



**Name of Registrant:** - Beth Martin

**Date of Hearing:** - February 26, 2008

**Decision**

In a hearing held on February 26, 2008, a Panel of the Discipline Committee of the College of Dental Hygienists of Ontario found Ms. Beth Martin guilty of professional misconduct in that she engaged in conduct that would be reasonably considered disgraceful, dishonourable or unprofessional.

The Panel accepted a statement of facts in which it was agreed that, in or about April 2005, Ms. Martin was randomly selected to submit her 2004 professional portfolio to the College under the Quality Assurance Program, which resulted in the requirement of successful completion of a professional portfolio development course and submission of her completed 2005 professional portfolio to the College by November 1, 2006. Ms. Martin did not meet this deadline. Subsequently, Ms. Martin was granted an extension to complete the quality assurance requirements. Ms. Martin did not fulfill these requirements and as a result the quality assurance Committee referred Ms. Martin to the Registrar for failure to comply with the Quality Assurance Program. As a consequence of this, Ms. Martin signed an undertaking to successfully complete an Ethics and Jurisprudence course, a professional portfolio development course and to resubmit her professional portfolio within a specified timeframe. Ms. Martin failed to meet the deadlines for any of the requirements.

A joint submission on penalty and costs was accepted resulting in the following Order:

1. Ms. Martin shall receive a reprimand, the fact of which shall be recorded on the register.
2. Ms. Martin's certificate of registration shall be suspended for four weeks.
3. The Registrar shall suspend two weeks of the suspension ordered in paragraph 2 herein and Ms. Martin shall be required to serve those remaining two weeks if she fails to

comply with the remainder of this Order. If any dispute shall arise between Ms. Martin and the College as to whether she is in breach of a provision of this Order, the dispute shall be referred to a Panel of the Discipline Committee for further adjudication. The parties shall have the opportunity to make full submissions to that Panel before it renders a decision. If thereafter, the Panel determines that Ms. Martin has breached a provision of this Order, then and only then shall she be required to serve the remaining two weeks of the suspension, to commence on a date to be fixed by the Registrar.

4. The Registrar shall impose a specified term, condition and limitation on the certificate of registration of Ms. Martin requiring her to successfully complete, in the opinion of the Registrar, an Ethics and Jurisprudence course acceptable to the Registrar, at Ms. Martin's own expense, within three months of the date the Discipline Panel's Order becomes final.
5. Ms. Martin shall pay to the College the amount of \$1,500.00 in costs at the rate of \$62.50 per month, starting on the 15<sup>th</sup> day of the first month after the completion of her two-week suspension, to be paid in full within twenty-four months after the completion of her two-week suspension. No interest will accrue on the outstanding amounts so long as they are paid on time. Ms. Martin shall be at liberty to increase the amount of her monthly payment, solely at her discretion

The Committee concluded that the penalty was appropriate to meet the objectives of public protection, general deterrence, and specific deterrence. The requirements of the College under the quality assurance regulations are designed to assess a registrant's knowledge, skills, judgment and attitudes. The conduct of a registrant failing to comply with these requirements hinders the College in performing the assessment required to advance and protect the public interest. Registrants must fulfill their professional obligations under the regulations. If they do not, the Discipline Committee must take action to deter such conduct.

The Professional Portfolio is a component of the College's Quality Assurance Program designed to ensure that each dental hygienist maintains and improves upon her/his level of competence through continuous acquisition of knowledge, skills, judgment and attitudes, by:

- Reflecting upon her/his own performance in the provision of client/patient care,
- Identifying areas of performance that require modification or improvement, and
- Developing appropriate Continuing Improvement (CQI) activities.

The quality assurance regulation is not only important for ensuring that dental hygiene practice is current and meets the College's standard of practice, but is also strongly connected to safe and effective client/patient care.

The Committee accepted that the proposed penalty and costs accomplished these objectives and were sufficient to deter Ms. Martin from future failures to comply and to serve as a message to the profession that failure to comply will not be tolerated.

The Committee noted that the proposed penalty was within the range of penalties ordered for similar misconduct in other cases. The principle that "like cases should be treated alike" is met. In considering the penalty order, the Committee took into account that there were no prior incidents of professional misconduct in the 30 years of Ms. Martin's practice as a dental hygienist. This was the first discipline referral for Ms. Martin. Ms. Martin had pleaded guilty early in the discipline process, saving witnesses from having to testify and thereby saving time and expense and she had co-operated fully with the College and demonstrated remorse for her misconduct.

In considering the proposed Order, the Committee also took into account the personal and medical difficulties of Ms. Martin at the time of the misconduct.

At the conclusion of the hearing, Ms. Martin waived her right of appeal and the reprimand was administered.