



**TRIBUNALS SERVICE  
PRIMARY HEALTH LISTS – FIRST TIER**

**Case Number: 15236**

**Listed at: Leeds.  
On: 16<sup>th</sup> March 2010**

**Mr T Jones                      Judge of the First-tier  
Dr J Chope                      Professional Member  
Mrs L Bromley                 Member**

**BETWEEN**

**DR K PUSZTI  
(GDC Professional Registration Number: 123416 )**

**Appellant**

**and**

**NHS HULL PRIMARY CARE TRUST (“The PCT”)**

**Respondent**

**Appearances:**

The Appellant did not appear.  
Mr Berry, Professional Lead for Dentistry of PCT.

**APPEAL AGAINST REFUSAL TO ADMIT THE APPELLANT TO THE RESPONDENT  
PCT’S DENTAL PERFORMERS LIST**

**The hearing and the appeal**

1. On the date and time appointed for the hearing, we convened a hearing with a quorate Panel. The panel was satisfied that the Appellant was aware of the hearing, and having allowed additional time for any late appearance, the Panel resolved to proceed and to hear the appeal.

2. Mr Berry appeared and wished to rely on the papers within the bundle, pages R1 – R11, and made himself available to the Panel as regards any questions of the PCT's case. The same are noted within the record of proceedings. The Respondent refused (Reg. 6 2004 Performers List Regulations) to include the Appellant on the Dental Performers List on 25<sup>th</sup> November 2009 having contacted the referees put forward by the Appellant. The PCT was not satisfied with the references and, amongst other things, noted concerns expressed in the same as to the Appellants knowledge about NHS dental regulations, patient charges regulations, communication skills, diagnosis and treatment planning.
  
3. The Appellants case is set out within the bundle at pages A1 – A13. The Appellant herself at page A13 states "I can understand the decision of Hull PCT, based on information and references they received. I have no complaints against that. Obviously those bad clinical references about me can not give any base or support for my application". She has pointed out in correspondence that she had left the earlier practice of her own choice and was taken by surprise by the poor references given.

### **Our Conclusions**

4. We find, as conceded in some measure by the Appellant (as noted above), that the Respondents decision was against the appropriate standard, and remains on the papers before us, a proper and proportionate response to the application made by the Appellant. Whilst the Appellant may allude to some working and financial difficulties in her former practice, we note that those providing the references have a professional duty to provide truthful and appropriate references when requested. The earlier reference provided by the Appellant, relating as it does to work in Hungary during 2006 – 2007, we find, is of little assistance to us or the PCT for that matter in determining the current application and appeal. Whilst we note that which has been said by the Appellant as to financial loss, and the hope she might have worked in the South East of England, we find the decision of the Respondent entirely proportionate. We note that Appellant has not provided other references, or other supportive testimonials in support of her case.

### **Decision**

**Appeal Dismissed.**

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Judge of the First-tier Tribunal  
Mr T Jones  
Dated 16<sup>th</sup> March 2010