

**Alberta Dental Association and College
July 7, 2021 Hearing Tribunal Decision**

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

On April 27, 2021, a Hearing Tribunal of the Alberta Dental Association and College found Dr. Richard Halpern guilty of unprofessional conduct and he was sanctioned. A Hearing Tribunal is an independent group of decision makers comprised of two members of the public appointed by the Government of Alberta and two dentists registered in Alberta.

Dr. Halpern admitted that in 2017 and 2018, he entered into Orthodontic Financial Agreements with several patients and collected full payment for orthodontic treatment. He subsequently discontinued treatment of the patients in or about January 2019, and although treatment was not completed, he did not return the balance of the payment representing professional services not provided. Dr. Halpern also admitted that between October 2018 and January 2019, he had taken payments for future treatment when he knew or ought to know he would not be able to keep the practice open. Additionally, he paid himself from fees for future treatment where the patients did not receive the treatment they paid for. Dr. Halpern further admitted that in January 2019 he failed to ensure continuity of care for his patients by failing to provide sufficient notice of discontinuance of care to patients; did not document the roles and responsibilities of the orthodontists taking over patient care; did not ensure that patients or their legal guardians understood the transfer of care to another orthodontist; did not ensure that patients or their legal guardians were aware of or understood that a referral was being made; did not make himself available to patients after hours; did not transfer care to another orthodontist through direct personal contact; and failed to have personal communication with patients or their legal guardians regarding the transfer of care, including cost of future care for one or more of the patients.

Dr. Halpern admitted that such conduct constituted unprofessional conduct and was contrary to the provisions of the *Health Professions Act*, as amended or the regulations, by-laws, Standards of Practice or *Code of Ethics*.

ORDERS OF HEARING TRIBUNAL

The Hearing Tribunal accepted Dr. Halpern's admissions and agreed the admissions were proven and constituted unprofessional conduct under the *Health Professions Act*.

The Hearing Tribunal accepted the Joint Submission on Penalty and issued the following orders on sanction:

1. Dr. Halpern will have the following conditions on his practice permit until April 3, 2024:
 - a. He will only be permitted to provide professional services:
 - i. as an associate in a dental practice in which he has no ownership interest, either personally or through a professional corporation; or
 - ii. in which he has no control over payments made by patients for professional services or any other financial aspects of the dental practice.
 - b. He is prohibited from engaging any regulated member to provide professional services for any dental practice in which he has an ownership interest, either personally or through a professional corporation;
2. Dr. Halpern will be suspended for a period of two continuous months;
3. He must successfully complete a professional ethics course at his own cost and which will not count towards his continuing education credits;
4. He will pay a fine of \$50,000.00; and
5. He will pay 75% of the total costs of the investigation and hearing in the amount of \$91,026.32.