



**Annual
Report
2015-16**

**Dental
Council**

of New South Wales

President's message



*Dental Council
of New South Wales*

The Dental Council had a busy period during the reporting year with a significant rise in complaint numbers.

While the majority of complaints related to treatment, there continued to be serious complaints about deficiencies relating to cleaning, sterilisation and storage of instruments by dental practitioners. Accordingly, infection control by dental practitioners continued to be a key strategic focus this year. The Council exercised its immediate action powers to suspend or impose conditions on a number of dental practitioners to restrict them from practising the profession as needed. The Council also continues to work with key stakeholders, including the Dental Board of Australia, universities, NSW Health and dental professional associations, to promote continuing education and learning within the dental profession and to proactively assess the extent of compliance in NSW with standards and guidelines. An infection control working group established in the previous year continues to address issues through various means such as infection control audits. The audits directly assess sterilisation evidence to ensure compliance. The Council's proactive approach enables timely identification of any issues and early intervention to minimise any potential harm to patients. The Council will continue to communicate key messages directly to the profession to ensure infection control remains at the forefront of the minds of all dental practitioners in NSW.

The Council decided to increase the complaints component of the registration fee for NSW dental practitioners for 2016/17 to better regulate the profession in NSW and protect public health and safety. The fee increase will enable the Council to manage the increasing volume and complexity of regulatory activities; conduct audits and inspections of dental premises; and ensure safe practice and compliance with standards and guidelines.

Adjunct Associate Professor John Dale AO published the Records of Decision V on behalf of the Council this year. The Council sincerely thanks him for his hard work and dedication in publishing the book. Adjunct Associate Professor Dale has served the community of NSW for 28 years, including 19 years as President of the NSW Dental Board.

The Council farewelled members of its Assessment Committee and extends thanks to Dr Anna Enno, Dr Hugh Fleming, Dr Robert Smith and Mrs Maria Kelly for their hard work and effort in providing independent recommendations to the Council. The new Assessment Committee has been established and the Council warmly welcomes the new members Dr Mark Sinclair, Dr Megan Phillips, Dr Martin Fine and Mrs Frances Taylor.

The Council thanks its Professional Officers and Authorised Persons for their diligent work and contributions. The Council is also appreciative of stakeholders who have engaged in collaborative work with the Council, particularly the Dental Board of Australia.

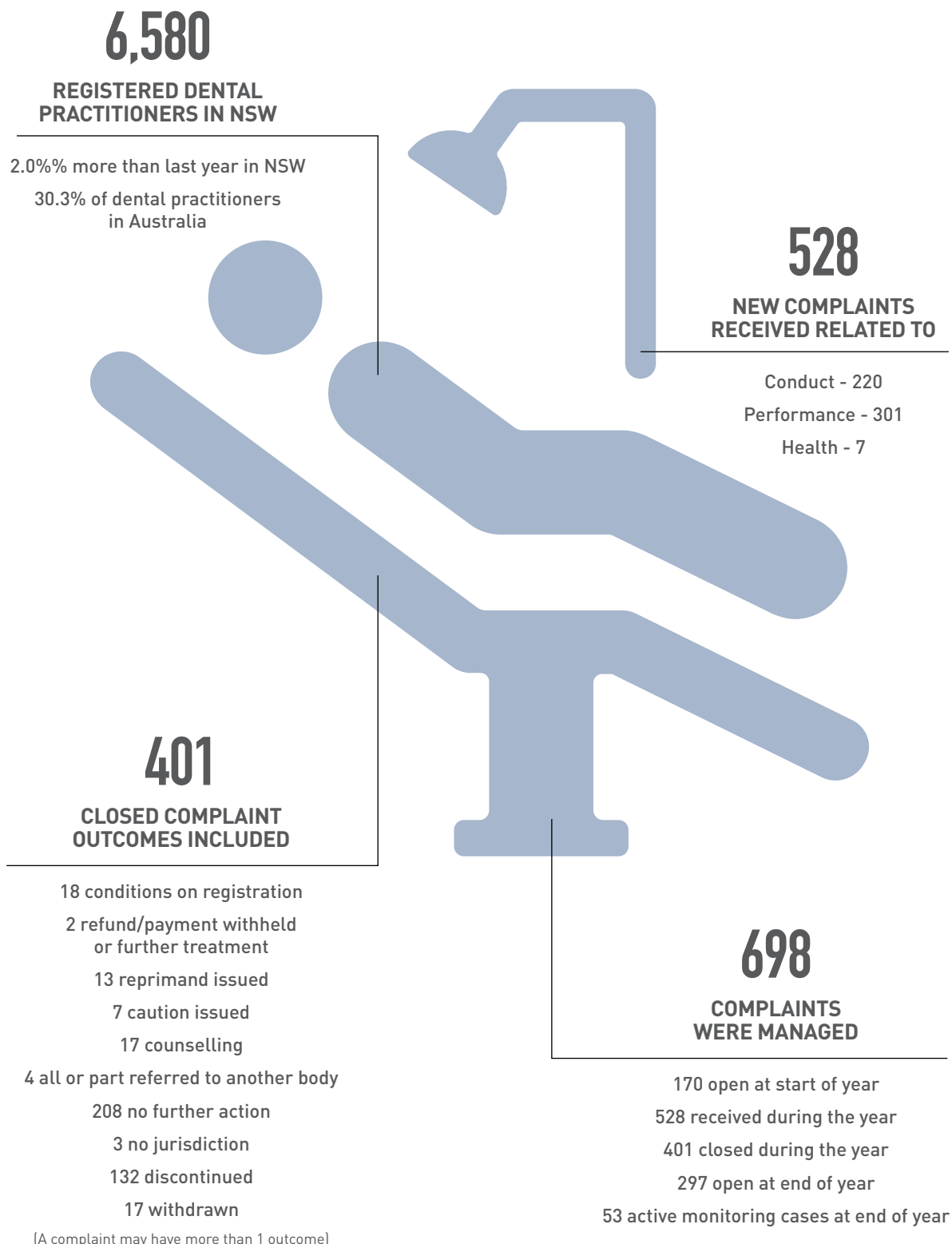
Finally, we wish to thank our Executive Officer, Farina Bains, and her staff, for their ongoing commitment to providing Council support services to a very high standard.

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

Conjoint Associate Professor William O'Reilly AM
President
Dental Council of NSW

Regulation of Dental Practitioners in 2015/16

Overview



Regulation of Dental Practitioners in NSW in 2015/16

Year in summary

As at 30 June 2016 NSW had 6,580 registered dental practitioners representing 30.3% of the 21,741 dental practitioners registered to practise in Australia. There was an increase of 2.0% on the 6,449 dental practitioners registered in NSW last year.

Dental practitioners include:

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

During the year the Dental Council of NSW managed 698 complaints including:

- 170 open matters at the start of the year
- 528 new complaints received during the year.

By year end 401 complaints had been closed and 298 matters remained open.

The 528 new complaints received this year were about 440 practitioners representing 6.69% of NSW registered dental practitioners. There were 188 more complaints received this year compared with the 340 complaints received in 2014/15 representing a 55.3% increase. One complainant lodged 143 complaints about dental practitioners' website content accounting for much of the significant increase in complaint numbers.

This year there were five mandatory notifications about five dental practitioners. Mandatory notifications made up 0.9% of complaints received about NSW registered dental practitioners this year.

Complaints were received from the following sources.

Source of Complaint	Number	Percentage of Total Complaints Received
AHPRA	6	1.1%
Council	5	0.9%
Education provider	2	0.4%
Employee	7	1.3%
Employer	3	0.6%
Government department	2	0.4%
Insurance company	12	2.3%
Members of the public	165	31.3%
Other health practitioners	5	0.9%
Patients	248	46.9%
Pharmaceutical services	2	0.4%
Relatives of patient or practitioner	57	10.8%
Treating practitioners	13	2.5%
Other	1	0.2%
TOTAL	528	100%

Complaints received about NSW dental practitioners related to:

- Conduct – 220 complaints representing 41.7% of complaints received
- Performance – 301 complaints representing 57.0% of complaints received
- Health – 7 complaints representing 1.3% of complaints received.

Thirty three complaints received immediate action consideration.

After Council consultations with the HCCC, 294 of the complaints received during the year were referred for Council management, that is 56% of complaints received.

Five matters were referred to NCAT.

A total of 99 assessments and hearings were concluded during the year including:

- Health assessments – 3
- Impaired Registrants Panels – 2
- Counselling or interviews – 29
- Assessment committees – 44
- Council inquiries – 19
- Tribunals – 2

When a complaint is closed it is possible to have more than one outcome. During the reporting period there were 421 outcomes for the 401 complaints closed as follows.

Outcomes	Number
Conditions on registration imposed	18
Refund/payment withheld or retreat	2
Reprimand issued	13
Caution issued	7
Counselling	17
All or part referred to another body	4
No further action required	208
No jurisdiction to act	3
Discontinued	132
Withdrawn	17
TOTAL	421

At year end 53 cases were being actively monitored including 28 conduct matters, 15 performance matters and 10 health matters.

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 AM, BDS(Syd), Dip Law, BAB, FACLM, CHE – President
- Dr Penny Burns BDS – Deputy President
- Dr Christine Biscoe BDS (Syd) (Dentist)
- Dr Anthony Burges BDS, FRACDS, FICD, FPFA, FADI (Dentist)
- Dr Kavita Lobo BDS (Hons) (Dentist)
- Mr Stephen McGlynn Adv Dip DP(Syd), Dip DT (Syd) (Dental Prosthetist)
- Dr John Pearman BDS (Syd), FPFA, FADI, FICD(Dentist)
- Dr Janet Wallace Dip DT, Dip BM, BOH, Grad Cert PTT, PhD (Oral Health Therapist).

The member involved in an approved program of study:

- Conjoint Associate Professor Frederic (Shane) Fryer BDS, MDSc (Syd), FRACDS, MRACDS(Orth), FICD.

Legal member

- Ms Rosemary MacDougal Dip Law (LPAB).

Community members:

- Mr Michael Miceli LLM
- Mr David Owen MBA, BSc.

Executive Officer

The Dental Council is supported by the Executive Officer, Ms Farina Bains, and seven staff, all 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 Penny Burns	11	11
Dr Christine Biscoe	9	11
Dr Anthony Burges	11	11
Conjoint Associate Professor Frederic Shane Fryer	8	11
Dr Kavita Lobo	9	11
Ms Rosemary MacDougal	10	11
Mr Stephen McGlynn	7	11
Mr Michael Miceli	10	11
Mr David Owen	7	11
Conjoint Associate Professor William O'Reilly	10	11
Dr John Pearman	10	11

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
- Dr John Pearman
- 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 Associate Professor William O'Reilly
- Dr Penny Burns
- 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 an Assessment Committee and an Impaired Registrants Panel.

Assessment Committee

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

The Term of Appointment for the Assessment Committee was 9 July 2012 to 30 June 2016. This committee met 11 times during the reporting period. Members of the Assessment Committee and their attendance at meetings was as follows.

Name	Role	Meetings Attended
Dr Anna Enno	Chair	9
Dr Hugh John Fleming	Member	6
Dr Robert Alexander Smith	Member	10
Ms Maria Kelly	Member	10

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. Panelists are drawn from a pool of members who are experienced in working with practitioners demonstrating problems with their health.

Members of the Impaired Registrants Panel and their attendance at meetings was as follows.

Name	Role	Meetings Attended
Dr Mary-Anne Friend	Medical Practitioner	3
Dr Angie Marie Lang	Dental Practitioner	4
Dr Beth Kotze	Medical Practitioner	1

Meetings and conferences

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

Name	Attendance
Council Presidents' Forum	Conjoint Associate Professor William O'Reilly
HPCA Audit and Risk Committee meetings	Mr Michael Miceli Mr David Owen
Dental Board of Australia's infection control forum	Conjoint Associate Professor Frederic Shane Fryer
Australian Dental Association's BDent4 day	Ms Sarah Carroll
Presentation to University of Newcastle final year Bachelor of Oral Health Students	Ms Farina Bains
ADA NSW and Dental Council of NSW strategic initiatives meetings	Conjoint Associate Professor William O'Reilly Dr Penny Burns

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 at www.dentalcouncil.nsw.gov.au.

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. Consultations were undertaken with a range of stakeholders 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 Dental Board of Australia, NSW Chief Dental Officer, ADA Inc, dental professional indemnifiers, dental professional associations, universities and medicolegal firms. The process is ongoing.

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.

During the reporting period the Council approved the following grants from its Education and Research account.

- \$38,187.60 towards the Australian Dental Association continuing professional development program.
- \$11,600 (excluding GST) for the publication of 1,500 copies of the Dental Council's Record of Decisions V.

Remuneration

Remuneration for members of the Council was as follows.

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

In addition, Council members received sitting fees 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 was as follows.

Accounts Performance 2015/16	\$
Revenue	2,421,683
Operating expenditure	2,334,525
Gain/(loss) on disposal	928
Net result	88,086
Net cash reserves (cash and cash equivalents minus current liabilities)	1,068,916

* Included in the net cash reserves is Education and Research bank account balance of \$438,450.

The Dental Council's budget for the period 1 July 2016 to 30 June 2017 is as follows.

Budget 2016/17	\$
Revenue	3,016,949
Operating expenditure	2,640,391
Net result	376,558

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