

The Dental Council is involved in active and ongoing proceedings concerning its application to the High Court regarding Dr Anne Hahessy under Section 44 of the Dentists Act, 1985. The Dental Council's focus throughout these proceedings is to try to ensure that Dr Hahessy meets her ethical obligations to her patients. As a result, the council would like to confirm that Dr Hahessy gave the following:

The Dental Council and Dr Anne Hahessy have agreed that Dr Hahessy will take the following steps with a view to referring her patients to an alternative specialist orthodontist or orthodontists forthwith:

1. *The patient's consent (in oral, videoconference or written form) to a possible referral to another clinician should be sought and received. This step can be taken by a person acting on behalf of Dr Hahessy.*
2. *When seeking the patient's consent to a possible referral, Dr Hahessy or her agent will inform the patient that they have two options, namely:*
 - a) *To consent to the referral on the basis that any issue arising in relation to fees paid to Dr Hahessy will be a matter for negotiation between the patient (or his or her parents in the case of minors) and Dr Hahessy;*
 - b) *To withhold their consent to referral until such time as an agreement is reached in relation to fees already paid to Dr Hahessy, in which event there will be an inevitable delay in the referral process.*
3. *Where a patient's consent to a possible referral is forthcoming, Dr Hahessy shall engage with another specialist orthodontist or, if necessary, multiple specialist orthodontists in an effort to arrange for the referral of the patient to that orthodontist ("the receiving specialist"). The receiving specialist must be registered in the Orthodontic division of the Register of Dental Specialists maintained by the Dental Council.*
4. *Once the receiving specialist agrees to accept the referral, the patient should be informed by Dr Hahessy of the identity of the receiving specialist. The patient should be provided with relevant contact details if they have questions or concerns about their care. This step can be taken by a person acting on behalf of Dr Hahessy.*
5. *To facilitate referral, Dr Hahessy shall communicate with the receiving specialist (in oral, videoconference or written form) as follows:*
 - a) *where requested by the receiving specialist, the provision of patient information regarding relevant health matters, dental status, Dr Hahessy's treatment plan and a summary of the progress of treatment to date and*
 - b) *Dr Hahessy to be available at reasonable notice to provide any additional clinical information to the receiving specialist where requested by the receiving specialist and*

- c) *the transfer of all relevant medical and dental records, to include all models, scans and x-rays. This step can be taken by a person acting on behalf of Dr Hahessy with oversight by Dr Hahessy.*
6. *Where the patient has already engaged a new practitioner, the steps at No 5 above shall be read as to apply to the new practitioner, i.e. Dr Hahessy shall communicate with them in the manner as provided for as requested.*
7. *In circumstances where the patient does not consent to the referral and has not made alternative arrangements for orthodontic care, Dr Hahessy or a person on her behalf must record same in writing in the patient's notes together with the steps taken and advice given to the patient.*
8. *On a fortnightly basis commencing on the date of the Order of the Court, Dr Hahessy will provide to the Dental Council a summary report on the status of the referral of all of her patients containing the following:*
 - i. *The total number of patients;*
 - ii. *The number of patients yet to be contacted;*
 - iii. *The number of patients who have consented to the transfer of care in respect of whom the referral process is ongoing;*
 - iv. *The number of patients whose transfer of care has been completed, to include the transfer of records;*
 - v. *The number of patients who have not consented to transfer of care;*
 - vi. *In respect of those patients who have not consented to a transfer of care, a high-level summary of the steps taken and/or advice given by or on behalf of Dr Hahessy to those patients arising from their decision not to provide consent to a transfer of care.*

The Dental Council has liberty to make public that:

- The Dental Council has agreed to take certain steps to assist Dr Hahessy/her practice with this process.
- Dr Hahessy is to set out to her patients her proposals regarding fees paid in advance by those patients to the practice. This matter remains pending.
- The Dental Council's motion under section 44 of the Dentists Act 1985 remains before the High Court.