

## STATEMENT OF DECISION

<b>Respondent:</b>	Mr Kamal Haddad
<b>Complainant:</b>	Patient A

The Commission has removed from this Statement of Decision material which it considers to be confidential information under section 41B(5) of the *Health Care Complaints Act 1993*.

### 1. The Complaint

- 1.1 On 27 June 2019, the Commission received a complaint from Patient A in relation to extensive dental treatment he received from Mr Kamal Haddad. The treatment was carried out in Mr Haddad's residence. Mr Haddad is not currently registered as a dental practitioner and has not previously held registration as a dental practitioner in Australia.

### 2. Issues

- 2.1 The Commission identified the following issues for investigation:

2.1.1 Whether Mr Haddad's conduct breached the Code of Conduct for Unregistered Health Practitioners (the Code of Conduct) (made under Schedule 3 of the *Public Health Regulation 2012*), in relation to his care and treatment of Patient A.

2.1.2 Whether Mr Haddad poses a risk to the health or safety of members of the public.

- 2.2 The relevant clauses of the Code of Conduct in this case are:

2.2.1 Clause 3(1) which provides that, '*A health practitioner must provide health services in a safe and ethical manner.*'

2.2.2 Clause 3(2)(a) which provides that '*A health practitioner must maintain the necessary competence in his or her field or practice.*'

2.2.3 Clause 3(2)(b) which provide that '*A health practitioner must not provide health care of a type that is outside his or her experience or training.*'

2.2.4 Clause 3(2)(c) which provides that, '*A health practitioner must not provide services that he or she is not qualified to provide.*'

2.2.5 Clause 12(1) which provides that, '*A health practitioner must not engage in any form of misinformation or misrepresentation in relation to products or services he or she provides or as to his or her qualifications, training or professional affiliations.*'

---

### Security: Sensitive

## Health Care Complaints Commission

2.2.6 Clause 10(3) which provides that ‘A *health practitioner must not provide services and treatments to clients unless they are designed to maintain or improve the client’s health or wellbeing*’.

### 3. Respondent

3.1 Mr Haddad is currently 76 years old. Despite numerous requests, Mr Haddad has not provided the Commission with any documentation regarding his education, qualifications and work experience. In his responses to the Commission, Mr Haddad claims that he was a dentist in another country (not specified) and came to Australia in 2008. Mr Haddad asserts that he has never called himself a dentist in Australia. He states that he tried to study dentistry in Australia but could not pursue this due to deterioration in his health. Mr Haddad has not provided the Commission with any information about the institution where he was studying dentistry in Australia.

### 4. Investigation

4.1 The Commission obtained information from a number of sources in conducting its investigation. A summary of the evidence obtained during the Commission’s investigation is set out below.

### 5. Summary of Evidence

#### Complaint from Patient A

5.1 On 27 June 2019, the Commission received a complaint from Patient A in relation to extensive dental treatment he received from Mr Haddad. According to Patient A:

5.1.1 Patient A was referred to Mr Haddad by a friend, who told him that Mr Haddad works from home and provides affordable treatment to people with low income.

5.1.2 Mr Haddad told Patient A that he was a qualified dentist who also worked at the “*Dental Hospital in the city*”. Mr Haddad told Patient A he had practised dentistry in the USA. Patient A saw certificates on Mr Haddad’s wall from California.

5.1.3 Mr Haddad performed root canals and made bridges for Patient A’s teeth. The treatment was performed at Mr Haddad’s residence in 2018. The last time Patient A was treated by Mr Haddad was in approximately September 2018.

5.1.4 Patient A complained that he experienced a lot of pain following Mr Haddad’s treatment, suffered infections requiring antibiotic treatment and the bridges kept breaking and falling out.

5.1.5 Patient A tried to raise his concerns with Mr Haddad following the treatment by phone, e-mail and text messages, however Mr Haddad stopped engaging with and responding to Patient A.

---

## Security: Sensitive

## Health Care Complaints Commission

- 5.1.6 Patient A tried to “look up” Mr Haddad on the internet and discovered that he was not registered.
- 5.1.7 Patient A paid Mr Haddad in excess of \$15,000 for all the treatment.
- 5.2 Patient A also provided the Commission with the following information in support of the complaint:
  - 5.2.1 A 12 second video showing Patient A in a dental chair and Mr Haddad (with his back to the camera) sitting on a chair next to Patient A.
  - 5.2.2 Screenshots of Mr Haddad’s profile on Linked In which refer to “Dr” Kamal Haddad and state his qualifications as a “*dental and maxillofacial surgeon*”. The summary on the profile states “*Dental Surgeon for the Last 32 years, earned my PH.D. US taught in University of California for 9 years, tutor and lecturer USC, private practice, helping from time to time in hospitals as needed.*”
  - 5.2.3 A business card with the business name “Precise Dentals” which refers to “Dr” Kamal Haddad “*B.D.S.PH.D.U.S. Caliifornia (sic) Oral and maxillofacial surgeon*”. The address noted on the card is Mr Haddad’s residential address.
  - 5.2.4 A photo with three framed certificates on a wall. Two of the photos are from “*Kensington University*” and one from “*University of Southern California*”. The certificates from Kensington University make reference to Bachelor Qualifications in “*Dental*” and “*Dentistry*”. The certificate from University of Southern California makes reference to “*Oral and Maxillofacial Surgery*”.

### AHPRA

- 5.3 AHPRA confirmed that Mr Haddad is not currently registered as a dental practitioner and has not previously held registration as a dental practitioner in Australia.
- 5.4 In October 2019, AHPRA attended Mr Haddad’s residential premises. AHPRA has provided the Commission with photographs showing a dental chair covered with a sheet. AHPRA confirmed that the chair was not connected to power or water and did not appear to be in use. The only other dental equipment that AHPRA located was a porcelain oven which appeared to be unused and a set of paint colours used to tint crowns.
- 5.5 Mr Haddad advised AHPRA that he was buying dentistry equipment so that he could use it when he becomes qualified. Mr Haddad stated that he was studying online to become qualified in Australia. Mr Haddad denied practising dentistry at his house.
- 5.6 AHPRA asked Mr Haddad to delete his Linked In profile. In his response to AHPRA, Mr Haddad stated that “*it was a fantasy*” to put his name on Linked In. Mr Haddad deleted his Linked In account in October 2019, following his correspondence with AHPRA.

---

## Security: Sensitive

## Health Care Complaints Commission

### Responses from Mr Haddad to the Commission (November 2019)

- 5.7 In his response to the Commission, Mr Haddad claims that he purchased the dental chair for the “*cheap price*” of \$1,700 as it gave him some hope to pursue dentistry in Australia, however he has not provided treatment to any person in Australia.
- 5.8 Mr Haddad states that Patient A saw the dental chair at his house and tried to coerce Mr Haddad to cement Patient A’s bridge, however Mr Haddad informed Patient A he was not registered and did not provide any treatment to Patient A. Mr Haddad claims that he has been threatened by Patient A.
- 5.9 In relation to the business cards, Mr Haddad states that the business cards were printed by his nephew overseas who had a facility to print cards. Mr Haddad claims that Patient A stole the business cards from his house and Mr Haddad has never distributed them to people.
- 5.10 Mr Haddad claims that his health and his wife’s health have significantly deteriorated and therefore, he does not intend to continue his dentistry education in Australia.

### Other information obtained

- 5.11 The Commission is satisfied that Mr Haddad is the person complained of by Patient A.
- 5.12 The Commission has been unable to corroborate Mr Haddad’s claims that he has received threats from Patient A and that Patient A attempted to coerce him to provide treatment.
- 5.13 The Commission has also obtained information about Mr Haddad’s intention to open a dental business and possibly operating a dental business in 2009 and 2010.

### Mr Haddad’s overseas qualifications

- 5.14 The Commission’s enquires have revealed that Kensington University was an unaccredited distance education institution based in California and Hawaii that was shut down in 1996 and 2003 respectively.
- 5.15 The Commission has endeavoured to contact the University of Southern California to verify Mr Haddad’s overseas qualifications. No response has been received.
- 5.16 Mr Haddad has not been forthcoming about providing any evidence of his qualifications to the Commission.

## 6. Findings

- 6.1 The Commission has considered the evidence obtained during its investigation and makes the following findings.

---

## Security: Sensitive

## Health Care Complaints Commission

- 6.2 The Commission considers that Mr Haddad provided dental treatment to at least one person (Patient A) without holding registration as a dental practitioner in Australia.
- 6.3 The Commission finds that Mr Haddad provided dental treatment to Patient A at his residence.
- 6.4 The Commission finds that Mr Haddad had equipment at his residence consistent with the provision of dental services, including a dental chair, a porcelain oven and a paint set used to tint crowns.
- 6.5 Mr Haddad's profile on Linked In referred to "Dr" Kamal Haddad and stated his qualifications as a "dental and maxillofacial surgeon". Further, the summary on the profile states "*Dental Surgeon for the Last 32 years, earned my PH.D. US taught in University of California for 9 years, tutor and lecturer USC, private practice, helping from time to time in hospitals as needed.*"
- 6.6 Mr Haddad had at least one business card made with the business name "Precise Dentals" which refers to "Dr" Kamal Haddad "*B.D.S.PH.D.U.S. Caliifornia (sic) Oral and maxillofacial surgeon*". The address noted on the card is Mr Haddad's residential address.
- 6.7 Mr Haddad has been evasive in his responses to the Commission. The Commission does not accept any of the explanations provided by Mr Haddad in respect of the dental equipment, the business cards, his Linked In profile and his treatment of Patient A.
- 6.8 The Commission is unable to conclude Mr Haddad holds the overseas qualifications claimed.
- 6.9 Based on the findings and determinations set out above, the Commission finds that Mr Haddad has breached the following provisions of the Code of Conduct for Unregistered Health Practitioners:
- 6.9.1 Clause 3(1) which provides that, '*A health practitioner must provide health services in a safe and ethical manner.*'
- 6.9.2 Clause 3(2)(a) which provides that '*A health practitioner must maintain the necessary competence in his or her field or practice.*'
- 6.9.3 Clause 3(2)(b) which provide that '*A health practitioner must not provide health care of a type that is outside his or her experience or training.*'
- 6.9.4 Clause 3(2)(c) which provides that, '*A health practitioner must not provide services that he or she is not qualified to provide*'.
- 6.9.5 Clause 12(1) which provides that, '*A health practitioner must not engage in any form of misinformation or misrepresentation in relation to products or services he or she provides or as to his or her qualifications, training or professional affiliations.*'

---

## Security: Sensitive

## Health Care Complaints Commission

6.9.6 Clause 10(3) which provides that '*A health practitioner must not provide services and treatments to clients unless they are designed to maintain or improve the client's health or wellbeing*'.

6.10 Due to the nature of the breaches of the Code of Conduct, the Commission finds that Mr Haddad poses a significant risk to public health and safety.

### 7. Submissions

7.1 The Commission wrote to Mr Haddad on 20 December 2019 proposing to take action under section 41A and 41B of the *Health Care Complaints Act 1993* ('the Act') and inviting submissions within 28 days.

7.2 On 8 January 2020, the Commission received submissions from Mr Haddad in response to the proposed action. In his submissions, Mr Haddad has repeated his previous responses i.e. he was threatened by Patient A; that he has never called himself a dentist; and the dental equipment purchased by him was to "*entice him*" to study further. As noted above, the Commission does not accept these explanations provided by Mr Haddad in the absence of any corroborative evidence.

7.3 In his submissions, Mr Haddad has also admitted that he intended to open a dental business in 2009-2010 but was unable to find any business partner. Mr Haddad stated that he was hoping the business partner would buy the dental equipment and Mr Haddad would "*do the work*". Mr Haddad does not address the fact that he has never held dental qualifications to perform dental work.

7.4 Based on all the evidence set out above including Mr Haddad's submissions, the Commission finds that Mr Haddad has provided dental treatment to at least one person (Patient A) without holding registration as a dental practitioner in Australia. The Commission maintains its view that Mr Haddad poses a significant risk to the public.

### 8. Determination

8.1 Accordingly, the Commission makes the following Prohibition Order under section 41A(2)(a) of the Act:

*Mr Kamal Haddad must not provide, offer and/or advertise any dental services, either in paid employment or voluntarily, to any member of the public unless and until he has obtained registration in the dental profession through the Dental Board of Australia.*

8.2 The Commission issues the following public statement, under section 41A(2)(b) of the Act:

The NSW Health Care Complaints Commission conducted an investigation into the professional conduct of Mr Kamal Haddad. The Commission found that Mr Haddad provided dental services to at least one patient at his residence. Mr Haddad is not currently a registered dental practitioner and has never been registered in Australia.

---

## Security: Sensitive

## Health Care Complaints Commission

The investigation found that Mr Haddad breached the Code of Conduct for Unregistered Health Practitioners under Schedule 3 of the *Public Health Regulation 2012* in the following respects:

- Failed to provide a health service in a safe and ethical manner
- Provided a health service he is not qualified to provide
- Provided a health service outside his experience and training
- Failed to maintain competence in his field of practice
- Engaged in misinformation and misrepresentation in relation to services he provided
- Failed to provide services and treatment that are designed to maintain or improve Patient A's health or wellbeing

The Commission is satisfied that Mr Haddad poses a risk to the health or safety of members of the public.

The Commission therefore makes the following Prohibition Order:

*Mr Kamal Haddad must not provide, offer and/or advertise any dental services, either in paid employment or voluntarily, to any member of the public unless and until he has obtained registration in the dental profession through the Dental Board of Australia.*

8.3 Under section 41D of the Act, the Commission will provide a copy of this Statement of Decision to the Australian Health Practitioners Regulation Agency (AHPRA) and each Professional Council in NSW.

8.4 The Commission has decided to make this Statement of Decision publicly available, under section 41B(3)(c) of the Act.

**Tony Kofkin**  
**Executive Director, Complaints Operations**  
**Health Care Complaints Commission**

---

**Security: Sensitive**

This document has been classified according to the NSW Government's Digital Information Security Policy and any use should be in accordance with this policy. For more information about the Commission's classification of information please see our website, [www.hccc.nsw.gov.au](http://www.hccc.nsw.gov.au).