

Alberta Dental Association and College
Hearing Tribunal Decision - August 20, 2020
IN ACCORDANCE WITH BYLAW 20(7)

On August 20, 2020, a Hearing Tribunal of the Alberta Dental Association and College found Dr. Vivek Cheba guilty of unprofessional conduct and he was sanctioned. 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. Cheba admitted he was guilty of unprofessional conduct due to his comments and actions towards female staff and in the presence of a patient, who was also Dr. Cheba's staff member, which were inappropriate. Dr. Cheba indicated that the objectional behaviour had taken place during a time when he was suffering from a substance use disorder which he has since sought treatment and is in recovery. None of this behaviour occurred in a dental practice or dental setting.

UNPROFESSIONAL CONDUCT BY DR. CHEBA

A summary of the unprofessional conduct admitted by Dr. Cheba and accepted by the Hearing Tribunal is as follows:

1. Dr. Cheba made inappropriate, unwelcome comments of a sexually suggestive nature to his female staff on several occasions, such as:
 - a. Telling a female staff member that she could "wrap those legs around anyone" and they should "get [her] laid."
 - b. Telling a female staff member that he could get her a lap dance at a strip club so she could get "nice and wet".
 - c. During a January 4, 2018 bus ride, telling a female staff member holding a lollipop that he could give her something to suck on, and that he had a picture of her breasts.
2. Dr. Cheba was dancing and touching his nipples and groin in an inappropriate and sexually suggestive manner in front of his female staff during a chartered bus ride for an all-female staff trip with Dr. Cheba to an Edmonton Oilers hockey game on January 4, 2018.
3. Dr. Cheba made inappropriate, unwelcomed comments of a sexually suggestive nature to female staff members in the presence of a patient, who was also a staff member. None of these comments were made in a dental practice or dental setting. The comments included:
 - a. Stating to a female staff member "what would happen if this [this hotel room party] just turned onto a giant orgy?"

- b. Asking a female staff member whether she had tried a named specific sexual position.

ORDERS OF THE HEARING TRIBUNAL

The Hearing Tribunal accepted Dr. Cheba's admission of unprofessional conduct. The Hearing Tribunal discussed that the conduct was extremely serious and represented a clear breach of boundaries for patients and staff, and constituted conduct that is completely unacceptable and contrary to the standards and ethics required of a dentist. The Hearing Tribunal noted Dr. Cheba had been engaging in the inappropriate sexualized conduct several times over the course of three years.

In a regulated health profession, where dentists offer their services directly to the public, and employ staff members in providing those services, it is essential that dentists maintain appropriate professional boundaries with patients and staff members and avoid any unwelcome, inappropriate sexualized behaviour. The Hearing Tribunal expressed that the penalties in this case must make clear to all dentists that any such conduct constitutes very serious unprofessional conduct and will result in severe penalties.

The Hearing Tribunal stressed that Dr. Cheba had been suspended as of November 20, 2019, pursuant to a section 65 order under the *Health Professions Act*. The suspension arose during the complaint investigation and it was directly related to this proceeding.

The Hearing Tribunal found that Dr. Cheba's admitted actions damaged the integrity of the dental profession, failed to respect the boundaries of the dentist-patient relationship and constituted very serious unprofessional conduct.

The Hearing Tribunal accepted the Joint Submission on Penalty and ordered the following against Dr. Cheba:

1. A suspension from practice for 10 months.
2. A fine of \$10,000.
3. An Ethics Course.
4. Employing patient satisfaction and peer surveys (dentists and allied health professionals such as RDAs and RDHs to complete) for a minimum of 24 months and the survey shall be maintained and available for the Complaints Director to review upon request for a period of 30 months from August 20, 2020.
5. Paying costs of the investigation and hearing of \$99,621.41.
6. That he refrain from any use of illicit or impairing substances including alcohol, opioids, benzodiazepines, or cannabinoids.
7. Conditions regarding his return to practice.
8. A reprimand.