

**INQUIRY COMMITTEE
RECORD OF DECISION**

File Reference: DH1483

ELEMENTS OF COMPLAINT

On October 2, 2014, the College received a complaint from a client's spouse (the "Complainant") alleging that the Registrant engaged in unethical behaviour by failing to obtain informed consent prior to assessment of the client who resides at a residential care facility and breaching the confidentiality of the client by leaving a voice-mail message containing the client's personal information on a home answering machine.

The CDHBC Inquiry Committee initiated an investigation under s. 33(4)(a) of the *Health Professions Act*, R.S.B.C. 1996, c. 183 (the "Act") with respect to the Registrant to determine whether the Registrant had failed to act in an ethical manner. The Inquiry Committee appointed an inspector to assist with the investigation.

On October 6, 2014, the CDHBC Registrar notified the Registrant of the investigation and requested the Registrant's response to the investigation, in accordance with s. 33(5) of the Act.

The Registrant provided a written response regarding his/her communications with the Complainant and describing the protocol in place for new client dental hygiene screening at the residential care facility.

On January 7, 2015, the College received the inspector's report, a copy of which was provided to the Complainant and the Registrant for response.

COMMITTEE DECISION

At the conclusion of the investigation, the Inquiry Committee was concerned that: (a) the Registrant failed to obtain informed, written consent from the client's representative prior to undertaking a preliminary screening of the client; (b) the Registrant failed to maintain the client's confidentiality by leaving a detailed voicemail left on the Complainant's answering machine; and (c) the Registrant failed to adequately communicate with VIHA and the residential care facility on the scope of practice in accordance with his/her contract.

In accordance with section 36 of the *Health Professions Act*, the Inquiry Committee and the Registrant agree that the appropriate remedial action is a consent order pursuant to ss. 36(1)(a) and (d) of the Act requiring the Registrant to: (a) undertake not to repeat the conduct of failing to obtain written consent from a client or the client's representative; (b) undertake not to repeat the conduct of failing to maintain the confidentiality of clients by leaving personal care details in voicemail messages; (c) undertake not to repeat the conduct of failing to maintain professional and accurate documentation and correspondence with the extended care facilities in which (s)he provides dental hygiene services; (d) undertake to submit to the Inquiry Committee, within thirty (30) days of the date of the Consent Order, a letter of apology addressed to the Complainant which the Inquiry Committee will deliver to the Complainant; and (e) undertake to

complete the Documentation Webinar offered by the College on its next scheduled presentation, within ninety (90) days of the date of the Consent Order.

RELEVANT PROVISION OF ACT, REGULATION OR BYLAWS

Act, section 33(4); 33(5); 33(6)(a)

STATUS

Closed.