

# Alberta Dental Association and College Hearing Tribunal Decision November 15, 2016

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

On November 15, 2016, a Hearing Tribunal of the Alberta Dental Association and College found Dr. Gurpreet Gill guilty of unprofessional conduct and she was sanctioned. A Hearing Tribunal is an independent group comprised of a member of the public appointed by the Government of Alberta and three dentists registered in Alberta.

Dr. Gill admitted she was guilty of unprofessional conduct because she advertised and promoted herself and her practice on her websites or elsewhere online:

1. By making statements, express or implied, that were false, misleading, deceptive, ambiguous or fraudulent or that tend to harm the dignity and honor of the profession contrary to Principle 5, Articles B4(a), B4(f), B4.1 or B4.3 of the Code of Ethics; section 102 of the *Health Professions Act*.
2. By using trade names which were not approved trade names, or which were misleading or implied superiority or specialization, or any of them, contrary to sections B4(a), B4(d), B4(e), B4.4 or B4.7 of the Code of Ethics.
3. By making statements, expressed or implied, that she had achieved specialty status or that she had specialty training, or by making statements, express or implied, that were misleading, contrary to section B4(a), B4(e), or B4.7 of the Code of Ethics, or section 128(11) of the Health Professions Act.
4. By making statements, expressed or implied, that her services, equipment, materials, techniques or results are superior to those of other dentists, or by making statements, express or implied, that were misleading, contrary to section B4(a), B4(d) or B4.2 of the Code of Ethics, or section 102 of the Health Professions Act.
5. With a coupon or time-limited discount, or both, contrary to Article B4 of the Code of Ethics.
6. By making statements, express or implied, that were not objectively verifiable or may have created unreasonable expectations in a patient or potential patient about their potential results, contrary to Articles B4(b), B4(c), or B4.2 of the Code of Ethics.
7. By referring to her courses and education beyond her DDS or DMD, contrary to Article B4.6 of the Code of Ethics.
8. That failed to clearly state that services are provided by a General Dentist, contrary to Article B4.8 of the Code of Ethics.
9. By using the name "Thomas Davis" to promote her dental services or her dental practice when this was not her legal name as it appeared on the Alberta Dental Association and College register, contrary to Principle 5 or Articles B4(a), B4(f), B4.1 or B4.3 of the Code of Ethics, or section 102 of the Health Professions Act.

The Hearing Tribunal questioned the advertising and promotional practices of Dr. Gill that lead to their decision that she had engaged in unprofessional conduct. Specifically with respect to each of

the nine findings of unprofessional conduct, the Hearing Tribunal concluded the conduct was very serious. Each of the nine findings, some evidence and comments of the Hearing Tribunal are outlined below.

ONE: Advertising in a misleading, deceptive, ambiguous or fraudulent manner or in a way that tends to harm the dignity and honor of the profession contrary to Principle 5, Articles B4(a), B4(f), B4.1 or B4.3 of the Code of Ethics; section 102 of the *Health Professions Act*.

The Hearing Tribunal noted Dr. Gill was advertising that her clinic was open 24 hours per day, accepted calls in the middle of the night and that immediate appointments were available. In fact, her clinic was not open 24 hours per day, she did not accept telephone calls in the middle of the night and immediate appointments were not always available. There was also no dentist named Thomas Davis employed at the clinic or registered with the ADA+C. Specifically, the Hearing Tribunal noted Dr. Gill advertised on multiple websites:

- a. "Call us 24/7 to get an appointment..."
- b. "If you feel the need to see a dentist right away, call us for an emergency treatment, even in the middle of the night we will be there for you."
- c. "There are no hidden charges associated with our emergency treatment; however, although we do answer calls till 9pm at night, the dental emergency will be attended to first thing in the morning."
- d. "Hey, this is Thomas Davis, a senior dentist. With my expertise in dental technology, I'd like to assist you any time in the week including weekends."
- e. Online Profile for Thomas Davis.

The statements were misleading, inaccurate or misrepresented facts. The Hearing Tribunal was particularly concerned that the advertising purported to contain statements from a dentist who did not exist.

TWO: Using a trade name which was not an approved trade name, or which was misleading or implies superiority or specialization, contrary to sections B4(a), B4(d), B4(e), B4.4 or B4.7 of the Code of Ethics.

Dr. Gill admitted that a significant number of the websites she used were trade names which were not approved trade names and were misleading or implied superiority or specialization, such as [www.calgarydentist.info](http://www.calgarydentist.info) and [www.dentistcalgary.com](http://www.dentistcalgary.com). The following examples were noted:

- a. [Affordabledentist.ca](http://Affordabledentist.ca);
- b. [Awesomedentist.ca](http://Awesomedentist.ca);
- c. [Bestbraces.ca](http://Bestbraces.ca);
- d. [Dental-emergency.ca](http://Dental-emergency.ca);
- e. [Rootcanaldentist.ca](http://Rootcanaldentist.ca);
- f. [Sedationdentist.ca](http://Sedationdentist.ca);

and other trade names.

The Hearing Tribunal found that a number of the websites made implied claims of superiority to other dentists or implied specialization, which breached Articles B4(1), B4(d), B4(e) and B4.7 of the Code of Ethics.

THREE: Advertising that she had achieved specialty status or that she had specialty training, or she made statements, express or implied, that were misleading, contrary to section B4(a), B4(e), or B4.7 of the Code of Ethics, or section 128(11) of the *Health Professions Act*.

The Hearing Tribunal referenced several excerpts from Dr. Gill's advertising that made claims of specialty status or specialty training and were misleading because Dr. Gill is a general dentist, some of which are as follows:

- a. "Let our office become your specialized dental health care clinic and deliver advanced and skilled cosmetic dentistry."
- b. "SERVICES ... Maxillofacial Surgery"
- c. "Best braces"
- d. "Our professional Invisalign dentist"
- e. "Child dentistry is a science. Make sure that your dentist is experienced and trained to perform Child Dentistry. Call us for more information on this."
- f. "Our dental implant specialist"
- g. "Immediate Attention and Appropriate Response - trust our emergency dental team in Calgary."
- h. "Skills & Expertise include: Cosmetic Dentistry ... Restorative Dentistry ... Oral Surgery ... Pediatric Dentistry"
- i. "Sedation Dentistry in Calgary"
- j. "Are you in need of an emergency dentist or emergency dental treatment in Calgary?"
- k. "Aesthetic Dentistry"

FOUR: Advertising in a manner that expressed or implied that her services, equipment, materials, techniques or results are superior to those of other dentists, or she made statements, express or implied, that were misleading, contrary to section B4(a), B4(d) or B4.2 of the Code of Ethics, or section 102 of the Health Professions Act.

The Hearing Tribunal referenced some of the excerpts from Dr. Gill's advertising that expressed or implied that her services, equipment, materials, techniques or results were superior to those of other dentists or were otherwise misleading:

- a. "Best Dental Clinic in Calgary North West."
- b. "Most ethical dental care"
- c. "We provide the best root canal treatments"
- d. "Zoom: Revolutionary teeth whitening system to whiten your teeth."
- e. "The whole process is simple and painless."
- f. "We are a leading dental health care clinic offering outstanding dental crown services to permanently cure your curved and broken teeth. Our results-oriented dentists..."
- g. "With the use of Revolutionary dental techniques and technology..."
- h. "We offer personalized and advanced teeth filling and bonding services to provide long-lasting protection and natural appearance to your teeth. Our expert dentists employ latest teeth filling equipment and procedures to cure your decay and make you feel satisfied..."
- i. "Achieve world class dental services and achieve good oral health."
- j. "If you need effective and inexpensive restoration of crooked and damaged teeth then Calgary dentist's cosmetic dentistry service dental veneers give you instant results that persist 5 to 10 years."
- k. "With our unparalleled skills and state of the art technology, we at our dental office offer world-class cost-effective cosmetic dentistry implantation services ... take special care of your comfort and hygiene to provide you painless and permanent solution for broken teeth."

FIVE: Using a coupon or time-limited discount, or both, contrary to Article B4 of the Code of Ethics.

The Hearing Tribunal noted that Dr. Gill was advertising a time-sensitive offer, as follows:

- a. "Special offer in Calgary Only – Do not miss out on our time-sensitive and cost –efficient offer to erase dark stains from your teeth."

SIX: Advertising statements, express or implied, that were not objectively verifiable or may have created unreasonable expectations in a patient or potential patient about their potential results, contrary to Articles B4(b), B4(c), or B4.2 of the Code of Ethics.

The Hearing Tribunal noted Dr. Gill's advertised statements, such as:

- a. "Tooth Extraction: permanent solutions are available and are absolutely risk free."
- b. "Teeth Extraction is considered to be a very painful treatment by many, but at our clinic, we have not seen any patient in pain and hurt. Our technique for teeth extraction is absolutely painless and comfortable. Our patients walk in with a smile and walk out happy."
- c. "As a matter of fact her patients feel proud in referring her to their family and friends."
- d. "Save your hundreds of dollars just by following our free healthy dental tips."
- e. "Get the Real Smile in you ... Enjoy the long-awaited smile you have always been looking for. Confidently show the new aspect of personality without any pain or discomfort."
- f. Testimonials.
- g. Photographs of before and after different lengths of Invisalign treatment."
- h. "PROVIDING HEALTHY & CONTAGIOUS SMILES FOR LIFE ... Healthy, beautiful and dazzling smile is just one call away from you. Experience customized dental services at our dental clinic and bring a great difference to your personality."
- i. "In the latest dental research, it has been revealed that 82% of people believe that straight white teeth not only add beauty to their smile but also boost self-esteem and confidence."
- j. "IV Sedation – it is a safe and effective method delivered through injection in blood vessels..."
- k. "Tooth Ache is the worst pain a person can have. It is said to be of the same intensity as labour pain."

SEVEN: Advertising courses and education beyond her DDS or DMD, contrary to Article B4.6 of the Code of Ethics.

The Hearing Tribunal made particular reference to following:

- a. "Dr. Gill has won a gold medal in dentistry and is very strongly committed for excellence, providing excellent dental care to her patients."
- b. "I pursued a Bachelor of Science degree in Biological Sciences at the University of Calgary. In 1999 I graduated from the dental hygiene program and the University of Alberta with a diploma in dental hygiene and gold medal reward for highest academic standing. I didn't stop there... I decided to continue on and get by Doctor of Dental Medicine. In 2004, I graduated Magna Cum Laude from Boston University."
- c. "I am a member in good standing with the Calgary District Dental Society."
- d. "I continually pursue continuing education courses so that I can offer my clients the latest technology and techniques of dentistry."

EIGHT: Not clearly stating that services are provided by a General Dentist, as required by Article B4.8 of the Code of Ethics.

The Hearing Tribunal noted that Dr. Gill had several websites where she did not clearly state that services were provided by a general dentist as required by Article B4.8, such as:

- a. Drgurpreetgill.ca
- b. Drgurpreetgill.com
- c. Dentist-calgary.blogspot.ca

NINE: Using the name "Thomas Davis" to promote her dental services or her dental practice when this was not her legal name as it appeared on the Alberta Dental Association and College register, contrary to Principle 5 or Articles B4(a), B4(f), B4.1 or B4.3 of the Code of Ethics, or section 102 of the Health Professions Act.

Dr. Gill admitted she used the name "THOMAS DAVIS" to promote her dental practice when this was not her legal name or the name of any person on the ADA+C register. Dr. Gill admitted she was ultimately responsible for her advertising and that this advertising was contrary to the Code of Ethics. The Hearing Tribunal referenced the following excerpts from Dr. Gill's advertising:

- a. "Hey, this is Thomas Davis, a senior dentist. With my expertise in dental technology, I'd like to assist you any time in the week, including weekends."
- b. Articles posted by Thomas Davis such as "Tooth Extraction Process" on Wednesday, 22 January 2014 that were changed to list the author as Gurpreet Gill on May 12, 2014.
- c. Thomas Davis listed on Facebook profile for Expressions Dental Airdrie.
- d. Thomas Davis listed on <https://plus.google.com> as "Worked at Expressions Dental Clinic."

Dr. Gill admitted that no such person named Thomas Davis existed and her only explanation for these statements is an acknowledgment she did not review her own advertising and notice these statements. The Hearing Tribunal accepts that Dr. Gill did not deliberately create these references, but finds she is responsible for the advertising developed and placed on her websites. References to a fictitious dentist are clear breaches of the Code of Ethics and section 102 of the Health Professions Act.

The Hearing Tribunal found Dr. Gill's conduct was in relation to a large number of advertising breaches and extended over a period of several years. The Hearing Tribunal stressed that Dr. Gill did not personally review her advertising sufficiently despite ongoing input and efforts during her investigation. They wished to educate the profession on the importance of complying with the advertising provisions of the Code of Ethics and the importance of the dentist assuming personal responsibility for reviewing the advertising of their practice. Dentists have a professional responsibility to review their advertising and she failed this duty by delegating the preparation of her advertising and not reviewing it.

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

1. Dr. Gill will be suspended for three (3) weeks to be served in one consecutive period within eight months, with dates to be approved by the Complaints Director.
2. Dr. Gill will complete the ADA+C Ethics Program, totaling 30 hours within eight months. The Ethics Program will not count toward Dr. Gill's continuing education credits.
3. Dr. Gill will pay costs of \$35,000.
4. Within 30 days of receiving the decision, Dr. Gill will provide the Complaints Director a printout of her advertising and promotional materials highlighting the changes she has made. The Complaints Director will review the advertising and Dr. Gill will have an opportunity to make any further changes.