



Name of Registrant: - Sarah Clifford

Date of Hearing: - August 21, 2009

Decision

In a hearing held on August 21, 2009, a Panel of the Discipline Committee found that Ms. Sarah Clifford had committed acts of professional misconduct in that she failed to reply appropriately or within a reasonable time to an inquiry by the College, she contravened the legislation and that her conduct was disgraceful, dishonourable or unprofessional.

An Agreed Statement of Facts and Joint Submission on Finding was filed with the Panel which included the facts that a representative of the College wrote to Ms. Clifford advising her that she had not renewed her certificate of registration for 2008 and that failure to renew would result in her certificate of registration being suspended as of March 21, 2008. As Ms. Clifford did not renew her certificate of registration by the deadline, her certificate of registration was suspended. A registered letter to that effect was sent to Ms. Clifford but returned to the College unclaimed. In May, 2008, Ms. Clifford spoke with a College representative and confirmed that she had engaged in the practice of dental hygiene while her certificate of registration had been suspended. On May 6, 2008, Ms. Clifford reinstated her certificate of registration with the College. Ms. Clifford was advised that the Executive Committee of the College was concerned that she had practised dental hygiene while suspended but believed their concerns could be addressed if she were to sign an undertaking whereby she agreed, among other things, to successfully complete an Ethics and Jurisprudence Course. Ms. Clifford was asked for a response to the proposed undertaking by June 2, 2008. From September 2008 to March 2009, numerous telephone messages were left for Ms. Clifford and were followed up by mail and e-mail. Ms. Clifford did not respond.

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. Clifford shall receive a reprimand, the fact of which shall be recorded on the register.
2. The Registrar shall suspend Ms. Clifford's certificate of registration for three (3) months, on a date to be set by the Registrar.
3. The Registrar shall suspend one (1) month of the suspension ordered in paragraph 2 herein and Ms. Clifford shall be required to serve that remaining one (1) month if she fails to comply with the remainder of this Order. If any dispute shall arise between Ms. Clifford 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. Clifford has breached a provision of this Order, then and only then shall she be required to serve the remaining one month 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. Clifford requiring her to successfully complete, in the opinion of the Registrar, an Ethics and Jurisprudence course acceptable to the Registrar, at Ms. Clifford's own expense, within six (6) months from the date the Discipline Panel's Order becomes final. Ms. Clifford will be required to provide proof satisfactory to the Registrar, within three (3) months from the date the Discipline Panel's Order becomes final, that she has made arrangements to take the Ethics and Jurisprudence Course.
5. The Registrar shall impose a specified term, condition and limitation on the certificate of registration of Ms. Clifford, lasting for a period of two (2) years, requiring her to respond appropriately and within 30 days to any written enquiry of the College that requests a response.

6. Ms. Clifford shall pay to the College the amount of \$2,000.00 in costs at the rate of \$166.00 per month for 11 months and one final payment of \$166.74, starting on the 15th day of the first month after the completion of her two month suspension, to be paid in full within 12 months after the completion of her two month suspension. No interest will accrue on the outstanding amounts so long as they are paid on time. At all times, Ms. Clifford shall be at liberty to increase the amount of her monthly payment, solely at her discretion.

The Panel considered that the Order addressed the principles of public protection, general deterrence and specific deterrence which must be considered in determining the penalty on a finding of professional misconduct.

Firstly, it served the objective of public protection. Failure to comply with the regulations, which were enacted for the protection of the public, was a serious matter, and the suspension ordered was a serious penalty. The Panel wanted to assure the public that the behaviour Ms. Clifford engaged in would not be tolerated. Rehabilitation also served the objective of public protection. The Panel ordered Ms. Clifford to take an Ethics and Jurisprudence Course at her own expense. Secondly the penalty acts as a general deterrent to other registrants of the profession, who see the consequence of such misconduct, and thirdly it acts as a specific deterrent to Ms. Clifford to ensure the conduct is not repeated.

As a regulated health professional an individual has a responsibility to comply with the regulations. Personal or health issues may arise, however this must not detract from these professional responsibilities.

The Panel took into account that there were no aggravating factors. The mitigating factors were that this was Ms. Clifford's first appearance in front of a Discipline Panel, she accepted responsibility for her misconduct by her guilty plea and she was cooperative with the College after the referral of the allegations to the Discipline Committee. Legal counsel for the College indicated that Ms. Clifford was dealing with personal issues and that her conduct was not due to disrespect or disregard for the College. In addition Ms. Clifford apologized to the Panel for

her conduct and gave assurance that she was taking appropriate steps so that this conduct would not reoccur.

The Panel believed that the imposed penalty and costs would help to restore the reputation of the profession to the public, which is damaged when a registrant engages in acts of professional misconduct.

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