

RTE Prime Time Investigates – Ms Funico (supplementary questions and response)

From: Aoife Hegarty < >
Sent: Friday 11 August 2023 17:23
To: David O'Flynn < >
Subject: RTÉ Investigates press queries 11.08.23

Dear David,

As discussed please find below two additional queries:

1. A dental clinic in which Ms Funico practised in Ireland while unregistered has claimed to RTÉ Investigates it was not possible to check her registration status as the Dental Council's online list of registered dentists was not kept up to date due to a back log in the Council's workload. How do you respond?
2. If a dental clinic discovers it has hired a dentist who is unregistered, what responsibility does the employer have in terms of reporting the dentist to the Dental Council, whether there is a belief the dentist is resident in the country or not?
3. Is it of concern to the Dental Council, as the profession's regulatory body, that a dental clinic/s here has failed to do this?

I'd appreciate you coming back to me on the above when possible next week.

Many thanks,
Aoife Hegarty

RTÉ AOIFE HEGARTY Reporter

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From: David O'Flynn
Sent: Thursday 17 August 2023 16:21

To: Aoife Hegarty < >

Subject: RE: RTÉ Investigates press queries 11.08.23

Dear Aoife

Thank you for your email.

This email should be read in conjunction with my response to you of 2 July 2023.

To facilitate the answer to your questions, I enclose a copy of the Dental Council's Code of Practice regarding Professional Behaviour and Ethical Conduct. I draw your attention to Section 17.4 and the section entitled '**Employing dental healthcare staff**'. This document sets out the obligations on all dentists registered by the Dental Council and it states that:

'If you employ or engage other dentists, you must confirm that they:

- *are registered on the Register of Dentists of the Dental Council;*
- *remain registered while employed; and*
- *maintain adequate professional indemnity or insurance cover.'*

There is an obligation on all employing dentists to ensure the any dentists employed by them are registered and indemnified at all times during their term of their engagement. As was mentioned in my previous response to you, the Dental Council only regulates registered dentists and there is no effective or coherent regulation of dental clinics as entities in Ireland. My answers below state the obligations on registered dentists and not dental clinics. As mentioned in our previous statement, the Dental Council has no information that Ms Funico practiced dentistry in Ireland. In answer to your specific questions:

1. There is no backlog of work in the Dental Council. A significant part of the Dental Council's day-to-day front-facing activity is confirming a dentist's registration status for employing dentists, members of the public, pharmaceutical companies (for prescribing purposes), and dental suppliers. These queries come in both by phone and email and are always answered promptly. The Dental Council now has an online 'search the register' function that employers and members of the public can search. In addition, under Section 26(4) of the Dentists Act, 1985, all dentists are legally obliged to display their certificate of registration at their practice. It is not credible for a dentist or a dental practice to state that they were unable to check a dentist's registration status with the Dental Council. It is of particular note that the Dental Council became aware of Ms Funico's activities specifically because a number of dental practices contacted the Dental Council to check her registration status.
2. Under Section 17.4 of the Dental Council's Code of Practice regarding Professional Behaviour and Ethical Conduct employing dentists have an explicit obligation to ensure that all dentists working for them are registered at times during their engagement. An employer who, for any reason, is not in a position to confirm a dentist's registration status should not employ that dentist until such time as their registration status has been fully established. Separately, all registered dentists also have general ethical obligation to uphold the good name of the dental profession in the eyes of the public, and under Section 17.3 of the code, registered dentists must report matters to the Dental Council where patients are being put at risk. The Dental Council would expect that a dentist would report any concerns they may have about possible illegal practice to the Dental Council as this clearly could put patients at risk.

3. It would be of concern to the Dental Council if a dentist was aware of someone practicing dentistry illegally and failed to refer the matter to the Dental Council.

Can you attribute the above to a spokesperson for the Dental Council please. Also, please feel free to contact me if you have any further questions.

Kind regards

David

David O'Flynn
Registrar

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Dental Council
An Comhairle Fiaclóireachta