

College of Dental Surgeons of British Columbia

Further Amended Citation

TO: Derek Duvall
c/o Mr. G. Pyper
Gerhard Pyper Law Corporation
Barristers & Solicitors
200-5455 152nd Street
Surrey, BC V3S 5A5

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 alleges that you:

- a. have not complied with a standard, limit or condition imposed under the Act;
- b. have committed professional misconduct or unprofessional conduct;
- c. have incompetently practised dentistry; and/or
- d. 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 Monday, April 16 to Friday, April 27, 2012, at the Quality Inn Northern Grand Hotel, 9830 100th Avenue, Fort St. John, BC, V1J 1Y5, and from Monday, May 7 to Friday, May 11, 2012 at the Hyatt Regency Hotel, 655 Burrard Street, Vancouver, BC, V6C 2R7. 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. In or about 2007, as regards your patient, RC, you provided substandard care in the placement of a crown for tooth 3.7.
2. In or about 2007, as regards your patient, GL,
 - a. i. you permanently cemented a bridge to teeth 3.4 to 3.6 which you knew was damaged; and/or
 - ii. you misled the patient by advising him that the bridge could be repaired after insertion; and/or
 - b. you recommended replacement of the crowns for teeth 1.6 and 2.6, when that was unnecessary.
3. In or about 2006, as regards your patient, JF, your provision of a denture was substandard.
4. In or about 2006, as regards your patient, JH,
 - a. your provision of a crown for tooth 2.5 was substandard;
 - b. you provided substandard root canal therapy to tooth 2.5; and/or
 - c. you improperly placed an implant in the 2.5 position.
5. In or about 2006, as regards your patient, ES, your provision of crowns for teeth 3.5 and/or 3.7 was substandard.
6. In or about February 2007, as regards your patient, ML, your provision of restorations to teeth 3.6 and /or 3.7 was substandard.
7. In or about 2006, as regards your patient, LT, your provision of restorations to teeth 2.7 and/or 4.7 was substandard.
8. In or about 2006, as regards your patient, SS, your provision of veneers to teeth 1.3 through 2.3 was substandard.
9. In or about 2007, as regards your patient, JW, you extracted four permanent first premolars without obtaining informed consent.
10. In or about 2006, as regards your patient, RW,
 - a. your provision of endodontic treatment to teeth 2.4 and/or 2.6 was substandard; and/or
 - b. you failed to advise R W of all reasonable treatment options when the instruments broke within tooth 2.6 during treatment.

11. In or about 2009, as regards your patient, JS, you provided substandard care in the placement of an implant in the 1.6 position.
12. In or about 2009, you failed to provide Dr. D with a copy of a Revised Agreement and Undertaking made between you and the College dated November 5, 2003 ("AUSPA"), contrary to the terms of the AUSPA.
13. In or about 2009, as regards your patient, JO, you
 - a. provided unnecessary endodontic treatment to tooth 1.1; and/or
 - b. provided the unnecessary treatment to obtain maximum insurance coverage for a crown for tooth 1.1.
14. In or about 2007, as regards your patient, MH, you failed to properly prepare tooth 4.6 for a crown.
15. As regards your patient, GB,
 - a. in or about 2006, you provided inappropriate treatment to tooth 3.6 by providing endodontic treatment to a periodontically compromised tooth; and/or
 - b. in or about 2007, following the extraction of tooth 3.6, you provided substandard treatment in the placement of an implant in the 3.6 position.
16. In or about 2007, as regards your patient, RK, you refused to provide emergency service when a temporary crown that you had placed earlier that day on tooth 4.7 was lost.
17. You behaved inappropriately toward patients as illustrated by the following:
 - a. in or about 2007, you hugged RK; and/or
 - b. in or about 2006, you asked patient BC, her mother and/or her grandmother to sit on your lap.
18. In or about 2006, as regards your patient, BC, you
 - a. provided substandard care by replacing fillings on teeth 8.4 and 8.5, instead of performing the required restorations on teeth 5.4 and 5.5; and/or
 - b. provided inadequate restorations to teeth 5.5, 5.4, 6.5, 6.4, 7.5, 7.4, 8.4 and/or 8.5.
19. In or about 2006, as regards your patient, CO, you provided substandard care in the placement of a crown on tooth 3.6.
20. In or about 2006 and 2007, as regards your patient, DB, your provision of a complete upper denture was substandard.

21. In or about 2007, as regards your patient, EP, you provided substandard care in the provision of a crown to tooth 4.7.
22. In or about 2007, as regards your patient, MP,
 - a. you recommended crowns for teeth 3.6 and 4.6 even though the treatment plan was inappropriate due to the periodontal condition of the teeth;
 - b. you failed to inform the patient of her serious periodontal condition;
 - c. you improperly prepared teeth 3.6 and 4.6 for the crowns; and/or
 - d. in the preparation of tooth 4.6, you damaged tooth 4.7.
23. In or about 2007, as regards your patient, GO, you extracted 11 teeth without sufficient radiographic information.
24. In or about 2007, as regards your patient JC, you failed to properly place a post in tooth 1.2.
25. In or about 2007, as regards your patient GS,
 - a. you performed unnecessary and inappropriate treatment by placing a crown on tooth 3.3, when the tooth was only minimally damaged;
 - b. your preparation on tooth 3.3 was substandard.
26. In or about 2007, as regards your patient RH,
 - a. you provided endodontic treatment and a crown for tooth 3.6 even though the treatment plan was inappropriate due to the patient's periodontal condition; and/or
 - b. you improperly prepared tooth 3.6 for the crown.
27. You breached your undertakings to the College as set out in the AUSPA, including one or more of the following:
 - "(a) to see Dr. L at least once every two months and comply with Dr. L prescribed drug therapy...;
 - (b) to obtain prescriptions from Dr. L in a timely manner, and not to allow myself to be in a situation where I am forced to choose between self-prescribing or going without my prescribed medication;

- (d) to fully comply with the random valproate level testing regime... and to bear any expense associated with this testing regime (which is not covered by my medical insurance);
 - (f) to cease the practice of dentistry if I am no longer being treated by Dr. L, unless and until I have obtained the CDSBC's written agreement to an alternative arrangement with another physician;
 - (j) to provide a copy of this AUSPA to any CDSBC member (as identified in (h) above) in whose practice I may be working;
 - (k) not to provide dental services to patients unless and until the CDSBC member referred to in (h) above has provided their written agreement to the CDSBC to report the following to the CDSBC:
 - (i) any breach by me of these undertakings known to them; and
 - (ii) any significant quality of care, judgement, or interpersonal issues involving me;
 - (n) to voluntarily submit to a CDSBC chart review at my expense, once per year for five years following the date of my registration and licensure, which chart review will be conducted by an inspector of the CDSBC's choosing...
9. agree that Dr. L and Dr. C may provide reports and information and otherwise communicate with the CDSBC as set out in the agreements of Dr. L and Dr. C below ...and I will take all reasonable steps to ensure that Dr. L regular reports to the CDSBC are received by the CDSBC in a timely manner"

The Discipline Committee is constituted under the Act and the College's Bylaws thereunder. Copies of the Act, the *Dentists Regulation*, BC Reg 415/2008, and the College's Bylaws are attached to this Citation, and you are particularly referred to s. 37-39 of the Act and part 10 and schedules G and H of the Bylaws.

FURTHER TAKE NOTICE that after completion of the hearing under s. 38 of the Act the Panel of the Discipline Committee may, under s. 39 of the Act, dismiss the matter or

determine that you;

- a. have incompetently practiced dentistry;
- b. have committed professional misconduct or unprofessional conduct;
- c. have not complied with a standard, limit, or condition imposed under the Act;
- d. have not complied with the Act, a regulation, or a bylaw; 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.

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

This Amended Citation is issued at the direction of a panel of the Discipline Committee of the College under Bylaw 10.03(2)(c) made February 29, 2012

This Further Amended Citation is issued at the direction of a panel of the Discipline Committee of the College under Bylaw 10.03(2)(c) made August 10, 2012.

COLLEGE OF DENTAL SURGEONS OF
BRITISH COLUMBIA

Jerome Marburg, Registrar

Date