

Dr Bashar Harateh (Registration number 128/08)

Dr Bashar Harateh was found guilty of professional misconduct at an inquiry into his fitness to practise dentistry held over three days in 2016 in relation to the following allegation(s).

1. *In respect of Patient 1 whom you treated at EMC Health Care Limited, Unit 11, Carn Glas Way, Gracedieu Road, Waterford and/or 49-51 Parnell Square West, Dublin you:-*
 - *On or around Friday, 08 May 2009, failed to conduct any or any adequate initial examination and / or clinical investigation of Patient 1;*

2. *In respect of Patient 2 whom you treated at EMC Health Care Limited, Unit 11, Carn Glas Way, Gracedieu Road, Waterford and/or 49-51 Parnell Square West, Dublin you:-*
 - *On or after June 2010, failed to ensure that any or any adequate arrangements were in place for the completion of the treatment in respect of Patient 2; and/or*
 - *Between on or around June 2010 and/or on or around July 2010 failed to provide any or any adequate care to Patient 2 when you:*
 - *failed to fit and/or furnish a retainer to Patient 2 in a timely manner following the removal of the fixed appliances; and/or*
 - *failed to provide any or any adequate support and/or advice to Patient 2 following the removal of his fixed appliances;*

3. *You failed to hold any or any adequate professional indemnity insurance during part or all of the period of time you were providing dental services at:*
 - *EMC Health Care Limited, EMC Health Care Limited, Unit 11, Carn Glas Way, Gracedieu Road, Waterford; and/or*
 - *EMC Health Care Limited 49-51 Parnell Square West, Dublin;*

The Dental Council at its meeting on 19 May 2017 was satisfied beyond reasonable doubt that the allegation(s) were proven against Dr Harateh and that he is guilty of professional misconduct.

Council has decided to attach the following conditions to the retention of his name on the register of Dentists.

- i. Dr Harateh must produce evidence to the Dental Council that he holds professional indemnity cover appropriate to his practice of dentistry for a continuous period of 5 years following any resumption of practice by him in Ireland, commencing immediately upon any such resumption of practice.
- ii. Dr Harateh is permitted to practice only under the direct supervision of another registered dentist whose identity must be approved by the Dental Council in advance, for a continuous period of 36 months following any resumption of practice by him in Ireland, commencing immediately upon any such resumption.

- iii. Dr Harateh must improve his skills in examination and pre-treatment assessment, record keeping, patient communications and complaint management, by completing appropriate courses directed at those areas, to be specified by the supervising dentist as provided for in condition (ii) above and notified to the Dental Council.
- iv. Dr Harateh shall bear the costs of complying with these conditions.
- v. Dr Harateh shall demonstrate compliance with the above conditions at (i), (ii), (iii) and (iv), to the satisfaction of the Registrar, in advance of any resumption of practice by him in Ireland and during the course of any practice by him in Ireland.
- vi. Liberty to apply.

The reason for amending the conditions to refer to supervision by a registered dentist and not by an orthodontist is that the content of the Fitness to Practice report gives rise to concerns which are relevant and germane in the event that Dr Harateh should practice in any area of dentistry and not just orthodontics.

The reason for increasing the duration of the period of supervision is to reflect the duration of a typical treatment plan for the patients who Dr Harateh might reasonably be expected to treat.

The Council have decided to publish in line with the general policy in regards publication of fitness to practice matters and in the public interest.

The decision to attach these conditions to the retention of Dr Harateh's name on the register of Dentists was confirmed by the President of the High Court, Mr Justice Kelly, on 24 July 2017 and with effect from that date.