

Scottish Parliament Region: Glasgow

Case 200500848: A Dentist, Greater Glasgow and Clyde NHS Board

Summary of Investigation

Category

Health: Dentist

Overview

The complainant (Mrs C) raised concerns about the way in which a dentist (the Dentist) had removed her and her children from the practice list.

Specific complaint and conclusion

The complaint which has been investigated is that Mrs C and her children were removed improperly from the Dentist's Practice list (*no finding*).

Redress and recommendation

The Ombudsman recommends that the Dentist familiarise himself with the regulations governing removal of NHS patients from practice lists.

The Dentist has accepted the recommendation and will act on it accordingly.

Main Investigation Report

Introduction

1. On 29 June 2005 the Ombudsman received a complaint from a woman referred to in this report as Mrs C that she and her children had been removed improperly from the dentist (the Dentist)'s practice list. Mrs C complained that during a telephone conversation between the Dentist and her husband, the Dentist had said that Mrs C and her children were no longer welcome at his surgery. When she telephoned the Dentist, she was told not to return to the surgery and was unhappy about the way the Dentist had spoken to her.

2. The complaint from Mrs C which I have investigated is that Mrs C and her children were removed improperly from the Dentist's Practice list.

Investigation

3. In writing this report I have had access to documents provided by Mrs C, Mrs C's clinical records covering the period of the complaint and the correspondence relating to the complaint from the Dentist. I also obtained further information from Mrs C and the Dentist by telephone interview. I have not included in this report every detail investigated but I am satisfied that no matter of significance has been overlooked. Mrs C and the Dentist were given an opportunity to comment on a draft of this report.

Complaint: Mrs C and her children were removed improperly from the Dentist's Practice list

4. Mrs C complained to the Dentist on 20 June 2005 about being removed from the practice list and the way which she and her husband had been spoken to by the Dentist. The complaint letter indicated that it was from Mr and Mrs C. On 22 June, the Dentist responded that Mr C had not kept their agreement to complete the course of treatment recommended, attend the appointments made or provide adequate notice of cancellation and so was not a patient of his practice. The Dentist also referred to Mr C's manner during their telephone call as aggressive and intimidating.¹

5. In a telephone interview with Mrs C, she said that in early June 2005 she had telephoned the receptionist at the Dentist's practice to cancel her husband's

¹ There is no evidence that Mr C had been an NHS patient of the Dentist and so his removal did not form part of the investigation.

appointment and the receptionist had responded that that was fine. However, when she tried to make another appointment for her husband several weeks later, the receptionist had first said that was fine, but then telephoned back later to say Mr C was no longer a patient of the practice. Mrs C told her husband who then telephoned the Dentist. The Dentist told Mr C that neither Mrs C nor her children were welcome at his surgery. Mr C told Mrs C this. Mrs C telephoned the Dentist. She could not remember exactly what she said during this telephone conversation, but it was something along the lines of that she was not being funny but that she had completed her course of treatment and had been told by him to come back in six months time. The Dentist responded that she was no longer welcome in his surgery, that she had lied and not to contact him again. She said he was angry and abrupt during this conversation and put the telephone down on her. She could not say for sure what happened between her husband and the Dentist as she was not there when the conversation took place.

6. In a telephone interview with the Dentist, he said that Mr C had telephoned requesting emergency treatment but had been told by the receptionist that as he had cancelled his appointment without any notice, he was no longer registered with the practice. The Dentist went on to say that Mr C had been abusive on the telephone, calling the receptionist names and she became very upset. When Mr C telephoned again, the receptionist would not speak to him and the Dentist spoke to him. The Dentist said that Mr C proceeded to make threats and was aggressive towards him. The Dentist told him to watch his language and ended the conversation. At no point did the Dentist say that Mrs C and children were not welcome at the practice.

7. Mrs C then telephoned and asked the Dentist to please see Mr C for emergency treatment. She apologised for her husband's behaviour. She also asked if she would still be seen by the Dentist. As the Dentist could not remember whether Mrs C had kept to the agreed plan for dental treatment made when she first came to see him, he made a bland statement along the lines of had she kept to their agreement, she would continue to be seen but if she had broken it, she would not be seen². (In written communication with me, the Dentist indicated that at this time Mrs C had been registered as an NHS

² It is the Dentist's practice to register NHS patients when they have completed an agreed course of treatment and kept the appointments made or provided adequate notice of cancellation.

patient with him and that he had taken no action to remove her from the list.) At no point did he say that she and the children were not welcome nor to stop contacting the surgery. However, he could not remember if he had said that she had been lying. He said she responded by asking him why he would not see her husband. His refusal to see her husband was the focus of his conversation with Mrs C. He could not recall how the conversation ended but he remembered that he felt obliged to protect his member of staff from Mr C. At no point during this conversation did he feel that Mrs C was making a complaint and so did not outline the practice's complaints procedure.

8. The Dentist said he found the initial complaint letter from Mr and Mrs C confusing and had assumed that the complaint concerned solely his refusal to treat Mr C. He was not aware of the regulations governing the procedure to remove patients as he had never de-registered anyone. The Dentist said that Mrs C had not been completely truthful. For example, her complaint letter was inconsistent as it had suggested that they had given 24 hours notice of the cancellation of Mr C's appointment which meant that Mrs C had telephoned on the Sunday. But the practice did not receive a telephone call on this day. Furthermore, if she had made the call, then she would not have telephoned again on the day of the appointment (9 May 2005).

Conclusion

9. This complaint involves conflicting accounts of telephone conversations in the main between Mr and Mrs C and the Dentist. There is no documentary evidence to show that the Dentist had removed Mrs C and her children from his practice list. When Mrs C raised her complaint with the Dentist, she referred to the Dentist 'taking us off your books' meaning her and her children, although the letter seemed to be from Mr and Mrs C. However, when the Dentist responded to the complaint he addressed solely his refusal to treat Mr C. As far as he was concerned, Mrs C had not been removed from his practice list. Assessing the communication between the family and the Dentist is problematic given the passage of time since the event and the difficulty in corroborating an oral account by either Mrs C or the Dentist. There is not enough evidence to prove what happened. There is an inconsistency in Mrs C's evidence in terms of dates (although the passage of time may account for this) and certainly the Dentist could have better handled the situation by, for example, checking Mrs C's medical records and informing her that she remained registered with the practice. However, I am not able to reach a decision on the complaint based on the evidence available and am, therefore, unable to make a finding.

Recommendation

10. Although I am not able to make finding, it is clear that the Dentist is not aware of the regulations and procedures to remove patients from practice lists. The legislation relating to removal from a dentist's list is the National Health Service (General Dental Services) (Scotland) Regulations 1996 SI 1996 No 177 (S14). The relevant section is appended at Annex 2.

11. The Ombudsman, therefore, draws these regulations to his attention so that he is aware of them and the procedures to remove patients.

12. The Ombudsman considers that it would be helpful for dentists and patients to have more guidance in respect of removal from dental lists, and raised this with the Scottish Executive Health Department in the context of an earlier Report. The Ombudsman is pleased that they agreed to consider this.

13. The Dentist has accepted the recommendation and will act on it accordingly.

23 May 2007

Explanation of abbreviations used

Mrs C	The complainant
The Dentist	Mrs C's dentist
Mr C	The complainant's husband

List of legislation and policies considered

Statutory Instrument 1996 No 177 (S14)

The National Health Service (General Dental Services) (Scotland) Regulations 1996 Sch 1 (Part II)

Termination of a continuing care arrangement or a capitation arrangement

11. (1) Subject to sub-paragraph (4), a dentist who wishes to terminate a continuing care arrangement or a capitation arrangement shall give to the patient 3 months' notice in writing of the termination of the arrangement.

(2) Where a dentist gives notice under sub-paragraph (1), he shall use his best endeavours to complete satisfactorily before the termination of the arrangement any care and treatment which he has agreed to provide for the patient and which is outstanding and any further treatment that may be necessary to secure and maintain his oral health.

(3) Where a dentist gives notice under sub-paragraph (1), he shall notify the FHSa accordingly and give details to the FHSa of any care and treatment which he has agreed to provide to the patient and which is outstanding including any arrangements made for completion of that care and treatment.

(4) Where a dentist wishes a continuing care arrangement or a capitation arrangement to be terminated on less than 3 months' notice, he shall apply in writing to the FHSa:

(a) asking that it terminate the arrangement;

(b) setting out the reasons why he wishes the arrangement to be terminated; and

(c) giving details of any care and treatment which he has agreed to provide for the patient and which is outstanding including any arrangements made for completion of that care and treatment.

(5) Where a dentist applies to the FHSa under sub-paragraph (4), the FHSa may, after considering any representations made by the patient, terminate the arrangement on such date and on such terms as to completion of any outstanding care and treatment mentioned in sub-paragraph (4)(c) as it thinks fit, save that, where an arrangement is terminated because the patient has refused to pay the NHS charge, the dentist shall not be obliged to complete

that care and treatment.

(6) An FHSA which terminates an arrangement under sub-paragraph (5) shall so inform the patient, the dentist and the Board in writing.