

Alberta Dental Association and College Hearing Tribunal Decision

December 17, 2021

IN ACCORDANCE WITH BYLAW 19(7) OF THE ALBERTA DENTAL ASSOCIATION AND COLLEGE

On November 2, 2021, a Hearing Tribunal of the Alberta Dental Association and College found Dr. Bryan Murray guilty of unprofessional conduct and imposed sanctions. A Hearing Tribunal is an independent group of decision-makers comprised of two members of the public appointed by the Government of Alberta and two dentists registered in Alberta.

The Hearing Tribunal found that Dr. Murray's advertising or promotional materials failed to include a clear statement that he was a general dentist; included statements that were false or misleading; referred to accreditations beyond his DDS degree; and included or linked to statements or testimonials from patients that were misleading or incapable of objective verification.

The Hearing Tribunal found that health advertising is a serious matter. Dentists must ensure their advertising and promotional materials comply with the *Health Professions Act* and the Alberta Dental Association and College's Code of Ethics. This is because of the differences between dentists' knowledge and understanding of the risks and benefits of health services and the public's knowledge and understanding. The public must be able to rely on dentists to advertise accurate, verifiable information in order to make decisions about their dental care.

ORDERS OF HEARING TRIBUNAL

The Hearing Tribunal accepted a Joint Submission on Penalty from the parties and issued the following orders on sanction:

1. Dr. Murray shall receive a reprimand and the written decision shall serve as that reprimand;
2. Dr. Murray shall participate in 4 hours of coaching with the Alberta Dental Association and College's Advertising Compliance Coordinator within 2 months which will not count towards required continuing dental education credits;
3. Dr. Murray shall pay a fine in the amount of \$5,000 on terms acceptable to the Complaints Director;
4. Dr. Murray shall undertake to ensure his and his practices' advertising and promotional activities comply with the Code of Ethics going forward;

5. Dr. Murray shall pay 80% of the costs of the investigation and hearing in this matter on terms acceptable to the Complaints Director.