

IN THE MATTER OF
The *Health Professions Act*, RSBC 1996 c. 183

Between:

BRITISH COLUMBIA COLLEGE OF ORAL HEALTH PROFESSIONALS

And:

DR. HAROLD RYDELL

Amended CITATION

To: Dr. Harold Rydell



(the "Respondent")

TAKE NOTICE that a Panel of the Discipline Committee (the "Panel") of the British Columbia College of Oral Health Professional (the "College") will conduct a hearing under section 39 of the *Health Professions Act*, RSBC 1996 c. 183 (the "*Act*").

The purpose of the hearing is to inquire into your conduct and competence as a dentist. The College is conducting this inquiry to determine whether you:

- a) have not complied with the *Act*, a regulation or a bylaw;
- b) have not complied with a standard, limit or condition imposed under the *Act*;
- c) have committed professional misconduct or unprofessional conduct; and/or
- d) suffer from a physical or mental ailment, an emotional disturbance or an addiction that impairs your ability to practice dentistry.

The hearing will be held in-person at Charest Legal Solutions Inc., 5th Floor, 885 West Georgia Street, Vancouver, BC V6C 3E8. The hearing will commence at 9:30 a.m. on October 31, 2023.

You are entitled to attend the hearing and may be represented by legal counsel. If you do not attend the hearing, the Panel is entitled to proceed with the hearing in your absence and, without further notice to you. The Panel may take any actions that it is authorized to take under the *Act*.

Further particulars of the allegations against you include:

1. Between June 2016 and March 2018, the College conducted an investigation in which you entered into a Memorandum of Acknowledgement and Undertaking (“MAU #1”) with the College pursuant to section 36(1) of the *Act*.
2. Over a period of about 15 months between November 2019 and January 2021, the College made multiple attempts to obtain patient information from you to conduct the chart review as required under MAU #1.
3. On February 12, 2021, a Panel of the Inquiry Committee considered a request for direction following your failure to respond over the 15-month period by failing to provide the patient records necessary to complete the chart review. The Panel determined you did not provide the necessary patient information to allow the College to conduct a chart review and directed staff to open a new complaint (file number [REDACTED]), to further investigate your failure to fulfill the terms of the MAU #1.
4. The records sought by the College were eventually provided in late 2021 and the College completed its chart review in November 2021.
5. The College completed the complaint investigation and identified two areas of concern following its chart review: recordkeeping and failing to respond to the regulator in a timely manner.
6. On or about April 13, 2022, the Inquiry Committee considered the complaint investigation and directed that you sign a new MAU (“MAU #2”) to address the dental recordkeeping deficiencies raised from the chart review and your failure to respond to the College.
7. On July 7, 2022, the College sent the MAU #2 to you.
8. The following day, you phoned the College and indicated you were preparing a response to MAU #2. Over the next five months, you sought and received a number of extensions to provide your response to MAU #2.
9. Despite repeated attempts by the College, you failed to either provide your response to MAU #2 or communicate whether you were agreeable to it. As a result, the matter was referred back to the Inquiry Committee on November 30, 2022.
10. On November 30, 2022, the Inquiry Committee directed a citation against you for failing to respond in a timely manner to the College. The College attempted to schedule a telephone conference with you in late 2022 to discuss the citation and next steps.

11. On January 2, 2023, you provided a response to the College, but it only addressed an earlier investigation report and did not address MAU #2.

12. On January 4, 2023, the College wrote advising you that the Inquiry Committee had directed a citation.

13. On February 24, 2023, the Inquiry Committee considered your January 2, 2023 submissions and noted that you had not provided a response to MAU #2 nor responded to the notice of the citation direction sent to you concerning your failure to respond in a timely manner to the College.

The Inquiry Committee determined that your pattern of uncooperativeness demonstrated ungovernability. In addition, the recordkeeping concerns from both MAU #1 and MAU #2 had not been addressed due to your failure to provide a substantive response regarding your recordkeeping deficiencies.

14. Bylaw 13.04 of the College's bylaws sets out that registrants have a duty to respond to the College in a reasonably timely and substantive manner and to cooperate with complaint investigations. The failure to do so may constitute professional misconduct or unprofessional conduct as defined under section 26 of the *Act*.

FURTHER TAKE NOTICE that after completion of the hearing under section 38 of the *Act*, the Panel, under section 39 of the *Act*, may dismiss the matter or determine that you:

- a) have not complied with the *Act*, a regulation or bylaw;
- b) have not complied with a standard, limit or condition imposed under the *Act*;
- c) have committed professional misconduct or unprofessional conduct; and/or
- d) suffer from a physical or mental ailment, an emotional disturbance or an addiction that impairs your ability to practice dentistry.

This Citation is issued at the direction of the Inquiry Committee of the College under section 37 of the *Act*.

The Discipline Committee is constituted under the *Act* and the College's Bylaws thereunder. Copies of the *Act*, and the College's Bylaws are enclosed with this Citation, and you are particularly referred to section 37-39 of the *Act* and part 13 and schedule I of the Bylaws.

BRITISH COLUMBIA COLLEGE OF ORAL HEALTH PROFESSIONALS



Joyce Johner
General Counsel and Deputy Registrar

9/27/2023

Date