



Health and Disability Commissioner
Te Toihau Hauora, Hauātanga

**Dentist referred to Director of Proceedings for breaching Code
19HDC00777**

The Deputy Health and Disability Commissioner has found a dentist breached the Code of Health and Disability Services Consumers' Rights (the Code) in his sub-standard treatment of a woman over a period of three years.

The woman complained that over that time she, “endured unbearable physical and psychological suffering and hardship” and that the dentist left her teeth in a worse state than their original condition.

Dr Vanessa Caldwell found the dentist breached Right 1 for failing to treat her with respect, and Right 4 for failing to provide services with reasonable care and skill in a way that minimises potential harm, and for poor clinical record keeping that failed to comply with professional standards.

Dr Caldwell also found the dentist breached Right 10 for not accepting the woman's written and verbal complaints about his care, and not facilitating a fair, simple, speedy and efficient resolution of her complaint.

The Dentist has been referred to the Director of Proceedings for care that was severely below the appropriate standard in all areas and for his dishonest conduct in altering the woman's records.

The breaches relate to dental care provided to the woman at Total Health Dentistry Limited for placement of implants, teeth extraction, periodontal care and purchase of dentures. The woman told HDC she'd spent more than \$16,000 to treat her teeth but that they were left in a worse state than their original condition.

The dentist said his only involvement in the woman's treatment was dental implant placement and two other dentists worked on the woman's other treatments independently.

Dr Caldwell agreed with her independent advisor who indicated that the dentist was the lead dentist as he had carried out the initial consultation, discussed and agreed to the treatment plan, managed the informed consent considerations, carried out the surgery, and also noting the full costs were paid to that dentist rather than the other dental providers. As the lead dentist, he carried the responsibility for her care planning.

Dr Caldwell said, “I am very concerned about many aspects of this dentist's practice, including that he recommended what the woman understood to be household bleach in her water flosser. I find that the treatment of the woman's periodontitis

was not of an appropriate standard and that overall the dentist failed to provide services with reasonable care and skill.”

Although the dentist had been cautioned earlier by the Dental Council not to promote himself as a periodontist as it is a legally protected title for registered practitioners in this specialist scope of practice, he appears to have continued to do so during the period of this woman’s treatment.

Dr Caldwell made adverse comment about Total Health Dentistry Limited which owned and operated the clinic. She agreed with the expert’s advice that asking the woman to make full payment prior to her lengthy treatment was unusual and not recommended.

In addition to referring the dentist to the Director of Proceedings, Dr Caldwell recommended the dentist apologise to the woman in writing and cease referring to himself as a periodontist as long as he remains unregistered with the Dental Council for this specialist area of practice.

The Dental Council register also currently states that he “[m]ay not practise in the General Dental Practice Scope of Practice”. Dr Caldwell has recommended the dentist comply with all restrictions and supervisions of practice imposed by the Dental Council and has asked for audit/progress reports of these measures at least every six months for two years.

Dr Caldwell recommended Total Health Dentistry Limited arrange an inspection by an approved Dental Council evaluator and provide the report to HDC, along with developing policies for its service payment, and supplying these policies to HDC.

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Editor’s notes

The full report of this case will be available on HDC’s [website](#). Names have been removed from the report to protect privacy of the individuals involved in this case.

The Commissioner will usually name providers and public hospitals found in breach of the Code, unless it would not be in the public interest, or would unfairly compromise the privacy interests of an individual provider or a consumer.

More information for the media, including HDC’s naming policy and why we don’t comment on complaints, can be found on our website [here](#).

HDC promotes and protects the rights of people using health and disability services as set out in the [Code of Health and Disability Services Consumers’ Rights](#) (the Code).

In 2021/22 HDC made 402 recommendations for quality improvement and providers complied with 98% of those recommendation.

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