

**DISCIPLINE COMMITTEE OF
THE COLLEGE OF DENTAL HYGIENISTS OF ONTARIO**

B E T W E E N:

COLLEGE OF DENTAL HYGIENISTS OF ONTARIO

- and -

JUDY VILLANUEVA

NOTICE OF HEARING

The Inquiries, Complaints and Reports Committee of the College of Dental Hygienists of Ontario (the "College") has referred specified allegations against Judy Villanueva to the Discipline Committee of the College. The allegations were referred in accordance with paragraph 26(1)1 of the *Health Professions Procedural Code*, being Schedule 2 to the *Regulated Health Professions Act, 1991* (the "Code"). The statement of specified allegations is attached to this Notice of Hearing. A panel of the Discipline Committee (the "Panel") will hold a hearing under the authority of sections 38 to 56 of the Code for the purposes of deciding whether the allegations are true.

The hearing will be held before the Panel at **69 Bloor Street East, Toronto, Ontario, Suite 300** on a date and time to be set by the Registrar of the College.

<p>IF YOU DO NOT ATTEND AT THE HEARING IN ACCORDANCE WITH THE PRECEDING PARAGRAPH, THE PANEL MAY PROCEED IN YOUR ABSENCE AND YOU WILL NOT BE ENTITLED TO ANY FURTHER NOTICE IN THE PROCEEDINGS.</p>
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SUBSECTION 51(2) OF THE CODE PROVIDES THAT, if the Panel finds that you have engaged in professional misconduct, it may make one or more of the following orders:

1. Direct the Registrar to revoke your certificate of registration.
2. Direct the Registrar to suspend your certificate of registration for a specified period of time.
3. Direct the Registrar to impose specified terms, conditions and limitations on your certificate of registration for a specified or indefinite period of time.
4. Require you to appear before the panel to be reprimanded.
5. Require you to pay a fine of not more than \$35,000 to the Minister of Finance.

PURSUANT TO SECTION 53.1 OF THE CODE, in an appropriate case, if the Panel finds that you committed an act of professional misconduct or finds you to be incompetent, the Panel may make an order requiring you to pay all or part of the following costs and expenses:

1. the College's legal costs and expenses;
2. the Colleges costs and expenses incurred in investigating the matter; and
3. the College's costs and expenses incurred in conducting the hearing.

You are entitled to disclosure of the evidence against you in accordance with subsection 42(1) of the Code. You, or your representative, may contact the lawyer for the College, Robin McKechney, in this matter at:

Robin McKechney
Steinecke Maciura LeBlanc
Barristers & Solicitors
401 Bay Street,
Suite 2308
Toronto, ON M5H 2Y4

Telephone: (416) 583-2552
Facsimile: (416) 593-7867
Email: rmckechney@sml-law.com

You must also make disclosure in accordance with section 42.1 of the Code, which states as follows:

Evidence of an expert led by a person other than the College is not admissible unless the person gives the College, at least ten days before the hearing, the identity of the expert and a copy of the expert's written report or, if there is no written report, a written summary of the evidence.

Further, you must also make disclosure in accordance with Rule 7.01 of the Rules of the Discipline Committee of the College of Dental Hygienists of Ontario, which states as follows:

7.01(1) The parties shall make such disclosure as is required by law and may make such additional disclosure as will assist to make the pre-hearing conference and the hearing effective and fair.

7.01(2) A party to a hearing shall disclose to the other parties by ten days before the hearing, the existence of every document and thing that the party will refer to or give in evidence at the hearing.

7.01(3) Each party to a hearing shall, if requested:


7.01(3).1 make available for inspection by another party by ten days before a hearing all documents that the party will produce or enter as evidence at the hearing;

7.01(3).2 deliver to each of the other parties by ten days before the hearing copies of all documents that the party will produce or enter as exhibits at the hearing.

7.01(4) If a party fails to comply with the provisions of rule 7.01, that party may not refer to the document or thing or introduce the document or thing in evidence at the hearing without the approval of the Discipline Committee, which may be on such terms and conditions as the Discipline Committee considers just.

Date:

Sept 5 2017


LISA TAYLOR
Registrar
College of Dental Hygienists of Ontario

TO: **JUDY VILLANUEVA**

STATEMENT OF ALLEGATIONS

1. Ms. Judy Villanueva (the "Registrant") is a duly registered member of the College of Dental Hygienists of Ontario (the "College").
2. At the material times the Registrant practised dental hygiene on a part-time basis in Oakville, Ontario.
3. On or about August 22, 2016, the Registrar of the College, directed by the Quality Assurance Committee, imposed a term, condition and limitation on the Registrant's certificate of registration prohibiting her from practising dental hygiene until she successfully completed a directed Remediation Program which included Process of Care, Record Keeping and Professional Portfolio Development, as well as successful completion of the Online Jurisprudence Module.
4. The Registrant has not yet provided to the Quality Assurance Committee proof of having completed the directed Remediation Program or proof of having completed the Online Jurisprudence Module.
5. It is alleged that in contravention of the term, condition and limitation on her certificate of registration, the Registrant practised dental hygiene on or about the following dates and treated the associated number of patients each day:
 - a. On or about August 23, 2016 – five clients;
 - b. On or about September 7, 2016 – eight clients;
 - c. On or about September 19, 2016 – seven clients;
 - d. On or about October 4, 2016 – eight clients; and
 - e. On or about November 21, 2016 – six clients.
6. It is further alleged that the Registrant failed to cooperate with the College's investigation, including failing to respond to the investigator's attempts to contact her and failing to provide a written response to the Inquiries, Complaints and Reports Committee with respect to the results of the investigation.
7. It is alleged that the above conduct constitutes professional misconduct pursuant to:

- a. Clause 51(b.0.1) of the *Health Professions Procedural Code*, being Schedule 2 to the *Regulated Health Professions Act, 1991* (the "Code") (failing to co-operate with the Quality Assurance Committee); and/or
- b. Clause 51(1)(c) of the Code and as defined in one or more of the following paragraphs of section 15 of Ontario Regulation 218/94 under the *Dental Hygiene Act, 1991*:
 - i. paragraph 1 (contravening a term, condition or limitation imposed on the member's certificate of registration); and/or
 - ii. paragraph 43 (failing to respond appropriately and responsively to a written inquiry made by the College); and/or
 - iii. paragraph 45 (failing to comply with an order or direction of a Committee or a panel of a Committee of the College); and/or
 - iv. paragraph 50 (failing to cooperate with an investigator); and/or
 - v. paragraph 52 (disgraceful, dishonourable or unprofessional conduct); and/or
 - vi. paragraph 53 (conduct unbecoming a dental hygienist).

APPENDIX

1. The documents to be tendered in evidence at the hearing have been sent separately.
2. Take notice that the documents that have been and will later be disclosed to you will be tendered as business documents pursuant to the *Evidence Act* of Ontario.
3. All documents that are disclosed to you in this matter are disclosed on the basis that they are to be used solely for the purpose of this proceeding and for no other purpose.

**DISCIPLINE COMMITTEE OF THE
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OF ONTARIO**

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of Ontario