



## ***Dental Council of New South Wales***

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### **STATEMENT FROM THE DENTAL COUNCIL OF NSW REGARDING INFECTION CONTROL BREACHES IN FOUR DENTAL PRACTICES**

The Dental Council of NSW and NSW Health have investigated four dental clinics and have identified concerns relating to infection control.

The four practices are The Gentle Dentist, located in both Campsie and the Sydney Central Business District (CBD), and Dr Robert Craig Starkenburg's practices at Bondi Junction and Surry Hills.

The Dental Council of New South Wales manages complaints about the conduct, health and performance of NSW dental practitioners and dental students in NSW. The processes for dealing with complaints are set out in the *Health Practitioner Regulation National Law (NSW)* (the National Law (NSW)). The Dental Council works in partnership with the Health Care Complaints Commission (HCCC); the Dental Council and the HCCC jointly assess all complaints received in order to determine the appropriate action. This includes whether a matter is to be investigated or prosecuted by the HCCC. Further information is available on the HCCC website [www.hccc.nsw.gov.au](http://www.hccc.nsw.gov.au) and the Dental Council's website [www.dentalcouncil.nsw.gov.au](http://www.dentalcouncil.nsw.gov.au).

In NSW, the HCCC investigates complaints against all health practitioners, including dental practitioners, and prosecutes serious complaints before a disciplinary body. For registered dental practitioners, the HCCC prosecutes serious complaints before the NSW Civil and Administrative Tribunal (NCAT).

The Dental Council manages less serious matters of unsatisfactory professional conduct and can make orders and / or impose conditions in these cases. The complaints which have led to orders / conditions on registration have predominantly related to inadequate treatment. As a result of the Dental Council's consideration of the matter, the Dental Council has the powers to:

- direct that specified conditions relating to the practitioner's practice be imposed on the practitioner's practice, or impose conditions or suspend a practitioner with his or her consent;
- order the practitioner to complete a specified education course;
- order the practitioner to report on his or her practice and / or seek and take advice on the management of his or her practice;
- order the practitioner to seek and undergo medical treatment or counselling;
- fine the practitioner;
- caution or reprimand the practitioner;
- order the practitioner to refund or forego payment; or
- determine that no further action is required by the Dental Council.

The Dental Council also has interim immediate action powers under section 150 of the National Law (NSW) to suspend or impose conditions on a dental practitioner's registration, including while a matter is under investigation, if it is appropriate to do so in order to protect the health and safety of the public.

The Dental Council's Annual Reports outline the actions taken by the Dental Council and outcomes; these are available on the Dental Council's website at <http://www.hpca.nsw.gov.au/Dental-Council/Publications-and-Policies/Annual-Reports/Annual-Reports/default.aspx>.

All dental practitioners are required to comply with the Dental Board of Australia's '*Guidelines on infection control*'. In the event that the Dental Council receives a complaint raising concerns about a dental practitioner's infection control procedure, the Dental Council may authorise an inspection of the dental practice in order to assess compliance with the Dental Board of Australia's Guidelines. The Dental Council will also carry out inspections of dental practices for other aspects of its functions under the National Law (NSW), such as monitoring compliance with conditions of registration.

The Dental Council does not have the power to routinely conduct inspections of dental practices.

The Dental Council of NSW suspended the registration of the Director of the Gentle Dentist, Dr Samson Sing Chan on 11 March 2015, using its powers to take immediate action to protect the public, as well as four other dentists who had worked at The Gentle Dentist.

A further six dentists from The Gentle Dentist have had conditions imposed on their registration.

Dr Starkenburg was suspended from practice on 2 December 2014.

The Dental Council of NSW has referred Dr Starkenburg and practitioners at The Gentle Dentist who have had action taken against them, to the HCCC for investigation.

There are strict confidentiality requirements under section 216 of the National Law (NSW) which prevent the Dental Council from disclosing information about individual complaints. The Dental Council is also unable to disclose confidential information about an individual practitioner unless it is information that is recorded on the national register of practitioners or is otherwise publicly available.

The Gentle Dentist is not connected in any way with a number of other practices that may have similar names.

#### **Media enquiries**

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