

Alberta Dental Association and College Hearing Tribunal Decision

April 14, 2020

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

On April 14, 2020, a Hearing Tribunal of the Alberta Dental Association and College found Dr. Silvester Tartal guilty of unprofessional conduct and he was sanctioned. Dr. Tartal admitted to unprofessional conduct. A Hearing Tribunal is an independent group of decision makers comprised of a member of the public appointed by the Government of Alberta and three dentists registered in Alberta.

Dr. Tartal was attempting to provide restorative treatment on a four year old patient. During the treatment, the patient removed the bite block from their mouth and stated they did not want it. Dr. Tartal reinserted the bite block and told the patient to listen to him. The patient lifted their body from the chair and Dr. Tartal began to use protective stabilization including the use of a blanket on the patient, to immobilize the patient. The patient sustained abrasions, bruising and scratching.

The Hearing Tribunal acknowledged that the treatment events leading to the hearing were dynamic and spun out of control very quickly. They recognized that Dr. Tartal maintained his responsibility to care for and maintain the best interests and safety of the patient.

The Hearing Tribunal found that Dr. Tartal failed to obtain or document whether the patient's mother consented to reinsert the bite block into the patient's mouth after the patient removed it and the use of protective stabilization during the patient's treatment. It noted:

Protective stabilization is indicated when a previously cooperative patient quickly becomes uncooperative during the appointment in order to protect the patient's safety and help expedite completion of treatment. Even in this situation, though, informed consent must be given by the parent.

The Hearing Tribunal recognized that American Academy of Pediatric Dentistry's Guidelines for Protective Stabilization and indicated:

Upon the patient's sudden decision to discontinue (their) dental treatment, Dr. Tartal should have gained consent to utilize protective stabilization prior to completing the treatment, or should have referred to a pediatric dentist to complete the treatment.

Further, the Hearing Tribunal found that Dr. Tartal, while using active stabilization techniques, applied force to the child patient or used techniques that were unwarranted,

improper or excessive. The Hearing Tribunal relied on the American Academy of Pediatric Dentistry's Guidelines for Protective Stabilization that indicates "the use of protective stabilization should not induce pain for the patient."

ORDERS OF HEARING TRIBUNAL

The Hearing Tribunal accepted Dr. Tartal's admission of unprofessional conduct and the joint submissions on sanction.

The Hearing Tribunal issued the following orders against Dr. Tartal:

1. A suspension of 2 consecutive months;
2. A fine of \$20,000;
3. Completion of courses on protective stabilization and ethics at his own expense;
and
4. Pay \$39,654.93 in costs.