



Name of Registrant: - Margaret Fulford

Date of Hearing: - November 16, 2010

Decision

In a hearing held on November 16, 2010, a Panel of the Discipline Committee found Ms. Margaret Fulford guilty of professional misconduct in that she contravened the *Dental Hygiene Act, 1991*, the *Regulated Health Professions Act, 1991*, or the regulations thereunder and engaged in conduct that was disgraceful, dishonourable or unprofessional.

An Agreed Statement of Facts was filed with the Panel which included the facts that on or about March 20, 2009, Ms. Fulford's certificate of registration was suspended for non-payment of fees. Correspondence was sent twice from the College informing Ms. Fulford of her suspension. However, she continued to practise dental hygiene. Further, despite specifically being told by the Deputy Registrar of the College that her certificate of registration was suspended and that she could not practise dental hygiene until it was reinstated, Ms. Fulford practised dental hygiene prior to her reinstatement.

There was no joint submission on penalty. The College proposed what it felt was an appropriate penalty and Ms. Fulford submitted that the proposed suspension should be shortened to two weeks and that, as she had already taken a Jurisprudence course, she should not be required to take another one. After careful consideration, the Panel concluded that the terms of the order proposed by the College met the needs of this case and the principles appropriate to setting the penalty. Accordingly, the Panel made the following order with respect to penalty and costs:

1. Ms. Fulford was required to appear before a Panel of the Discipline Committee to be reprimanded, the fact of which shall be recorded on the register of the College of Dental Hygienists of Ontario (the "College");
2. The Registrar was directed to suspend the certificate of registration of Ms. Fulford for a period of five (5) weeks, to be served on a date to be set by the Registrar;

3. One (1) week of the suspension shall be suspended if Ms. Fulford prepares an apology/acknowledgement of her conduct acceptable to the Deputy Registrar which will be published in the College newsletter. This apology/acknowledgement shall be provided to the Deputy Registrar within 30 days from the date the Discipline Panel's Order becomes final.
4. The Registrar was directed to impose on the certificate of registration of Ms. Fulford a specified term, condition or limitation requiring her to provide proof of successful completion, in the opinion of the Deputy Registrar, an Ethics and Jurisprudence course acceptable to the Deputy Registrar, at Ms. Fulford's own expense, within six (6) months from the date the Discipline Panel's Order becomes final. Ms. Fulford was required to provide proof satisfactory to the Deputy Registrar, within three (3) months from the date the Discipline Panel's Order becomes final, that she has commenced the Ethics and Jurisprudence Course.
5. The Registrar was directed to impose a specified term, condition and limitation on the certificate of registration of Ms. Fulford, lasting for a period of three (3) years, requiring her to respond appropriately and within 30 days to any written enquiry of the College that requests a response.
6. Ms. Fulford shall be required to pay to the College costs in the amount of \$2,500.00, to be paid in 23 monthly installments of \$104.00 and one last installment of \$108.00, the first payment to be made by the 15th day of the first month after the completion of the suspension. No interest will accrue on the outstanding amounts so long as they are paid on time. At all times, Ms. Fulford shall be at liberty to increase the amount of her monthly payment, solely at her discretion.

The Panel was of the opinion that the penalty imposed appropriately addressed the principles of public protection, general and specific deterrence.

The suspension, reprimand and mandated course should act to ensure that such conduct would not be repeated and accomplished the objective of protection of the public. By way of general and specific deterrence, the seriousness of the penalty communicated to the profession and the registrant that such misconduct would not be tolerated. Finally, the requirement to take the Ethics and Jurisprudence course would serve to rehabilitate the registrant.

The Panel wanted to send a strong message that compliance with the regulatory body and renewal of registration were fundamental requirements to the practice of dental hygiene. The obligation to maintain a current certificate of registration is one of many regulations that are in place to ensure that the public receives safe and effective dental hygiene care. Ms. Fulford's continued practice as a dental hygienist after failure to renew her certificate of registration demonstrated a serious disregard for the laws that regulate the practice of dental hygienists. This was further aggravated by Ms. Fulford's continuing to practise after being told by the College that she could not.

The Panel considered the mitigating factors in this case. Ms. Fulford expressed remorse and pled guilty which saved time and expense for the College. Further, Ms. Fulford had no prior record of professional misconduct.

At the conclusion of the hearing, Ms. Fulford waived her right of appeal and the reprimand was administered by the Panel.