

File No. 98HDC17882

IN THE DENTISTS DISCIPLINARY TRIBUNAL

IN THE MATTER of the Dental Act 1988

AND

IN THE MATTER of a complaint by **The Director of Proceedings of the Health and Disability Commissioner** against **Natu Rama** of Auckland, Dentist.

TRIBUNAL Dr D D Bambery (Chair)
Dr C A Casswell
Dr P A C Coote
Ms W Davis
Ms W Davis

LEGAL ASSESSOR Mr D Howman

**TRIBUNALS
OFFICER** Mrs S D'Ath

COUNSEL Ms M A McDowell (Director of Proceedings)
Mr P Collins (for Dr Rama)

**DATE OF
HEARING** 2 – 3 May 2002 and
12 August 2002

**DATE OF
DECISION** 13 August 2002

**DATE OF
DECISION ON
PENALTY** 11 November 2002

DECISION OF THE TRIBUNAL

PENALTY

The Tribunal has found that Dr Rama installed a temporary bridge in Mrs A's mouth which was of an unacceptable standard and therefore under s 54(1)(b) of the Dental Act 1988 is guilty of an act which was detrimental to the patient.

The Tribunal has also found that Dr Rama failed to appropriately follow up Mrs A's dental care as set out in particular C. In relation to this charge the Tribunal has found under s 54(1)(c) of the Dental Act 1988 that Dr Rama is guilty of professional misconduct.

In respect of the charges the Tribunal orders under s 55(1)(d) of the Act that Dr Rama shall pay a fine of \$4,700 and under s 55(1)(e) of the Act that Dr Rama be censured. The Tribunal also considered whether it should impose conditions on practice but concluded that it was not practicable to impose conditions which would address meaningfully the issues of follow up care which the Tribunal upheld as the more serious of the particulars. The Tribunal decided that this was more appropriately addressed through the imposition of a fine at a level which reflects the seriousness of Dr Rama's failure to follow up the complainant's dental care in this case.

In reaching its decision on penalty the Tribunal considered:

- That Dr Rama's conduct in failing to appropriately follow up Mrs A's dental care was a gross abrogation of his professional responsibilities as a dentist.
- The repetitive cancelling of appointments caused Mrs A pain and discomfort for some 4 months.
- Mrs A suffered financially by having paid \$1,700 upfront for the inadequate bridgework.
- Dr Rama deliberately avoided completed Mrs A's treatment.

In mitigation the Tribunal considered:

- This was Dr Rama's first adverse finding before the Tribunal
- The events deteriorated following an initial breakdown in communication when the teeth were prepared for a bridge instead of an implant being place.
- There were long delays before the hearing took place

COSTS

The Tribunal orders that Dr Rama meets 20% of the costs of and incidental to the Dentists Disciplinary tribunal process.

NAME SUPPRESSION

In professional disciplinary context the established principles applicable to name suppression favour openness. After carefully considering all of the submissions made by Mr Collins in support of suppression and then carefully weighing the public interest against the interests of Dr Rama the Tribunal makes no order regarding name suppression.

In reaching this decision the Tribunal took into account that there was an earlier publication following the Health and Disability Commissioner's report and opinion after the investigation into the patient's complaint. However, in the Tribunal's view this was not a compelling enough reason to outweigh the public interest in having publication of the name of those professionals found responsible for unacceptable professional behaviour.

Dexter Bambery

(Chairperson, Dentists Disciplinary Tribunal)