

Alberta Dental Association and College Hearing Tribunal Decision September 12, 2017

IN ACCORDANCE WITH BYLAW 20 (7) OF THE ALBERTA DENTAL ASSOCIATION AND COLLEGE

BRIEF SUMMARY OF FACTS

Dr. Tarun Mehra delivered orthodontic treatment to a female patient over a series of seven consecutive years, commencing when the patient was 7 years old. The patient attended for 21 visits, and the parents entered into two orthodontic contracts with Dr. Mehra regarding the care.

During the initial consultation with the patient, Dr. Mehra indicated a prognathic facial profile with severe dental crowding and posterior and anterior cross bites. The orthodontic expert in this case clarified that the patient was actually missing teeth 14, 24, 15 and 34. Teeth 12 and 22 were blocked out of the occlusion. The patient's maxillary incisors were in severe retroclination. Tooth 25 had an odd position and anatomy.

Subsequent treatment by Dr. Mehra included: separators; maxillary and mandibular expanders; headgear; and transpalatal bar. In October 2008, Dr. Mehra gave the patient's parents an extraction letter about teeth 55, 65, 74, 75, 85, and 84. In April 2009, Dr. Mehra's notes indicated that the patient was missing permanent teeth 14, 15, 24, and 35. He expressed concern about tooth 25.

In May 2009, the second orthodontic contract was signed in the amount of \$5,415.00. In July 2009, a new rapid palatal expander was sealed. In a treatment letter in May 2011, Dr. Mehra recommended extracting tooth 25 because it had deviated in position and was growing horizontally. In December 2011, the patient's growth had changed significantly and Dr. Mehra prescribed class 3 elastics. In February 2012, Dr. Mehra placed a rapid palatal expander for a posterior cross bite. In June 2012, Dr. Mehra recommended that the patient's braces be removed as the patient was experiencing exhaustion and burn out. At this point, the parents removed the patient from Dr. Mehra's care and sought treatment from another orthodontist.

ADMISSION OF UNPROFESSIONAL CONDUCT BY DR. TARUN MEHRA

On September 12, 2017, a Hearing Tribunal of the Alberta Dental Association and College found Dr. Mehra guilty of unprofessional conduct and he was sanctioned. A Hearing Tribunal are the decision makers at a hearing and are comprised of a member of the public appointed by the Government of Alberta and three dentists registered in Alberta. The Hearing Tribunal accepted the admissions of unprofessional conduct by Dr. Mehra. Dr. Mehra admitted he had engaged in unprofessional conduct in relation to orthodontic treatment he provided to a child.

Specifically, Dr. Mehra admitted he did not document ongoing treatment plan changes, failed to document informed consent, failed to document discussions with the parent and created inconsistent and inaccurate treatment records. He admitted he referred to incorrect tooth numbers that impacted the patient's treatment and continuity of care. He admitted that he failed to create and maintain progress photographs and cephalometric radiographic images to clarify and document the noted underlying skeletal discrepancy and unfavourable growth pattern.

Dr. Mehra also admitted that he failed or refused to comply with or cooperate with a request of an investigator, including the failure to provide documents requested by the investigator during the investigation.

HEARING TRIBUNAL

The Hearing Tribunal made several comments about the unprofessional conduct. The Hearing Tribunal referenced argument that this case highlights the importance of recordkeeping. Proper recordkeeping ensures

that the patient is appropriately cared for, including continuity of care. In this case, wrong tooth numbers could have an impact on care when the file is transferred to another dentist. Proper recordkeeping also protects the dentist. Had the records been more clear, they would have assisted Dr. Mehra to defend himself about the informed consent discussions. Particularly in orthodontics, progress records are important in documenting particular issues or concerns.

It commented on the unprofessional conduct in relation to failing or refusing to comply with or cooperate with a request of an investigator, including the failure to provide documents requested by the investigator during the investigation.

Specifically, the Hearing Tribunal noted multiple requests of Dr. Mehra by the investigator for a response or documentation that included providing Dr. Mehra with several extensions of time to respond to the complaint, gather and submit patient records and reply to ongoing enquiries and the expert's report. The Hearing Tribunal noted nine requests and communications to Dr. Mehra from the Complaints Director that were not responded to at all or promptly.

The Hearing Tribunal commented that whether a dentist believes a complaint has merit is irrelevant to their obligation to respond to the complaint, correspondence and provide copies of patient records and documentation.

PENALTY

The Hearing Tribunal accepted the Joint Submission on Penalty and issued the following orders against Dr. Mehra:

1. Two week suspension;
2. Reimbursement of the cost of treatment to the patient in the amount of \$5,415.00;
3. Completion of the Ethics Program by March 31, 2018 which will not count toward Dr. Mehra's continuing education;
4. Contribution of \$1,000.00 for the Ethics Program; and
5. Full costs of the investigation and hearing in the amount of \$37,581.31.