

Alberta Dental Association and College Hearing Tribunal Decision March 18, 2014

On March 18, 2014, a Hearing Tribunal found Dr. Thomas Michael Lowry guilty of unprofessional conduct and he was sanctioned.

Dr. Lowry admitted he was guilty of unprofessional conduct that displayed a lack of knowledge of, or lack of skill or judgment in the provision of dental services or that contravened the standards of practice or Code of Ethics because:

Dr. Lowry failed to consult with or refer the patient to a specialist in an appropriate and timely manner.

Dr. Lowry failed to provide adequate or appropriate treatment to the patient including one or more of: commencing the patient's active orthodontic treatment too early considering the age of the patient; extracting a deciduous tooth as part of the treatment plan when the tooth should not have been extracted; inappropriately shifting the patient's upper dental midline; failing to create appropriate spaces for the patient's teeth; failing to properly check the patient's bite; failing to appropriately monitor the orthodontic treatment or progress of the orthodontic treatment; providing treatment that was below acceptable standards of practice.

Dr. Lowry did not keep or maintain adequate or appropriate dental records including one or more of: failing to take bite registrations; failing to take or keep regular radiographs to record the progress of the orthodontic treatment; failing to take or keep study models; failing to record the patient's bite or bite discrepancies; failing to document the dosage of local anaesthetic administration; failing to document the instructions given to the patient or the patient's parents.

Dr. Lowry failed to obtain or document informed consent of the patient's parents for the treatment provided to the patient.

The Hearing Tribunal outlined this was a complex orthodontic case that required an initial referral to an orthodontic specialist. The Hearing Tribunal also confirmed that when Dr. Lowry experienced problems during treatment, he should have referred the patient to a specialist.

The patient was eight years old at the time Dr. Lowry commenced his initial phase of treatment using a Twin Block appliance. At the commencement of this phase, the patient had a 13 mm overjet with a deep, near impinging 100 percent overbite. The patient was congenitally missing teeth 22, 25 and 35.

Active orthodontic treatment commenced approximately two years later. The patient then was in active orthodontic treatment with Dr. Lowry for approximately four and one half years. During this time period, tooth 75 not 85 was incorrectly extracted by Dr. Lowry.

After not returning to Dr. Lowry, the patient continued to have an excessive overjet between 5 mm and 9.5 mm, depending on occlusal shift. The upper midline was 4 mm off the facial midline to the right and canted. The lower midline was also shifted to the left. The patient's bite was dysfunctional and there was significant occlusal discrepancy present.

The Hearing Tribunal accepted the joint submission of penalty proposed by Dr. Lowry and the Complaints Director and ordered that:

- Dr. Lowry serve a four week suspension with the dates to be approved in advance by the Complaints Director and to be completed by April of 2015;
- Dr. Lowry attend the Alberta Dental Association and College Ethics Program totaling 30 hours that shall not count toward Dr. Lowry's Continuing Education requirements and to be completed by April of 2015; and
- Dr. Lowry pay the full costs of the investigation and hearing of \$56,432.51.