

**INQUIRY COMMITTEE
RECORD OF DECISION**

File Reference: DH15101

ELEMENTS OF COMPLAINT

On June 29, 2015, the College received a complaint from a group of employers (the “Complainants”) alleging substandard dental hygiene services by a Registrant. It was alleged that the Registrant was unable to access and clean all areas of the mouth resulting in tissue trauma while scaling and root planing teeth, lacked the necessary grip strength to safely use hand and ultrasonic cleaners, was unable to follow treatment directions from a supervising dentist, was unable to make treatment decisions under stress, and was unable to take and evaluate radiographs that are of diagnostic value.

The CDHBC Inquiry Committee initiated an investigation under s. 33(1) of the *Health Professions Act*, R.S.B.C. 1996, c. 183 (the “Act”) and appointed an inspector to assist with the investigation.

On July 22, 2015, the CDHBC Registrar notified the Registrant of the investigation and requested the Registrant’s response to the investigation, in accordance with s. 33(5) of the Act.

The Registrant provided a written response to the complaint, in which s/he disclosed that s/he has a medical condition and had requested that the employer accommodate a modified work schedule. S/he denied the allegations made by the Complainants. A copy of the Registrant’s response was provided to the Complainants for comment.

The inspector conducted interviews with the Complainants and completed a chart audit. The Registrant declined to be interviewed by the inspector. The Registrant was provided with a copy of the interview materials and was extended the opportunity to submit a written response to the interview materials.

Thereafter, the Registrant advised the College that s/he would not be renewing his/her registration as s/he had decided to take early retirement.

COMMITTEE DECISION

The Inquiry Committee reviewed the Complainants’ allegations and the Registrant’s response to those allegations. The Inquiry Committee initially determined under s. 33(6)(c) of the Act that this would be an appropriate case to seek a consent agreement under s. 36 of the Act, requiring the Registrant to submit medical information concerning his/her fitness to practice in the event that s/he reapplied for registration in the future but the Registrant declined to sign the formal consent agreement. The Inquiry Committee then requested a less formal form of voluntary undertaking in which the Registrant was asked to consent to a functional assessment to determine his/her fitness to practice dental hygiene in the event that s/he submits an application for registration with the College in the future. The Registrant did not respond to this request.

In accordance with section 33(6)(a) of the Act, the Inquiry Committee determined that this was an appropriate case to take no further action as the Registrant is no longer a registrant of the College and has clearly indicated that s/he has no plans to seek further registration in the future. In the event that the Registrant decides to seek registration with the College in the future, the information gathered in this investigation will be provided to the Registration Committee and s/he will be required to provide satisfactory evidence of fitness to practice during the application process. Accordingly, the

Inquiry Committee determined that there were no public safety concerns that required additional regulatory action at this time.

RELEVANT PROVISION OF ACT, REGULATION OR BYLAWS

Act, section; 33(1); 33(5); 33(6) (a) and (c)

STATUS: Closed.