

## THE REGULATION AND QUALITY IMPROVEMENT AUTHORITY (RQIA)

## FAILURE TO COMPLY NOTICE

<b>Name of Registered Establishment:</b>  DentaMed Dental Care (020313)	<b>Name of Registered Person:</b>  DentaMed Newry Limited Miss Zivile Kviklyte, Responsible Individual
<b>Address of Registered Establishment</b> Miss Zivile Kviklyte DentaMed Dental Care 6 Monaghan Court Newry BT36 6BH	
<b>Issue Date:</b> 3 October 2024	<b>FTC Ref:</b> FTC000224
<b>Regulation not complied with:</b>	
<p><b><i>The Independent Health Care Regulations (Northern Ireland) 2005</i></b></p> <p><b>Records 21.—</b></p> <p><b>(1) The registered person shall ensure that –</b></p> <p class="list-item-l1"><b>(a) a comprehensive medical record is maintained in relation to each patient, which includes –</b></p> <p class="list-item-l2"><b>(i) a contemporaneous note of all treatment provided to him;</b></p> <p class="list-item-l2"><b>(ii) his medical history and all other notes prepared by a health care professional about his case; and</b></p> <p class="list-item-l1"><b>(b) the record is retained for a period which is not less than that specified in Part I of Schedule 3 in relation to the type of patient in question or, where more than one such period could apply, the longest of them.</b></p> <p><b>(3) The registered person shall ensure that the records specified in Part II of Schedule 3 are maintained and that they are –</b></p> <p class="list-item-l1"><b>(a) kept up to date;</b></p> <p class="list-item-l1"><b>(b) at all times available for inspection in the establishment or the agency premises by any person authorised by the Regulation and Improvement Authority to enter and inspect the establishment or agency premises; and</b></p> <p class="list-item-l1"><b>(c) retained for a period of time not less than three years beginning on the date of the last entry.</b></p>	
<b>Specific failings to comply with regulations:</b>	
During an unannounced care inspection to DentaMed Dental Care on 12 September 2024 inspectors were informed that clinical records were retained electronically. A	

review of a random sample of patient's clinical records some dating back to 2018, evidenced that a contemporaneous record of dental treatment provided to patients during appointments had not been consistently recorded.

Inspectors noted that clinical treatment records did not consistently evidence that medical histories had been updated, that treatment plans were discussed with the patients, treatment provided was not always recorded for specific appointments, consent for treatment were not always recorded and it was not evident if treatment plans were ongoing or had been completed.

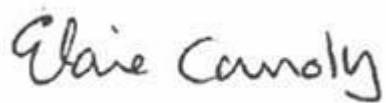
**Action required to comply with regulations:**

The registered person must ensure that:

- An accurate, complete and contemporaneous paper or electronic clinical record must be maintained for each appointment.
- The clinical record must reflect that a patient's medical history has been updated at the start of each new course of treatment and reviewed by the dentist at each subsequent visit.
- The clinical record must include the reason for the patients visit, previous dental history, the history of any complaint and detail what was done at each appointment
- For routine examination appointments the clinical record must detail the outcome of the intra-oral and extra-oral examination, including soft tissue assessment, tooth examination, periodontal examination and any special investigations carried out.
- Any definitive or differential diagnosis should be recorded.
- Where necessary discussion of treatment options and a treatment plan is documented in the clinical record and a copy provided to the patient.
- Consent to treatment should be documented.
- The clinical record should include and aftercare instructions provided to the patient.
- When a radiograph is taken, the justification and authorisation of the radiograph should be recorded in the clinical notes along with the clinical evaluation and image quality grading, a clear or differential diagnosis and treatment plan, if applicable.
- A record of any prescriptions written.
- Records pertaining to the operation of the dental practice must be available for inspection.

**The Registered Person may make written representations to the Chief Executive of RQIA regarding the issue of a failure to comply notice, within one month of the date of serving this notice.**

**Date by which compliance must be achieved: 3 December 2024**



**Signed Director of Adult Care Services**

***This notice is served under The Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 and The Independent Health Care Regulations (Northern Ireland) 2005***

***It should be noted that failure to comply with some regulations is considered to be an offence and RQIA has the power under regulations to prosecute for specified offences.***

## THE REGULATION AND QUALITY IMPROVEMENT AUTHORITY (RQIA)

## FAILURE TO COMPLY NOTICE

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<b>Address of Registered Agency:</b> Miss Zivile Kviklyte DentaMed Dental Care 6 Monaghan Court Newry BT36 6BH	
<b>Issue Date:</b> 3 October 2024	<b>FTC Ref:</b> FTC000225
<b>Regulation not complied with:</b>	
<p><b><i>The Independent Health Care Regulations (Northern Ireland) 2005</i></b></p> <p><b><i>Fitness of workers 19 Regulation 19 (2)</i></b></p> <p><b><i>A person is not fit to work in or for the purposes of an establishment, or for the purposes of an agency unless –</i></b></p> <p><b><i>(d) full and satisfactory information is available in relation to him in respect of each of the matters specified in Schedule 2.</i></b></p>	
<p><b>SCHEDULE 2</b></p> <p><b><i>INFORMATION REQUIRED IN RESPECT OF PERSONS SEEKING TO CARRY ON, MANAGE OR WORK AT AN ESTABLISHMENT OR AGENCY</i></b></p> <p><b><i>(2) Either –</i></b></p> <p><b><i>(a) Where a certificate is required for a purpose relating to registration under Part 111 of the Order, or the position falls within section 115 (3) or (4) of the Police Act 1997 (a), an enhanced criminal record certificate issued under section 115 of that Act.</i></b></p>	
<p><b>Specific failings to comply with regulations:</b></p> <p>During an unannounced care inspection to DentaMed Dental Care on 12 September 2024 records in relation to the recruitment of staff were not available for review. The responsible individual advised inspectors that the staff register and records pertaining</p>	

to staff recruitment were held in her home. During discussions it was evident that at least one staff member had commenced work in the practice since the previous inspection.

RQIA were not able to evidence that pre-employment checks to include an AccessNI Enhanced Disclosure check had been sought and reviewed prior to the identified individual commencing work in the practice.

This lack of governance and oversight of the recruitment process has the potential to place patients at risk.

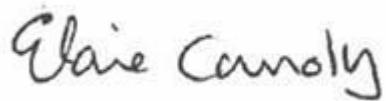
**Action required to comply with regulations:**

The registered person must ensure that:

- Robust arrangements must be in place to maintain a staff register in accordance with Schedule 3 Part II (6) of The Independent Health Care Regulations (Northern Ireland) 2005.
- The registered person must ensure that at all times staff are recruited and employed in accordance with statutory legislation and mandatory requirements. This includes the receipt and review of a satisfactory AccessNI enhanced disclosure check prior to commencement of employment.
- The registered person must ensure that the staff recruitment policy and procedure contains details of all the required information as listed within Regulation 19 (2) and Schedule 2 of The Independent Health Care Regulations (Northern Ireland) 2005.
- The registered person must implement robust monitoring systems to ensure that the recruitment process is compliant with statutory legislation and mandatory requirements.
- The registered person must ensure that all staff involved in the recruitment process receive training or refresher training in selection and recruitment.
- The registered person must ensure that all staff involved in the recruitment process receive training or refresher training in safeguarding of children and vulnerable adults.
- Recruitment and training records must be available for inspection.

**The Registered Person may make written representations to the Chief Executive of RQIA regarding the issue of a failure to comply notice, within one month of the date of serving this notice.**

**Date by which compliance must be achieved: 3 December 2024**



**Signed Director of Adult Care Services**

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