



Name of Registrant: - Rosinda Jean Trballo

Date of Hearing: - October 12, 2012

Decision and Reasons

In a hearing held on October 12, 2012, a Panel of the Discipline Committee found Ms. Rosinda Jean Trballo incompetent and guilty of professional misconduct in that she contravened a term, condition or limitation; contravened or failed to maintain a standard of practice; failed to refer to a qualified medical or dental practitioner; provided treatment that was not indicated, had ceased to be effective or was unnecessary; failed to keep records in accordance with the standards of practice or as required by the regulations; signed or issued a document that she knew or ought to have known contained a false or misleading statement; submitted an account or charge for services that she knew or ought to have known was false or misleading; charged or accepted a fee or amount that was excessive or unreasonable in relation to the services performed; failed to advise a client of the fee to be charged for a service in advance of providing the service; failed to take reasonable steps to ensure that information provided to the College was accurate; failed to comply with an order or direction of the Quality Assurance Committee; contravened a law - in particular, the *Healing Arts Radiation Protection Act, 1990*, and the *Dental Hygiene Act, 1991*; and acted disgracefully, dishonourably or unprofessionally.

An Agreed Statement of Facts was filed with the Panel which outlined the facts under specific headings as follows:

Standards of Practice

It was agreed that, in 2009 and 2010, Ms. Trballo provided dental hygiene treatment to 34 clients without first obtaining adequate assessment information; failed to maintain the standards of practice of the profession in relation to documenting health history, periodontal screening, actual time spent with these clients, dental hygiene treatment plans, and extra and intra-oral assessments, failed to make appropriate referrals when decay was observed in

relation to these clients; failed to ensure that appropriate safeguards were in place to protect the privacy of these clients; failed to maintain adequate infection control procedures and further she took radiographs without a prescription from a member of the Royal College of Dental Surgeons of Ontario.

Unnecessary Treatment

It was agreed that in 2009 and 2010, Ms. Traballo provided unnecessary treatment to 34 clients.

Providing False Information

It was agreed that, in 2009, Ms. Traballo provided false information to a Quality Assurance assessor for the College of Dental Hygienists of Ontario (the “College”) regarding Ms. Traballo’s practice locations and further, that she provided false information to the College regarding one of her practice locations.

Billing Concerns

It was agreed that, in 2009, Ms. Traballo falsely billed for restorative procedures when she actually provided sealants to a client; that she regularly failed to collect the insurance co-payment from clients who had dental hygiene insurance coverage and further; that she billed a client for certain treatment after implying to that client that she would not bill for the treatment and after being told by the client that she could not afford the treatment.

Practising While Certificate of Registration Subject to Terms, Conditions and Limitations

It was agreed that on July 6, 2010 and September 7, 2010, Ms. Traballo practised dental hygiene in relation to two clients when her certificate of registration was subject to a term, condition and limitation prohibiting her from practising dental hygiene.

A joint submission with respect to an appropriate Order in this case was filed with the Panel. The Panel carefully considered the Agreed Statement of Facts, the Joint Submission on Order, 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 made the following Order:

- I. That the Registrar be directed to revoke Ms. Traballo's certificate of registration immediately.

The Panel was of the opinion that the penalty imposed appropriately addressed the principles of penalty which included public protection, general and specific deterrence. Ms. Traballo committed extensive acts of professional misconduct by not adhering to numerous standards of practice and engaging in unethical and dishonest behaviour. There were 34 clients affected by Ms. Traballo's misconduct in this case. The Panel was extremely concerned by these facts. The Panel concluded that Ms. Traballo, by her incompetence and proved misconduct, was ungovernable and had forfeited her claim to a certificate of registration as a dental hygienist in Ontario. Revocation was the appropriate remedy in such circumstances. It was only by the imposition of the most serious penalty of revocation that the Panel was satisfied that the public would be sufficiently protected. This penalty will serve as general deterrence and will make clear to registrants and the public that the College will not tolerate such acts of professional misconduct and incompetence.