



Name of Registrant: - Robyn Sidey

Date of Hearing: - November 24, 2008

Decision

In a hearing held on November 24, 2008, a Panel of the Discipline Committee found Ms. Robyn Sidey guilty of professional misconduct in that she failed to keep records as required and had acted disgracefully, dishonourably or unprofessionally.

An Agreed Statement of Facts and Joint Submission on Finding was filed with the Panel which included the facts that Ms. Sidey failed to keep appropriate records in that she failed to: document periodontal screening; document the actual time spent with clients and/or document dental hygiene treatment plans.

It was further agreed that Ms. Sidey: failed to document evidence that demonstrated the need for the amount and frequency of scaling/root planing provided to clients; altered a record of treatment created by another dental hygienist, including rewriting the particulars of a client visit and altering the number of units charged to that client from 3 units to 4 units of scaling; failed to meet her commitments to her clients in that she was frequently late for client appointments and would adjust the normal course of treatment in order to accommodate her desire for breaks and that she used inappropriate language with colleagues and threatened their employment if they refused to follow clinic protocols even if those protocols were inconsistent with generally accepted standards of practice and professional expectations of the College of Dental Hygienists of Ontario.

The parties filed a joint submission with respect to an appropriate penalty and costs order to be made in this case. The Panel carefully considered the Statement of Agreed Facts, the Joint Submission on Penalty and Costs, the case law cited, and the oral submissions made and concluded that the proposed order met the needs of this case and the principles appropriate to setting the penalty. Accordingly, the Panel accepted the joint submission and made the following order:

1. Ms. Sidey shall be required to appear before the Discipline panel to be reprimanded, the fact of which shall be recorded on the register.
2. The Registrar shall be directed to suspend Ms. Sidey's certificate of registration for three (3) months, on a date to be set by the Registrar.
3. The Registrar shall be directed to impose a specified term, condition and limitation on the certificate of registration of Ms. Sidey requiring her to successfully complete, in the opinion of the Registrar, an Ethics and Jurisprudence course acceptable to the Registrar, at Ms. Sidey's own expense, prior to returning to the active practice of dental hygiene. Ms. Sidey shall be required to notify the Registrar when she intends to return to active practice.
4. The Registrar shall be directed to impose a specified term, condition and limitation on the certificate of registration of Ms. Sidey requiring her to successfully complete, in the opinion of the Registrar, a record keeping course acceptable to the Registrar, at Ms. Sidey's own expense, prior to returning to the active practice of dental hygiene. Ms. Sidey shall be required to notify the Registrar when she intends to return to active practice.
5. The Registrar shall be directed to impose a specified term, condition and limitation on the certificate of registration of Ms. Sidey requiring her to cooperate with monitoring of her practice for a period of 12 months, with up to two monitoring visits, at Ms. Sidey's own expense, after returning to the active practice of dental hygiene. The twelve (12) month period of monitoring will begin no earlier than six (6) months after Ms. Sidey has returned to active practice. Ms. Sidey shall be required to notify the Registrar when she intends to return to active practice.
6. Ms. Sidey shall pay to the College the amount of \$15,000.00 in costs, to be fully paid within twenty-four (24) months from the date of the discipline hearing. The costs shall be paid in twenty-four (24) equal and consecutive monthly payments of \$625.00, starting on the 15th day of the first month after the discipline hearing. No interest will accrue on the outstanding amounts so long as they are paid on time. At all times, Ms. Sidey shall be at liberty to increase the amount of her monthly payment, solely at her discretion.

On the day of the hearing Ms. Sidey shall deliver post-dated cheques to the College for each of the payments specified above.

The Panel considered that the penalty order met the requirements of protection of the public and general and specific deterrence to the profession.

The order made as to penalty and costs reflected the seriousness of the repeated transgressions identified in this case. The wanton disregard for professional behaviour by Ms. Sidey is unacceptable and will not be tolerated. The behaviour demonstrated constituted serious misconduct, and fell below expectations of a regulated health professional.

The penalty rendered should serve as a reminder to all registrants of their responsibility not only to uphold the standards of the profession but also to support colleagues in doing the same. Furthermore, the penalty will provide assurance to the public in general that the regulatory College holds dental hygienists accountable for their actions. The monitoring of Ms. Sidey's practice provides a measure of public protection and the courses to be taken by Ms. Sidey serve a rehabilitative purpose.

In considering the matter of costs, the Panel, took into account the significant time and resources incurred by the College in the investigation and prosecution of this case and determined that the costs should be borne to a substantial degree by the registrant.

The Panel was dismayed that the failure to keep appropriate records occurred over an extended period of time and involved many clients and was concerned that Ms. Sidey did not appear to comprehend the magnitude of her actions in failing to meet her obligations to the public, the dental hygiene profession, and herself. However, the Panel also took into account that this was Ms. Sidey's first discipline finding and that, by pleading guilty, witnesses were spared the need to testify and the College further time and resources.