

## **Alberta Dental Association and College Hearing Tribunal Decision**

October 29, 2021

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

On September 23, 2021, a Hearing Tribunal of the Alberta Dental Association and College found Dr. Henry Pon guilty of unprofessional conduct. He was sanctioned on November 23, 2021. 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.

The Hearing Tribunal found that Dr. Pon failed to obtain appropriate informed consent and failed to create or maintain adequate patient records. The Hearing Tribunal found that although Dr. Pon asserted he had detailed discussions with the patient regarding the risks and benefits of each procedure, and that the patient consented in each instance, the records did not mention these discussions. Without an adequate record, the Hearing Tribunal could not be confident that Dr. Pon obtained informed consent at each instance. Further, Dr. Pon admitted there was no documentation to confirm informed consent was obtained at appointments after the initial consultation.

The Hearing Tribunal reminded Dr. Pon that Informed consent must be ongoing, and it must be consistently obtained for each procedure or treatment being performed. Given the invasive nature of the procedures in question, the Hearing Tribunal found that more needed to be done for procedures in May 2015 than were documented in the consent sheet signed at the initial consultation in September 2012.

Regarding Dr. Pon's records, the Hearing Tribunal found they were confusing and hard to follow, and would not allow another dentist to understand why the patient attended, what the diagnosis was, what examinations were done, or what treatment was conducted. The Hearing Tribunal also found the records showed errors and omissions.

#### **ORDERS OF HEARING TRIBUNAL**

The Hearing Tribunal reviewed the findings and agreed the proven conduct was serious enough to constitute unprofessional conduct under the *Health Professions Act*. The Hearing Tribunal accepted a Joint Submission on Penalty from the parties and issued the following orders on sanction:

1. Dr. Pon shall receive a reprimand and the written decision shall serve as that reprimand;
2. Dr. Pon shall successfully complete a course on record keeping; and
3. Dr. Pon will pay \$20,000.00 toward the costs of the investigation and hearing.