

## Summary

This fact sheet provides information about the role of the Dental Council of New South Wales. It covers:

- the role of the Council, how we are funded and who we are
- how dental practitioners are regulated in New South Wales (NSW), and
- how we define a complaint and the types of complaints we manage.

### **i** What is the Council?

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The Council is a statutory body that was established in July 2010 under the *Health Practitioner Regulation National Law (NSW)*. It is part of the National Registration and Accreditation Scheme. The Council consists of practising dental practitioners, a legal member and community representatives, all of whom are appointed by the Governor of NSW.

#### **What we do**

We aim to protect the health and safety of the public by:

- managing complaints about dental practitioners and dental students
- promoting compliance with professional standards.
- ensuring competency of practitioners according to registration standards.

This may include restricting the practice of dental practitioners.

Dental practitioners include dentists, dental hygienists, dental prosthetists, dental therapists, and oral health therapists.

#### **How we do this**

We focus on promoting safe professional practice, protecting public safety and minimising risk. Our objective is not to punish a dental practitioner. We assess the likelihood of harm to public safety and act to prevent unsafe practice and to minimise harm.

#### **How we are funded**

We are funded by a proportion of the annual registration fee paid by dental practitioners.

### **⚙** How does the regulation of dental practitioners work in NSW?

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In regulating dental practitioners we work with:

- the NSW Health Care Complaints Commission (HCCC). We consult with the HCCC about complaints relating to dental practitioners and students working or studying in NSW. The HCCC can independently investigate serious complaints involving poor conduct or misconduct, which can be prosecuted before the NSW Civil and Administrative Tribunal.
- the Health Professional Councils Authority, an administrative agency of the Ministry of Health which supports all 14 health professional councils in NSW.
- the Dental Board of Australia, supported by the Australian Health Practitioner Regulation Agency (AHPRA), which manages registration for individual dental practitioners. We collaborate with the Board in relation to professional standards.

# Fact sheet

## About the Council



## Further details about complaints

### What is a complaint?

A complaint is any concern made in writing about the professional performance, conduct, and/or health of a registered practitioner in NSW. It also covers any concerns about the criminal conduct or health of a student. We use the term 'complaint' to refer to:

#### 1. Mandatory notifications

All registered health practitioners, employers of dental practitioners and educational institutions with dental students, must tell the Dental Board of Australia / AHPRA about notifiable conduct.

The *National Law (NSW)* describes 'notifiable conduct' as:

- practising while intoxicated by alcohol or drugs
- sexual misconduct in the practice of the profession
- placing the public at risk of substantial harm because of an impairment (health issue), or
- placing the public at risk because of a significant departure from accepted professional standards.

#### 2. Complaints

Complaints from any person, including employers, educational institutions or members of the public such as patients or relatives of a patient.

#### 3. Self-notifications

Where a dental practitioner informs us or AHPRA about a relevant event or an issue which might impact their practice, such as being hospitalised due to a mental health issue.

#### 4. Complaints about students

Complaints in relation to dental students, if they relate to health or criminal conduct matters.

#### 5. National Board audit notifications

Complaints from AHPRA relating to non-compliance with registration requirements.

### Who manages a complaint?

**We can manage:**

**Performance matters**, such as unsafe practice or:

- communication issues
- inadequate or inappropriate treatment
- infection control breaches
- inadequate or inaccurate patient records.

**Conduct matters**, such as:

- breaching patient confidentiality
- inappropriate behaviour
- providing care beyond scope of practice
- inappropriate prescribing/administration of medications
- non compliance with a condition or undertaking
- a criminal conviction or a criminal finding for an offence
- providing unnecessary health services.

**Health matters**, such as:

- physical / mental health or
- drug and alcohol matters

that meet the definition of impairment under the *National Law (NSW)*.

**The Dental Board of Australia manages**

advertising issues and complaints about a person practising while unregistered or using a title when not qualified to do so.

**The HCCC manages** complaints referred for investigation and complaints about unregulated health workers and health service organisations.

**Fair Trading NSW manages** complaints about fees, claims for compensation and refunds.

**We cannot manage complaints:**

- if the person is not a registered dental practitioner or dental student
- about industrial issues or personal disputes with dental practitioners which are not about unsafe or inappropriate practice
- a complaint against a dental practice.