



Briefing Note regarding the need for a new Dental Act

The Dental Council and the Irish Dental Association (IDA), the representative organisation for dentists in Ireland, have made repeated submissions to the Minister for Health and the Department over the last two decades for a new Dental Act. The shared view is that the 1985 Act is outdated and worryingly limited for present day regulatory needs. The Dental Council is clear that due to omissions and weaknesses of the 1985 Act it is unable to adequately meet its legal obligations, set by the Act, *to provide for the regulation and control of persons in the practice of dentistry and to promote high standards of professional education and professional conduct among dentists.*

There are two major gaps in the present Act that pose significant risks to public safety: the failure to oblige registrants to maintain their ongoing competence and the failure to regulate dental practices.

Deficits in the regulation of dentistry were highlighted on RTE's Prime Time programmes in April and September and on RTE Radio 1's Morning Ireland as recently as 9th November 2023. The President of the Dental Council, Dr Gerry Cleary, wrote to Minister Donnelly stating clearly the Council's concerns at the failure to have a regulatory system that adequately protects people attending dentists in Ireland. Dr Cleary awaits a reply.

Amongst the issues highlighted by the RTE Investigates journalist are:

- A person with a conviction for sexual assault who is not registered with the Dental Council of Ireland has been practising as a dentist here.
- In another case, a registered dentist was alerted to a referral letter purporting to be signed by him when a patient presented at a different clinic for an x-ray. The dentist had never worked in the practice named on the referral letter nor had he ever treated the patient. It is not known who signed the referral letter in the dentist's name.
- Several allegations have also been made to the Dental Council in relation to a practice in Dublin where it is believed several unregistered dentists were working.
- Other complaints relate to someone purporting to be a registered dentist who repeatedly saw a child with a severe dental infection but did not treat the infection appropriately. The eight-year-old girl, who presented at the clinic with an abscess, was not x-rayed nor was she prescribed antibiotics, leading to the infection becoming progressively more serious.

- since 2015 the Dental Council has been unable to investigate 37 dentists practicing in Ireland who have had sanctions or restrictions imposed on their work in other jurisdictions. Twelve of those notifications have been received by the Dental Council since the Regulated Professions (Health and Social Care) (Amendment) Act was signed into law in 2020. All 12 individuals continue to work in Ireland.

The Dental Council is aware of other incidences of harm to the public but, due to the inadequacies of the 1985 Act, is unable to take the required action.

Ad hoc attempts have been made to redress some of the numerous deficiencies of the 1985 Act, in particular, the Regulated Professions (Health and Social Care) (Amendment) Act 2020. But three years later, this has yet to be commenced for dentists. The Act, even if it had commenced, would not have resolved the issues highlighted by Prime Time. In addition, a proposed amendment to the Act by Deputy Róisín Shortall for mandatory continued professional development for those on the Council's Registers, in May 2023, was rejected by Minister Donnelly.

One year after the passing of the Regulated Professions Act, on the invitation of the Department, the Dental Council made a thoughtful but practical submission, *Submission Regarding Legislative Change in Dental Regulations*, which the IDA supports as the way forward for the regulation of dentistry.

This submission:

- identifies gaps in the dental regulatory framework which represents risks to the public,
- identifies existing regulatory legislation in Ireland that could be adapted to address these gaps, and
- demonstrates how the Dental Council's vision for legislative change aligns with Smile agus Sláinte (NOHP).

The need to align with the NOHP is repeatedly used by the Department to excuse the delay in providing a new Act.

The Dental Council's submission recommends a series of integrated proposals predicated on the Council being responsible for each part, which, again, the IDA supports. The IDA believes that a fragmentary approach to dental regulation has failed already as the area needs rudimentary overhaul just to catch-up with today's demand. The Dental Council's submission does a lot of the groundwork for that overhaul.