

## DECISION:

**MR KENNETH MORRISS (DENTAL PROSTHETIST)**

**23 MAY and 13 JUNE 2002**

**PANEL: Dr Ross Green  
Mr Jack Harty  
Mr Craig McCracken**

The Victorian Denture Scheme (“VDS”) is a arrangement, funded by the Department of Human Services, under which dentures are provided (to patients with low incomes) at a subsidised rate. Under the scheme participating dentists and dental prosthetists agree to accept the Government subsidy, plus a nominal contribution by the patient, as payment for providing the dentures.

It was alleged against Mr Morriss that, while a participating practitioner in the VDS, he charged a number of his patients a further fee in addition to the Government subsidy and the patient contribution.

Specifically, it was alleged that:

- (a) Mr Morriss provided Patient A with full upper and full lower dentures authorised under the VDS scheme but, in addition to the fees which he was entitled to receive, he charged the patient a total fee of \$450.00;
- (b) Mr Morriss provided Patient B with full upper and full lower dentures authorised under the VDS scheme but, in addition to the fees which he was entitled to receive, he charged the patient a total fee of \$430.00;
- (c) Mr Morriss provided Patient C with full upper and full lower dentures authorised under the VDS scheme but, in addition to the fees which he was entitled to receive, he charged the patient a total fee of \$430.00;
- (d) Mr Morriss provided Patient D with full upper and full lower dentures authorised under the VDS scheme but, in addition to the fees which he was entitled to receive, he charged the patient a total fee of \$455.00.

The panel found that each of the allegations had been proved and that Mr Morriss had been guilty of unprofessional conduct of a serious nature.

It was the panel’s opinion that this case centred on only a few relevant issues.

The Guidelines of the Victorian Denture Scheme clearly state that patients must not be charged amounts over and above the published amount for items of care already included in the scheme. The VDS schedule includes full dentures. The Guidelines state that treating a patient and subsequently submitting a claim for payment, is taken as an agreement to adhere to program guidelines.

Mr Morriss admitted that he had an obligation to abide by the Scheme guidelines. He admitted that he had received a copy of those guidelines. He also admitted having applied in writing to be included in the participating practitioner lists for the VDS. Evidence was presented that Mr Morriss submitted claims for payment under the VDS for full dentures supplied to the four patients. He admitted that he had charged them amounts ranging from \$430 to \$455, when the guidelines stipulate a patient payment of only \$85.

The Panel did not accept the argument put on Mr Morriss’ behalf that spending additional time on a case, using special trays to take secondary impressions, or using “anatomical” articulators constitute additional denture services under the meaning of that term in the Participating Practitioner Guidelines. The panel was

of the opinion that the guidelines are sufficiently clear to allow practitioners to have a clear understanding of the concept of additional denture services in this context. This is particularly so as the examples of allowable additional services listed in the guidelines are all physically identifiable items. No evidence was presented that items such as secondary impressions, extra time taken, the use of “anatomical” articulators, or a choice of teeth, are services which are normally (or indeed ever) separately itemised and billed to or on behalf of denture patients, in public or private practice.

The panel found Mr Morriss’ conduct in using the VDS to promote himself to pensioner groups, when, by his own admission, he was not prepared to provide dentures under the rules of the scheme, to be of particular concern.

The evidence given by Patients C and D (a married couple), that the money they paid to Mr Morriss was their “emergency fund”, and by Patient B that he had to borrow money to pay Mr Morriss, highlights the extremely limited means of the patients involved in this case. These are the people whom the VDS was intended to help, and additional payments of this magnitude place a heavy financial burden on them.

The panel reprimanded Mr Morriss and directed that he:

- 1) be not be permitted to perform clinical procedures for patients under the Victorian Denture Scheme until July 1<sup>st</sup> 2004; and
- 2) be fined the amount of \$4000.