

Alberta Dental Association and College Hearing Tribunal Decision October 16, 2017

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

On October 16, 2017, a Hearing Tribunal of the Alberta Dental Association and College found Dr. Daryn J. Flanagan guilty of unprofessional conduct and he was sanctioned. A Hearing Tribunal are the decision makers at a hearing and are comprised of a member of the public appointed by the Government of Alberta and three dentists registered in Alberta.

BRIEF SUMMARY OF FACTS

A patient received a routine check-up and cleaning from Dr. Flanagan. Prior to the appointment, the patient was assured by Dr. Flanagan's practice that it would honor and apply the fees as outlined in the Alberta Blue Cross Dental Schedule (the "ABCDS"). The patient was charged the regular fees of the practice which were higher than the fees in the ABCDS. The patient did not have Alberta Blue Cross insurance coverage and complained to the Alberta Dental Association and College.

Dr. Flanagan admitted he was guilty of unprofessional conduct because he assessed different fees for services rendered to a patient based on the patient's insurance provider, or lack of provider, contrary to the ADA&C Code of Ethics or Guide for Advertising and Promotional Activities of Alberta Dentists.

The Hearing Tribunal valued the immediate and substantive efforts of Dr. Flanagan to address the complaint and his overall cooperation.

The Hearing Tribunal accepted the Joint Submission on Penalty and issued the following orders against Dr. Flanagan:

1. A reprimand;
2. An undertaking to comply with the Code of Ethics and Guide for Advertising and Promotional Activities of Alberta Dentists; and
3. Costs of the investigation and hearing of \$19,715.40.