

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

**Between:**

**THE COLLEGE OF DENTAL SURGEONS OF BRITISH COLUMBIA**

**And:**

**DR. DAVEPAL DHILLON**

**CITATION**

**TO:           The Respondent**  
**Dr. Davepal Dhillon**  
**201 – 3531 Uptown Blvd.**  
**Victoria, BC, V8Z 0B9**  
**(the "Respondent")**

**TAKE NOTICE** that a Panel of the Discipline Committee (the "Panel") of the College of Dental Surgeons of British Columbia (the "College") will conduct a hearing under s.38 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,
- d) have incompetently practised dentistry, or
- e) suffer from a physical or mental ailment, an emotional disturbance or an addiction to alcohol or drugs that impairs your ability to practise dentistry.

The hearing will be held from **August 30, 2017 to August 31, 2017**, at **The Sutton Place Hotel, 845 Burrard Street, Vancouver, BC**. The hearing will commence each day at **9:30 a.m.**

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 are:

1. You failed to comply with a Memorandum of Agreement and Understanding with Mentorship Agreement attached ("MAU") signed by you on 25 June 2015, in that you failed to enroll in and attend a clinical prosthodontic study club as soon as possible or at all.
2. You failed to comply with the MAU in that you failed to respond to requests and inquiries from the College in a substantive and timely manner, or at all including:
  - (i) you failed to respond by December 10, 2016, as requested in correspondence dated November 23, 2016, to provide the details of the study club you were required to attend;
  - (ii) you failed to respond by December 21, 2016, as requested in an email dated December 14, 2016, to confirm whether you had enrolled in the Tucker Study Club; and/or
  - (iii) you failed to respond by March 14, 2017, as requested in correspondence and an email dated March 9, 2017, to confirm whether you would attend a meeting of a panel of the Inquiry Committee.

3. In or about July 2015 through March 2017, you failed to respond to College inquiries and requests for information in a substantive and timely manner, or at all.
4. You failed to comply with the MAU in that you did not inform the College that you had not met the requirements of the MAU or advise the College when the requirements would be met, including:
  - (i) Failing to advise the College, in writing, promptly, that you had not enrolled in or attended a prosthodontic study club;
  - (ii) Failing to advise the College, in writing, promptly, when the requirement of enrolling in or attending a prosthodontic study club would be met and how it would be met;
  - (iii) Failing to pay, promptly, for the mentoring services provided by your mentor; and/or
  - (iv) Failing to advise the College, in writing, promptly, when the requirement for paying for the mentoring services provided by your mentor would be met and how it would be met.

**FURTHER TAKE NOTICE** that after completion of the hearing under s. 38 of the *Act* the Panel, under s. 39(1) of the *Act*, may dismiss the matter or determine that 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,
- d) have incompetently practised dentistry, and/or

- e) suffer from a physical or mental ailment, an emotional disturbance or an addiction to alcohol or drugs that impairs your ability to practise dentistry.

**AND FURTHER TAKE NOTICE** that if a determination is made under subsection 39(1), the Panel may, by order, do one or more of the following:

- a) reprimand you,
- b) impose limits or conditions on your practice,
- c) suspend you,
- d) impose limits or conditions on the management of your practice during the suspension,
- e) cancel your registration,
- f) fine you.

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

Enclosed with this Citation are sections 33 to 39 of Part III of the *Act* and Part 10 of the Bylaws.

**THE COLLEGE OF DENTAL SURGEONS OF BRITISH COLUMBIA:**

  
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Jerome Marburg, Registrar

12 June 2017

# HEALTH PROFESSIONS ACT

## [RSBC 1996] CHAPTER 183

### Part 3 – Inspections, Inquiries and Discipline

#### Investigations by inquiry committee

**33** (1) If a complaint is delivered to the inquiry committee by the registrar under section 32 (2), the inquiry committee must investigate the matter raised by the complainant as soon as possible.

(2) If

(a) a registrant fails to authorize a criminal record check or a criminal record check verification, as applicable, under the *Criminal Records Review Act*,

(b) the registrar under that Act has determined that the registrant does not have a portable criminal record check, or

(c) the deputy registrar under that Act has determined that the registrant presents a risk of physical or sexual abuse to children or a risk of physical, sexual or financial abuse to vulnerable adults and that determination has not been overturned by the registrar under that Act,

the inquiry committee must take the failure or the determination into account, investigate the matter and decide whether to impose limits or conditions on the practice of the designated health profession by the registrant or whether to suspend or cancel the registration of the registrant.

(3) A registrant against whom action has been taken under subsection (2) may appeal the decision to the Supreme Court and, for those purposes, the provisions of section 40 respecting an appeal from a decision of the discipline committee apply to an appeal under this section.

(4) The inquiry committee may, on its own motion, investigate a registrant regarding any of the following matters:

(a) a contravention of this Act, the regulations or the bylaws;

(a.1) a conviction for an indictable offence;

(b) a failure to comply with a standard, limit or condition imposed under this Act;

(c) professional misconduct or unprofessional conduct;

(c.1) [Repealed 2008-29-34.]

(d) competence to practise the designated health profession;

(e) a physical or mental ailment, an emotional disturbance or an addiction to alcohol or drugs that impairs his or her ability to practise the designated health profession.

(4.1) The inquiry committee must not act under subsection (6) (b), (c) or (d) on the basis of subsection (4) (a.1) if the inquiry committee is satisfied that the nature of the offence or the circumstances under which it was committed do not give rise to concerns about the registrant's competence or fitness to practise the designated health profession.

(5) The inquiry committee must request the registrant who is the subject of an investigation under this section to provide it with any information regarding the matter that the registrant believes should be considered by the inquiry committee.

(6) After considering any information provided by the registrant, the inquiry committee may

(a) take no further action if the inquiry committee is of the view that the matter is trivial, frivolous, vexatious or made in bad faith or that the conduct or competence to which the matter relates is satisfactory,

(b) in the case of an investigation respecting a complaint, take any action it considers appropriate to resolve the matter between the complainant and the registrant,

(c) act under section 36, or

(d) direct the registrar to issue a citation under section 37.

(7) If the inquiry committee acts under subsection (6) (b) to (d), it may award costs to the college against the registrant, based on the tariff of costs established under section 19 (1) (v.1).

### **Notice of disposition**

**34** If the inquiry committee disposes of a matter under section 32 (5) or 33 (6) (a) or (b), the inquiry committee must, within 30 days of disposition, deliver to the complainant, if any, a written summary of the disposition advising the complainant of the right to apply for a review by the review board under section 50.6.

### **Extraordinary action to protect public**

- 35** (1) If the inquiry committee considers the action necessary to protect the public during the investigation of a registrant or pending a hearing of the discipline committee, it may, by order,
- (a) impose limits or conditions on the practice of the designated health profession by the registrant, or
  - (b) suspend the registration of the registrant.
- (2) An order of the inquiry committee under subsection (1) must
- (a) be in writing,
  - (b) include reasons for the order,
  - (c) be delivered to the complainant, if any, and to the registrant, and
  - (d) advise the registrant of the registrant's right to appeal the order to the Supreme Court.
- (3) A decision under subsection (1) is not effective until the earlier of
- (a) the time the registrant receives the notice under subsection (2), and
  - (b) 3 days after the notice is mailed to the registrant at the last address for the registrant recorded in the register of the college.
- (4) If the inquiry committee determines that action taken under subsection (1) is no longer necessary to protect the public, it must cancel the limits, conditions or suspension and must notify the registrant in writing of the cancellation as soon as possible.
- (5) A registrant against whom action has been taken under subsection (1) may appeal the decision to the Supreme Court and, for those purposes, the provisions of section 40 respecting an appeal from a decision of the discipline committee apply to an appeal under this section.

### **Reprimand or remedial action by consent**

- 36** (1) In relation to a matter investigated under section 33, the inquiry committee may request in writing that the registrant do one or more of the following:
- (a) undertake not to repeat the conduct to which the matter relates;
  - (b) undertake to take educational courses specified by the inquiry committee;
  - (c) consent to a reprimand;

(d) undertake or consent to any other action specified by the inquiry committee.

(1.1) If a consent or undertaking given under subsection (1) relates to a complaint made under section 32 (1), the inquiry committee must, within 30 days of the consent or undertaking being given, deliver to the complainant a written summary of the consent or undertaking advising the complainant of the right to apply for a review by the review board under section 50.6.

(2) If a registrant refuses to give an undertaking or consent requested under subsection (1), or if a registrant fails to comply with an undertaking or consent given in response to a request under subsection (1), the inquiry committee may direct the registrar to issue a citation for a hearing by the discipline committee regarding the matter.

### **Citation for hearing by discipline committee**

**37** (1) If directed by the inquiry committee or the board, the registrar must issue a citation that

(a) names the affected registrant as respondent,

(b) describes the nature of the complaint or other matter that is to be the subject of the hearing,

(c) specifies the date, time and place of the hearing, and

(d) advises the respondent that the discipline committee is entitled to proceed with the hearing in his or her absence.

(2) The registrar must have a citation either delivered to the respondent by personal service or sent by registered mail to the respondent at the last address for the respondent recorded in the register referred to in section 21 (2) not fewer than 30 days before the date of the hearing.

(3) If the subject matter of a citation is a complaint, the registrar must notify the complainant in writing of the date, time and place of the hearing not fewer than 14 days before the date of the hearing.

(4) The inquiry committee or the board may direct the registrar to cancel a citation that has been issued on its direction if the inquiry committee or board afterwards determines that a hearing by the discipline committee is not required and the registrar must then cancel the citation and notify the respondent and the complainant, if any, of the cancellation.



## Consent orders

**37.1** (1) The registrant may give the inquiry committee a written proposal at any time before the commencement of a hearing under section 38

(a) admitting the nature of the complaint or other matter that is to be the subject of the hearing,

(b) consenting to the making of an order under section 39 (2) or (8) as set out in the proposal,

(c) consenting to indemnify the college for the investigation under section 33 in an amount not to exceed the costs for the inquiry calculated under the tariff of costs established under section 19 (1) (v.1), and

(d) if the registrant gives the proposal to the inquiry committee less than 7 days before the hearing is scheduled to commence, consenting to indemnify the college for preparing for the hearing in an amount not to exceed the costs of preparing for the hearing calculated under the tariff of costs established under section 19 (1) (w.1).

(2) The inquiry committee may accept or reject a proposal received under subsection (1) based on the investigations described in section 33 respecting the complaint.

(3) If the inquiry committee accepts a proposal received under subsection (1),

(a) the inquiry committee must make an order consistent with the proposal, and the order is considered to be an order of the discipline committee made under section 39, and

(b) [Repealed 2008-29-38.]

(c) section 38 does not apply to the citation.

(4) If the inquiry committee rejects a proposal received under subsection (1),

(a) a hearing of the citation must proceed as though the proposal had not been made, and

(b) the discipline committee must not consider the admission described in subsection (1)

(a) or the consent described in subsection (1) (b) in determining the matter or in making an order under section 39.

(5) If the hearing under section 38 has commenced

(a) the registrant may give to the inquiry committee a written proposal

- (i) described in subsection (1) (a) to (c), and
  - (ii) consenting to indemnify the college for preparing for and conducting the hearing in an amount not to exceed the costs of preparing for and conducting the hearing calculated under the tariff of costs established under section 19 (1) (w.1), and
- (b) the inquiry committee may accept or reject the proposal in its discretion.
- (6) If the inquiry committee accepts a proposal under subsection (5), it must make an order consistent with the proposal, the order is considered to be an order of the discipline committee made under section 39, and section 38 has no further application to the complaint or matter that is the subject of the hearing.
- (6.1) Section 39 (3) (a) to (c) applies to an order made under this section as if the order had been made by the discipline committee.
- (7) Subsection (4) applies if the inquiry committee rejects a proposal received under subsection (5).

### **Discipline committee hearing**

- 38** (1) The discipline committee must hear and determine a matter set for hearing by citation issued under section 37.
- (2) The respondent and the college may appear as parties and with legal counsel at a hearing of the discipline committee.
- (2.1) A complainant may be represented by legal counsel, at the complainant's cost, when the complainant is giving evidence at a hearing of the discipline committee.
- (3) A hearing of the discipline committee must be in public unless
- (a) the complainant, the respondent or a witness requests the discipline committee to hold all or any part of the hearing in private, and
  - (b) the discipline committee is satisfied that holding all or any part of the hearing in private would be appropriate in the circumstances.
- (4) At a hearing of the discipline committee,
- (a) the testimony of witnesses must be taken on oath, which may be administered by any member of the discipline committee, and
  - (b) the college and the respondent have the right to cross examine witnesses and to call evidence in reply.

(4.1) Subject to subsection (4.2), evidence is not admissible at a hearing of the discipline committee unless, at least 14 days before the hearing, the party intending to introduce the evidence provides the other party with

- (a) in the case of documentary evidence, an opportunity to inspect the document,
- (b) in the case of expert testimony,
  - (i) the name and qualifications of the expert,
  - (ii) a copy of any written report the expert has prepared respecting the matter, and
  - (iii) a written summary of the evidence the expert will present at the hearing if the expert did not prepare a written report in respect of the matter, and
- (c) in the case of testimony of a witness who is not an expert, the name of that witness and an outline of their anticipated evidence.

(4.2) The discipline committee may

- (a) grant an adjournment of a hearing,
- (b) allow the introduction of evidence that is not admissible under subsection (4.1), or
- (c) make any other direction it considers appropriate

if the discipline committee is satisfied that this is necessary to ensure that the legitimate interests of a party will not be unduly prejudiced.

(5) If the respondent does not attend, the discipline committee may

- (a) proceed with the hearing in the respondent's absence on proof of receipt of the citation by the respondent, and
- (b) without further notice to the respondent, take any action that it is authorized to take under this Act.

(6) The discipline committee may order a person to attend at a hearing to give evidence and to produce records in the possession of or under the control of the person.

(7) On application by the discipline committee to the Supreme Court, a person who fails to attend or to produce records as required by an order under subsection (6) is liable to be committed for contempt as if he or she were in breach of an order or judgment of the Supreme Court.

(8) If the discipline committee considers the action necessary to protect the public between the time a hearing is commenced and the time it makes an order under section 39 (2), the

discipline committee may impose limits or conditions on the practice of the designated health profession by the registrant or may suspend the registration of the registrant and, for those purposes, section 35 applies.

### **Action by discipline committee**

- 39** (1) On completion of a hearing, the discipline committee may, by order, dismiss the matter or determine that the respondent
- (a) has not complied with this Act, a regulation or a bylaw,
  - (b) has not complied with a standard, limit or condition imposed under this Act,
  - (c) has committed professional misconduct or unprofessional conduct,
  - (d) has incompetently practised the designated health profession, or
  - (e) suffers from a physical or mental ailment, an emotional disturbance or an addiction to alcohol or drugs that impairs their ability to practise the designated health profession.
- (2) If a determination is made under subsection (1), the discipline committee may, by order, do one or more of the following:
- (a) reprimand the respondent;
  - (b) impose limits or conditions on the respondent's practice of the designated health profession;
  - (c) suspend the respondent's registration;
  - (d) subject to the bylaws, impose limits or conditions on the management of the respondent's practice during the suspension;
  - (e) cancel the respondent's registration;
  - (f) fine the respondent in an amount not exceeding the maximum fine established under section 19 (1) (w).
- (3) An order of the discipline committee under this section must
- (a) be in writing,
  - (b) include reasons for the order,
  - (c) be delivered to the respondent and to the complainant, if any, within 30 days after the date the order is made, and

(d) advise the registrant of the registrant's right to appeal the order to the Supreme Court.

(4) If the discipline committee dismisses the matter under subsection (1) on the basis that the matter was without merit, it may award costs to the respondent against the college, based on the tariff of costs established under section 19 (1) (w.1).

(5) If the discipline committee acts under subsection (2), it may award costs to the college against the respondent, based on the tariff of costs established under section 19 (1) (w.1).

(6) Costs awarded under subsection (4) must not exceed, in total, 50% of the actual costs to the respondent for legal representation for the purposes of the investigation under section 33 and the hearing.

(7) Costs awarded under subsection (5) must not exceed, in total, 50% of the actual costs to the college for legal representation for the purposes of the hearing.

(8) If the registration of the respondent is suspended or cancelled under subsection (2), the discipline committee may

(a) impose conditions on the lifting of the suspension or the eligibility to apply for reinstatement of registration,

(b) direct that the lifting of the suspension or the eligibility to apply for reinstatement of registration will occur on

(i) a date specified in the order, or

(ii) the date the discipline committee or the board determines that the respondent has complied with the conditions imposed under paragraph (a), and

(c) impose conditions on the respondent's practice of the designated health profession that apply after the lifting of the suspension or the reinstatement of registration.

(9) If an order under subsection (2) is appealed under section 40, the discipline committee, on application of the respondent under this section, may, by order,

(a) stay the order made under subsection (2) pending the hearing of the appeal, and

(b) impose limits or conditions on the practice of the designated health profession by the respondent during the stay.

(10) Before taking action under subsection (2), (5), (8) or (9), the discipline committee may consider whether, in the opinion of the discipline committee, the matter is an appropriate case for a refund to the complainant of all or part of any amount paid by the complainant to the registrant for or related to a service provided by the registrant or another person under

the delegation or supervision of the registrant, and if so, whether a refund has been offered or made by the registrant.

**Unprofessional conduct in another jurisdiction or while practising as a registrant of another college**

**39.1 (1)** If the discipline committee learns that

(a) another college established under this Act or a body in another province or a foreign jurisdiction that regulates a health profession in that province or foreign jurisdiction has found, either before or after the registrant was registered under section 20, that the registrant committed an act that, in the opinion of the discipline committee, constitutes unprofessional conduct under this Act, or

(b) the registrant has admitted, either before or after the registrant was registered under section 20, to another college established under this Act or to a body in another province or a foreign jurisdiction that regulates a health profession in that province or foreign jurisdiction, that the registrant committed an act that, in the opinion of the discipline committee, constitutes unprofessional conduct under this Act,

the discipline committee may, without issuing a citation under section 37 or conducting a hearing under section 38, make an order under section 39 (2) respecting the registrant, and section 39 (3), (5) and (7) to (10) applies as if a determination had been made under section 39 (1) by the discipline committee.

(2) The discipline committee may take action under subsection (1) only after giving the registrant the following:

(a) notice of the proposed action, in accordance with the bylaws;

(b) a copy of the record of the relevant decision or findings made or action taken by the other college or body;

(c) an opportunity to be heard, which may be limited to a hearing in writing.

(3) For the purposes of this section, a certified copy of a record of the decision or findings made or action taken by the other college or body in respect of a registrant is proof, in the absence of evidence to the contrary, of the findings made or the action taken, without proof of the signature of the person purporting to have signed on behalf of that college or body.

### **Consideration of past action**

**39.2** (1) Before taking any action respecting a registrant under the following provisions, the registrar, inquiry committee or discipline committee may consider any action previously taken under Part 3 respecting the registrant:

- (a) in the case of the registrar or the inquiry committee, section 32, 32.2 or 32.3;
- (b) in the case of the inquiry committee, section 33 or sections 35 to 37.1;
- (c) in the case of the discipline committee, section 38 (8), 39 (2), (5), (8) or (9) or 39.1 (1).

(2) The registrar, inquiry committee or discipline committee may, in applying subsection (1), consider

- (a) any action under Part 3 respecting the registrant that occurred or was recorded before the coming into force of this section, or
- (b) any action, similar to an action that may be taken under Part 3, that was taken by the governing body for a health profession under a former enactment regulating the health profession.

### **Public notification**

**39.3** (1) Subject to subsections (3) and (4), the board, inquiry committee or discipline committee, as the case may be, must direct the registrar to notify the public of the information set out in subsection (2) with respect to any of the following actions:

- (a) an action taken under section 32.2 (4) (b), 32.3 (3) (b), 33 (2) or 35 (1);
- (b) a consent or undertaking given under section 36 (1) in relation to a serious matter;
- (c) a consent order made under section 37.1;
- (d) a determination made under section 39 (1);
- (e) an order made under section 38 (8), 39 (2), (5), (8) or (9), 39.1 (1) or 44 (1) or (2).

(2) The following information must be included in the notification required under this section:

- (a) the name of the registrant respecting whom or the health profession corporation respecting which the action was taken;
- (b) a description of the action taken;

(c) the reasons for the action taken.

(3) In the following circumstances, the inquiry committee or discipline committee, as the case may be, must direct the registrar to withhold all or part of the information otherwise required to be included in the public notification under this section:

(a) the inquiry committee or discipline committee considers it necessary to protect the interests of the complainant, if any, in the matter, or another person, other than the registrant, affected by the matter;

(b) the complainant, if any, in the matter, or another person, other than the registrant, affected by the matter, has requested that the notification not contain information that could reasonably be expected to identify the complainant or the other person.

(4) Subject to subsection (5), in the case of

(a) an admission by a registrant that he or she suffers from a condition described in section 33 (4) (e), or

(b) a determination made regarding a registrant under section 39 (1) (e),

the inquiry committee or discipline committee, as the case may be, must direct the registrar to withhold all or part of the information otherwise required to be included in the public notification under this section if the information could reasonably be expected to identify the registrant or personal health information of the registrant respecting the condition.

(5) In the case of a determination made regarding a registrant under section 39 (1) (e), information respecting the registrant must not be withheld under subsection (4) unless the discipline committee is satisfied that the privacy interests of the registrant outweigh the public interest in public notification of the information.

(6) If information respecting a registrant is withheld under subsection (4), the public notification must indicate that information has been withheld.

(7) The notification required under this section may be made by posting a notice on the college website.



# Bylaws of the College of Dental Surgeons of British Columbia

## PART 10 – INVESTIGATION AND DISCIPLINE

### Disposition of complaints by registrar

**10.01** The registrar is authorized to act under section 32(3) of the Act.

### Undertakings and consents

- 10.02** (1) The record of an undertaking or consent given under section 36 of the Act, a consent order under section 37.1 of the Act, or an agreement under section 32.2(4)(b) or 32.3(3)(b) of the Act must
- (a) include any consent to a reprimand or to any other action made by the respondent under section 32.2(4)(b), 32.3(3)(b), 36 or 37.1 of the Act,
  - (b) include any undertaking made by the respondent under section 36 of the Act,
  - (c) specify the length of time that an undertaking specified in paragraph (b) is binding on the respondent,
  - (d) specify the procedure that the respondent may follow to be released from an undertaking specified in paragraph (b), and
  - (e) subject to sections 22 and 39.3 of the Act and sections 5.04, 7.04 and 10.05, specify what notification and disclosure of the limits or conditions of the undertaking, consent, order or agreement may be given to others, including members of the public.
- (2) If an undertaking or consent given under section 36 of the Act, a consent order under section 37.1 of the Act, or an agreement under section 32.2(4)(b) or 32.3(3)(b) of the Act requires the respondent to take any corrective or remedial action, the inquiry committee may direct the registrar
- (a) to monitor the respondent's compliance with that requirement and
  - (b) to report periodically to the chair or vice-chair of the inquiry committee regarding the respondent's compliance with that requirement.

### Citation for discipline hearing

- 10.03** (1) The registrar may join one or more complaints and one or more registrants in a citation under section 37 of the Act.
- (2) After a citation has been issued but before a hearing is commenced in respect of that citation, the registrar may amend the citation.
- (3) At any time before the completion of a hearing in respect of a citation, the discipline committee may amend the citation.

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- (4) If the registrar or the discipline committee amends a citation, the registrar or the discipline committee, as the case may be, must notify the affected respondents of the amendment as soon as practicable.
- (5) After a citation has been issued, a panel of the discipline committee may direct the registrar to sever one or more complaints or matters contained in a citation.

### **Hearings of discipline committee**

- 10.04** (1) No member of the discipline committee may sit on the panel hearing a matter in which the discipline committee member
- (a) was involved as a member of the inquiry committee, or
  - (b) has had any other prior involvement.
- (2) Information about the date, time and subject matter of the hearing must be provided to any person on request.
  - (3) The discipline committee must provide notice by registered mail or by personal service to a person who is required to attend a hearing under section 38(6) of the Act in Form 27.
  - (4) All discipline hearings must be recorded and any person may obtain, at the person's own expense, a transcript of any part of the hearing which the person was entitled to attend.

### **Notice of disciplinary action**

- 10.05** (1) In addition to any notification required under section 39.3 of the Act with respect to any of the actions referred to in section 39.3(1)(a) to (e) of the Act, the registrar
- (a) must notify all dentists, dental therapists and certified dental assistants,
  - (b) must notify
    - (i) the regulatory bodies governing the practice of dentistry in every other Canadian jurisdiction, and
    - (ii) if the action is taken in respect of a certified dental assistant, the regulatory bodies governing the provision of the services of certified dental assistants in every other Canadian jurisdiction, and
  - (c) may notify any other governing body of a health profession inside or outside of Canada.
- (2) Notification provided to all dentists, dental therapists and certified dental assistants under subsection (1)(a)
    - (a) must include all information included in the public notification under section 39.3 of the Act, and

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- (b) unless otherwise directed by the inquiry committee or the discipline committee, as the case may be, must exclude any information withheld from the public notification under section 39.3(3) or (4) of the Act.
- (3) Unless otherwise directed by the inquiry committee or the discipline committee, as the case may be, notification provided to other regulatory or governing bodies under subsection (1)(b) or (c) may include information that has been withheld from the public notification under section 39.3(3) or (4) of the Act.

### Effect of suspension

- 10.06** (1) During any period of suspension of registration or certification, a suspended dentist, dental therapist or certified dental assistant must
- (a) not engage in the practice of dentistry, provide the services of a certified dental assistant, or hold themselves out as a dentist, dental therapist or certified dental assistant,
  - (b) not hold office in the college,
  - (c) not make appointments for patients or prospective patients,
  - (d) not contact or communicate with patients or prospective patients, except for the purpose of
    - (i) advising a patient or prospective patient of the fact and duration of the suspension,
    - (ii) advising a patient or prospective patient that another dentist, dental therapist or certified dental assistant will continue to act or provide services in the place of the suspended dentist, dental therapist or certified dental assistant, or
    - (iii) referring a patient or prospective patient to another dentist, dental therapist or certified dental assistant in good standing,
  - (e) prominently display, if required by an order under section 35, 37.1, 38, 39 or 39.1 of the Act, an agreement under section 32.2(4)(b) or 32.3(3)(b) of the Act, or other action taken under section 33(2) of the Act, a notice of suspension in a form and in an area approved by the registrar, which states the duration and reasons for the suspension,
  - (f) immediately surrender to the registrar the certificate of registration or the certified dental assistant certificate issued to the dentist, dental therapist or certified dental assistant under section 6.18 or 7.11, and any current registration card or certification card issued to the dentist, dental therapist or certified dental assistant under section 6.20 or 7.13, and
  - (g) pay any fee required by the college when due in order to remain a dentist, dental therapist or certified dental assistant, and any other outstanding fine, fee, debt or levy owed to the college.

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- (2) No current or former dentist, dental therapist or certified dental assistant is entitled to any refund of any fine, fee, debt or levy paid to the college solely on the basis that it was paid during or in relation to a period of suspension.
- (3) During the period of suspension, a suspended dentist may permit another dentist in good standing to practise or provide services within premises where the suspended dentist practised dentistry, provided that the suspended dentist
  - (a) complies with subsection (1), and
  - (b) must not, directly or indirectly, receive any payment in respect of services provided by the other dentist under this subsection.
- (4) Any communication under subsection (1)(d) may be made in writing in a form approved in advance by the registrar, or by employing office staff, an answering service, or other telephonic device specifically for that purpose.

### **Fines**

- 10.07** The maximum amount of a fine that may be ordered by the discipline committee under section 39(2)(f) of the Act is \$50,000.

### **Costs**

- 10.08** (1) The tariff of costs set out in Schedule G, to partially indemnify the college for investigations under section 33 of the Act, is hereby established pursuant to section 19(1)(v.1) of the Act.
- (2) The tariff of costs set out in Schedule H, to partially indemnify parties for their expenses incurred in the preparation for and conduct of hearings under section 38 of the Act, is hereby established pursuant to section 19(1)(w.1) of the Act.
- (3) Any costs awarded by the discipline committee under section 39(4) or (5) of the Act, or by the inquiry committee under section 33(7) of the Act or in accordance with a proposal under section 37.1 of the Act, must be assessed by the applicable committee in accordance with Schedules G and H and the applicable tariff of costs set out therein.
- 10.09** (1) At any time before the commencement of a hearing in respect of a citation, either the respondent or the college may request that a pre-hearing conference be held.
- (2) A pre-hearing conference must be presided over by a pre-hearing panel of the discipline committee which panel may, but need not, be the same as the hearing panel that will preside at the hearing.
- (3) At the discretion of the pre-hearing panel, a pre-hearing conference may be conducted by telephone or other mode of remote communication.
- (4) At a pre-hearing conference, the pre-hearing panel may make an order

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- (i) fixing or changing the date, time and place for the hearing,
- (ii) for the discovery and production of documents or information relevant to the citation,
- (iii) respecting applications for severance,
- (iv) respecting applications for adjournment of the hearing, or
- (v) respecting any other matters that may aid in the disposition of the citation.