



**Name of Registrant:** - Nancy Davis

**Date of Hearing:** - January 24, 2007

**Decision**

In a hearing held on January 24, 2007, a Panel of the Discipline Committee found Ms. Nancy Davis guilty of professional misconduct under paragraphs 2 (standards of practice), 33 (counseling misleading accounts) and 47 (unprofessional conduct) of Section 15 of Ontario Regulation 218/94 as amended.

An Agreed Statement of Facts and Joint Submission on Finding was filed with the Panel which included the following facts and admission:

Ms. Davis was a duly registered dental hygienist practising in Ontario. Her practice of dental hygiene included consulting with dental offices about dental hygiene practices and procedures and how they should be applied to clients. In her capacity as a dental hygienist, during 2004 and 2005 Ms. Davis consulted a dental centre and communicated on issues of assessment, treatment and billing by dental hygienists. Her communications were insensitive and aggressive to the point that some listeners felt that their independent professional judgment regarding individual client care was being constrained. This conduct was below the accepted standard of practice of the profession.

Ms. Davis also displayed an unprofessional attitude towards the College including:

- (a) Stating there was no need to verify her statements about her program with the College;
- (b) Applying pressure and an aggressive communications style to confront dental hygienists who called the College regarding her behaviour;

- (c) Responding inappropriately to dental hygienists who called the College around July 22, 2005 and around November of 2004;
- (d) Stating that she was in constant contact with the College when this was misleading;
- (e) Stating that she had called Ms. Richardson, (the Registrar of the College) around July 22, 2005 and straightened everything out, when she had not; and
- (f) Stating that she had previously spent much money dealing with the College on these issues and that the College could not touch her.

The Panel accepted the following Joint Submission on order:

1. That the Registrar suspend the certificate of registration of Ms. Davis for a period of eight weeks to commence on a date to be fixed by the Registrar.
2. That Ms. Davis appear before the Panel of the Discipline Committee to be reprimanded and the fact of the reprimand shall be recorded in the register.
3. That the Registrar impose the following specified terms, conditions and limitations on Ms. Davis' certificate of Registration:
  - (a) Ms. Davis shall take at her expense and successfully complete, in the opinion of the Registrar, an ethics and jurisprudence course approved by the Registrar within six months of the date of this order.
  - (b) Ms. Davis shall provide dental hygiene consultation services only in accordance with a written contract, in a form acceptable to the Registrar, setting out the nature of the services she will provide.
  - (c) Ms. Davis shall tape record, log and securely maintain audible tape recordings of all conversations with dental hygienists related to her dental hygiene consulting services for a period of two years from the end of her suspension.
  - (d) Ms. Davis shall promptly deliver to the Registrar, upon request, copies of all documents relating to her dental hygiene consultation services, including the tape recordings and written transcripts if requested, mentioned in paragraph (c).

4. That the Panel order Ms. Davis pay to the College \$15,000 towards the costs and expenses of investigating and prosecuting this matter. Ms. Davis shall pay these costs at a rate of \$750 per month commencing the month after she has finished serving her suspension. Ms. Davis shall deliver within one (1) month of the date of the Order of the Discipline Panel post dated cheques for each payment specified above.

The Panel agreed that the proposed penalty met the needs of this case. The seriousness of the misconduct was accepted and reflected in the joint submission. The Panel wanted to make clear that a registrant was accountable to her/his Regulatory College and that there is an obligation to act and communicate in a professional manner in any dealings with the College and one's peers.

It is a dental hygienist's professional responsibility to work to meet the needs of clients/patients, acting independently of pressures which could compromise client/patient care. Counseling other dental hygienists in a manner that caused them to feel their own professional judgment was constrained was contrary to the provision of care and was not an acceptable standard of practice.

The penalty assessed should act as a reminder to all registrants of their responsibility as individual registrants of the CDHO to not only uphold the standards of practice but to support other dental hygienists in doing the same.

In addition, the penalty should provide assurance to the general public that dental hygienists are held accountable by their regulatory College and that their professional actions are expected to remain independent of negative external pressures.

The Panel took into account in imposing the penalty that the misconduct was of a serious nature. In attempting to influence the independent professional judgments of other dental hygienists on the issues of patient/client assessment, treatment and billing, the registrant acted in an unprofessional manner.

In considering the matter of the costs order, the Panel took into account the significant resources spent in the investigation of this case, and given the circumstances the costs should be borne in large measure by the registrant.

The Panel considered as mitigating factors that the registrant accepted responsibility for her actions early on in the process and admitted her misconduct. The Panel also took into account that this was Ms. Davis' first time before the Discipline Committee and that there was no prior record of professional misconduct.