

**Submission of the Dental Council of Hong Kong on
the future mechanism for handling medical complaints**

I. Present mechanism for handling complaints against registered dentists

The Dental Council's jurisdiction over dentists' professional conduct is laid down in the Dentists Registration Ordinance and the Dentists (Registration and Disciplinary Procedure) Regulations.

Any person who wishes to lodge a complaint against any registered dentist touching on a matter of unprofessional conduct is required to file a written complaint to the Dental Council. The complaint will then be handled in accordance with the statutory provisions under the Dentists Registration Ordinance and the Dentists (Registration and Disciplinary Procedure) Regulations.

In accordance with the statutory procedure, individual complaints may go through three stages :-

- (a) Initial consideration by the Chairman of the Council's Preliminary Investigation Committee (PIC) who must, unless it appears to her that the complaint is frivolous or groundless and should not proceed further, direct that the case be referred to the PIC for consideration.
- (b) Having examined the complaint/information received as well as the explanation of the dentist being complained of, the PIC will then decide whether or not there is a prima facie case to refer it to the Council for a formal inquiry.
- (c) Inquiry by the Dental Council, which sits in a panel of at least 4 Council Members, to hear the evidence of the complaint and representations from the dentist complained against.

II. Proposed Amendments to the Dentists Registration Ordinance and Dentists (Registration and Disciplinary Procedure) Regulations relating to the Council's disciplinary proceedings

To increase transparency of the system in handling complaints against registered dentists, the Dental Council is suggesting the following amendments to the Dentists Registration Ordinance and the Dentists (Registration and Disciplinary Procedure) Regulations :-

- Introducing an additional seat for a lay member on the PIC.
- Complaint against a registered dentist will be dismissed ONLY if both the Chairman of the PIC or, in his absence, the Deputy Chairman of the PIC and the lay member of the PIC consider that the case is frivolous or groundless.

III. Other Recommendation

The Dental Council supports the establishment of an independent office helping patients to make medical complaints and to get medical reports. The Council presumes that the purview of the office has been extended to cover dental complaints whereby the office would, on behalf of the patients, file a written complaint to the Dental Council.