

IN THE MATTER OF THE DENTAL DISCIPLINES ACT, 1997 and a FORMAL COMPLAINT dated January 6, 2012 regarding Dr. Cameron Croll of Victoria, British Columbia,  
RAISING PROFESSIONAL ISSUES

BETWEEN:

The College of Dental Surgeons of Saskatchewan

- and -

Dr. Cameron Croll

---

DECISION

---

THE DISCIPLINE COMMITTEE HEARING PANEL:

Ms. Francine Chad Smith, Q.C., Chair of Hearing Panel  
Dr. Hilary Stevens, Chair of Discipline Committee  
Dr. Raj Bhargava, Member of College  
Dr. Alan Heinrichs, Member of College  
Ms. Margaret Wheaton, Appointee to the College Council

APPEARANCES:

For the Professional Conduct Committee:

Mr. Reynold Robertson, Q.C.  
Mr. Jared Epp, Student at law  
Dr. Bernie White, Registrar

For Dr. Cameron Croll:

Mr. Patrick McDougall, Counsel  
Dr. Cameron Croll

DATES OF HEARING:

September 17 and 18, 2012; January 29 and 30, 2013,  
and February 11, 2013.

DATE OF DECISION:

March 25, 2013

[1] This case involves a question of professional misconduct. The Formal Complaint filed by the Professional Conduct Committee against Dr. Croll alleges he failed to respond to its order to attend before it regarding the investigation of the July 28, 2011 complaint filed by the Quality Assurance Committee. The Quality Assurance Committee's complaint alleged failure to respond to its Chair and failure to implement the Committee's recommendations. However, the substance of that complaint is not a matter before us.

[2] A significant element in Dr. Croll's defence of the Formal Complaint is whether the members of the College of Dental Surgeons were pursuing a course of conduct designed to dissuade him, or otherwise prevent him, from continuing his satellite clinic dental practices in Saskatchewan. As a result of this defence, some evidence regarding the Quality Assurance Committee's general interaction with Dr. Croll was canvassed in the evidence. Although the relevance of this evidence was questioned by Counsel for the Professional Conduct Committee, the Panel allowed Counsel for Dr. Croll to proceed.

#### THE BACKGROUND:

[3] Dr. Croll has been engaged in dental practice since 1972. He received his dental training through the Canadian forces and subsequently provided dental services to the military for five years. After leaving the service in 1977 he opened a private practice in Victoria, BC, where he currently lives. Over the years he has been engaged in providing dental services through that private clinic and through satellite clinics in multiple locations in British Columbia and Manitoba. In 2008 he began to look into expansion of his satellite clinics into Saskatchewan. As a result he applied for a Saskatchewan licence.

[4] By 2009 Dr. Croll had established some satellite clinics in Saskatchewan. Initially he was working with a partner, Dr. Cliff, also from British Columbia. However, his partnership with Dr. Cliff ended sometime in 2011. While the specific dates Dr. Croll established or took over existing clinics were not clearly specified, from 2011 on Dr. Croll was operating satellite clinics at Gravelbourg, Wynyard, Maple Creek, Rosthern and Tisdale. He was also operating two or three clinics in Manitoba and the same number in British Columbia. with other dentists assisting in those operations.

[5] In the course of routine inquiries being made to one of the Saskatchewan satellite clinics by the College staff, a question regarding supervision of the ancillary dental services provided at those clinics was raised. Dr. White, the Registrar, wrote a letter on December 10, 2009 to Dr. Croll (Exhibit: Croll Book, tab 7)

requesting information regarding the supervision at the satellite offices. Although that request was initially responded to by Dr. Croll with hostility, the information was delivered (Exhibit: Croll book, tab 8).

[6] In 2010 the Quality Assurance Committee made inquiries into Dr. Croll's Saskatchewan operations. Initially the inquiries directed to Dr. Croll met with some resistance but the information was subsequently provided. (See Exhibits: Croll Book, tabs 16, 19 and 20). On July 5, 2010 the Committee advised Dr. Croll that based upon his schedule for attendances by dentists at the satellite clinics through August 2010, it was satisfied he had addressed the supervision issues that had been identified. (See Exhibits: Croll Book tab 23 and 24). At that time the Chair of the Quality Assurance Committee was Dr. Lawrence Reimer.

[7] In 2011 the Quality Assurance Committee had a new Chair and decided to conduct a practice evaluation and review of all dental clinics in Saskatchewan which did not have a dentist engaged in the practice on a full time basis. These clinics, referred to as satellite clinics, primarily provide dental auxiliary services through trained individuals such as dental hygienists, dental therapists and possibly dental assistants. A dentist, engaged in practice elsewhere, intermittently attends at these clinics. Prior to Dr. Croll's licensure in Saskatchewan, these satellite clinics would be serviced by dentists who resided in the province. Dr. Croll's initial plan was for he and his partner to travel intermittently from British Columbia to attend at the satellite clinics they acquired in Saskatchewan, and to supplement their attendances with dentists residing in Saskatchewan.

[8] Based upon the evidence of Dr. Louie Kriel, the Chair of the Quality Assurance Committee, the satellite clinics of Dr. Croll and his then partner from British Columbia were not singled out for investigation in 2011. The Committee's concerns related to general compliance with the Dental Bylaws of all satellite clinics and involved evaluations of the satellite clinics of sixty-nine members.

[9] The initial step undertaken by the Quality Assurance Committee in early 2011 was to send a PERP (Practice Evaluation Review Program) questionnaire to all dentists operating satellite clinics in the province to be completed and returned by a specific date. Any additional information required would be secured through an investigator attending at a clinic and or a specific request. One of the significant concerns regarding the satellite clinics was to ensure there was adequate supervision of the staff performing dental services on patients. PERP was created to provide support to dentists in meeting their obligations under the Act, the Bylaws and practice standards. The program was also designed to assist the College in meeting its duty to protect the public. The PERP work is not expected to be confrontational; rather it is expected to be engaged in with co-operation between the PERP team and the dentists. Where the operations of satellite

clinics were found to be deficient, the dentists would be advised and provided with instructions to remedy the deficiencies.

[10] Dr. Croll's interactions with the review and evaluation did not get off on the right foot. It appeared he viewed the process as being instigated by Registrar Dr. White to prevent him from practicing in Saskatchewan through satellite offices. He was also under the impression that having responded to inquires from the Quality Assurance Committee in 2010, there was no need for him to respond again. The Quality Assurance Committee engaged in interactions with Dr. Croll from January 2011 to July 2011, before its members concluded they were not receiving the information sought. As a result, the Quality Assurance Committee filed its complaint on July 28, 2011 with the Professional Conduct Committee citing Dr. Croll for alleged failure to respond to the Chair of Quality Assurance Committee and alleged failure to comply with the Committee's recommendations.

[11] It is his conduct in failing to co-operate and attend before this Professional Conduct Committee which is the issue before us.

#### THE PROFESSIONAL CONDUCT COMMITTEE'S PROCESS:

[12] The facts underpinning the Formal Complaint before us are not in dispute. A letter dated July 28, 2011 from Dr. Brent Dergousoff, Chair of the Professional Conduct Committee, was sent to Dr. Croll advising him of the complaint filed by the Quality Assurance Committee against him and requesting a response by August 10. Dr. Croll responded to the College and Dr. Kriel, but not to Dr. Dergousoff. Then on October 5, 2011 Dr. Dergousoff wrote to Dr. Croll requesting he meet with them on October 14, 2011 at 3:30 pm regarding the matter. A meeting agenda and relevant provisions of the *Act* and Bylaws were included with the letter. Dr. Croll responded to this request with hostility and demands. (See Exhibits: PCC Book, tabs 7, 8, 9, 10 and 11). He did not attend the meeting.

[13] The Professional Conduct Committee then issued an order requiring Dr. Croll's attendance before it on October 28, 2011 at 4:00 pm and delivered it to Dr. Croll by letter dated October 19, 2011. Dr. Croll acknowledged receipt of the letter by email dated October 21, 2011 and provided information regarding a health issue that may prevent his attendance on October 28. Dr. Croll subsequently emailed the Professional Conduct Committee on October 25 stating he saw the medical specialist that morning and his test results were not available. Dr. Croll inferring he could not attend on October 28 for that reason, stated

the best time for the meeting would be November 17 or 18. This was notwithstanding the impression left by his specialist's letter of October 25 that he was on his way to Saskatchewan (Exhibit C Book – tab 70). Dr. Croll did not attend the October 28 meeting in person or by teleconference.

[14] Dr. Dergousoff replied to Dr. Croll on November 4, 2011 acknowledging his medical issue and advising the meeting was rescheduled for November 18 at 3:00 pm. Dr. Croll responded by email on November 6 stating he hoped he would be able to attend the meeting, but was not sure because he was waiting to hear about a date for a special scan. Dr. Croll then emailed on November 10 advising he could not attend the meeting because the scan was booked for November 17. Dr. Croll also stated:

. . . coming in this Sunday so could meet with 5:30 pm (depending if flight on time)  
Sunday 6-7 pm Monday or Tuesday nights OR in nipawin mon tues and wed. . . .”

Dr. Dergousoff did not respond to these alternative dates proposed by Dr. Croll. Earlier in his testimony he explained there were three other practising dentists on the investigative committee and Dr. White. He stated a lot of time is required to coordinate their schedules and find a date when everyone is available.

[15] The next communication was a telephone conversation between Ms. Marion LaFreniere, an Executive Assistance for the College, and Dr. Croll on November 14, wherein he advised he was unable to attend the meeting on November 18. Ms. LaFreniere then requested he participate in the meeting by telephone conference. Dr. Croll advised he could not do so because he was taking his granddaughter for a medical scan on Friday, November 18 and the appointment and required travel time would not permit him to participate in a conference call. He stated he could be available on the weekend for a conference call. Ms. LaFreniere responded that she would relay the information on to the Professional Conduct Committee.

[16] On November 17, 2011 Dr. Dergousoff sent a letter to Dr. Croll by email advising his failure to attend the scheduled meeting in person or by telephone conference would be considered a breach of the order to appear and a breach of section 27(d) of the *Dental Discipline Act*. No response was received from Dr. Croll.

[17] The Professional Conduct Committee met on November 18. Dr. Croll did not attend at 3:00 pm. The telephone conference line was connected on several occasions thereafter and Dr. Croll was not on the line.

[18] On January 6, 2012 the Professional Conduct Committee approved its Report and a Formal Complaint relating to Dr. Croll's failures to attend on October 28 and November 18, 2011. The Formal Complaint, which is the subject of this hearing, was signed by the Registrar the same date and sent to Dr. Croll.

ISSUES:

- [19] Did Dr. C fail to appear as required; and  
Was he justified in failing to appear so as to exonerate him from the charge.

DECISION:

[20] We have readily concluded Dr. Croll failed to attend as required. We have concluded there was no justifiable reason for his failure to attend before the Professional Conduct Committee on either October 28 or November 18, 2011.

[21] Unfortunately in pursuing the acquisition of dental offices here, he and Registrar Dr. White got off on the wrong foot. Dr. Croll raised a number of issues that he encountered with the Registrar during the course of the hearing. These alleged incidents occurred between 2009 and the Fall of 2011. Dr. Croll maintained throughout the hearing that Dr. White improperly orchestrated all the investigatory actions against him. He also criticized Dr. White for alleged improper interference with his purchase of Dr. McMeekin's practice in Wynyard (which he purchased for one dollar); for alleged failure to sanction Dr. McMeekin for abandoning patients when he closed his office (Dr. McMeekin retired for a health issue and had provided notice to his patients); for improper requests for information regarding satellite clinics and dental supervision in Dec. 2009; for failing to expedite licensing of his partner; for improper motivation in requesting information regarding satellite operations in 2010; and for improper motivation in relation to the Professional Conduct Committee's investigation into Quality Assurance Committee complaint. Dr. Croll also alleged Dr. White was rude and confrontational to him at Saskatchewan Dental alumni event by asking him why he was there (Dr. Croll not being an alumnus, but having been invited by the Dean of the University of Saskatchewan's Faculty of Dentistry); and that he treated him unfairly, especially in light of his health issues.

[22] Dr. Croll also had complaints about the Professional Conduct Committee: that it failed to arrange a meeting on dates that he had suggested; that it was attempting to play with his stress levels; and that its concerns (and those of the College) unnecessarily wasted his time because things could have been addressed more easily.

[23] Lastly, Dr. Croll alleged that Dr. White and the governing members of the College abused their authority; acted outside their mandate or jurisdiction; that the hearing was unnecessary; and that the whole dispute could have been avoided by one phone call some months ago.

[24] The foregoing allegations were unsubstantiated by any other witness or by documents filed as exhibits. Although it is fair to say that in a number of his responses to Dr. Croll, Dr. White did respond in a curt fashion.

[25] On the other hand, throughout the relevant times, Dr. Croll consistently displayed a rude and cavalier attitude in his dealings with the Registrar, with the Quality Assurance Committee chaired by Dr. Kriel, and with the Professional Conduct Committee. When requested to attend a meeting with the Professional Conduct Committee on October 14, 2011, Dr. Croll responded by threatening to bring in media, demanding his flight be paid for, threatening legal action against all dentists involved including the members of the Quality Assurance Committee), making allegation of improper conduct of the Registrar and others seeking information about his practice, demanding financial indemnification, and requesting information regarding other dentists in the provinces alleging he was being singled out, victimized and attacked. Dr. Croll also threatened to go to the Government and politicians to discuss the improper conduct of the College. Lastly, except for requesting a new date for the October 28, 2011 meeting, Dr. Croll failed to notify the College or the Professional Conduct Committee that he would not be attending in person or by telephone at the other scheduled meetings.

[26] Dr. Croll regarded all the inquiries and procedures taken by the College in relation to him and his satellite clinics as being malicious action orchestrated and directed by Dr. White. He relied upon this conclusion to justify his alleged failure to cooperate with the investigation by the Professional Conduct Committee into his alleged failure to co-operate with the Quality Assurance Committee and to comply with its order to attend before it.

[27] Regardless of whether or not Registrar Dr. White engaged in any questionable conduct in relation to Dr. Croll alleged (facts which Dr. White denied and which were not supported by the balance of the evidence), Dr. Croll engaged in a pattern of unprofessional conduct in relation to the Quality Assurance Committee and the Professional Conduct Committee over an extended period of time. This conduct was his response to eight members of the College (four members on each of the two committees), other than Dr. White, who were in the course of carrying out their responsibilities as elected or appointed officials of the College of Dental Surgeons.

[28] Dr. Croll's conduct necessitated unnecessary and excessive work by the members of those committees, who are elected or appointed representatives of their peers and who volunteer their time to assure all members of the College, and the College itself, comply with their legal obligations pursuant to their governing legislation, *The Dental Disciplines Act*.

[29] There was no evidence, other than the unsupported opinions expressed by Dr. Croll that these elected and appointed members of the governing council of the College were improperly motivated. Dr. Croll did rely on the fact Dr. White was a member of the Quality Assurance Committee which filed the complaint against him. Dr. White testified generally to the matter stating by virtue of his position, he is an *ex officio* member of all the College Committees, which would have included him participating on that basis in the earlier Quality Assurance Committee chaired by Dr. Lawrence Reimer, which initially approved Dr. Croll's plan of operation within Saskatchewan. No other questions were directed to Dr. White regarding his involvement in either the Quality Assurance Committee chaired by Dr. Kriel or the Professional Conduct Committee chaired by Dr. Dergousoff. The Chairs of both those committees testified at the hearing and were not questioned about Dr. White's participation in their committees.

[30] Dr. Croll thought he was singled out for unusual treatment because he was introducing a new practice model into the province. However, the evidence presented demonstrated that satellite offices were not a new phenomenon in Saskatchewan. What was new in Dr. Croll's business operations in the province was the fact the primary supervision of the clinics may be in the hands of dentists who do not reside in the province and hence may not be fully apprised of the Saskatchewan Bylaws and legislative requirements; the fact Dr. Croll does, or may have wished to, meet the supervision expectations and requirements through electronic and or video techniques; and uncertainty regarding frequent and regular attendances by dentists at those clinics. We do not have difficulty with creative delivery of dental services, including the use of technology. However, when new approaches are being introduced, it is not surprising that a governing body is interested in ensuring the new delivery methods and use of technology are actually meeting the legislative and other required obligations. Such concern and diligence is completely understandable. Making such inquiries, including regular and or intermittent inquiries, is a reasonable and responsible exercise of authority in relation to the College's duty to protect the public. It is also understandable and reasonable that any material change in the operational circumstances of such clinics would result in compliance questions and or reviews being renewed. One example of a material change was the withdrawal of services by local dentists, Drs. Tom Carlson and Tyler Hill in May, 2010 from the Tisdale clinic, and which resulted in extra



provincial dentists being solely responsible for fulfilling all duties and obligations of these offices. A second example was the withdrawal from the satellite clinic partnership by his colleague from British Columbia.

[31] The delivery of dental services in small centres throughout the province is certainly a positive objective. But that does not offset responsibilities of the dentist(s) involved, regardless of their place of residence, in complying with all legal responsibilities. Dr. Croll appears to have invested considerable time in continuing or developing his satellite offices. In the event he intends to continue his operations in the province it is necessary for him to comply with the Saskatchewan *Dental Disciplines Act* and its Bylaws. More specifically, we emphasize that engaging in a satellite clinic delivery model from a distant base (such as British Columbia), there may well be regular reviews by the College. The College has a statutory obligation to regulate the delivery of dental services by its members in order to protect the public from harm. There was nothing in the evidence presented to persuade us that either the Professional Conduct Committee or the Quality Assurance Committee was motivated by anything other than that statutory obligation.

[32] Dr. Croll raised concern regarding the time required to respond to the inquiries being made of him. Provided there was a reasonable foundation for making the requests, and the requests themselves were reasonable, the administrative time needed to provide the information is not relevant. Much of the information the Quality Assurance Committee may require on a regular basis would likely be able to be compiled by the staff in the satellite offices, thus eliminating what Dr. Croll may regard as excessive work for him.

[33] Dr. Croll also raised by way of defence or justification for his failure to attend before the Professional Conduct Committee his health issues. We find the Professional Conduct Committee conducted itself in a reasonable and fair manner in changing the dates and in providing the alternate method of attendance by telephone conference call. We find there was nothing preventing Dr. Croll from attending the meeting scheduled for October 28, 2011. The fact his medical test results had not been delivered to him prior to that time is, under the circumstances, not relevant to his failure to attend. As far as we know, he was mobile and as his specialist Dr. Naysmith indicated in a letter dated October 25, 2011:

we have no [results] as yet but as soon as we do will be in touch. We took the stitches out and he is headed off to Saskatchewan.

(Exhibit PCC-70).

It appears Dr. Croll simply preferred not to attend on that date, and chose not to do so.

[34] While we accept the evidence tendered by Corporal Dwayne Croll of the RCMP, the son of Dr. Croll, regarding his daughter's scan in Vancouver on November 18, 2012 and the fact Dr. Croll accompanied them from Langley, BC to be present at that scan, we do not accept that reason as a valid one for avoiding his obligation to appear before the Professional Conduct Committee under all the circumstances. Dr. Croll gave the impression to Ms. LaFreniere of the College that he could not attend the November 18<sup>th</sup> meeting nor participate by conference call because he was the person taking his granddaughter to the medical scan. That was not the case. Corporal Croll took his daughter to the medical scan and Dr. Croll chose to accompany them. Dr. Croll failed to advise his son he had another serious commitment on that occasion and simply chose to ignore it.

[35] While the concern and interest in his granddaughter's health is understandable, the medical procedure was for diagnostic purposes and there was no evidence to suggest his granddaughter's physical ability to function was impaired at the time. In our view there was no justifiable reason preventing Dr. Croll from attending the meeting in person, not to mention participating by telephone.

[36] We find Dr. Croll was simply not willing to attend the meeting on November 18, or participate in the meeting by telephone, even though that was a date he had initially stated he could attend. We also find there was no *bona fide* effort made by Dr. Croll to attend on any of the other dates the Professional Conduct Committee had previously scheduled. Although Dr. Croll did have a health issue that required attendances and minor procedures during the relevant period of time, the evidence indicated he was able to continue with his attendances at his satellite clinics in Manitoba and Saskatchewan. The conclusion from the evidence was clear. Dr. Croll was able to continue with what he chose to do, and he chose not to meet his obligations pursuant to his dental licence in Saskatchewan to comply with request and orders and other directions of the Professional Conduct Committee.

[37] The Formal Complaint against Dr. Croll cites sections 29(1)(b) and 27(d) of the *Dental Disciplines Act*. Those sections provide:

Investigation

29(1) Where the professional conduct committee is requested by its council to consider a complaint or is in receipt of a written complaint alleging that a member is guilty of professional misconduct or professional incompetence, the committee shall:

...

(b) investigate the complaint by taking any steps it considers necessary,

including summoning before it the member whose conduct is the subject of the complaint or assessing the member's competence.

Professional misconduct

27 Professional misconduct is a question of fact, but any matter, conduct or thing, whether or not disgraceful or dishonourable, is professional misconduct within the meaning of this Act if:

- ...
- (d) it is a failure to comply with an order of the professional conduct committee, discipline committee or council of that member's association.

[38] Section 29 (1)(b) provides the legislative authority for the Professional Conduct Committee to have required Dr. Croll's attendance. In this regard, we specifically observe once a complaint alleging professional misconduct is delivered to the Committee, it is required by law to investigate it.

[39] Section 27 (d) makes it apparent that failure to comply with the order of the Professional Conduct Committee to appear before it is professional misconduct. We have found as a matter of fact that Dr. Croll failed to comply with the October 19, 2011 order of that Committee. We have also found there was no justifiable reason for his failure to attend.

[40] The Formal Complaint also relies upon Bylaw 9.2(1)(a), which provides:

Professional Standards of Members

9.2 Each member shall:

- (a) abide by all provisions of the Act and the Bylaws;

This Bylaw is not directly applicable to a case of this nature and in any event, it not necessary to make a determination under it to establish the charge of professional misconduct.

[41] In conclusion, we find Dr. Croll guilty of professional misconduct resulting from his failure to comply with the October 19, 2011 order of the Professional Conduct Committee to attend before it, on November 18, 2011, the adjourned date of the initially prescribed October 28 appearance. Accordingly, the Professional Conduct Committee has proven the allegation in the Formal Complaint against Dr. Croll dated January 6, 2012. The legislative authority underpinning the conclusion of professional misconduct is contained in *The Dental Disciplines Act*, sections 27(d) and 29(1)(b).

[42] Counsel will be contacted in the near future to arrange for a date to make submissions with respect to penalty.

DATED at Saskatoon, Saskatchewan this 25th day of March, 2013.

**THE COLLEGE OF DENTAL SURGEONS OF SASKATCHEWAN DISCIPLINE COMMITTEE**  
per:

"Francine Chad Smith"  
Francine Chad Smith, Q.C.  
Chair of Discipline Hearing Panel

"Hilary Stevens"  
Dr. Hilary Stevens  
Chair of the Discipline Committee  
Member of the Hearing Panel

"Margaret Wheaton"  
Ms. Margaret Wheaton  
Member of Discipline Hearing Panel  
and Lay Member of Council

"Raj Bhargava"  
Dr. Raj Bhargava  
Member of Discipline Hearing Panel

"Alan Heinrichs"  
Dr. Alan Heinrichs,  
Member of the Discipline Hearing Panel