

NOTICE TO DENTISTS

**IN ACCORDANCE WITH BYLAW 19(7) OF
THE ALBERTA DENTAL ASSOCIATION AND COLLEGE**

On October 15, 2015, a Hearing Tribunal of the Alberta Dental Association and College found Dr. Anthony Vader guilty of unprofessional conduct and he was sanctioned.

Dr. Vader admitted he was guilty of unprofessional conduct because:

1. In relation to 30 patients, he retained unearned fees paid by third party dental insurance carriers;
2. In relation to 27 patients, he failed to engage in the usual and customary business practices to collect co-payments from patients;
3. In relation to 22 patients, he failed to ensure that claims made to third party dental insurance carriers were accurate statements of the services rendered, the date of service, the fees charged to patients; and
4. In relation to 53 patients, he failed to provide appropriate supervision to his staff or employees engaged in billing, receiving, allocating, collecting or accounting activities on behalf of Dr. Vader's practice, or failed to ensure his staff or employees were knowledgeable and competent to perform these activities, particulars of which include supervision over fees assessed and billed or written off or allocated.

The Hearing Tribunal directed that a copy of their decision be sent to the Alberta Minister of Justice and Solicitor General pursuant to section 80(2) of the *Health Professions Act*.

The Hearing Tribunal stressed that Dr. Vader's unprofessional conduct was a very serious form of unprofessional conduct that breached the duties owed by Dr. Vader to the public, the profession, and the insurers in respect to his billing practices. It found Dr. Vader's conduct is aggravated because he was previously disciplined in 1990 for similar conduct of submitting a bill to a patient and a patient's insurer for dental fees or charges for dental treatment that was "in whole or in part not rendered by him, or at all". At the previous hearing in 1990, the Discipline Committee found that Dr. Vader's actions were detrimental to the best interests of the public and tended to harm the standing of the profession generally.

The Hearing Tribunal described the supporting evidence of each charge admitted to by Dr. Vader and their findings, as summarized below.

1. Dr. Vader retained unearned fees paid to him by insurers for 30 patients. Dr. Vader admitted that a substantial amount of unearned fees were not paid back to insurers but were retained or written off, or credited to patient accounts for additional dental work. The Hearing Tribunal also noted that this was confirmed by Mr. Thoman, forensic accountant, in his report.

1. Dr. Vader failed to collect the co-payment from patients for 27 patients. The Hearing Tribunal considered the admissions of Dr. Vader that it was his office policy not to attempt to collect these uninsured amounts from his patients and his staff failed to collect co-payments from patients. The Hearing Tribunal also considered the supporting evidence of Mr. Thoman that co-payments were not collected.

2. Dr. Vader failed to ensure that claims submitted to insurers were accurate for 22 patients. The Hearing Tribunal found that the report of Mr. Thoman, and the examples identified in his report proved that Dr. Vader had failed to ensure that multiple claims submitted to insurers were accurate for 22 patients.

3. Dr. Vader failed to provide appropriate supervision of staff engaged in billing practices for 53 patients. The Hearing Tribunal found that the report of Mr. Thoman and the examples identified in his report proved that Dr. Vader had failed to provide appropriate supervision to staff billing in relation to 53 patients.

The Hearing Tribunal accepted the Joint Submission on Penalty and made the following orders:

- a. Dr. Vader will serve a 12 month suspension on or before October 2017, on dates to be accepted by the Complaints Director. Six months of the 12 months will be held in abeyance provided that Dr. Vader complies with all aspects of the Hearing Tribunal's orders;
- b. Dr. Vader will complete the ADA+C Ethics Program, totaling 30 hours, on or before April 1, 2016. The Ethics Program will be paid for by the ADA+C but will not count toward Dr. Vader's continuing education credits;
- c. Dr. Vader will pay a fine of \$10,000 on or before December 15, 2015;
- d. Dr. Vader will pay the costs of the investigation and hearing of approximately \$59,780.00 within 30 days of service of the Statement of Costs, or by installment payments approved by the Complaints Director which must commence within 30 days of service of the Statement of Costs;
- e. Dr. Vader will report to the Complaints Director every 6 months for a period of 5 years from October 15, 2015 in a form acceptable to the Complaints Director on matters including the status of his patient charts, patient billing and reconciliation of insurance payments and co-pay amounts; and
- f. Dr. Vader will submit to supervision of the financial management of his practice in the form of random practice inspections by the Complaints Director or advisors that are appointed, including regulated members of the ADA+C or accounting professionals or others for a period of 5 years from October 15, 2015.