

**College of Dental Surgeons of Alberta
Hearing Tribunal Decision**

August 21, 2023

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

On August 21, 2023, a Hearing Tribunal of the College of Dental Surgeons of Alberta found Dr. Christopher Miller guilty of unprofessional conduct and he was sanctioned. 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.

Dr. Miller admitted that he inappropriately over-filed teeth 35, 36, and 37 during occlusal adjustments, resulting in the improper reduction of the occlusal surfaces and over-removal of tooth structure. Dr. Miller also admitted that he failed to create or maintain appropriate patient records, including:

- a. failing to obtain photographs of diagnostic quality to identify cracks;
- b. failing to record the location of the cracks on the teeth; and
- c. failing to document discussions with the patient about cracks in their teeth.

The Hearing Tribunal noted the opinion of the dental expert that the patient's bruxism could not be used as a justification for the damage. While bruxism can contribute to significant flattening of mandibular teeth, the pre- and post-operative radiographs showed that bruxism could not be solely responsible for the flattening. The amount of removal and the visible bur marks suggested that Dr. Miller's care was responsible for the significant removal.

The Hearing Tribunal noted that the patient record should contain sufficient information for another medical professional to understand what occurred. The Hearing Tribunal was concerned that Dr. Miller used his diagnosis of cracks to justify the crowns. Also the poor quality of the photos, the failure to record the location of the cracks, and the failure to record the discussion(s) with the patient would prevent another practitioner from understanding the diagnosis.

The Hearing Tribunal accepted Dr. Miller's admissions and agreed the admissions were proven and constituted unprofessional conduct under the *Health Professions Act*.

ORDERS OF THE HEARING TRIBUNAL

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

1. Dr. Miller shall receive a reprimand and the written decision of the Hearing Tribunal shall serve as the reprimand;

2. Dr. Miller shall pay a fine of \$10,000 for inappropriately over-filing teeth; and
3. Dr. Miller shall pay a fine of \$2,000 for failure to keep proper records.