

Alberta Dental Association and College Hearing Tribunal Decision February 5, 2015

On February 5, 2015, a Hearing Tribunal found Dr. Sylvia Yuen Ying Lee guilty of unprofessional conduct and she was sanctioned.

Dr. Sylvia Lee was found guilty of failing or refusing to comply with a request of or cooperate with an investigator and cooperate with a request of the Alberta Dental Association and College because Dr. Lee:

Failed or refused to respond in an investigation to correspondence dated August 8, 2014; October 1, 2014; October 28, 2014; and November 13, 2014 and telephone messages dated September 19, 22, 23 and 25, 2014.

Failed or refused to provide a written response and copies of the patient's clinical record.

The Hearing Tribunal noted there was a clear breach of Article A2 of the Code of Ethics and the Health Professions Act. Dr. Lee was contacted on several occasions and did not respond or provide the requested documentation. Dr. Lee had not submitted a response or the documentation as of the hearing date of January 28, 2015.

The Hearing Tribunal stressed the very important duties of a member which are essential components of the professional obligations of dentists to cooperate with and respond to an investigator investigating a complaint.

The Hearing Tribunal acknowledged Dr. Lee's sincerity and that she expressed regret about her actions and apologized at the hearing for her failure to respond. Dr. Lee acknowledged that she had a duty to respond. The Hearing Tribunal noted that Dr. Lee did not consult with or ask advice from anyone regarding responding to her complaint.

The Hearing Tribunal also acknowledged that Dr. Lee felt overwhelmed and clarified that feeling overwhelmed or uncertain about how to respond cannot justify or excuse a complete lack of response that persisted until the moment that Dr. Lee appeared at the hearing. Dr. Lee provided the requested response and documentation within twenty four hours after the hearing was held.

The Hearing Tribunal ordered the following sanctions:

Dr. Lee is issued a reprimand and the decision and order shall constitute the written reprimand of the Hearing Tribunal.

Dr. Lee is ordered to provide a response to the investigation of the original complaint within 10 calendar days of receipt of the Hearing Tribunal's decision, failing which she will be suspended until a response is provided.

Dr. Lee shall be suspended for a period of two weeks, to be served within the next six months on dates acceptable to the Complaints Director.

Dr. Lee is ordered to pay the amount of \$13,422.98 which is the full costs of the investigation and hearing, within 30 days of receipt of Statement of Costs.