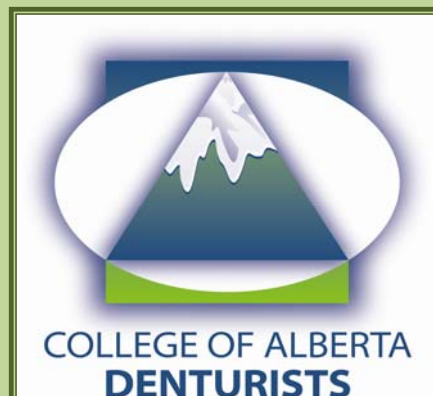


COLLEGE OF ALBERTA DENTURISTS

# Complaint Resolution Process Guidelines

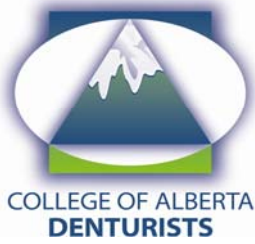
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# Complaint Processes

## As per Part 4 of the Alberta Health Professions Act

### 1. Introduction

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The College of Alberta Denturists is the regulatory body for the Profession of Denturists in Alberta, enacted under the Alberta *Health Professions Act*.

One of the key duties of a health profession regulatory body is “protection of the public” and as such, we have the responsibility of dealing with complaints made against the Regulated Members (denturist practitioners), of the College.

The *Health Professions Act* (the “HPA”), has a very well defined Complaint Resolution process and the Colleges enacted under the HPA, are required to have a Complaints Director.

This individual is responsible for dealing with complaints against the Regulated Members (and former Regulated Members) of a College, hereinafter known as “Regulated Member”, “member”, or “practitioner”, as dictated in the HPA.

In dealing with complaints, the Complaints Director must be cognizant of the requirements of Natural Justice and Administrative fairness, in order to properly execute the duties.

There are checks and balances to ensure that the Complaints Director is discharging the duties appropriately and those include Complaint Review Committee, the Council of the College and the Alberta Ombudsman.

The following provides a review of the complaint resolution process as addressed by the Complaints Director, and then provides more detailed specifics with respect to certain processes and how they are addressed by the College of Alberta Denturists Complaints Director.

It is to be noted, that our College issues all correspondence to the parties involved, via Registered Mail or Courier, thereby ensuring that all parties are in receipt of the correspondence and in a timely fashion; these methods of delivery, are **not** a requirement of the HPA.

## 2. Disclaimer

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This document contains information for consideration by all parties involved in the complaint resolution process under the Alberta Health Professions Act, as applies to complaints submitted and addressed by the College of Alberta Denturists.

It does not however, imply or cannot be interpreted as implying legal opinion or advice. As such and if necessary, individuals should seek their own independent legal advice for issues related to the complaint resolution process under the Health Professions Act.

The College accepts no responsibility for the use or lack of use of the information contained herein.

Further, the information contained herein is a general guideline, and is not to be interpreted in any way, shape or form, as definitive indication of processes.

## 3. Use

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This document is provided for use by all individuals.

However, copyright laws are applicable; no duplication in whole or in part, or use by third party is allowed, without first obtaining written consent from the College of Alberta Denturists.

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## 4. Overview of the Complaint Process

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The following is general information regarding the complaint process as per **Part 4** of the *Health Professions Act*, and as pertains to matters addressed by the Complaints Director.

Wording indicated in the HPA provides some defined timelines; however, it also has language that provides general and nonspecific timelines, which consequently, leaves room for interpretation by the individual who is reading the information.

Although there is obviously some room for **discretion power** on behalf of a Complaints Director, the primary goal of protection of the public is paramount; ergo, use of discretionary power must be founded on knowledge of the requirements indicated in the HPA, and in consideration of the issues at hand.

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### A. General Information

In order for a complaint to be accepted, it must be provided to the College with certain criteria as dictated in **Section 54(1)** of the HPA, such that the complaint:

- 1. Must be in writing;*
- 2. Must indicate the Regulated Member or Former Regulated Member's name;*
- 3. Must indicate the issue/reason for the complaint;*
- 4. Must be signed by the complainant; and*
- 5. Must provide contact information for the complainant.*

The following describes the processes indicated in the HPA and details as to the methodology utilized by the College of Alberta Denturists Complaints Director, in addressing valid complaints.

### B. Acting on a Complaint

The Complaints Director must within 30 days of initial review of a complaint (or treating information as a complaint), provide notification to the complainant as to what "Action" will be taken to address the complaint.

In some situations, the Complaints Director will be required to utilize more than one action in order to properly, and completely, address the complaint.

The following flowchart depicts the process from receipt to choice of actions:

**Valid Complaint Received**

**Complaints Director Reviews Complaint**

**Complaint Director  
Selects Action(s) & advises  
Complainant within 30 days**

**Encourage Communication  
between the Parties**

**With Consent of Both Parties,  
attempt to Mediate a Resolution**

**Refer to Alternative Complaint  
Resolution**

**Request an Expert to provide an  
Expert Report**

**Conduct or appoint an  
Investigator to conduct, an  
Investigation**

**Dismiss if satisfied is  
Trivial or Vexatious**

**Dismiss if there is Insufficient or  
no Evidence of Unprofessional  
Conduct**

**Refer for  
Incapacity Assessment as per  
Section 118 of the HPA**

### C. Initial Receipt of a Letter of Complaint

Upon the Complaints Director receiving a letter of complaint, he reviews the letter to ensure that it meets with the requirements as stipulated in **Section 54(1)** of the HPA.

If the letter complies, then the Complaints Director sends a notice to the complainant of the following:

- i. The receipt of their letter of complaint;
- ii. That notification will be sent **within 30 days**, of what action, if any, will be taken to address the complaint;
- iii. That the Regulated Member is being requested to provide a written response to the allegations of the complaint;
- iv. That the Regulated Member is being requested to provide a copy of the patient record;
- v. That the complaint will not necessarily be resolved within that 30 day time period;
- vi. That every effort will be made to achieve an acceptable resolution of valid concerns within the limitations provided for in the *Health Professions Act*; and
- vii. That the Complaints Director does not have the authority to require a practitioner to reimburse some or all of the fees paid by a patient or insurance company on behalf of the patient.

If the letter does not comply with the requirements for a valid complaint, then the Complaints Director sends a notice to the complainant of the following:

- i. The receipt of their letter of complaint;
- ii. The requirements as indicated in **Section 54(1)** of the HPA;
- iii. The issue of concern regarding the submitted letter;
- iv. What is required to be corrected in order to resubmit the letter and have it acceptable;
- v. That their original letter is enclosed;
- vi. That if they resubmit the letter with the corrections, it will be addressed; and
- vii. That it is recommended that they contact the practitioner and discuss the matter with them in hope of expediting a resolution to their issues.

## D. Ongoing processes

If the letter complies and is valid, then the Complaints Director sends a notice to the complainant and the member, as per the action which will be utilized to address the complaint.

These procedures are defined in Section 2 (“Specifics”) of this document.

## E. Dismissal of a Complaint

There are two actions which allow the Complaints Director to dismiss a complaint if the Complaints Director is satisfied that:

- 1. The complaint is “Trivial or Vexatious”; or*
- 2. There is insufficient or no evidence of unprofessional conduct.*

The choice to dismiss a complaint is not made lightly. Further, pursuant to **Section 55(3)** of the HPA, the Complaints Director must within 30 days of dismissing the complaint, provide notice to the complainant of the dismissal and their right to apply for a review of the dismissal pursuant to **Section 68** of the HPA, which reads:

**68(1)** A complainant may apply, in writing with reasons, to the hearings director for a review of the dismissal of a complaint within 30 days after being notified of the dismissal under section 55 or 67.

The dismissal of a complaint process utilized by the College of Alberta Denturists will be defined in detail later in this report.

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## 5. Specifics

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### I. Initial Review of a letter of Complaint

The College does not accept submissions of complaints via telephone. We do however, have in place a policy to address telephone inquiries in that regard, and the policy stipulates the following:

*For complaint submissions, the complaint must be submitted in writing to the College of Alberta Denturists and subsequently to the Complaints Director, and must contain the following:*

- 1. Name of the Complainant;*
- 2. Address of the Complainant;*
- 3. Contact Phone Number of the Complainant;*
- 4. Name of the Regulated Member or Former Regulated Member;*
- 5. Reasonable details of the Complaint; and*
- 6. Signature of the Complainant.*

The Complaints Director, upon receipt of a purported letter of complaint, verifies from that letter, the following:

1. That it indicates it is a complaint;
2. That it indicates a regulated member's name (or former regulated member's name), to whom the complaint is against;
3. That it is signed by the complainant; and
4. That the complainant has provided adequate contact information.

If the letter **does** contain the required information, then the following occurs:

1. The complainant is provided with an initial letter regarding the complaint, (see Section 1-C of this document); and
2. The regulated member is advised of the complaint, provided a copy of the letter of complaint, and is required to provide the Complaints Director with a response to the allegations contained therein as well as a copy of the patient's record from that practitioner's office.

In order for the Complaints Director to make a determination as to whether or not a complaint is valid, and if valid, what, if any, action to utilize to address the complaint, he requires a written response from the practitioner and copies of the related documents of the services provided to the complainant (or in the case of a third-party submission, the patient to which the complaint is regarding); this is required to be provided to the Complaints Director within two weeks of the aforementioned initial notification.

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Upon receipt of the regulated member's written response, the Complaints Director then:

- i. Re-examines the complainant's issues;
- ii. Reviews the Regulated Member's response to those issues; and
- iii. Examines the patient charting related to the treatment provided and the complaint issues, and any other documentation which has been received from either party during this initial period of time.

From the information gathered in this process, and with consideration of normal practice procedures and knowledge of the profession, the Complaints Director then determines an appropriate action to utilize to address the issues of the complainant.

If it is evident from this initial Complaints Director review process, that there is insufficient or no evidence of unprofessional conduct related to the allegations of the complaint, or the complaint is trivial or vexatious, it may be dismissed by the Complaints Director.

Although not directly spoken to in **Section 55(1)** of the HPA, without this initial process, it would be impossible to make a determination as to the validity of any complaint.

Short of sending every complaint to an investigation, there has to be discretion provided to the Complaints Director to do some preliminary review to determine whether or not a complaint is valid, and whether or not it should or needs to be provided with an "action" pursuant to **Section 55(2)**. The simple submission of a letter which meets the requirements of **Section 54** of the HPA **should not** require the College's under the Act, to engage in an action pursuant to **Section 55**.

Further, the response from the practitioner and the related documentation, can also affect the decision of which action to utilize.

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## II. Actions

**Section 55(2)** of the HPA, provides the Complaints Director with Eight (8) “actions” to utilize in addressing complaints.

This variety of actions allows the Complaints Director, after reviewing the complaint letter and regulated member’s response, and with the direct knowledge of the complaint issues and the procedures that have (or have not) been provided by the regulated member, to determine an appropriate action in which to utilize to attempt to resolve the matter.

With the various actions, it allows for less formal methods to address complaints; not all complaints therefore need to be investigated.

The following are the eight actions indicated in **Section 55(2)** as well as indication of the general procedures the College’s Complaints Director does in said actions.

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### A. Encourage the Complainant and Regulated Member to Communicate Section 55(2)(a)

- Notices are issued to both parties to indicate this action:
  - i. The complainant is advised that the practitioner will be contacting them directly to attempt to address and resolve the issues. They are advised to provide written correspondence as to what occurs, and if the matter is resolved, to advise in writing and provide a withdrawal if the matter is resolved entirely.
  - ii. The practitioner is advised to contact the patient directly to address the issues of the complaint and attempt to resolve. The practitioner is given a date in which to provide written correspondence to advise as to the status of this process.
- Timely management is done to ensure that both parties are “communicating” and attempting to resolve the matter.
- If notice is received from the practitioner that the matter has been resolved, a letter is sent to the complainant to verify, and the complainant is requested to provide a letter indicating the results and status of the complaint.
- If notice is received from either party that this action is not working or has been unsuccessful, then determination of next action is chosen and appropriate notifications are sent to both parties.

## **B. With Consent of Both Parties, attempt to resolve the Complaint**

### **Section 55(2)(a.1)**

This action is usually utilized upon failure of [action "A"](#), and is basically the Complaints Director acting as a mediator to the complaint. In this process the following occurs:

- Notices are issued to both parties to indicate the desire to implement this action:
  - i. The complainant is provided with a form for their completion and return, to indicate whether or not they are willing to allow the Complaints Director to attempt to resolve the issues of their complaint. There is a defined timeline for completion and return of the form.
  - ii. The practitioner is provided with a form for their completion and return, to indicate whether or not they are willing to allow the Complaints Director to attempt to resolve the issues of their complaint. There is a defined timeline for completion and return of the form.
- If both parties agree to the action, then notice of the action is issued to both parties and further, they are advised that the Complaints Director will be contacting them in the near future.
- The complainant is contacted first, to discuss and determine what they are seeking for a resolution.
- The practitioner is then subsequently contacted, and the complainant's resolution desires are discussed.
- If the practitioner accepts complainant's resolution, then both parties are notified via phone and subsequently via letter of the agreement. Details with respect to the resolution are outlined in the letter and timelines for completion of the resolution is also indicated. Further, it is indicated that the resolution will result in a withdrawal of the complaint.
- If the practitioner provides an alternative resolution, this is subsequently presented to the complainant via telephone and discussed.
- If complainant accepts practitioner's alternative resolution, then both parties are notified via phone and subsequently via letter. Details with respect to the resolution are outlined in the letter and timelines for completion of the resolution is also indicated. Further, it is indicated that the resolution will result in a withdrawal of the complaint.
- Timely management is done to ensure that both parties are completing their portion of the agreed upon resolution.
- Upon notification of the successful completion of the agreed upon resolution, notices are sent that the matter is resolved and therefore the file is closed.

### **C. Refer to Alternative Complaint Resolution Process Section 55(2)(b)**

This action has not been utilized by the College to date.

However, failing the acceptance of a request from the Complaint's Director to utilize [action "B"](#), it would be illogical to consider that ACR would be acceptable. If this action is utilized in the future, the requirements as indicated in **Division 2 of Part 4** of the HPA would be followed.

### **D. Request an Expert to provide an Expert Report Section 55(2)(c)**

This action normally is utilized in consideration of one of the following situations:

1. Communication between the parties has been unsuccessful or "mediation" by the Complaints Director has failed, and the complaint is regarding an issue of quality of a prostheses provided by the practitioner; or
2. Upon completion of the Complaints Director's initial review process before choosing an action, it is determined that in order to address the complaint, an Expert Report (and subsequent investigation) is required.

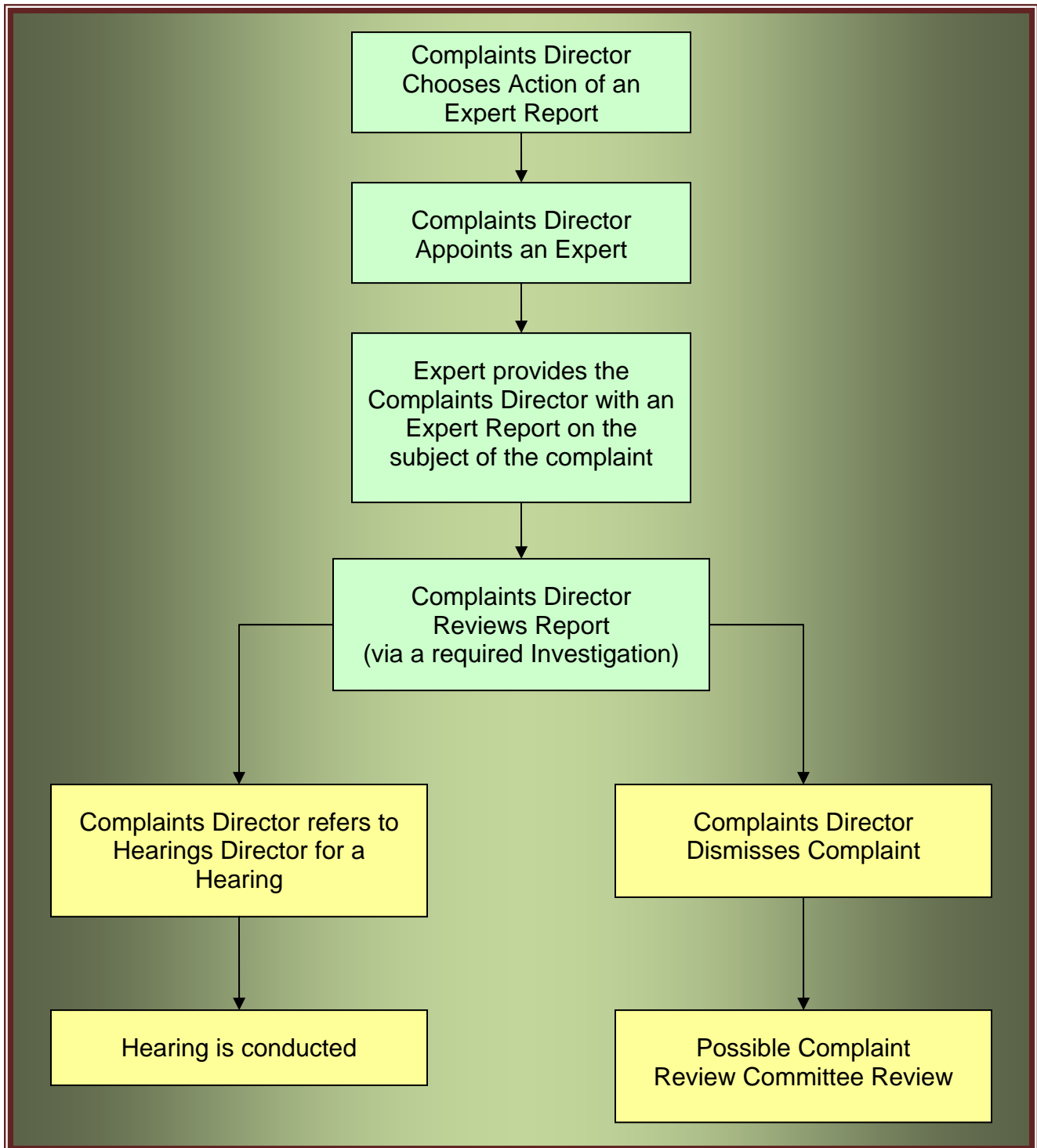
Once this action has been selected to be utilized, the following occurs:

- Notices are issued to both parties to indicate this action:
  - i. The complainant is advised that they will be advised of the name of the individual who will be examining them, (and the prostheses in question), for the purpose of providing an Expert Report regarding the prostheses. Further, details regarding reimbursement for travel costs, meals, etc, are also provided.
  - ii. Practitioner is advised that the results of the Expert Report will be provided in due course and further, they are also advised that this does not prohibit them from attempting to resolve the matter with the complainant.
- Individual is selected to be the Expert and they are solicited as to their ability to provide a report without bias or prejudice to either the practitioner or the complainant.
- Upon securing an appropriate Expert, notification is provided to the complainant of the name of the Expert and further, that they will be contacted by that individual and particulars related to an examination time, date and location, will be addressed directly with them by that individual.

Continued on next page

- Appropriate documentation is provided to the Expert in order for them to discharge their duties.
- Upon receipt of the acceptable Expert Report, both parties are advised in writing that the Expert Report is received, and in order to complete the review, that an investigation will now be conducted.

The following flowchart indicates the processes involved in an Expert Report:



## E. Conduct or appoint an Investigator to conduct an Investigation Section 55(2)(d)

There are several situations which give rise to the need for an investigation, including:

1. Upon completion of the Complaints Director's initial review process before choosing an action, it is determined that in order to address the complaint, an investigation is required as the initial action.
2. Information has been received and accepted pursuant to **Section 56**, such that the Complaints Director determines that an investigation is necessary as an initial action.
3. Communication between the parties pursuant to **Section 55(2)(a)**, has been unsuccessful or "mediation" by the Complaints Director pursuant to **Section 55(2)(a.1)**, has failed, and matters have been revealed and/or received in said process, which in the Complaints Director opinion, now requires the action of an investigation to address the issue(s).
4. The matter required the prior action of obtaining an Expert Report pursuant to **Section 55(2)(c)**, and the Expert Report has been received.
5. A Complaint Review Committee, pursuant to **Section 68(5)(b)**, has referred a matter to the Complaints Director for investigation.

If the Complaints Director chooses this action, he first must determine whether or not he will conduct the investigation himself, or whether to appoint an investigator or investigators to conduct the investigation and provide him with an Investigation Report.

Such a decision is based on a number of factors, including:

1. The matter(s) to being investigated;
2. If there is a possibility of perceived bias or prejudice;
3. The possible extent of the investigation as related to requirement of man-hours;
4. Any prior history of investigations of the investigated member and if so, whether or not this will be an issue; and
5. Availability of suitable individual(s) to appoint to conduct the investigation.

Upon decision, then the following occurs:

- A Notice is issued to the complainant to indicate this action, request to maintain the information as confidential, provision of a copy of **Section 63** of the HPA, and, if known at the time of choosing this action, that the Complaints Director will be conducting the investigation or the name of the individual(s) that will be conducting the investigation; if this is not known at this time, then the complainant is advised that the name of the investigator will be provided in the near future.

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- Unless it would significantly harm the investigation, {pursuant to **Section 61(1)(b)**}, the investigated member is provided with:
  - i. Notification of the investigation;
  - ii. A “Notice of Investigation”, which indicates the specifics of what is being investigated and which also contains a copy of the letter of complaint and a copy of **Section 63** of the HPA; and
  - iii. Notification of who will be conducting the investigation.

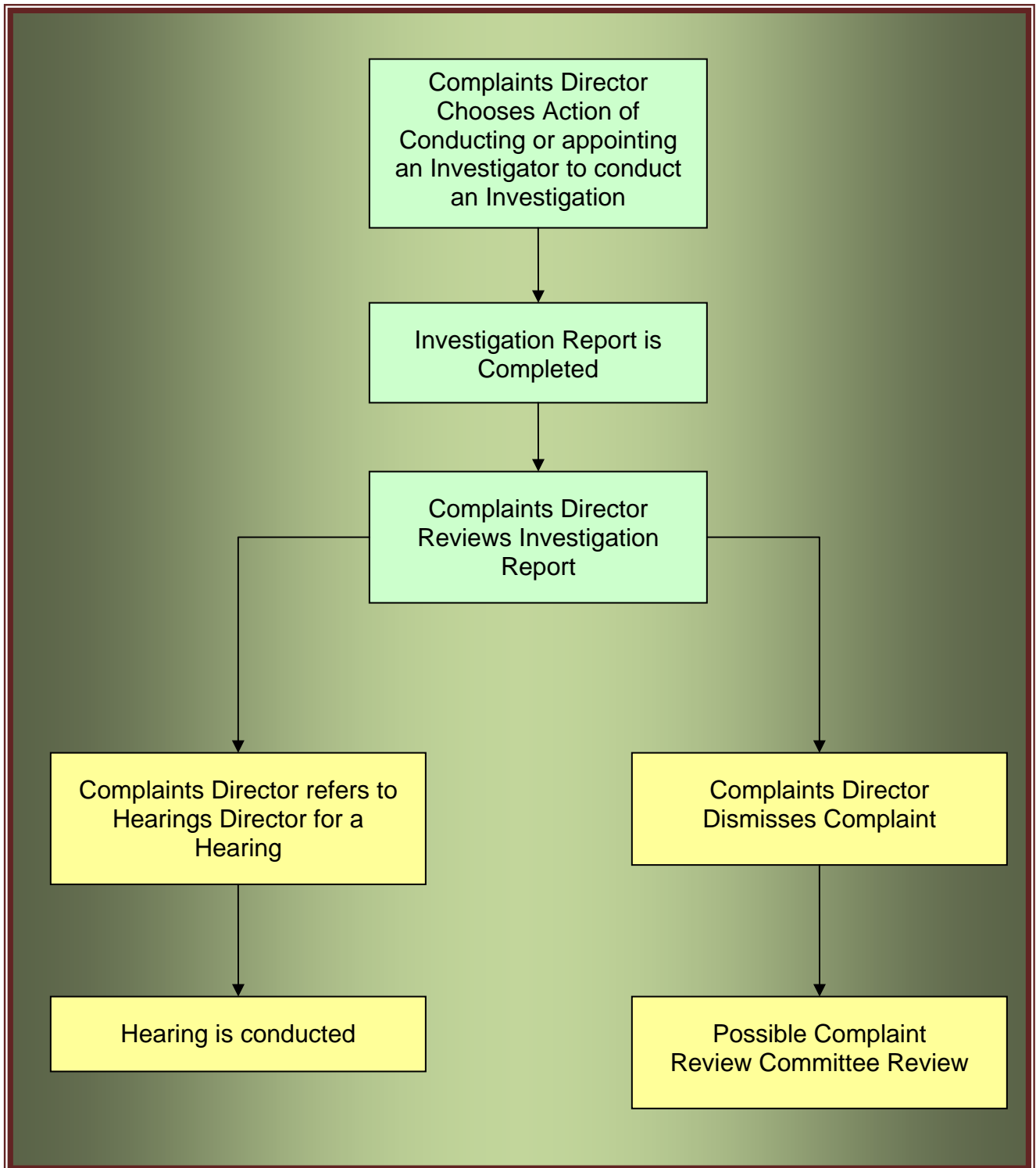
The practitioner is also advised that this does not prohibit them from attempting to resolve the matter with the complainant.

If the aforementioned was not provided pursuant to **Section 61(1)(b)**, then it is provided to the investigated member in due course, pursuant to **Section 61(2)**.

- Upon completion of the Complaints Director’s investigation (and report), both parties are advised as to the outcome of the investigation pursuant to **Section 66(3)**.
- Upon receiving the Investigation Report, (if the Complaints Director did not conduct the investigation), the Complaints Director reviews the Investigation Report to ensure it completely addresses the issues which were to be investigated. If so, then both parties are advised as to the outcome of the investigation pursuant to **Section 66(3)**.
- Pursuant to **Section 66(2)** of the HPA, if the Investigation Report is not complete, steps are then taken pursuant to that Section, to address any “shortfalls”. Upon completion of those steps, appropriate notification is provided to both parties pursuant to **Section 66(3)**.

The following page contains a flowchart of the investigation process.

Continued on next page



## F. Dismiss if Trivial or Vexatious Section 55(2)(e)

There are several situations which give rise to the use of this action, including:

1. Upon completion of the Complaints Director's initial review process before choosing an action, it is determined that the complaint is either trivial or vexatious.
2. Upon completion of an Expert Report pursuant to **Section 55(2)(c)**, and subsequent Investigation, pursuant to **Section 55(2)(d)**, the Complaints Director determines that the matter is concluded and it is trivial or vexatious.
3. Upon completion of any Investigation pursuant to **Section 55(2)(d)**, the Complaints Director determines that the matter is concluded and it is trivial or vexatious.
4. During the process of actions of "communication between the parties", pursuant to **Section 55(2)(a)** or "mediation by the Complaints Director", pursuant to **Section 55(2)(a.1)**, the complainant does not respond or otherwise fails to cooperate in good faith, and the Complaints Director determines that the matter is trivial or vexatious.

When a situation arises and the Complaints Director makes the determination that the complaint is trivial or vexatious, this action is selected to be utilized, and the following occurs:

- Notices are issued to both parties to indicate this action:
  - i. The complainant is advised of their right to request a review of the dismissal of their complaint, pursuant to **Section 68**, and they are provided with the name of the College's Hearings Director. Additionally, the letter indicates that it is being copy to the regulated member.

Although not expressly required in the HPA, the Complaints Director also provides the complainant with justification/reasons for the dismissal.

- ii. The practitioner is advised of the dismissal and the complainant's right to request a review of the dismissal. They are additionally provided with a copy of the notice of the dismissal issued to the complainant.

## **G. Dismiss if there is Insufficient or No Evidence of Unprofessional Conduct Section 55(2)(f)**

There are several situations which give rise to the use of this action, including:

1. Upon completion of the Complaints Director's initial review process before choosing an action, it is determined that there is insufficient evidence or no evidence of unprofessional conduct.
2. Upon completion of an Expert Report pursuant to **Section 55(2)(c)**, and subsequent Investigation, pursuant to **Section 55(2)(d)**, the Complaints Director determines that there is insufficient evidence or no evidence of unprofessional conduct.
3. Upon completion of any Investigation pursuant to **Section 55(2)(d)**, the Complaints Director determines that there is insufficient evidence or no evidence of unprofessional conduct.
4. During the process of actions of "communication between the parties", pursuant to **Section 55(2)(a)** or "mediation by the Complaints Director", pursuant to **Section 55(2)(a.1)**, the complainant does not respond or otherwise fails to cooperate in good faith, and the Complaints Director determines that there is insufficient evidence or no evidence of unprofessional conduct.

When a situation arises and the Complaints Director makes the determination that there is insufficient evidence or no evidence of unprofessional conduct, this action is selected to be utilized, and the following occurs:

- Notices are issued to both parties to indicate this action:
  - i. The complainant is advised of their right to request a review of the dismissal of their complaint, pursuant to **Section 68**, and they are provided with the name of the College's Hearings Director. Additionally, the letter indicates that it is being copy to the regulated member.

Although not expressly required in the HPA, the Complaints Director also provides the complainant with defined statements as to what "unprofessional conduct" is, pursuant to **Section 1(1)(pp)**, and the justification/reasoning for the determination that there is insufficient or no evidence of such conduct.

- ii. The practitioner is advised of the dismissal and the complainant's right to request a review of the dismissal. They are additionally provided with a copy of the notice of the dismissal issued to the complainant.

## H. Make a direction under Section 118 Section 55(2)(g)

The Complaints Director can choose this action for a number of reasons, including:

1. Due to a complaint received pursuant to **Section 54**;
2. Due to information received pursuant to **Section 56**; and
3. Due to findings in an Investigation pursuant to **Section 55(2)(d)**, which are then considered pursuant to **Section 56**.

Once this action has been selected to be utilized, the following occurs:

- If due to a complaint received per **Section 54**, then pursuant to **Section 55(2)(g)**, notice is provided to both parties to indicate this action.
  - Timely correspondence is done to ensure that both parties are advised of the status of the complaint and the processes related to the Assessing Incapacity.
  - The results of the assessment are considered pursuant to **Section 118**, appropriate steps are taken and appropriate notifications are issued to the parties.
  - If due to **Section 56**, then pursuant to **Section 55(2)(g)**, notice is provided to the regulated member to indicate this action. The matter is addressed and concluded directly with the regulated member pursuant to **Section 118**.
-

## 6. Conclusion

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The Alberta Health Professions Act is an omnibus legislation for the health professions in Alberta.

Those professions which are enacted thereunder have the duty to ensure public safety when an individual is attended by a member of the regulatory body, as one of the primary goals.

The duty of proper addressing of complaints regarding members of a College is a defined process contain in the HPA; specifically, Part 4.

Although there is some specific language contained in Part 4, there is also room for discretionary power in how a College deals with complaints.

The College of Alberta Denturists is of the opinion, that our College follows Part 4 diligently and ethically. The processes indicated within this document, are the processes which the Complaints Director utilizes on a continual basis.

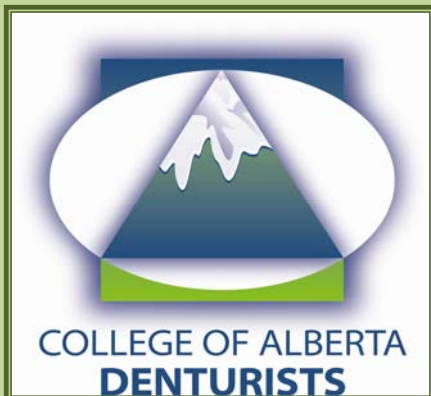
In dealing with the public's complaints regarding Denturist services, and other member's complaints regarding their colleagues, the College's Complaints Director utilizes his training in Administrative Justice, Investigations and from many years of practice in the profession, to properly address each and every valid complaint.

College of Alberta Denturists

F. Charles Gulley, DD, F.C.A.D.  
CEO, Registrar & Complaints Director

*These guidelines were approved by Council on May 20, 2008.*

# COLLEGE OF ALBERTA DENTURISTS



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