take sufficient bitewing radiographs to properly monitor the development of caries;	Admitted and found proved
(b) adequately control or treat caries in:	
(i)	<i>Withdrawn</i>
(ii) UL4;	Not proved
(iii) UL5;	Not proved
as revealed by radiographs taken on 27 th March 2002.	
51. You did not:	
(a) perform any or any adequate basic periodontal examination;	Found proved
(b) note any basic periodontal examination;	Admitted and found proved
(c) perform any or any adequate full periodontal examination;	Admitted and found proved
(d) note any full periodontal examination;	Admitted and found proved

Heads of Charge	Finding
(e) provide any or any adequate advice on oral hygiene;	Not proved
(f) note any advice on oral hygiene;	Not proved
(g) perform any or any adequate gum treatment for chronic adult periodontal disease;	Found proved
(h) take any or any adequate radiographs to monitor Patient E's periodontal condition;	Admitted and found proved
(i) refer Patient E for specialist periodontal opinion and treatment.	Found proved
52. Between about 3 rd July 1996 and about 16 th September 1996 you root treated UR5. You did not:	
(a) take any or any adequate radiographs when root treating this tooth;	Found proved
(b) take working lengths of the root canals;	Found proved
(c) record the working lengths of the root canals.	Found proved
53. (a) On or about 13 th June 2000 you crowned UR5.	Admitted and found proved
(b) The crown had defective margins.	Not proved
54. On or about 10 th April 2000 you inappropriately used Chemfil to restore an extensive cavity in UR5.	Not proved
55. On or about 3 rd July 2000 you took a periapical radiograph which was of inadequate diagnostic value.	Found proved
56. You did not clearly explain to Patient E whether he was being accepted for treatment under the National Health Service or privately.	Found proved
Patient F	
57. Between about November 1994 and about 31 st January 2001 you provided dental treatment to Patient F. You did not:	Stem admitted
(a) take sufficient bitewing radiographs to properly	Admitted and found proved

Heads of Charge	Finding
monitor the development of caries;	
(b) on or about 17 th January 1995 take bitewing radiographs prior to carrying out 12 sealant restorations under code 1441 of the Statement of Dental Remuneration.	Found proved
58. (a) Radiographs taken on 8 th August 2001 revealed the presence of caries at:	Stem admitted
(i)	<i>Withdrawn</i>
(ii) UR6;	Admitted and found proved
(iii) UR5;	Admitted and found proved
(iv)	<i>Withdrawn</i>
(v) LR7;	Admitted and found proved
(vi)	<i>Withdrawn</i>
(vii) LL7;	Admitted and found proved
(viii) LL8.	Admitted and found proved
(b) You did not:	
(i) diagnose;	Found proved
(ii) treat;	Found proved
(iii) record	Admitted and found proved (with the exception of LL8)
the presence of caries in each or every tooth referred to in subparagraph 58(a) above.	
59. (a) Between about March 1995 and April 1995 you provided root canal treatment to UR1.	Admitted and found proved
(b) You did not take any or any adequate pre-operative, working length or post-operative radiographs.	Not proved
60. On or about 13 th August 1998 you did not take any radiograph prior to crowning UR1.	Admitted and found proved

Heads of Charge	Finding
61. In about June 1999 you provided root canal treatment to LL5. You did not:	
(a) take any pre-operative, working length or post-operative radiographs;	Found proved
(b) take working lengths of the root canals;	Found proved
(c) record working lengths of the root canals;	Found proved
(d) on or about 14 th June 1999 record the perforation of the root of LL5 when crowning this tooth;	Found proved
(e) inform the patient of the perforation at (d) above.	Admitted and found proved
62. You did not adequately monitor LL5 following the perforation referred to at paragraph 61(d).	Admitted and found proved
63. In or about 1999 you fitted a post and crown to LL5. You:	Stem admitted
(a) did not take any pre-treatment radiograph;	Found proved
(b) perforated the root of the tooth with the post;	Admitted and found proved
(c) did not take appropriate remedial action following the perforation;	Admitted and found proved (the PCC was satisfied that Mr Marshall was not aware of the perforation)
(d-e)	<i>Withdrawn</i>
64. On or about the following dates you took periapical radiographs which were of little or no diagnostic value:	
(a) 24 th March 1995;	Admitted and found proved
(b) 7 th April 1995.	Admitted and found proved
65. On or about the following dates you inappropriately used Chemfil to restore Patient F's LL5:	
(a) 21 st November 1998;	Not proved

Heads of Charge	Finding
(b)	<i>Withdrawn</i>
66. (a) You did not provide any or adequate advice on oral hygiene.	Found proved
(b) You did not note any advice on oral hygiene.	Found proved
67. You did not:	
(a) perform;	Found proved
(b) note	Admitted and found proved
any basic periodontal examination.	
68.	<i>Withdrawn</i>
Patient G	
69. Between about April 1989 and about 8 th June 2001 you provided dental treatment to Patient G. You did not:	Stem admitted
(a) perform any or any adequate basic periodontal examination;	Found proved
(b) note any basic periodontal examination;	Admitted and found proved
(c) perform any or any adequate full periodontal examination;	Admitted and found proved
(d) note any full periodontal examination;	Admitted and found proved
(e) provide any or any adequate advice on oral hygiene;	Found proved
(f) note any advice on oral hygiene;	Found proved
(g) perform any or any adequate gum treatment for chronic adult periodontal disease;	Found proved
(h) take any or any adequate radiographs to monitor Patient G's periodontal condition.	Admitted and found proved
70. You did not take sufficient bitewing radiographs	Admitted and found proved

Heads of Charge	Finding
properly to monitor the development of caries.	
71. (a) On or about the following dates you provided crowns to the following teeth:	Admitted
(i) 5 th November 1998: UL5;	Admitted and found proved
(ii)	<i>Withdrawn</i>
(iii) 10 th September 1999: UR7.	Admitted and found proved
(b) You did not take any pre-treatment periapical radiographs before providing crowns to each or every tooth as set out in sub-paragraph (a) above.	Found proved
(c) Each or every crown set out in sub-paragraph (a) above had defective margins.	Found proved (in respect of UL5)
72. On or about the following dates you inappropriately used Chemfil to restore extensive cavities in the following teeth:	
a) 14 th April 1992: LR7;	Not proved
b) 18 th November 1992:LL7;	Not proved
c) 2 nd December 1992:UR8;	Not proved
d)	<i>Withdrawn</i>
e)	<i>Withdrawn</i>
73. You did not clearly explain to Patient G whether she was being accepted for treatment under the National Health Service or privately.	Found proved
Patient H	
74. Between about April 1989 and about February 2001 you provided dental treatment to Patient H. You did not take any bitewing radiographs to properly monitor the development of caries.	Found proved

Heads of Charge	Finding
75. On or about 8 th January 1990 you inappropriately used Chemfil to restore UR6.	Not proved
76. (a) You did not provide any or adequate advice on oral hygiene.	Found proved
(b) You did not note any advice on oral hygiene.	Admitted and found proved
Patient I	
77. Between about April 1989 and about February 2001 you provided dental treatment to Patient I. You did not take any bitewing radiographs properly to monitor the development of caries.	
78. On or about the following dates you inappropriately used Chemfil to restore the following teeth:	
(a) 13 th April 1996: UR6;	Not proved
(b) 13 th April 1996: LR6;	Not proved
(c) 13 th April 1996: LL6;	Not proved
(d) 29 th May 1996: LL6.	Not proved
79. (a) You did not provide any or adequate advice on oral hygiene.	Found proved
(b) You did not note any advice on oral hygiene.	Admitted and found proved
General	
80. When providing treatment to patients A, B, C, D, E, G, H and/or I you did not wear gloves on all occasions.	Found proved
81. You did not provide patients A, C, D, E and/or G with any or any adequate treatment plan.	Admitted and found proved

APPENDIX 2

Day / Witness	Transcript reference
Day 1	
Mr Patrick Richard Rea	
Examined by Mr Kolvin	D1/54-D1/79
Cross examined by Mr Hockton	D1/79-D1/80
Questioned by the PCC	D1/81-D1/82
Patient A	
Examined by Mr Kolvin	D1/83-D1/90
Cross-examined by Mr Hockton	D1/90-D1/97
Re-examined by Mr Kolvin	D1/97-D1/98
Questioned by the PCC	D1/98-D1/103
Mr Ivan McCappin	
Examined by Mr Kolvin	D1/104-D1-116
Cross-examined by Mr Hockton	D1/116-D1/116
Questioned by the PCC	D1/116-D1/118
Patient B	
Examined by Mr Kolvin	D1/119-D1-123
Cross-examined by Mr Hockton	D1/123-D1/125
Re-examined by Mr Kolvin	D1/125-D1/126
Questioned by the PCC	D1/126-D1/127
Mr Ian Campbell Turk	
Statement read – exhibit C6(a)	D1/128-D1/129
Mr Peter Ramsey-Baggs	
Statement read – exhibit C6(b)	D1/129
Dr Lyn Moncrieff	
Statement read – exhibit C6(c)	D1/129-D/130
Mr Oswald Bruce	
Statement read – exhibit C6(d)	D1/130-D/131
Day 2	

Day / Witness	Transcript reference
Mrs Wendy Elizabeth Redpath	
Examined by Mr Kolvin	D2/3-D2/9
Cross-examined by Mr Hockton	D2/9-D2/11
Questioned by the PCC	D2/11-D2/13
Further cross-examined by Mr Hockton	D2/13
Re-examined by Mr Kolvin	D2/13
Patient C	
Examined by Mr Kolvin	D2/14-D2/17
Cross-examined by Mr Hockton	D2/17-D2/21
Re-examined by Mr Kolvin	D2/21-D2/22
Questioned by the PCC	D2/22-D2/23
Patient D	
Examined by Mr Kolvin	D2/24-D2/30
Cross-examined by Mr Hockton	D2/30-D2/38
Questioned by the PCC	D2/38
Patient E	
Examined by Mr Kolvin	D2/39-D2/42
Cross-examined by Mr Hockton	D2/42-D2/46
Re-examined by Mr Kolvin	D2/46
Questioned by the PCC	D2/46-D2/48
Further cross-examined by Mr Hockton	D2/48
Dr Christopher Hugh Deery	
Examined by Mr Kolvin	D2/49-D2/78
Day 3	
Dr Christopher Hugh Deery	
Examined by Mr Kolvin (continued)	D3/5-D3/19
Cross-examined by Mr Hockton	D3/19-D3/76
Mrs Jennie Margaret Harpur	
Examined by Mr Kolvin	D3/76-D3/80
Cross-examined by Mr Hockton	D3/80-D3/83

Day / Witness	Transcript reference
Questioned by the PCC	D3/84-D3/87
Further cross-examined by Mr Hockton	D3/87-D3/91
Day 4	
Dr Christopher Hugh Deery	
Cross-examined by Mr Hockton (continued)	D4/2-D4/5
Re-examined by Mr Kolvin	D4/5-D4/21
Further cross-examined by Mr Hockton	D4/21-D4/22
Questioned by the PCC	D4/22-D4/34
Further re-examined by Mr Kolvin	D4/34-D4/35
Patient G	
Examined by Mr Kolvin	D4/36-D4/42
Cross-examined by Mr Hockton	D4/42-D4/53
Re-examined by Mr Kolvin	D4/53-D4/55
Questioned by the PCC	D4/55-D4/59
Further cross-examined by Mr Hockton	D4/59-D4/60
Patient H	
Examined by Mr Kolvin	D4/60-D4/63
Cross-examined by Mr Hockton	D4/63-D4/65
Questioned by the PCC	D4/66
Patient I	
Examined by Mr Kolvin	D4/67-D4/70
Cross-examined by Mr Hockton	D4/70-D4/72
Questioned by the PCC	D4/72- D4/73
Dr Christopher David Emery	
Examined by Mr Kolvin	D4/73-D4/86
Cross-examined by Mr Hockton	D4/86-D4/105
Re-examined by Mr Kolvin	D4/105-D4/108
Questioned by the PCC	D4/108- D4/113
Further cross-examined by Mr Hockton	D4/113-D4/114
Further re-examined by Mr Kolvin	D4/114

Day / Witness	Transcript reference
Mr Marshall	
Examined by Mr Hockton	D4/116-D4/154
Day 5	
Mr Marshall	
Examined by Mr Hockton (continued)	D5/2-D5/45
Cross-examined by Mr Kolvin	D5/47-D5/83
Re-examined by Mr Hockton	D5/84-D5/87
Questioned by the PCC	D5/87-D5/98
Day 6	
Mr McPhilips	
Examined by Mr Hockton	D6/1-D6/34
Cross-examined by Mr Kolvin	D6/34-D6/46
Re-examined by Mr Hockton	D6/46-D6/47
Questioned by the PCC	D6/47-D6/50
Mr David Real-Firmin	
Statements read – exhibits C26 and C27	D6/51- D6/52
Closing submission by Mr Kolvin	D6/52- D6/65
Closing submission by Mr Hockton	D6/65- D6/75
Address by the Legal Assessor	D6/82- D6/84
Day 7	
Determination as to facts	D7/1- D7/5
Further submission by Mr Kolvin	D7/5- D7/7
Further submission by Mr Hockton	D7/7- D7/14
Determination as to serious professional misconduct and sanction	D7/15- D7/20

