

ANNUAL REPORT 2014 - 15



DENTAL COUNCIL
OF NEW SOUTH WALES

PRESIDENT'S MESSAGE



*Dental Council
of New South Wales*

The Dental Council has farewelled three long standing members of the Council who served the Council since it was established and prior to that were members of the Dental Board of New South Wales.

They are Adj Assoc Prof John Dale AO, Adj Assoc Prof John Highfield and Adj Assoc Prof Chris Griffiths AM RFD. On behalf of the Dental Council we extend our sincere thanks to these retiring members. The dental profession and the public of New South Wales is indebted to each of them for their significant contributions to the regulation of the dental profession in NSW. In particular we wish to acknowledge Adj Assoc Prof Dale who served the community of NSW for 28 years including 19 years as President of the NSW Dental Board. His tireless dedication to improving the professional standards of dental practitioners was demonstrated in countless ways, notably through the establishment of a peer review committee process, publication of the *Record of Decisions 1 – IV* and ongoing direct education of students on regulation.

As of 1 July 2015 the Council has warmly welcomed three new members with a diverse range of skills and experience which will bring further progress to the regulation of dental practitioners in NSW. Those members are Dr Christine Biscoe, Dr Kavita Lobo and Dr John Pearman.

The Council met a number of challenges during this period. While complaint numbers have decreased significantly there have been serious complaints regarding deficiencies relating to cleaning, sterilisation and storage of instruments by dental practitioners. The identified breaches were so serious that the Council used its immediate action powers to restrict a number of dental practitioners from practising the profession. The Council has therefore made infection control by dental practitioners a key strategic focus this year. In the reporting period the Council commenced consultation and liaison with key stakeholders including the Dental Board of Australia, universities, NSW Health and dental professional associations to proactively assess the extent of the non-compliance in NSW. To support this process the Council established an infection control working group to consider additional regulatory actions that may be required to address the issues. The Council has also released several communiqués direct to the profession through the media, its newsletter and direct emails to the profession in NSW. The Council will continue to communicate key messages directly to the profession.

The Council wishes to thank all of its stakeholders for the collaborative work undertaken to date, particularly the Dental Board of Australia.

PRESIDENT'S MESSAGE

continued



*Dental Council
of New South Wales*

The Council provided \$145,043 to the Dental Sedation Unit, Westmead Hospital, to replace the Unit's full immersive manikin (SimMan) for the purposes of education and training courses in the conscious sedation dental simulation suite at Westmead Centre for Oral Health, part of the University of Sydney's Faculty of Dentistry. The Council also contributed in the sum of \$32,754 to the updating of the cardiopulmonary resuscitation segment on the ADA (Australian Dental Association) NSW Medical Emergencies DVD.

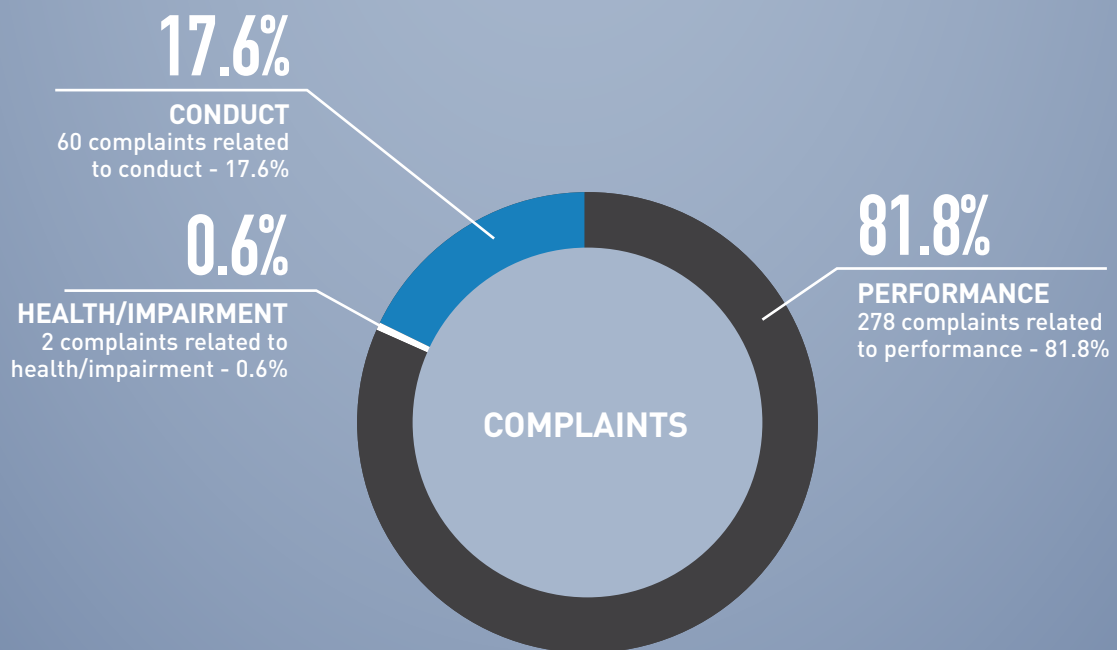
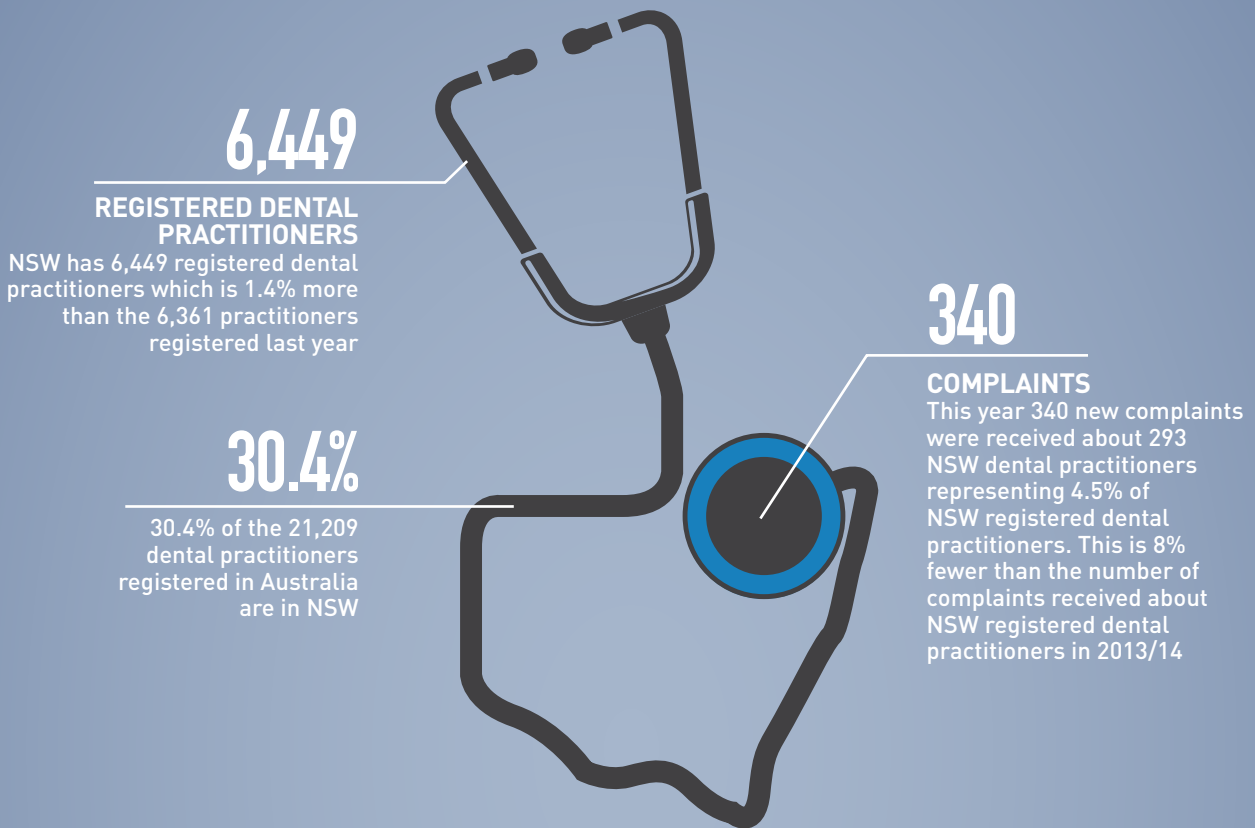
The Council is also pleased to report that all funds in its Dental Technicians Education Account were expended on exciting projects for dental technicians in NSW. These include grants to eDen, the Poche Centre and TAFE Sydney Institute.

Finally, we wish to thank our Executive Officer, Farina Bains, and her staff, for their ongoing commitment to providing a high standard of support to the Council.

A handwritten signature in black ink, appearing to read 'W. O'Reilly', located below the main text.

(Dr) William O'Reilly
President
Dental Council of NSW

REGULATION OF DENTAL PRACTITIONERS IN 2014/15 YEAR IN SUMMARY



Regulation of Dental Practitioners in NSW in 2014/15

Year in summary

NSW has 6,449 registered dental practitioners which is 1.4% more than the 6,361 practitioners registered last year and 30.5% of dental practitioners registered to practise in Australia.

Dental practitioners include:

- Dentists (including specialists)
- Dental hygienists
- Dental prosthetists
- Oral health therapists
- Dental therapists.

This year 340 new complaints were received about 293 NSW dental practitioners representing 4.5% of NSW registered dental practitioners. This is 8.0% fewer than the number of complaints received about NSW registered dental practitioners in 2013/14.

Complaints about NSW dental practitioners included:

- 60 related to conduct – 17.6%
- 278 related to performance – 81.8%
- 2 related to health/impairment – 0.6%.

Four mandatory notifications were received, which is 1.2% of the total complaints made in the reporting period about NSW dental practitioners.

Complaints were made by:

- 182 patients – 53.53%
- 48 from members of the public - 14.12%
- 41 relatives of patients – 12.06%
- 6 relatives of the practitioner – 1.76%
- 6 employees – 1.76%
- 4 employers – 1.8%
- 10 other health practitioners – 2.94%
- 43 various other sources – 12.65%.

A total of 478 complaints were managed during the reporting period, including 134 carried over from 2013/14. Complaints management involved:

- 2 Tribunals
- 36 S150 hearings
- 33 Council Inquiries
- 79 investigated by an Assessment Committee
- 9 health assessments
- 8 counselling (conduct)
- 24 counselling (performance)
- 5 Impaired Registrant Panel
- 1 interview.

Sixty practitioners were monitored for compliance with order/conditions during the reporting period. 311 complaints were closed during the year with outcomes including:

- 17 advice with no further action
- 5 conditions (including 3 reprimands, 1 caution and 1 education course)
- 23 counselling (no further action)
- 28 resolved before consultation with the HCCC
- 5 withdrawn
- 2 training/education
- 2 finding no orders
- 148 discontinued at assessment/consultation with the HCCC
- 34 no further action after a Council process
- 2 no further action following investigation
- 1 order to report on practice
- 3 orders without conditions
- 35 referred to AHPRA
- 1 referred to another person/body
- 1 referred to another jurisdiction
- 1 refund by practice or withhold pay
- 1 reprimand (no conditions)
- 1 reprimand (fine)
- 1 surrendered registration

Council Membership

Section 41E of the Law prescribes that there are 12 members of the Dental Council appointed by the Governor.

Members who are registered dental practitioners:

- Conjoint Associate Professor William O'Reilly BDS(Syd), Dip Law, BAB, FACLM, CHE - President
- Dr Penny Burns BDS – Deputy President
- Dr Anthony Burges BDS, FRACDS, FICD, FPFA, FADI
- Adj Associate Professor John Dale AO, BDS, MDS, DDS, LLB, FRACDS, FICD, FADI FPFA
- Adj Associate Professor Christopher Griffiths AM, RFD, BDS, DPH(Dent), FICD LDS (Victorian Dental Board), FFOMP (RACP)
- Adj Associate Professor John Highfield BDS, DDS, MSc Periodontology
- Mr Stephen McGlynn Adv Dip DP(Syd), Dip DT (Syd)
- Dr Janet Wallace Dip DT, Dip BM, BOH, Grad Cert PTT, PhD

The member involved in an approved program of study:

- Dr Frederic (Shane) Fryer BDS MDSc(Syd), FRACDS, MRACDS(Orth), FICD

Community members:

- Ms Rosemary MacDougal Dip Law (LPAB) – Legal member
- Mr Michael Miceli LLM
- Mr David Owen MBA BSc

No new members were appointed during the year.

Members who retired during the year:

- Adj Associate Professor Christopher Griffiths AM

Members who have served the maximum term and retired at the end of June 2015:

- Adj Associate Professor John Dale AO
- Adj Associate Professor John Highfield

Executive Officer

The Dental Council is supported by the Executive Officer, Farina Bains, and seven staff employed by the HPCA.

Attendance at Council Meetings

The Dental Council met on 11 occasions. Attendance at the meetings was as follows.

Member	Meetings Attended	Meetings Eligible to Attend
Dr William O'Reilly	11	11
Dr Penny Burns	10	11
Dr Anthony Burges	10	11
Dr John Dale AO	8	11
Dr Frederic Shane Fryer	10	11
Dr Christopher Griffiths*	8	11
Dr John Highfield	9	11
Ms Rosemary MacDougal	8	11
Mr Stephen McGlynn	10	11
Mr Michael Miceli	8	11
Mr David Owen	9	11
Dr Janet Wallace	10	11

* Leave of absence granted for one meeting.

Committees of Council

Section 41F of the Law provides that the Council may establish committees to assist it with the exercise of its functions. Members of committees need not be Council members. The Council was supported by two committees during the reporting period.

Complaints and Notifications Committee

The Complaints and Notifications Committee reviews complaints referred to the Council for management following consultation with the HCCC and makes recommendations to the Council on the course of action to be taken on each matter.

The committee met 11 times.

Members of the Complaints and Notifications Committee:

- Dr Anthony Burges (Chair)
- Dr Penny Burns
- Adj Assoc Professor Christopher Griffiths
- Mr Stephen McGlynn
- Mr David Owen

Health Committee

The Health Committee acts under Council delegation to make decisions on the management of dental practitioners who are considered to be impaired and have been referred to the Council's health pathway. The committee does not meet face-to-face but consults outside scheduled Council meeting days.

Members of the Health Committee:

- Conjoint Assoc Professor William O'Reilly
- Dr Penny Burns
- Adj Assoc Professor John Dale
- Mr Michael Miceli.

Regulatory Committees and Panels

Part 8 of the Law prescribes the committees and panels that support the Council in undertaking its regulatory activities. They include Assessment Committees, Impaired Registrants Panels and Performance Review Panels.

The Dental Council was supported by two Assessment Committees and an Impaired Registrants Panel.

Assessment Committees

Assessment Committees are established under section 172A of the Law and comprise four members appointed by the Minister including three members who are registered dental practitioners and one member who is not a registered health practitioner.

There are two Assessment Committees, the members of which are listed below.

Assessment Committee 1 met 11 times and Assessment Committee 2 met seven times.

Assessment Committee 1

The Term of Appointment for Assessment Committee 1 is 9 July 2012 to 30 June 2016. This committee met 11 times during the year. The members are:

Name	Role	Meetings Attended
Dr Annabel Enno (Dentist)	Practitioner - Chair	11
Dr Robert Smith (Dentist)	Practitioner - Member	9
Dr Hugh Fleming (Dentist)	Practitioner - Member	9
Ms Maria Kelly	Community - Member	9

Assessment Committee 2

The Term of Appointment for Assessment Committee 2 was 23 February 2011 to 22 February 2015 2016. This committee met seven times during the year. The members are:

Name	Role	Meetings Attended
Dr Sabrina Manickam (Dentist)	Practitioner - Chair	6
Dr Christine Biscoe (Dentist)	Practitioner - Member	6
Mr Martin Dunn (Dental Prosthetist)	Practitioner - Member	6
Mrs Francis Taylor	Community - Member	7

Impaired Registrants Panel

Impaired Registrants Panels are established under section 173 of the Law to deal with matters concerning practitioners who suffer from a physical or mental impairment which affects, or is likely to affect, their capacity to practise safely. The panel consists of two or three members. At least one member must be a registered medical practitioner and at least one member must be a registered dental practitioner. Panellists are drawn from a pool of members who are experienced in working with practitioners demonstrating problems with their health.

Impaired Registrants Panel

Name	Role	Meetings Attended
Dr Mary-Anne Friend	Registered medical practitioner	4
Dr Peter Skor	Professional member	4

Meetings and conferences

The Dental Council was represented at the following meetings and conferences during the reporting period.

Council Presidents' Forum – bi-monthly meetings
HPCA Audit and Risk Committee – quarterly meetings
HPCA Advisory Committee meetings
HPCA Conduct Seminar
HPCA Lawyers Liaison Group
HPCA Performance Seminar
Australian Dental Association's BDent4 day
University of Sydney' Professional Development Day for Bachelor of Oral Health Students
Presentation to University of Newcastle final year Bachelor of Oral Health Students
Council Presidents' Forum meeting with the NSW Minister for Health
ADA NSW South Coast Division meeting
New Zealand Dental Association Conference *
Dental Assistants Professional Association 'Big Day Out' annual conference
Australian Dental Prosthetists Association graduation dinner
ADA NSW and Dental Council of NSW strategic initiatives meetings
Launch of Poche Centre Indigenous Scholarship program – dental technology
Dental Board of Australia meeting by invitation of the Board
Dental Board of Australia Conference

* President attended at own expense - no cost to Council.

Overseas travel

There were no overseas travel costs during the reporting period.

Council communications

The Dental Council website is the principal medium used for communicating information to dental practitioners, dental practitioner students and the community. The website is updated regularly and includes links to other key bodies in the National Registration and Accreditation Scheme.

The Dental Council also regularly distributes electronic newsletters to dental practitioners with a principal place of practice in NSW. Further information is available on the Council's website at www.dentalcouncil.nsw.gov.au.

Education and Research

The Dental Council maintains an Education and Research account which may be used for purposes relating to education and research about the conduct, performance and health of registered dental practitioners, or registered dental students.

The Council granted the following funds from its Education and Research account:

- \$145,043 to the Dental Sedation Unit, Westmead Hospital, to replace the Unit's full immersive manikin (SimMan) for the purposes of education and training courses in the conscious sedation dental simulation suite at Westmead Centre for Oral Health, part of the University of Sydney's Faculty of Dentistry.
- \$32,754 to the Australian Dental Association NSW (ADA) Centre for Professional Development to fund the update of the Cardio Pulmonary Resuscitation (CPR) component of their online medical emergencies content.

Dental Technicians Education Account Committee

The Dental Technicians Education Account was established in accordance with Schedule 5A Clause 21 of the Law for purposes relating to the education of dental technicians. All of the money in this account was required to be expended by 26 July 2015 within three years of the Account being established.

The committee was required to consist of at least two members who are dental technicians and no more than two members who are dentists. The members were:

- Mr Stephen McGlynn (Chair)
- Mr Brett Davis
- Dr Anna Enno
- Ms Julie Robb
- Mr Marc Rondeau.

The Committee provided three grants in the reporting period to:

- eDen
- Poche centre
- TAFE scholarship administration fund

All funds were expended by the end of the reporting period and the account closed.

Consultation

During the year infection control in dentistry emerged as an issue of concern with a sudden increase in complaints related to infection control, often in situations where a practitioner worked in multiple practices. Commencing in February 2015 consultation with a range of stakeholders was initiated to identify underlying issues and work towards preventative strategies. The Council initially consulted with the NSW Ministry of Health and ADA NSW and expanded the consultation to the NSW Chief Dental Officer, ADA Inc, dental professional indemnifiers, dental professional associations, universities and medicolegal firms. The process is ongoing.

Remuneration

Remuneration for members of the Council was as follows:

President	\$6,119 per annum
Deputy President	\$3,739 per annum
Members	\$3,739 per annum

In addition, Council members receive sitting fees of \$1,000 per day and \$500 per half day for the conduct of Council inquiries and attendance at committee meetings and other regulatory activities, if held on a day other than the monthly Council meeting. Council members are reimbursed for expenses incurred when travelling on official business at Council direction.

Members of panels and tribunals also receive remuneration and reimbursement of expenses.

Financial Management

The Dental Council's accounts performance as reported in the Financial Statements is as follows.

Accounts Performance 2014/15	\$
Revenue	2,339,131
Operating expenditure	1,910,361
Gain/(loss) on disposal	(47,544)
Net result	381,226
Net cash reserves (cash and cash equivalents minus current liabilities)	1,092,499

* Included in the net cash reserves is Education and Research bank account balance of: \$599,675

The Dental Council's budget for the period 1 July 2015 to 30 June 2016 is as follows.

Budget 2015/16	\$
Operating expenditure	2,371,557
Revenue	2,359,673
Net result	(11,884)

Full financial statements are presented in Part 3 of this report 'Financial Statements for NSW Health Professional Councils'.