

## Alberta Dental Association and College Hearing Tribunal Decision Summary

July 10, 2019

### IN ACCORDANCE WITH BYLAW 20(7) OF THE ALBERTA DENTAL ASSOCIATION AND COLLEGE

From June 12 – 13, 2018 and July 20, 2018, a contested hearing was held in Edmonton to address allegations of unprofessional conduct about Dr. Lori Gee. The Hearing Tribunal made their decision, dated October 11, 2018, a summary of which is below. The discipline, or sanctions were decided by the Hearing Tribunal by their orders dated July 10, 2019.

#### SUMMARY OF FACTS

The subject of the hearing was Dr. Gee's advertising and promotion of Mr. Brock Inverarity as a registered dentist in Alberta. The advertising and promotion put out by Dr. Gee was in the form of Yellow Pages print ads, online ads, as well as when introducing Mr. Inverarity to patients at the clinic.

Mr. Inverarity had practiced as a dentist in a different jurisdiction. He was never registered as a dentist in Alberta. Mr. Inverarity was employed at Dr. Gee's practice as a treatment coordinator and office manager.

Prior to the investigation taking place, the Complaints Director had contacted Dr. Gee regarding her advertising of Mr. Inverarity. Although Dr. Gee made assertions that the advertising was being amended, no amendments were seen and an investigation commenced.

#### FINDING OF UNPROFESSIONAL CONDUCT

The Hearing Tribunal made one finding of unprofessional conduct against Dr. Gee. Below is a summary of the allegations that were found to be proven. One allegation was dismissed by the Hearing Tribunal because it was not proven.

**Dr. Gee was engaging in advertising or promotional activity that was untruthful, inaccurate or otherwise capable of misleading or misinforming the public, contrary to the *Health Professions Act*, section 102, and the Code of Ethics: Principle 5, Articles B4(a) and B4.1. Specifically, Dr. Gee was advertising or promoting Mr. Brock Inverarity as a dentist associated with her practice in print advertising, online or elsewhere.**

Principle 5 of the Code of Ethics states that a dentist must be truthful, and forthright in all professional matters. The Hearing Tribunal determined that Dr. Gee did misrepresent information to the public at large and to patients and potential patients. A dentist who produces false, inaccurate, or misleading advertising is engaging in conduct that harms the integrity of the profession of dentistry.

The Hearing Tribunal also found that Dr. Gee breached section 102 of the HPA that addresses a member's advertising and the above referenced Articles of the *Code of Ethics*. The Hearing Tribunal believed that Dr. Gee, as a registered dentist in Alberta, had a duty to be aware of the restriction on advertising as set out in the *Code of Ethics*.

The Hearing Tribunal concluded these breaches were serious and were unprofessional conduct. They remarked that conscientious practitioners can breach the *Code of Ethics* if they are not paying attention. Registered members must take their privilege to practice as we as the governing authority granted to their profession seriously and must make themselves aware of the provisions of the *Health Professions Act* and the *Code of Ethics* relating to advertising.

**Dr. Gee was engaging in advertising or promotional activity that represented, stated, or implied that Mr. Brock Inverarity was a "Dentist", "Doctor", or "Dr." in connection with the provision of a health service, or a regulated member of the Alberta Dental Association and College, contrary to the *Health Professions Act*: section 128(1). Specifically, Dr. Gee was advertising or promoting Mr. Brock Inverarity as a "Dentist", "Doctor", or "Dr." associated with Dr. Gee's practice in print advertising, online or elsewhere.**

The Hearing Tribunal found that that this allegation was proven. It was joined with Allegation 1 as the breaches of sections 102 and 128(1) of the *Health Professions Act* did not justify two separate findings of unprofessional conduct.

**Dr. Gee was representing or holding Mr. Brock Inverarity out to one or more patients within her practice as a "Dentist", "Doctor" or "Dr." in connection with the provision of a health service, or as a regulated member of the Alberta Dental Association and College, contrary to the *Health Professions Act*: section 128(1), (5), or (7); the *Dentists Profession Regulation*: section 10(1); or the *Code of Ethics*: Principle 5.**

The Hearing Tribunal found that there was not sufficient evidence to prove this allegation. Although Mr. Inverarity was introduced to patients as a dentist, patients were informed that he was not practicing as a dentist. They expressed that there may have been confusing for patients and it was appropriate for Dr. Gee to stop introducing Mr. Inverarity as a trained dentist.

## SANCTION

The Hearing Tribunal found the nature and gravity of the finding of unprofessional conduct to be serious and showed a lack of knowledge by Dr. Gee of the advertising standards. The Hearing Tribunal expressed Dr. Gee had sufficient experience that she should have been aware of the advertising standards when she opened her dental practice.

Although Dr. Gee did not have any prior complaints, the conduct of the single offence of advertising Mr. Inverarity as "Dentist", "Doctor", or "Dr." had been ongoing for a period of 2 to 3 years and it was probable that it would have continued but for the contact by the Complaints Director. However, the Hearing Tribunal felt that there was little risk of Dr. Gee engaging in similar conduct in the future.

The Hearing Tribunal stated that they believe the need to maintain public confidence in the integrity of the profession is an important factor requiring a significant sanction. This will make clear to the public, as well as the dental profession, that the ADA&C takes false and misleading advertising very seriously. The Hearing Tribunal expressed that it is important for all dentists to be aware that they have a positive obligation to understand and comply with the advertising requirements and that failure to do will have a significant consequence even if there was no intent to breach the advertising standards.

The Hearing Tribunal issued the following orders:

1. Dr. Gee will complete the ADA&C Ethics program within twelve (12) months;
2. Dr. Gee will be suspended for five (5) days on dates acceptable to and approved in advance by the Complaints Director; and
3. Dr. Gee will pay costs of the investigation and hearing of \$20,808.35.