

# Alberta Dental Association and College Hearing Tribunal Decision February 8, 2017

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

On February 8, 2017, a Hearing Tribunal of the Alberta Dental Association and College found Dr. Jack Phan 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. This hearing involved breaches of the Standards of Practice: Infection Prevention Control and Risk Management for Dentistry (the "IPC Standards"); the Alberta Dental Association and College Radiation Health and Safety Program; and the Code of Ethics.

Dr. Phan admitted he was guilty of unprofessional conduct because he re-used single-use dental implant instruments and/or components; he improperly cleaned and sterilized dental implant instruments and/or components; he failed to establish a sterile field and/or implement surgical aseptic techniques for and during implant surgery; he failed to maintain a blood-borne pathogen needlestick protocol; he failed to maintain a record of staff vaccinations and/or he failed to ensure critical dental devices were packaged to maintain sterility until use. Specifically in relation to the Radiation Health and Safety Program, Dr. Phan admitted that he was interpreting and/or reporting on cone beam scans without sufficient training to interpret and/or report on cone beam scans; he failed to complete the required three day course to interpret and/or report on cone beam scans; and/or he failed to ensure his staff had completed the necessary training.

The Hearing Tribunal emphasized the importance of the IPC Standards and that full compliance with the IPC Standards and the Radiation Health and Safety Program is necessary. They noted that these requirements for Alberta dentists are fundamental parts of the dentist's duty to the safety of patients and staff and are not merely administrative or optional.

The Hearing Tribunal acknowledged that Dr. Phan made extensive efforts to address the numerous concerns found during the two inspections of his dental practice and that Dr. Phan had made changes to his practice.

The Hearing Tribunal accepted the Joint Submission on Penalty and issued the following order that Dr. Phan be suspended from practice for four weeks, to complete the 30 hour Ethics Program which shall not count toward Dr. Phan's continuing education credits; and to pay costs of the investigation and hearing of \$49,051.39