

## DECISION:

### MS BRIONY DUNT (DENTAL THERAPIST)

23<sup>rd</sup> MAY 2003

**Panel:** Mr Victor Harcourt  
Ms Suzanne Lightfoot-Brown  
Dr Anthony Robertson

The Panel, having considered the evidence and submissions placed before it found the following allegations in the Notice of Formal Hearing to be established:

- 3(a) Ms Dunt breached the Code of Practice of the Board concerning the practice of dentistry by dental hygienists and dental therapists by providing dental health care to a patient above the age of 18 without the prescription of a practising dentist, and further that:
- (i) this occurred on the evening of Wednesday, 4 September 2002 at the Warragul School Dental Service Clinic;
  - (ii) the name of the adult patient is not known but was a female friend of Ms Dunt's aged approximately 22;
  - (iii) Ms Dunt provided dental health care( being a scale and clean).
- (b) In addition, Ms Dunt performed this dental health care on the patient in a surreptitious manner without the knowledge, authority or consent of her employer, Dental Health Services Victoria ("DHSV") and utilising resources, facilities and equipment which Ms Dunt was not lawfully entitled to use;
- (c) Ms Dunt breached the terms of her agreement with DHSV to the extent that she agreed she would "*provide direct patient care in accordance with DPBV Code of Practice for Dental Auxiliaries*";
- (d) Ms Dunt misled officers of both DHSV and the Dental Practice Board of Victoria by wrongly denying that she treated any person at Warragul School Dental Service Clinic on the evening of Wednesday, 4 September 2002;
- (e) Ms Dunt breached sections 4(2)(b)(iii) and 19(1) of the *Dental Practice Act 1999* by:
- (i) failing to inform the Board in writing of the address of the premises where Ms Dunt proposed to provide dental care; and
  - (ii) failing to notify the Board in writing of the address of any premises where Ms Dunt was providing dental care which had not been notified to the Board under section 4(2)(b)(iii);
- (f) Ms Dunt did not have professional indemnity insurance in place in regard to the dental health care which she provided to a patient on Wednesday, 4 September 2002 and was accordingly in breach of her obligation to comply with this Board's minimum terms and conditions for professional indemnity insurance whenever she was providing dental health care in Victoria.

The Panel found that the breaches set out in paragraphs 3(a), (b), (c), (d), (e) and (f) constituted unprofessional conduct, as defined in section 3 of the *Dental Practice Act 1999*, of a serious nature.

Having considered the matter and having given due weight to the submissions placed before it, the Panel considered it appropriate under section 47(2) of the *Dental Practice Act 1999* to impose the following penalty:

1. Ms Dunt was required to undergo counselling by an officer or officers of the Dental Practice Board in relation to her professional responsibilities;
2. She was cautioned that any further breach of the Code of Practice of the Board concerning the practice of dentistry by dental hygienists and dental therapists to the effect established in this hearing might lead to suspension or cancellation of her registration as a dental therapist;
3. She was reprimanded for her conduct;
4. A fine of \$500.00 was imposed on her.

The fine was to be paid by and the counselling undertaken by 29 August 2003. Ms Dunt was told that should the fine not be paid or the counselling not undertaken by 29 August 2003 her registration as a dental therapist might be suspended or cancelled pursuant to section 47(5) of the *Dental Practice Act 1999*.

The Panel formally recorded its serious concerns about the conduct of Ms Dunt and her apparent disregard of her professional responsibilities. The Board however determined to impose a penalty less onerous than may otherwise have been imposed having considered the submissions put before it, the nature of the unprofessional conduct, the expressions of regret from Ms Dunt and her personal circumstances.

Evidence was presented to the Panel as to the discovery of Ms Dunt on the evening of Wednesday, 4 September 2002 at the Warragul School Dental Service Clinic by Ms L. The Panel accepted the evidence of Ms L concerning her observations of Ms Dunt and the patient. The evidence of Ms L established that Ms Dunt was sufficiently concerned about her conduct to request Ms L not to tell anyone about Ms Dunt's presence in the Clinic unless Ms L was asked.

The Panel also accepted the evidence of Ms K, a senior employee of Dental Health Services Victoria, who spoke with Ms Dunt on 10 September 2002 during the course of which Ms Dunt admitted that she had treated the patient by performing a scale and clean. Ms K's evidence in this regard was not shaken.

The Panel found highly improbable Ms Dunt's submissions as to her conduct on the evening of Wednesday, 4 September, and preferred the evidence of Ms L and Ms K in all material respects. The Panel accepted Ms Dunt's expressions of sincere regret about the wrongfulness of her conduct.