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# Notice to DENTISTS

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NOTICE TO  
DENTISTS – in  
accordance with  
Bylaw 20(7) of the  
Alberta Dental  
Association and  
College

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On October 24, 2018, a Hearing Tribunal of the Alberta Dental Association and College found Dr. John Canniff guilty of unprofessional conduct. Their penalty decision was issued on April 25, 2019. The Hearing Tribunal is comprised of a member of the public appointed by the Government of Alberta and three dentists registered in Alberta. They are the decision makers at a hearing.

## Summary of Facts

The patient was referred by a hygienist to Dr. John Caniff on September 11, 2017 for a restoration on tooth 24. The patient alleged that Dr. Canniff stuck his finger in the patient's mouth and said, "Do you want Daddy to make it all better for you?" The patient said she did not and he responded, "Yes, you do, you want Daddy to make it all better." The patient complained about feeling very uncomfortable. The patient alleged Dr. Canniff proceeded to give her dental treatment without explaining what he was doing and without obtaining informed consent.

On September 14, 2017, the patient returned to the hygienist who noted that Dr. Canniff had treated a different tooth than outlined in the referral. Together, the patient and hygienist visited Dr. Canniff's office and asked to see his treatment notes and obtain his rationale for filling a different tooth. Dr. Canniff did not have treatment notes or take X-rays. He admitted he made a similar comment to the patient as she alleged but denied any mal-intent. He

said that he detected and filled the patient's occlusal cavity on tooth 14 and did not take X-rays to save costs.

## Unprofessional Conduct by Dr. Canniff

A summary of the unprofessional findings against Dr. Canniff by the Hearing Tribunal are set out:

Charge: Placing his finger in the patient's mouth, or injecting the patient with local anesthetic, or both, without first informing the patient of his intentions or obtaining the patient's consent.

Informed consent is required under Article A5 of the *Code of Ethics*. The seriousness of the breach was amplified by the fact Dr. Canniff admitted that he did not discuss with the patient the areas of concern in her medical and dental history forms.

Charge: Stating "Daddy will make it all better," or "Do you want Daddy to make it all better for you," or words to that effect.

The Hearing Tribunal referenced that at the hearing, Dr. Canniff admitted he would say things like that to take patients' minds off of getting a needle and that Dr. Caniff admittedly told the patient, "Daddy will make it better."

Dr. Canniff's behavior demonstrated a lack of judgment in the provision of dental services and harmed the integrity of the profession. It constituted unprofessional conduct under section 1(1)(pp)(ii) of the *Health Professions Act* (HPA).

Charge: Restoring the patient's tooth 14 without obtaining or documenting complete and accurate patient records. Specifically, Dr. Canniff failed to obtain or document one or more of the following:

- i. The patient's informed consent to treatment;
- ii. His findings on examining the patient's oral cavity;
- iii. His diagnosis in relation to tooth 14;
- iv. Any radiographic imaging results and interpretations; and
- v. Any letter of referral or other referral documentation.

Dr. Canniff said he assumed one of the office forms contained the patient's informed consent. He said his diagnosis for tooth 14 was that it had a cavity. At the hearing, he expressed that he did not take radiographic images because of the cost and he knew they could be obtained by the hygienist who had referred the patient. The referral letter arrived after the patient's appointment and Dr. Canniff testified he did not comment on the patient's medical history because he did not want to aggravate her after observing his belief that the patient was already irritated. Dr. Canniff stated that he did explain to the patient that he diagnosed a cavity on the upper right first bicuspid and then quit talking as he perceived the patient as "getting grumpier."

The Hearing Tribunal determined the clinical records were inadequate and failed to include the minimum requirements set by section 5 of the *Standard of Practice: Patient Records*.

Charge: During the course of the investigation of the complaint, Dr. Canniff commented verbally and in writing on the patient's medical history profile and history of mental health to justify his conduct towards her. Dr. Canniff confirmed that he wrote "self-absorbed and disengaged" and "hostile attitude," and circled a specific category of medication on the patient's medical history form.

The Hearing Tribunal found Dr. Canniff intended to undermine the patient's credibility and cast doubt on the patient's complaint. His attempts to discredit the patient by suggesting she had "mental health issues" were improper and fell below the standard expected of a dentist responding to a complaint by a patient. It was determined that his conduct harmed the integrity of the profession and constituted unprofessional conduct.

The Hearing Tribunal noted Dr. Canniff was an experienced dentist with no prior disciplinary record and appeared not to recognize the seriousness of his actions. He retired from dentistry on July 30, 2018.

## Penalty

The Hearing Tribunal issued the following orders against Dr. Canniff:

1. A reprimand issued through the decision of the Hearing Tribunal;
2. He pay a fine of \$10,000;
3. In the event that Dr. Canniff seeks to renew or reinstate his registration with ADA&C, he is not eligible to do so until he complies with all orders of the Hearing Tribunal and has: 1) completed an ethics course, at his own expense and which will not count towards his continuing education credits; and 2) immediately serves a two-month suspension before being reinstated; and
4. He pay costs of the investigation and hearing of \$25,000.