

INQUIRY COMMITTEE RECORD OF DECISION

FILE NAME: DH1311

FACTS

On October 1, 2013, the College received a complaint from a dentist (the “Complainant”) alleging that a dental hygienist had provided dental hygiene services to his patient and failed to comply with the 365 Day Rule.

By letter dated October 2, 2013, the Registrar of the College notified the Registrant of the complaint and invited submissions in accordance with s. 33(5) of the Health Professions Act, R.S.B.C. 1996, c. 183 (the “Act”).

The Registrant provided a written response, to the investigation which was received on October 16, 2013. The Registrant acknowledged that (s)he performed dental hygiene services on three occasions in 2012 and 2013 for the patient and stated that (s)he had confirmed with the patient at each appointment that the patient had been seeing a dentist in China.

The Inquiry Committee appointed an inspector under s. 27 of the Act to assist with the investigation on December 9, 2013. The inspector conducted interviews with the Registrant and the patient. The inspector provided the Inspector’s Report to the Inquiry Committee on January 6, 2014 and a copy of the report was provided to the Registrant for response.

COMMITTEE DECISION

At the conclusion of the investigation, the Inquiry Committee determined that this would be an appropriate case to seek a consent order under ss, 33(6)(c) and 36 of the Act because the Registrant acknowledged that (a) (s)he had failed to comply with the 365 Day Rule in performing dental hygiene treatment on the patient; and (b) (s)he had not adequately documented client charts with the specifics of dental examinations which his/her clients had received including the date of the examination and the name of the dentist in British Columbia.

In accordance with section 33(6)(c) of the *Health Professions Act*, the Inquiry Committee determined that this was an appropriate case to seek a Consent Order under s. 36(1)(a), (b) and (d) of the Act on terms that the Registrant: undertakes not to repeat the conduct of failing to comply with the 365 Day Rule in accordance with para. 6 of the Dental Hygienists Regulation; undertakes no to repeat the conduct of failing to complete proper charting in relation to the 365 Day Rule in accordance with para. 8 of the CDHBC Practice Standards; consents to successfully complete the College’s online Jurisprudence Education Module (JEM) within ten days of signing the Consent Order; and acknowledges that a contravention of any terms of this Consent Order constitutes professional misconduct and may lead to the issuance of a citation.

RELEVANT PROVISION OF ACT, REGULATION, OR BYLAWS: *Act, section 33(1); 33(5); 33(6)(c); 36(1)(a) and (d); Bylaws, 49; Regulation, para 6*

STATUS: *Closed*

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