

INQUIRY COMMITTEE RECORD OF DECISION

File Reference: DH1908

ELEMENTS OF COMPLAINT

On September 24, 2019, the College received a complaint from a dentist expressing concern regarding an article written by a Registrant published in a local newspaper. The dentist was concerned that the article was unprofessional and misleading to the public.

The complaint 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"). The complaint was forwarded to the Registrant for response. The Inquiry Committee also appointed an inspector to assist with the investigation.

On November 1, 2019, without being requested to do so by the College, the Registrant provided a letter of apology to the Complainant in which s/he again stated that s/he was expressing his/her personal opinion and frustration with the dental industry and s/he did not intend to insult any person.

The Inquiry Committee identified six statements of concern in the article.

COMMITTEE DECISION

Based on a review of the material gathered during the investigation, the Inquiry Committee was concerned that the conduct in issue involved the publication of opinions and statements regarding IST and the role of the College, its conduct in relation to a previous regulatory matter, and its relationship with dentists. The Inquiry Committee recognized that the alleged conduct engaged freedom of expression which requiring a balancing of the Registrant's rights with the statutory objective of protecting the public.

The Inquiry Committee recognized that the Registrant has the right to express opinions as a professional but noted that this must be done in a way that does not harm other professionals and the standing of the profession of dental hygiene or other professions, and in a way that is not misleading to the public. From that perspective, the Inquiry Committee understood why the Complainant was concerned with some of the statements contained in the Registrant's article. The Inquiry Committee was not concerned that the Registrant expressed opinions but it was concerned about the manner in which they were expressed which could be construed as potentially damaging and/or misleading.

The Inquiry Committee determined that a remedial approach was appropriate, particularly as the Registrant issued an apology on her own initiative. In accordance with section 33(6)(a) of the Act, the Inquiry Committee resolved to take no further action but has asked that the Registrant seriously reflect on the content of the article and how it impacted the reputation of the professions of dentistry and dental hygiene and public confidence in dental hygienists generally. The Inquiry Committee asked the Registrant to consider how members of the public would interpret the article and how it may undermine their confidence in the services that dental hygienists provide. The Inquiry Committee cautioned the Registrant that opinions must be expressed in a manner that complies with the College's Code of Ethics and bylaws.

The Inquiry Committee urged the Registrant to take more care when publishing future statements to ensure that s/he does not transgress the boundary into professional misconduct. The Inquiry Committee cautioned the Registrant to ensure that future statements are professional in tone, do not denigrate others or the profession of dental hygiene or the College, or other professions, and that they are not misleading in any way.

RELEVANT PROVISION OF ACT, REGULATION OR BYLAWS

Act, section 13; 33(1); 33(5); 33(6)(a); Bylaws, 69, CDHBC Code of Ethics

STATUS

Closed.