

Alberta Dental Association and College Hearing Tribunal Decision December 5, 2014

On December 5, 2014, a Hearing Tribunal found Dr. Doksoo Ahn guilty of unprofessional conduct and he was sanctioned.

Dr. Doksoo Ahn admitted he was guilty of unprofessional conduct because:

He failed to comply with the ADA+C's Infection Prevention and Control Standards and Risk Management for Dentistry (the IPC Standards).

He failed to ensure the staff member performing tasks related to IPC Standards was knowledgeable and competent to perform the assigned tasks which was contrary to Article 12 of the Code of Ethics and section 100 of the Health Professions Act.

He failed to comply with the ADA+C's Radiation Program in that he did one or more of the following:

- Upon opening a new dental practice, he did not complete an Application for Registration of Designated Radiation Equipment or an inspection report and did not provide proof of dosimeter service;
- Breached the Radiation Protection Act and the Radiation Protection Regulation.
- He failed to contact the ADA+C to advise that his clinic, Two Hills Dental Clinic, had not been scheduled for a practice visit which was a breach of his general obligations as a professional and his obligation to be forthright with the ADA+C and which was contrary to Principle 5 of the Code of Ethics.
- To the extent that Dr. Ahn's failure to meet his professional obligations was caused by health problems as he claimed, he:
- Failed to ensure that he only practiced when competent to do so, contrary to Principle 4 and Article A2 of the Code of Ethics; and
- Failed to comply with the obligation in Article A3 of the Code of Ethics to notify the ADA+C if a medical condition affected his ability to practice safely and competently.

The Hearing Tribunal found that the evidence clearly established a complete lack of compliance with the IPC Standards, the Radiation Standards and his professional obligations to the ADA+C. The Hearing Tribunal emphasized that Dr. Ahn created a very serious danger to patients and staff at the Two Hills Clinic. The Hearing Tribunal noted that Dr. Ahn's admissions of unprofessional conduct were clearly established by evidence reviewed at the Hearing.

It was referenced by the Hearing Tribunal the ADA+C submitted that it would not ordinarily have sought cancellation of his registration and practice permit for this conduct. These orders were intended to ensure Dr. Ahn could never return to practice in Alberta and were the equivalent of a

cancellation. The orders were necessary to protect the public where these gross deficiencies in practice and total dereliction of professional duties had occurred.

Regarding the costs of the hearing and the fine, the Hearing Tribunal referenced the submissions of the ADA+C that it would ordinarily ask for an order for a substantial fine and full costs of the investigation and hearing. The Hearing Tribunal noted Dr. Ahn's age and that he had closed his practice had not practiced for many months and was living on social benefits. There was no realistic possibility that a fine or full costs would be paid.

The Hearing Tribunal stated that it was concerned about the lack of a substantial fine for this unprofessional conduct and the very limited costs given that each of the five proven allegations justified a substantial fine. The Hearing Tribunal chose to accept the proposal in the Joint Submission about the fine and costs given that the facts presented showed that there was not a realistic possibility of any fines or additional costs being repaid. Given these facts, the importance of the orders preventing Dr. Ahn's return to practice and the notification, the Hearing Tribunal chose to accept the Joint Submissions on Sanctions.

The Hearing Tribunal accepted the Joint Submission on penalty and ordered that:

- Dr. Ahn is henceforth ineligible for registration with the ADA+C;
- Dr. Ahn will not seek to become registered with the ADA+C again and will not seek reinstatement of his registration and practice permit;
- The ADA+C shall be at liberty to release to other regulatory bodies, in its discretion, the decision of the Hearing Tribunal in this matter; and
- Dr. Ahn shall pay partial costs of the investigation and hearing in the amount of \$3,500 within one year of the date of the decision.