

Inquiry of the Dental Council
Re: Dr. PANG Harling Harry

Date of hearing: 26 March 2010 and 8 April 2010

1. The Defendant, Dr. Pang Harling Harry is charged as follows:

“That he, being a registered dentist, on diver dates between September 2006 and April 2009, improperly delegated to the nurses/assistants of his dental surgery, who were not registered dental practitioners nor enrolled dental hygienists, duties or functions in connection with dental treatment, viz. the administration of orthodontic treatment procedure on his patient [REDACTED] (“[REDACTED]”) for whom he was responsible; and that in relation to the facts alleged he has been guilty of , unprofessional conduct.”

2. The facts of the case are that the patient was referred by a general dental practitioner to consult the Defendant for orthodontic treatment. According to the record provided by the Defendant, the patient paid 40 visits to the Defendant’s clinic from July 2006 to June 2009. Lower fixed appliance was removed in Feb 1, 2009. Lower retainer was inserted on the next day. Upper fixed appliances were removed on May 19, 2009. Upper Hawley retainer was delivered on the next day.
3. The patient gave evidence that he was given treatment initially during each appointment by the nurse/assistants, prior to seeing the dentist. The patient, though in a supine position, was able to distinguish the operator through voice and visual recognition. He was able to clearly see material and devices removed from his oral cavity.
4. The patient claimed that during most of the visits, it was the dental nurses/assistants who removed power chains and metal wires from his oral cavity before the Defendant came to inspect his dental condition. The Defendant would then give instructions to the nurses/assistants, who would then put back metal wires and power chains in the patient’s oral cavity.
5. During the course of treatment, the patient noticed from newspaper reporting that an orthodontist was disciplined by the Dental Council of Hong Kong for improper delegation of orthodontic treatment to his nurses.
6. Near the end of the orthodontic treatment, the patient was not happy with the result. He had made complaint to the Defendant who told him that it was the optimal result given his dental condition.
7. The Defendant’s evidence is that he only delegated the procedure of removal of power chains to his clinic nurses/assistants and that the patient had mistaken this for other procedures. The Defendant claimed that all other procedures were performed by himself or Dr. Leung, another registered dentist working in his practice. Those clinic nurses/assistants concerned were not registered dental personnel. However, they were trained by the Defendant to remove power chains from patients. The Defendant claimed that removal of power chains was a simple and harmless procedure.
8. We accept that dentist are entitled to be assisted by nurses/assistants in the performance of dental treatment, as long as the treatments are actually performed by

the dentist and not delegated to unregistered persons. The defendant admitted that he delegated the removal of power chain to his nurses/assistants. Manipulation of the power chain forms an integral part of orthodontic treatment; we consider such delegation improper and unacceptable and would not be in the best interest of the patient. In this regard, we wish to mention that under section 2 of the Dentists Registration Ordinance the practice of dentistry is defined as including the performance of any operation on the human teeth and the insertion of any appliances for the restoration, regulation or improvement of the teeth or accessory structures, which can only be performed by registered dentists.

9. We are satisfied that the Defendant's improper delegation of orthodontic treatment to nurses/assistants would be regarded as disgraceful and dishonourable by registered dentist of good repute and competency, and constitutes unprofessional conduct. We find the Defendant guilty as charged.

Sentencing

10. The public places trust in the dental profession to deliver care in a high standard. The delegation of dental treatment to unqualified persons is a serious matter. Modern dentistry requires years of education and training at a tertiary level. The specialty of Orthodontic in Hong Kong requires further training of a minimum of six years post-graduate education to become a specialist. Orthodontic treatment carried out by such specialist included a detailed diagnosis, treatment planning and execution, involving multiple steps of tooth movement, often lasting for around 2 years. No single step could be considered simple, as each step form an inseparable and integral part of a complicated treatment.
11. Bearing in mind that the Defendant is an experienced dentist of over 30 years standing and that he had practised in different jurisdictions. He should be well aware that there are different regulations in different jurisdictions. There is no reason that he does not know such delegation of his professional duty is considered improper in Hong Kong.
12. We accept that the Defendant has a clear record, and that there was no apparent injury to the patient.
13. Having regard to the gravity of the case and the mitigation advanced, we order that Defendant's name be removed from the General Register for a period of one month.
14. The defendant has all along admitted such improper delegation. He showed remorse and took steps to cease such improper delegation. We order the removal be suspended for a period of one year. The order shall be published in Gazette in accordance with the Dentist Registration Ordinance.



Dr. Homer Tso, BBS, JP
Chairman
Dental Council