

INQUIRY COMMITTEE RECORD OF DECISION

FILE NAME: DH1292

FACTS

On January 22, 2012, the Complainant filed a complaint with the College alleging that the Registrant had provided dental hygiene services to her elderly mother who resides in an extended care facility after she had withdrawn consent on behalf of her mother for further dental hygiene services. By letter dated February 14, 2012, the Registrar of the College notified the Registrant of the complaint and invited a response in accordance with section 33(5) of the *Health Professions Act*, R.S.B.C. 1996, c. 183 (the "Act"). The Inquiry Committee appointed an inspector under s. 27 of the Act on April 3, 2012. The Complainant advised the inspector that she had signed a blank consent form prior to the initial dental hygiene treatment being performed on the Complainant's mother. After receiving the invoice for the treatment, the Complainant directed the Registrant not to perform any further dental hygiene treatment for her mother unless the Complainant was expressly contacted prior to any care as she was concerned about the cost. The Registrant agreed; however, (s)he subsequently provided a further dental hygiene treatment to the Complainant's mother without contacting the Complainant first for authorization. The Registrant explained that (s)he had forgotten to contact the Complainant prior to performing a further treatment until after arriving home to complete the paperwork. The inspector's report was provided to both parties for comment and submitted to the Inquiry Committee on May 31, 2012.

COMMITTEE DECISION

At the conclusion of the investigation, the Inquiry Committee determined, under s. 33(6)(c) of the *Act*, that this would be an appropriate case to seek a consent order under s. 36 of the *Act* because the Registrant acknowledged that: (a) (s)he had performed dental hygiene treatment where consent had been revoked; and (b) (s)he had not adequately documented the agreement to contact the Complainant prior to providing further dental hygiene treatment to the Complainant's mother.

The Registrant agreed to provide a consent order pursuant to ss. 36(1)(a) and (d) of the *Act* on terms requiring her/him to undertake not to repeat the conduct, consenting to cooperate with random chart audits of her/his practice skills for a period of one year, to provide a list of clients that (s)he has provided dental hygiene services to for the preceding month on the first day of each month for a period of one year, and to successfully complete remediation training directed by the Inquiry Committee in the event that any areas of deficiency are identified during the random chart audits. The Inquiry Committee was satisfied that these terms would enable the College to monitor the Registrant's practice skills and ensure that there is no risk to public safety.

RELEVANT PROVISION OF ACT, REGULATION, OR BYLAWS: *Act*, section 33(4)(a); 33(5); 36 and *Bylaws*, section 70

STATUS: Closed

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