

INQUIRY COMMITTEE

RECORD OF DECISION

File Reference: DH2105

ELEMENTS OF COMPLAINT

On February 20, 2021, the College received a complaint from a dentist (the “Complainant”) alleging that the Registrant filed a retaliatory complaint with the College of Dental Surgeons of British Columbia (“CDSBC”) against him/her in response to a complaint that s/he had filed against the Registrant. The Complainant alleged that the Registrant refused to withdraw the CDSBC complaint, filed a review by the Health Professions Review Board (“HPRB”), and attended at his/her office to take photographs, which s/he characterized as harassment.

The matter was referred to the Inquiry Committee which initiated an investigation under s. 33(1) of the *Health Professions Act*, R.S.B.C. 1996, c. 183 (the “Act”) and the Registrant was invited to respond.

The Registrant provided a response to the complaint denying the allegation that the complaint filed with CDSBC constituted harassment. The Registrant maintained that it was his/her right to raise concerns with CDSBC regarding the Complainant’s website. The Registrant acknowledged attending at the Complainant’s office but claims s/he had the consent of office staff to enter and to take photographs of his/her own building from the office window of the Complainant’s office building.

COMMITTEE DECISION

After considering the information provided by the parties and the material gathered during the investigation, the Inquiry Committee concluded that the evidence fell short of establishing that the Registrant engaged in harassment. The fact that CDSBC took no further action on the complaint that the Registrant filed was not sufficient evidence that s/he had engaged in misconduct. The Inquiry Committee concluded that it was ill-advised for the Registrant to attend the Complainant’s office to take photographs but determined that there was not sufficient evidence to establish professional misconduct. Looking at the totality of evidence, the Inquiry Committee concluded that this matter did not warrant regulatory action; however, it directed that a letter of caution be issued to the Registrant pointing out that the role of colleges under the Act is not to resolve interpersonal disputes between health care professionals when those disputes do not engage public safety or public interest considerations. The Inquiry Committee concluded it would strongly encourage the Registrant to consider completing additional continuing competence learning opportunities with a focus on communication principles and developing collaborative relationships and to attempt to professionally resolve conflicts with other health professionals without recourse to the formal complaints process under the Act.

RELEVANT PROVISION OF ACT, REGULATION OR BYLAWS

Act, section 13; 33(1); 33(5); 33(6)(a)

STATUS

Closed.