

**INQUIRY COMMITTEE  
RECORD OF DECISION**

**File Reference:** DH1489

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***ELEMENTS OF COMPLAINT***

On December 22, 2014, the College received a notification from a Vancouver City By-Law enforcement officer regarding an independent dental hygiene practice owned and operated by a Registrant (the “Registrant”).

The CDHBC Inquiry Committee initiated an investigation under s. 33(4)(a) of the *Health Professions Act*, R.S.B.C. 1996, c. 183 (the “Act”) with respect to a possible contravention of s. 6 of the Dental Hygienists Regulation, and a possible contravention of the marketing and advertising bylaws (s. 69) of the College.

On January 14, 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 in which s/he maintained that his/her website was in compliance with the College’s marketing and advertising bylaws and invited the Inquiry Committee to conduct a chart audit to confirm compliance.

On April 13, 2015, the College appointed an inspector under s. 27 of the Act to assist with the investigation, which included an audit of the Registrant’s charts.

The Inquiry Committee received an inspector’s report on July 20, 2015 and a copy of the report was provided to the Registrant for review.

On July 31, 2015, the Inquiry Committee received a response from the Registrant in which s/he acknowledged his/her failure to adequately document compliance with the 365 Day Exempt rule and outlined the steps s/he had taken to improve future record keeping and adherence to the 365 Day Exempt rule.

***COMMITTEE DECISION***

At the conclusion of the investigation, the Inquiry Committee was concerned that the Registrant: (a) failed to comply with the 365 Day Exempt rule in accordance with para. 6 of the Dental Hygienists Regulation; (b) should have been familiar with the 365 Day Exempt rule requirements as an independent practitioner of dental hygiene; and (c) failed to maintain adequate or accurate clinical records in accordance with the Practice Standard Policies by failing to note compliance with the 365 Day Exempt rule.

In accordance with section 36 of the *Health Professions Act*, the Inquiry Committee and the Registrant agreed that the appropriate remedial action was a consent agreement pursuant to ss. 36(1)(a) and (d) of the Act requiring the Registrant to: (a) undertake not to repeat the conduct of failing to comply with the 365 Day Exempt rule in accordance with para. 6 of the Dental Hygienists Regulation; (b) undertake not to repeat the conduct of failing to complete proper

charting in relation to the 365 Day Exempt rule in accordance with para. 8 of the CDHBC Practice Standards; (c) undertake not to repeat the conduct of failing to ensure that his/her advertising and marketing complies with the 365 Day Exempt rule; (d) consents and undertakes to cooperate with three random chart audits by a College appointed inspector to take place every four months for a period of one year from the date of the undertaking and consent agreement; and (e) undertake to review and thoroughly familiarize him/herself with the requirements in the CDHBC bylaws and complete the Jurisprudence Education Module. The consent agreement further provided that in the event that the Registrant applied for and was granted a 365 Day Rule Exempt license prior to the expiration of the one year audit period, s/he will cease to be subject to the requirement for chart audits from the date that s/he is granted exempt status.

***RELEVANT PROVISION OF ACT, REGULATION OR BYLAWS***

**Act, section 33(4)(a); 33(5); 33(6)(a); s. 6; s. 69**

***STATUS***

Closed.