

INQUIRY COMMITTEE RECORD OF DECISION

FILE NAME: DH1291

FACTS

In January 2012, the Registrar received a complaint from the president of a dental related professional association against a registrant of the College, alleging that the registrant had placed advertisements on a website and in a community newspaper which were false, inaccurate, misleading and unverifiable and misrepresented his/her credentials by indicating that s/he was qualified to use the “Dr.” title.

The Inquiry Committee initiated an investigation under section 33(1) of the *Health Professions Act* R.S.B.C. 1996 c. 183 (the “Act”). By letter, the Registrar notified the registrant of the investigation and invited a response in accordance with s. 33(5) of the Act.

The registrant’s written response indicated that it was not his/her intention to misrepresent that s/he was qualified to use the “Dr.” title and that this reference arose from a template that did not offer the choice of a prefix. The registrant explained that s/he failed to notice that the “Dr.” title was added automatically by the template, and that s/he has since corrected the error. The registrant also explained that s/he had supplied notes to the community newspaper, in the place of a personal interview, summarizing his/her thoughts on a future advertising campaign. The registrant stated that the notes were never intended to be published as written but the newspaper relied on them to a much greater degree than s/he had anticipated. The registrant acknowledged that statements contained in the publication were problematic and apologized for the misrepresentations of his/her professional colleagues.

COMMITTEE DECISION

The Inquiry Committee determined that the evidence established that the registrant had contravened s. 69(2) of the College bylaws which govern marketing by making false, inaccurate, misleading and unverifiable statements in the website and in the community newspaper.

The Committee determined, and the registrant agreed, that the appropriate remedial action is a consent order under s. 33(6)(a) and (d) of the Act in which the registrant undertakes not to repeat the conduct and to ensure that all future marketing is in compliance with the College bylaws.

The Inquiry Committee concluded that this would be an appropriate case to seek a consent order under s. 36 of the Act because: (a) the registrant acknowledged that the website and publication in the community newspaper contained misrepresentations; (b) the registrant took steps to correct the misrepresentations as soon as s/he was notified of this complaint; (c) the registrant explained that there were extenuating circumstances which prevented her/him from focusing on the community newspaper publication due to a family illness; (d) the registrant explained that the reference to the “Dr.” title was erroneous and inadvertent; and (e) the registrant apologized for the conduct and undertook to refrain from any future contravention of s. 69 of the College bylaws.

RELEVANT PROVISION OF ACT, REGULATION, OR BYLAWS: CDHBC Bylaw s. 69; Act 33(1); 33(5); 33(6)(a) and (d); 36

STATUS: Closed

LEGISLATIVE AUTHORITY: *Health Professions Act*, s. 33, 36