

Information for oral health practitioners

What to expect during a professional conduct committee investigation

The Dental Council is responsible for assessing concerns about oral health practitioners to ensure public safety and uphold professional standards. When a concern is raised about a practitioner's conduct or the safety of their practice, the Council may decide to initiate an investigation by a professional conduct committee (PCC).

This guide explains what you can expect if you are being investigated by a PCC, and how to navigate the process.

Support during the investigation process

We understand that being the subject of a PCC investigation can be a stressful and uncertain experience. You don't have to go through this process alone – support is available to help you navigate the process. While it's entirely your choice whether to seek support, we encourage you to consider doing so to help manage both the professional and personal impacts.

You may wish to:

- Contact your professional indemnifier for advice and support
- Seek independent legal advice
- Speak with your professional association for peer assistance
- Access health and wellbeing support services.

If you would like assistance in connecting with support services, you are welcome to contact us confidentially at any time.

How did I get here?

Oral health practitioners are expected to respect patient rights and follow the ethical principles and professional standards described in the [Standards Framework for Oral Health Practitioners](#). Failing to provide appropriate care or acting in a way that compromises professional integrity may lead to a disciplinary process.

Concerns about a practitioner's conduct or the safety of their practice can be raised from various sources, such as members of the public, colleagues, employers, other health practitioners, the Health and Disability Commissioner (HDC), Police, or a court notification of a conviction.

When the Council receives information that raises questions about your conduct or the safety of your practice, it may refer the matter to a PCC for investigation. This referral is part of the Council's responsibility to uphold public safety and professional standards. It does not imply that misconduct has occurred, but rather that the concerns raised warrant further review through an established and impartial process.

How does the PCC work?

A PCC is an independent committee appointed by the Dental Council to investigate concerns about a practitioner's conduct or the safety of their practice. It provides a fair and thorough process to assess the concerns raised and ensure professional standards are upheld.

Each PCC includes:

- **Two oral health practitioners** (usually with experience relevant to your scope of practice)
- **One layperson** (someone outside the profession who brings a public perspective).

You'll be informed of the proposed members and can raise any concerns you might have. The notifier (if there is one) may also do the same.

Once the PCC is appointed:

- You'll receive all information that has been provided to the PCC for the investigation, including the specific concerns referred by the Council
- The PCC may appoint an investigator to gather information and speak with those involved
- A legal advisor may be appointed to assist the PCC with procedural matters.

The PCC regulates its own procedures, with the PCC Chair responsible for ensuring the investigation is conducted fairly and in a timely manner. Once the investigation is underway, the PCC Chair will be your main point of contact. The process is private and confidential, and you'll be kept informed throughout.

What information can the PCC receive?

The PCC may obtain and consider:

- Oral evidence or written statements from you, your employer, colleagues, the notifier, expert advisers, or any other person it identifies as relevant to its investigation
- Any statement, document, or information that may assist the investigation, even if it wouldn't be admissible in court
- Specific information that the PCC may require to be produced by any person, where appropriate, to support its inquiries.

While there is no obligation for anyone to meet with the PCC, participation is encouraged to support a fair and thorough process.

Will you get a chance to respond?

Yes. You'll be invited to:

- Provide a written response
- Meet with the PCC to discuss the concerns
- Bring a support person. This could be a lawyer, colleague, friend, or whānau member.

Practising under a PCC

In most cases, you can continue practising while a PCC process is underway. The Dental Council's primary concern is public safety. If there are concerns that your practice may put patients at risk or is otherwise inappropriate, the Council may make interim orders under sections 69 and 69A of the Health Practitioners Competence Assurance Act 2003. These temporary orders can include:

- placing conditions on your scope of practice,
- requiring supervision or oversight, or
- suspending your practising certificate.

Decisions are made with transparency. You will be informed and given an opportunity to respond, and all interim orders are subject to review. On rare occasions, where there is an immediate risk of serious harm, the Council may suspend a practising certificate without delay.

What are the possible outcomes?

After completing its investigation, the PCC will prepare a report containing its determination and/or recommendation(s) under section 80 of the **Health Practitioners Assurance Act 2003**. This report and decision are provided simultaneously to you (the practitioner), to the notifier (if there is one), and to the Dental Council.

The Dental Council then considers the PCC's report and may act on its recommendations. However, the PCC's investigation and determination are final and are not subject to review or alteration by the Dental Council.

The PCC may determine that:

- No further action be taken
- Disciplinary proceedings be initiated before the **Health Practitioners Disciplinary Tribunal (HPDT)**. More information on that process is available at www.hpdt.org.nz
- The matter be referred to an independent conciliator to help resolve it by agreement if the investigation relates to a complaint.

The PCC may also recommend that the Council:

- Reviews your competence, fitness to practise, or scope of practice
- Refers the matter under investigation to the Police
- Provides counselling or other support.

You'll be able to review the PCC's decision and any recommendations once the investigation has concluded. If the PCC has made recommendations to the Dental Council, you'll be informed of the Council's response and any next steps. Any notifier will also be updated.

Can the PCC decision be appealed?

No. PCC decisions are final and cannot be appealed.

However, if the matter proceeds to a HPDT hearing, you may appeal the HPDT's decision. Your appeal rights will be outlined by the Tribunal when its decision is issued.

How long will an investigation take?

PCC investigations typically take between 8 to 12 months from the time the PCC is established. However, timeframes may vary depending on the complexity of the issues, the availability of those involved, and other factors. Delays can also occur if there are difficulties in obtaining information or if a practitioner does not engage with the process in a timely way.

You'll receive updates from the PCC Chair every 6 to 8 weeks and be notified of the PCC's decision within 14 working days of the investigation concluding.

If recommendations are made, the Council will consider them and advise you of any resulting actions.

Are there any costs involved?

As the practitioner under investigation, there is no direct cost to you for the PCC process. The cost of the PCC is funded through the disciplinary levy paid by oral health practitioners. This reflects the profession's collective responsibility to support regulatory processes that uphold public safety and maintain trust in the profession.

However, if a charge is laid and the HPDT makes an adverse finding, you may be ordered to contribute to the costs of both the PCC investigation and the HPDT hearing.

Confidentiality of information

The PCC treats all information obtained during an investigation as confidential. It may only be used or disclosed for purposes permitted under the Health Practitioners Competence Assurance Act 2003. This includes protecting personal and clinical information with appropriate safeguards against unauthorised access or misuse.

All parties involved are expected to uphold these privacy obligations.

Need support?

Being involved in a PCC investigation can feel overwhelming. It's okay to ask for help. You may wish to:

- Contact your indemnifier for advice and legal support
- Speak with a trusted colleague or mentor
- Reach out to your professional association for peer assistance
- Access confidential support services if you're feeling stressed or anxious.

Still have questions?

If you're unsure about any part of the process, you're welcome to contact us or reach out to the PCC Chair directly. We're available to answer questions and help clarify what to expect.

You can contact us at:

Dental Council

Level 7, 22 The Terrace, Wellington 6011

Phone: +64 4 499 4820

Email: protection@dcnz.org.nz

Website: www.dcnz.org.nz

Dental Council

Te Kaunihera Tiaki Niho