

**INQUIRY COMMITTEE
RECORD OF DECISION**

File Reference: DH1600

ELEMENTS OF COMPLAINT

On February 2, 2016, the College received a complaint from a client (the “Complainant”) alleging unprofessional behaviour of a 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”) and appointed an inspector to assist with the investigation.

On March 8, 2016, 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 denied the allegations made by the Complainant and denied becoming defensive when the Complainant questioned the treatment or making the Complainant feel uncomfortable during the appointment of January 25, 2016. The Registrant acknowledged that the Complainant did express concern regarding the cost of the appointment and the estimate for the next appointment for further cleaning.

The Registrant advised that the Complainant returned for the second appointment on February 1, 2016; however the Complainant was so upset about the charges that s/he left in a temper without getting his/her teeth cleaned. The Registrant provided the Complainant’s charts and noted several challenges in providing dental hygiene treatments to the Complainant over the years. The Registrant’s employer provided a letter of support confirming the information provided by the Registrant and indicated that s/he did not know what could have been done differently.

COMMITTEE DECISION

The Inquiry Committee reviewed the Complainant’s allegations and the Registrant’s response to those allegations. The Inquiry Committee acknowledged that a patient may perceive a dental hygiene treatment to be aggressive if they have tooth sensitivity. In view of the condition of the Complainant’s teeth, the Inquiry Committee determined that there was insufficient evidence to establish that the Registrant had departed from proper standards of practice. Efforts were made to ease the Complainant’s sensitivity through various means. The Inquiry Committee recognized that interpersonal communications are difficult to regulate. In the absence of objective evidence of abusive or improper behaviour, lack of sensitivity in communication alone is not sufficient to support a finding of professional misconduct.

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 there was insufficient evidence to establish that the Registrant had departed from proper standards of practice. The Inquiry Committee recognized that the Registrant properly reflected on the constructive criticisms received from the Complainant and confirmed that s/he would be setting a self-directed learning goal around chart documentation. The Inquiry Committee encouraged the Registrant to continue reflecting on the concerns expressed by the Complainant and to proactively take steps to ensure that s/he communicates in a more sensitive manner with future patients.

RELEVANT PROVISION OF ACT, REGULATION OR BYLAWS

Act, section; 33(4); 33(5); 33(6)(a)

STATUS

Closed.