DECISION NO. 2012-HPA-143(a)

In the matter of an application under section 50.6 of the Health Professions Act, R.S.B.C. 1996, c. 183, as amended, (the “Act”) for review of a complaint disposition made by an inquiry committee

BETWEEN: The Complainant COMPLAINANT

AND: The College of Dental Surgeons of BC COLLEGE

AND: A Dental Surgeon REGISTRANT

BEFORE: J. Thomas English Q.C., Chair REVIEW BOARD

DATE: Conducted by way of written submissions concluding on January 7, 2013

APPEARING: For the Complainant: Self-represented

For the College: Greg Cavouras, Counsel

For the Registrant: No submissions received

I DECISION

[1] Upon considering the Application for review of a decision made by the Inquiry Committee, I order that the disposition be confirmed.

II INTRODUCTION

The Review Board derives its jurisdiction in reviewing decisions of Inquiry Committees of the College from the Act. The Act limits the orders the Review Board may make and the matters that are reviewable. Matters that are reviewable are situations in which the Complainant alleges professional misconduct or unprofessional conduct or incompetence on the part of the Registrant: Act s.33(4)(c) and (d). The Review Board does not have the jurisdiction to award damages.

IV FACTS

[2] Shortly before his retirement the Registrant did replacement dental/crown work on the Complainant for which the Complainant was billed and paid $3,562.90.
[3] In the words of the Complainant “the dental work and metal crowns (installed by [the Registrant]) and done with all good intentions just prior to his retiring proved not to be the best choice for me.” Three years later she had the crowns removed and replaced with crowns made of a different substance at which time her negative side effects ceased. The cost of the removal and replacement dental services was $8,250.

[4] The Complainant seeks a partial reimbursement of the $3,562.90 from the Registrant which he has declined to provide as he is of the view that his dental work on the Complainant met professional standards.

[5] I have reviewed the Record in this matter and the lengthy exchange of emails and letters between the Complainant, the Registrant and the dental surgeon who removed and replaced the crowns. In addition, I have reviewed the College’s investigation materials in this matter noting their conclusion that the Registrant performed his services in accordance with appropriate professional standards.

[6] The Complainant comes across as a sensitive caring person who does not want to blame anyone but is of the view that if work is performed which has to be redone then the original provider of the defective work (in her mind) should reimburse her for services for which she has had to pay twice.

V ANALYSIS

[7] As much as one may sympathize with the Complainant, my jurisdiction does not include the power to award damages.

VI CONCLUSION

[8] The application is dismissed and I affirm the disposition of the Inquiry Committee. Alternatively, I could also have dismissed the application under s. 31(1)(a) of the Administrative Tribunals Act as not being within the jurisdiction of the Review Board.

[9] In making this decision, I have considered all of the evidence and submissions before me, whether or not specifically reiterated herein.

“J. Thomas English”

J. Thomas English, Q.C., Chair
Health Professions Review Board

February 26, 2013