

**Alberta Dental Association and College  
Hearing Tribunal Decision**

January 22, 2019

IN ACCORDANCE WITH BYLAW 20(7) OF  
THE ALBERTA DENTAL ASSOCIATION AND COLLEGE

A Hearing Tribunal of the Alberta Dental Association and College found Dr. Michael Bleau guilty of unprofessional conduct and he was sanctioned. A Hearing Tribunal is an independent group comprised of a member of the public appointed by the Government of Alberta and three dentists registered in Alberta.

Dr. Bleau admitted he was guilty of unprofessional conduct. The Hearing Tribunal accepted the agreement by Dr. Bleau and made six findings of unprofessional conduct. Each of the six findings of unprofessional conduct, some evidence and comments of the Hearing Tribunal are outlined below. This decision reinforces the obligation of a dentist to know their advertising.

**Dr. Bleau failed to respond to correspondence from, or comply with a request of, or cooperate with the ADA&C's investigator or her representative contrary to Principle 5 or Articles C1 or C2 of the *Code of Ethics*, or section 1(1)(pp)(vii)(B) or (xii) or section 63 of the *Health Professions Act*.**

The Hearing Tribunal noted Dr. Bleau admitted that he had failed to respond to correspondence from, or comply with a request of, or cooperate with the ADA&C's investigator or her representative. The Hearing Tribunal pointed out that it is the member's obligation to respond to and cooperate with his or her College. When a member fails or refuses to do so, the College's ability to regulate the profession is placed in jeopardy. Membership in the College is a privilege not a right, as is the ability to self-regulate. A dentist is granted certain privileges as a member of the College and has corresponding obligations, which include the obligation to respond to the College.

**Dr. Bleau referred to his courses and education beyond his DDS or DMD, contrary to Articles A8, B4(e), B4.1 and B4.6 of the *Code of Ethics* as well as section 102 of the *Health Professions Act*.**

The Hearing Tribunal made particular reference to the following in finding Dr. Bleau's advertising was unprofessional conduct:

- a. "Preferred provider of Invisalign Braces & Invisalign Teen...";
- b. "Doctorate of Dental Surgery";
- c. "My knowledge in the orthodontic field has grown considerably by attending Damon Orthodontic Forum every year as well as the American Association of Orthodontics Convention."

**Dr. Bleau made statements that his services, equipment, materials, techniques or results were superior to those of other dentists, or he made statements, expressed or implied, that were misleading, contrary to Articles B4(a), B4(d) or B4.2 of the *Code of Ethics*, and section 102 of the *Health Professions Act*.**

The Hearing Tribunal referenced some of the excerpts from Dr. Bleau's advertising that expressed or implied that his services, equipment, materials, techniques or results were superior to those of other dentists or were otherwise misleading, as follows:

- a. "Dr. Bleau, being one of the first orthodontists in Calgary using the Damon System, has given us years of experience in this most up-to-date technology. Our patients are so lucky to experience meticulous care with Dr. Bleau and be treated like friends and family in our close-knit office."
- b. "The difference is our constant commitment to our patients...Our practice is known for being comfortable, inviting, safe, professional, family friendly, and fun."
- c. "Damon System self-ligating braces allow teeth to move more freely, quickly, and comfortably through advanced bracket and wire technology."
- d. "As a result, treatment with Damon Smile is often faster and requires fewer adjustments than traditional braces."
- e. "Our practice utilizes the latest technology, offering a variety of safe and gentle treatment options to give you the customized, individual care you deserve."

**Dr. Bleau used testimonials or before and after images, which were not objectively verifiable, or were misleading, or could reasonably be expected to have created unreasonable expectations by a patient or potential patient with respect to the potential outcome of care, contrary to Articles B4(a), B4(b), B4.1 and B4.2 of the Code of Ethics; and section 102 of the *Health Professions Act*.**

The Hearing Tribunal referenced some of the excerpts from Dr. Bleau's advertising that were testimonials and deemed unprofessional:

- a. "Listen to Katherine Heigl talk about using Invisalign to straighten her star-studded smile."
- b. "Answers to your questions from an actual Invisalign patient just like you."
- c. "The Go-To Mom Talks Invisalign"
- d. "Damon System Testimonials"

**Dr. Bleau used advertising or promotional material that did not disclose the source of the material or data used, or that was misleading to patient or potential patients, contrary to Articles B4, B4.1, B4.3 of the Code of Ethics; and section 102 of the *Health Professions Act*.**

The Hearing Tribunal referenced some of the excerpts from Dr. Bleau's advertising that did not disclose the source of the materials or data used, some of which are as follows:

- a. "Invisalign...has been proven effective. More than 70% of orthodontists in the US and Canada are certified to treat with Invisalign."
- b. "Studies have shown that treatment time with Damon Smile is typically much faster than with conventional braces. Also, far fewer appointments are required during treatment."

**Dr. Bleau made statements, expressed or implied, that provided a guarantee with respect to the treatment outcome or treatment duration, or both, and could reasonably be expected to have created unreasonable expectations by a patient or potential patient, or was not objectively verifiable, contrary to Articles A8 or B4 or B4.1 or B4.2 of the Code of Ethics, or section 102 of the *Health Professions Act*.**

The Hearing Tribunal referenced some of the excerpts from Dr. Bleau's advertising that expressed or implied a guarantee of the treatment outcome or treatment duration, and could reasonably be expected to have created unreasonable expectations by a patient or potential patient, some of which are as follows:

- a. "For adults, Damon Smile braces are not only about getting straight teeth, but also about turning back the clock to a more youthful appearance."
- b. "Thanks to these innovative braces, achieving your perfect smile can be faster and easier than you ever thought possible!"
- c. "Using Damon Smile, we're able to deliver a beautiful Damon Smile for a lifetime."
- d. "Invisible braces"

The Hearing Tribunal stressed that Dr. Bleau had other individuals assisting with his website and that Dr. Bleau did not personally review his advertising sufficiently over an extended period of time. They wished to educate the profession on the importance of complying with the advertising provisions of the Code of Ethics and the importance of the dentist assuming personal responsibility for reviewing the advertising of their practice. Dentists have a professional responsibility to review their advertising and he failed this duty by delegating the preparation of his advertising and not reviewing it.

The Hearing Tribunal accepted the Joint Submission on Penalty and issued the following orders:

1. Dr. Bleau will be suspended for two (2) weeks to be served in one consecutive period by the end of the third quarter of 2019;
2. Dr. Bleau will complete the ADA&C Ethics Program within twelve (12) months;
3. Dr. Bleau will pay a fine of \$5,000 within six (6) months; and
4. Dr. Bleau will pay costs of \$20,000 within twelve (12) months.