

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

PANEL: Erin Betts, Chair, a public member of Council,
 Yvonne Winkle, a public member of Council,
 Gail Marion, a professional member of Council, and
 Betty Le, a professional non-Council Committee member.

BETWEEN:

College of Dental Hygienists of Ontario

)Robin McKechney, for the
)College of Dental Hygienists of
)Ontario

- and -

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)
)

Camille Aarons (Registration No. 007395)

) Camille Aarons (unrepresented)
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)
) Elyse Sunshine, Independent
) Legal Counsel

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) Heard: July 27, 2018

DECISION AND REASONS FOR DECISION

1. A panel of the Discipline Committee of the College of Dental Hygienists of Ontario ("the Panel") heard this matter in Toronto on July 27, 2018.
2. The hearing was uncontested. It proceeded by way of an Agreed Statement of Facts and a Joint Submission on Penalty and Costs, which were jointly proposed by the counsel for the College of Dental Hygienists of Ontario ("the College") and the Registrant, Camille Aarons (the "Registrant").
3. At the conclusion of the hearing, the Panel delivered its finding and penalty order orally, with written reasons to follow.

The Allegations

4. It was alleged in the Notice of Hearing, dated June 13, 2018 (the "Notice of Hearing"), that the Registrant engaged in professional misconduct pursuant to the following paragraphs of section 15 of Ontario Regulation 218/94 under the *Dental Hygiene Act, 1991* ("*Dental Hygiene Act*"):
 - (a) paragraph 44 (failing to attend an oral caution of the Complaints [ICRC] Committee); and/or
 - (b) paragraph 45 (failing to comply with an order or direction of a Committee or a panel of a Committee of the College); and/or
 - (c) paragraph 52 (disgraceful, dishonourable or unprofessional conduct); and/or
 - (d) paragraph 53 (conduct unbecoming a dental hygienist).

The Notice of Hearing was filed as Exhibit #1.

5. At the outset of the hearing, counsel for the College advised the Panel that the College sought to withdraw the allegation of conduct unbecoming a dental hygienist (paragraph 53 of section 15 of Ontario Regulation 218/94 under the *Dental Hygiene Act, 1991*). The Registrant advised the Panel that she consented to the College's request to withdraw this particular allegation.
6. The Panel made an order at the hearing, orally, that the allegation with respect to paragraph 53 (conduct unbecoming a dental hygienist) shall be marked as withdrawn.

Registrant's Plea

7. The Registrant admitted the allegations that she engaged in professional misconduct pursuant to the following paragraphs of section 15 of Ontario Regulation 218/94 under the *Dental Hygiene Act, 1991*:
 - (a) paragraph 44 (failing to attend an oral caution of the Complaints [ICRC] Committee);
 - (b) paragraph 45 (failing to comply with an order or direction of a Committee or a panel of a Committee of the College); and
 - (c) paragraph 52 (disgraceful, dishonourable or unprofessional conduct).
8. The Panel conducted a plea inquiry and was satisfied that the Registrant's admission was voluntary, informed and unequivocal.

Agreed Statement of Facts

9. Counsel for the College advised the Panel that agreement had been reached on the facts and introduced an Agreed Statement of Facts, dated July 27, 2018, which was filed as Exhibit #2 ("Agreed Statement of Facts"). Specifically, the Agreed Statement of Facts provides as follows:

The Registrant

1. Ms. Camille Aarons (“Ms. Aarons”) was at the material times a duly registered dental hygienist in Ontario, holding a certificate of registration in the General class from the College of Dental Hygienists of Ontario (the “College”).

Failure to Comply with the Inquiries, Complaints and Reports Committee Decision

2. On February 24, 2016, Ms. Aarons was suspended for non-payment of registration fees. On October 11, 2016, the College received a report that Ms. Aarons may have practised dental hygiene when her certificate of registration was suspended, and the matter was subsequently referred to the College’s Inquiries, Complaints and Reports Committee (the “ICRC”) for an investigation.

3. On June 13, 2017, a panel of the ICRC directed Ms. Aarons to appear before a panel of the ICRC to be cautioned in person and to successfully complete a Specified Continuing Education or Remediation Program (“SCERP”) consisting of two courses, at her own expense. In particular, Ms. Aarons was required to complete the following courses:

- a. the College’s online Jurisprudence Education Module (“JEM”); and
- b. an approved ethics course.

4. The panel of the ICRC specified that Ms. Aarons was required to provide proof to the Registrar that she had commenced the above courses within three months of the date of its decision (i.e., by September 15, 2017) and to provide proof to the Registrar that she had successfully completed the courses within six months of the date of its decision (i.e., by December 15, 2017).

5. On or about June 15, 2017, the College sent Ms. Aarons a copy of the ICRC’s decision, as well as information on how to complete the

courses. On or about August 22, 2017, the College advised Ms. Aarons of the scheduled date (October 27, 2017) for her caution-in-person.

6. On or about October 23, 2017, Ms. Aarons advised the College that she had not commenced either the JEM course or the ethics course. This was over one month after Ms. Aarons was required by the ICRC to commence the courses.

7. On or about October 26, 2017, Ms. Aarons sent an email to the College requesting an extension for the completion of the SCERP courses; the request was denied.

8. On or about October 27, 2017, the scheduled date of the caution-in-person, Ms. Aarons advised College staff by voicemail that she was unable to attend her caution.

9. On June 13, 2018, Ms. Aarons attended at the College for her caution-in-person.

10. As of June 2018, Ms. Aarons has failed to provide proof to the College that she commenced or successfully completed the SCERP courses, as directed by the ICRC in its decision dated June 13, 2017.

Admission of Professional Misconduct

11. It is alleged that the above conduct constitutes professional misconduct pursuant to the following paragraphs of section 15 of Ontario Regulation 218/94 under the Dental Hygiene Act, 1991:

- a. paragraph 44 (failing to attend an oral caution of the Complaints [ICRC] Committee); and
- b. paragraph 45 (failing to comply with an order or direction of a Committee or a panel of a Committee of the College); and

- c. paragraph 52 (disgraceful, dishonourable or unprofessional conduct).

Decision on Finding

10. The Panel considered the Agreed Statement of Facts and the Registrant's plea, and finds that the facts support a finding of professional misconduct and, in particular, finds that the Registrant committed acts of professional misconduct as alleged at paragraph 10 of the Notice of Hearing in that the Registrant:

- (a) failed to attend an oral caution of the Complaints [ICRC] Committee (paragraph 44 of section 15 of Ontario Regulation 218/94 under the *Dental Hygiene Act, 1991*); and
- (b) failed to comply with an order or direction of a Committee or a panel of a Committee of the College (paragraph 45 of section 15 Ontario Regulation 218/94 under the *Dental Hygiene Act, 1991*); and
- (c) engaged in conduct or performed an act relevant to the practice of the profession that, having regard to all the circumstances would reasonably be regarded by members as disgraceful, dishonourable or unprofessional (paragraph 52 of section 15 of Ontario Regulation 218/94 under the *Dental Hygiene Act, 1991*).

Penalty

Joint Submission On Penalty and Costs

11. The parties submitted a Joint Submission on Penalty and Costs ("JSPC") with respect to the appropriate order in this case, which was filed as Exhibit #3, and which provides as follows:

1. Ms. Aarons is required to appear before a panel of the Discipline Committee immediately following the hearing of this matter to be reprimanded, with the fact of the reprimand and a summary of the reprimand to appear on the public register of the College.

2. The Discipline Committee shall direct the Registrar to suspend Ms. Aarons' certificate of registration for a period of two (2) months, commencing immediately, which suspension shall continue until Ms. Aarons successfully completes the courses set out in paragraphs 3(a), 3(b) below.

3. The Discipline Committee shall direct the Registrar to impose the following terms, conditions or limitations on Ms. Aarons' certificate of registration:

a. Ms. Aarons must, at her own expense, successfully complete (i.e., obtain 100% on all sections), in the opinion of the Registrar, the College's online Jurisprudence Education Module.

b. Ms. Aarons must, at her own expense, successfully complete, in the opinion of the Registrar, an ethics course approved by the Inquiries Complaints and Reports Committee.

c. Ms. Aarons must, within 12 months of the date of the discipline hearing, at her own expense, successfully complete (i.e., pass unconditionally), in the opinion of the Registrar, the Professional/Problem-Based Ethics Program ("ProBE") offered by the Center for Personalized Education for Physicians.

d. Ms. Aarons must respond to all College communications within 15 days.

4. Ms. Aarons is required to pay to the College costs in the amount of \$2400.00, payable over 24 months in equal monthly payments of \$100.00 (in the form of post-dated cheques which shall be provided to the College on the date of the hearing), starting August 1, 2018 and continuing every month until paid in full.

Submissions on Penalty

12. The College made submissions to the Panel with respect to why the JSPC was appropriate and should be accepted.

Counsel for the College submitted that the proposed penalty and costs were appropriate under the circumstances and satisfied general sentencing principles of general deterrence, specific deterrence and rehabilitation. Counsel for the College submitted that the penalty, will protect the public and serve as a deterrent for the Registrant and for other members of the College. College counsel also noted that because this was a joint submission, it should be accepted unless it would bring the administration of justice into disrepute.

13. The College also provided the Panel with copies of the following unreported discipline cases in order to demonstrate that the proposed penalty was within the range of other penalties for conduct of a similar nature:

College of Dental Hygienists of Ontario and Pallas, 2016;

College of Dental Hygienists of Ontario and Anwar, 2016; and

College of Dental Hygienists of Ontario and Barnett, 2016.

14. The Panel received and accepted the advice of Independent Legal Counsel that it is under a legal obligation to accept a jointly proposed penalty order unless it is contrary to the public interest and/or would bring the administration of justice into disrepute.

Penalty Decision

15. The Panel carefully considered the JSPC, the legal precedents cited, and the oral submissions.
16. The Panel considered the terms of the proposed order and concluded that the proposed order was appropriate.

17. Accordingly, the Panel accepted the joint submission and made the following order (the "Order"):

1. Ms. Aarons is required to appear before a panel of the Discipline Committee immediately following the hearing of this matter to be reprimanded, with the fact of the reprimand and a summary of the reprimand to appear on the public register of the College.
2. The Discipline Committee shall direct the Registrar to suspend Ms. Aarons' certificate of registration for a period of two (2) months, commencing immediately, which suspension shall continue until Ms. Aarons successfully completes the courses set out in paragraphs 3(a), 3(b) below.
3. The Discipline Committee shall direct the Registrar to impose the following terms, conditions or limitations on Ms. Aarons' certificate of registration:
 - a. Ms. Aarons must, at her own expense, successfully complete (i.e., obtain 100% on all sections), in the opinion of the Registrar, the College's online Jurisprudence Education Module.
 - b. Ms. Aarons must, at her own expense, successfully complete, in the opinion of the Registrar, an ethics course approved by the Inquiries Complaints and Reports Committee.
 - c. Ms. Aarons must, within 12 months of the date of the discipline hearing, at her own expense, successfully complete (i.e., pass unconditionally), in the opinion of the Registrar, the Professional/Problem-Based Ethics Program ("ProBE") offered by the Center for Personalized Education for Physicians.
4. Ms. Aarons must respond to all College communications within 15 days.
5. Ms. Aarons is required to pay to the College costs in the amount of \$2400.00, payable over 24 months in equal monthly payments of \$100.00 (in the form of

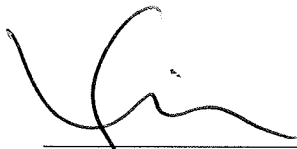
post-dated cheques which shall be provided to the College on the date of the hearing), starting August 1, 2018 and continuing every month until paid in full.

Reasons for Decision on Penalty

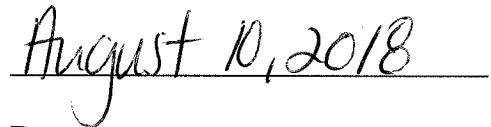
18. The Panel notes that the principles relevant to the imposition of an appropriate order in disciplinary proceedings are well established, and help ensure that such misconduct will not be repeated. The protection of the public is the paramount consideration. Other factors include: maintenance of public confidence in the reputation and integrity of the profession and in the principle of effective self-governance; general deterrence as it applies to the membership as a whole; specific deterrence as it applies to the particular Registrant; and the potential for the Registrant's rehabilitation.
19. The Panel weighed these principles, taking into account the specific facts and circumstances of this case, when deciding whether to accept the joint submission.
20. The Panel considered aggravating and mitigating factors. Specifically, the mitigating factor in this case was the fact that the Registrant admitted the allegations thereby saving the College the time and money of a contested hearing.
21. Ultimately, the Panel was of the opinion that the Order appropriately addresses the principles of public protection, general deterrence and specific deterrence, and rehabilitation.
22. The suspension, reprimand, and mandated courses are intended to ensure that the Registrant's conduct will not be repeated, which, in turn, serves to protect the public.
23. By way of specific and general deterrence, the significance of the Order communicates to the Registrant and the profession that such misconduct will not be tolerated and that the Discipline Committee will seek to deter members from engaging in conduct that disregards the College's public protection mandate.

24. By way of rehabilitation, the Registrant will only be able to resume the practice of dental hygiene after her two-month minimum suspension and not until after she has successfully completed the mandated courses.
25. At the conclusion of the hearing, the Registrant waived her right of appeal and the reprimand was administered by the Panel.

I, **Erin Betts**, sign this decision and reasons for the decision as Chair of this Discipline panel and on behalf of the members of the Discipline panel as listed below:



Erin Betts, Chair
Chair, Discipline Panel



Date

**Yvonne Winkle, a public member of Council,
Gail Marion, a professional member of Council, and
Betty Le, a professional non-Council Committee member.**