

**Name of Registrant / Nom du membre**

Noor-UI Anwar (referred May 16, 2016 / Renvoyé le 16 mai 2016)

Date of Hearing / Date de l'audience

September 21, 2016 / le 21 septembre 2016

Summary of Hearing / Résumé de l'audience

On September 21, 2016, the Discipline Committee found that Mr. Noor-UI Anwar had engaged in professional misconduct by: (1) failing to comply with a direction of a College Committee; and (2) engaging in conduct that would reasonably be regarded by dental hygienists as disgraceful, dishonourable or unprofessional. The Discipline Committee issued Mr. Anwar a reprimand; suspended his registration for two months, starting when his registration with the College is reinstated and ordered that the suspension shall continue until Mr. Anwar successfully completes three courses. He was ordered to pay \$1200 in costs. For more information please read the decision of the Discipline Committee about Mr. Anwar.

A full text copy of the Decision and Reasons follows in English only.

The last page of this document contains the text of the [public reprimand](#) issued by the Discipline Committee to Mr. Noor-UI Anwar.

Le 21 septembre 2016, le comité de discipline a conclu que M. Noor-UI Anwar a commis une faute professionnelle en (1) enfreignant une directive d'un comité de l'Ordre et en (2) se comportant d'une façon qui serait raisonnablement considérée comme honteuse, déshonorante ou non professionnelle pour des hygiénistes dentaires. Le comité de discipline a prononcé une réprimande à l'endroit de M. Anwar; a suspendu son certificat d'inscription pour deux mois à compter de la date à laquelle son certificat d'inscription auprès de l'Ordre sera rétabli et a ordonné que cette suspension se poursuive jusqu'à ce que M. Anwar complète avec succès trois cours. Il a été imposé des coûts de 1 200 \$. Pour en apprendre davantage, veuillez lire la décision du comité de discipline concernant M. Anwar.

Vous trouverez plus bas en anglais seulement une copie du texte intégral de la décision et des raisons.

La dernière page du présent document contient le texte de la [réprimande publique](#) prononcée par le comité de discipline à l'endroit de M. Noor-UI Anwar.



**THE DISCIPLINE COMMITTEE OF THE COLLEGE
OF DENTAL HYGIENISTS OF ONTARIO**

BETWEEN:

THE COLLEGE OF DENTAL HYGIENISTS OF ONTARIO

and

NOOR-UL ANWAR

PANEL MEMBERS:

CATHERINE RANSON, Chair, Professional Member of Council

MICHAEL CONNOR, Public Member of Council

TOTE QUIZAN, Public Member of Council

JENNIFER TURNER, Professional Member of Council

BEV WOODS, Professional Member of Council

COUNSEL FOR THE COLLEGE:

ERICA RICHLER

COUNSEL FOR NOOR-UL ANWAR:

SELF-REPRESENTED

INDEPENDENT COUNSEL FOR THE DISCIPLINE COMMITTEE:

JOANNA BIRENBAUM

HEARD: SEPTEMBER 21, 2016

DECISION AND REASONS FOR DECISION

A Panel of the Discipline Committee of the College of Dental Hygienists of Ontario heard this matter at Toronto on September 21, 2016. At the conclusion of the hearing, the Panel delivered its finding and penalty order orally and in writing, with written reasons to follow.

THE ALLEGATIONS

The allegations against Noor-UI Anwar as stated in the Notice of Hearing dated September 21, 2016, are as follows:

1. At the material times, Mr. Noor-UI Anwar (“Mr. Anwar”) was a duly registered dental hygienist in Ontario.

Failure to Comply with ICRC Decision

2. Mr. Anwar was required to submit a completed Professional Portfolio by January 31, 2014 as part of the Quality Assurance program of the College of Dental Hygienists of Ontario (the “College”). Mr. Anwar failed to submit his Professional Portfolio as required and the matter was referred to the College’s Inquiries, Complaints and Reports Committee (the “ICRC”) for an investigation.
3. On June 12, 2015, a panel of the ICRC directed Mr. Anwar to complete a specified continuing education or remediation program at his own expense. In particular, Mr. Anwar was required to complete an approved portfolio development course.
4. The panel of the ICRC specified that Mr. Anwar was required to provide proof to the Deputy Registrar that he had commenced the above course within three months of the date of its decision (i.e., by September 14, 2015) and to provide proof to the Deputy Registrar that he had successfully completed the course within six months of the date of its decision (i.e., by December 14, 2015).
5. On or about June 19, 2015, Mr. Anwar was provided with a copy of the ICRC’s decision, as well as information on how to complete the course.
6. To date, Mr. Anwar has failed to complete the course as directed by the ICRC in its June 12, 2015 decision.

7. It is alleged that the above conduct constitutes professional misconduct pursuant to the following paragraphs of section 15 of Ontario Regulation 218/94 under the Dental Hygiene Act, 1991: paragraph 45 (failing to comply with an order or direction of a Committee or a panel of a Committee of the College); and/or paragraph 52 (disgraceful, dishonourable or unprofessional conduct); and or paragraph 53 (conduct unbecoming a dental hygienist).

RESPONSE TO THE ALLEGATIONS

Mr. Anwar admitted to the allegations of professional misconduct pursuant to paragraphs 45 and 52 of Section 15 of Ontario Regulation 218/94 under the *Dental Hygiene Act, 1991*, as set out in the Statement of Agreed Facts.

The College withdrew the allegation under paragraph 53 of Section 15 of Regulation 218/94.

THE FACTS

An Agreed Statement of Facts and Guilty Plea was signed by the parties and filed with the Panel. It provides as follows:

Agreed Statements of Facts

1. Mr. Noor-UI Anwar (“Mr. Anwar”) obtained a certificate of registration from the College of Dental Hygienists of Ontario (the “College”) on April 26, 2010.
2. On February 20, 2015, Mr. Anwar’s certificate of registration with the College was suspended for non-payment of fees.

Failure to Comply with ICRC Decision

3. Mr. Anwar was required to submit a completed Professional Portfolio by January 31, 2014 as part of the Quality Assurance program of the College of Dental Hygienists of Ontario (the “College”). Mr. Anwar failed to submit his Professional Portfolio as required and the matter was referred to the College’s Inquiries, Complaints and Reports Committee (the “ICRC”) for an investigation.
4. On June 12, 2015, a panel of the ICRC directed Mr. Anwar to complete a specified continuing education or remediation program at his own expense. In particular, Mr. Anwar was required to complete an approved portfolio development course.

5. The panel of the ICRC specified that Mr. Anwar was required to provide proof to the Deputy Registrar that he had commenced the above course within three months of the date of its decision (i.e., by September 14, 2015) and to provide proof to the Deputy Registrar that he had successfully completed the course within six months of date of its decision (i.e., by December 14, 2015).
6. On June 19, 2015, the College sent Mr. Anwar a copy of the ICRC's decision, as well as information on how to complete the course. The College's letter was sent to Mr. Anwar at the mailing address and e-mail address Mr. Anwar had provided to the College.
7. To date, Mr. Anwar has failed to complete the course as directed by the ICRC in its June 12, 2015 decision.
8. It is agreed that the above conduct constitutes professional misconduct pursuant to the following paragraphs of section 15 of Ontario Regulation 218/94 under the *Dental Hygiene Act, 1991*: paragraph 45 (failing to comply with an order or direction of a Committee or a panel of a Committee of the College); and paragraph 52 (disgraceful, dishonourable or unprofessional conduct).

ADMISSION OF PROFESSIONAL MISCONDUCT

9. By this document, Mr. Anwar admits to the truth of the facts referred to in paragraphs 1 to 8 above (the "Agreed Facts").
10. Mr. Anwar hereby admits that the Agreed Facts constitute professional misconduct pursuant to Ontario Regulation 218/94 under the *Dental Hygiene Act, 1991*, section 15, paragraphs 45 and 52.
11. By this document Mr. Anwar states that:
 - (a) he understands fully the nature of the allegations against him;
 - (b) he has no questions with respect to the allegations against him;
 - (c) he understands that by signing this document he is consenting to the evidence as set out in the Agreed Facts being presented to the Discipline Committee;
 - (d) he understands that by admitting to the allegations, he is waiving his right to require the College to prove the case against him and the right to have a hearing;

- (e) he understands that depending on the penalty ordered by the Discipline Committee, the decision of the Committee and a summary of its reasons, including reference to his name, may be published in the College's annual report and any other publication or website of the College;
 - (f) he understands that any agreement between him and the College with respect to the penalty proposed does not bind the Discipline Committee; and
 - (g) he understands and acknowledges that he is executing this document voluntarily, unequivocally, free of duress, free of inducement or bribe, and that he has been advised of his right to seek legal advice.
12. In light of the Agreed Facts and the admission of professional misconduct, the College of Dental Hygienists of Ontario and Mr. Anwar submit that the Discipline Committee should find that Mr. Anwar has committed professional misconduct.

FINDING

The Panel accepts as true the facts set out in the Agreed Statement of Facts and accepts the guilty plea of the Registrant.

The Panel finds that Mr. Anwar is guilty of professional misconduct pursuant to Ontario Regulation 218/94 under the *Dental Hygiene Act, 1991*, section 15, paragraphs 45 and 52.

PENALTY SUBMISSIONS

The parties filed a joint submission with respect to an appropriate penalty and costs order to be made in this case.

The College and the Registrant made a joint submission on what was an appropriate penalty and costs order.

The Panel accepted the advice of independent legal counsel that it is under a legal obligation to accept a jointly proposed penalty order unless it is contrary to the public interest and would bring the administration of justice into disrepute.

PENALTY DECISION

The Discipline Panel carefully considered the Joint Submission on Penalty and Costs, the legal precedents cited, and the oral submissions made by Counsel for the College.

The Panel considered the terms of the proposed order 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:

A. THE DISCIPLINE COMMITTEE ORDERS THE FOLLOWING PENALTY AND COSTS:

1. Mr. Anwar is required to appear before a panel of the Discipline Committee immediately following the hearing of this matter to be reprimanded, with the fact of the reprimand and a summary of the reprimand to appear on the public register of the College.
2. The Discipline Committee shall direct the Registrar to suspend Mr. Anwar's certificate of registration:
 - a. for a period of two (2) months, commencing on the date that Mr. Anwar's certificate of registration with the College is reinstated following the payment of any outstanding fees; and
 - b. until such time as Mr. Anwar successfully completes the courses set out in paragraphs 3(a), 3(b) and 3(c) below.
3. The Discipline Committee shall direct the Registrar to impose the following terms, conditions or limitations on Mr. Anwar's certificate of registration:
 - a. Mr. Anwar must, at his own expense, successfully complete (i.e., pass unconditionally), in the opinion of the Registrar, the Professional/Problem-Based Ethics Program ("ProBE") offered by the Center for Personalized Education for Physicians.
 - b. Mr. Anwar must, at his own expense, successfully complete (i.e., obtain 100% on all sections), in the opinion of the Registrar, the College's online Jurisprudence Education Module.
 - c. Mr. Anwar must, at his own expense, successfully complete, in the opinion of the Registrar, a Quality Assurance Records Course pre-approved by the Registrar.

4. Mr. Anwar is required to pay to the College costs in the amount of \$1,200.00, payable over 12 months in equal monthly payments of \$100.00 (in the form of post-dated cheques), starting November 1, 2016 and continuing every month until paid in full.

REASONS FOR THE ORDER ON PENALTY AND COST

The panel is of the opinion that the penalty imposed appropriately addresses the well-established principles relevant to the imposition of penalty in disciplinary proceedings. The protection of the public is the paramount consideration. In addition, maintenance of public confidence in the reputation and integrity of the profession and in the principle of effective self-governance; general deterrence as it applies to the membership as a whole; specific deterrence as it applies to the member; and the potential for the member's rehabilitation.

The suspension, reprimand and mandated courses should act to ensure that such conduct will not be repeated. This accomplishes the objective of protection of the public.

The panel wished to send a clear message that compliance with the Quality Assurance program is very important and directly linked to safe and effective client care. Complying with the Quality Assurance program is a fundamental obligation of the profession. The College of Dental Hygienists of Ontario's Quality Assurance program, of which the Professional Portfolio is a component, requires the dental hygienist to:

- Reflect upon her or his own performance in the provision of client care
- Identify areas of performance that require improvement
- Develop Continuing Quality Improvement (CQI) activities

These requirements are essential to ensure that every dental hygienist maintains and improves her/his level of competence through continuous acquisition of knowledge, skills and judgment.

The Panel considered and accepted that the penalty proposed would serve as a specific deterrent to Mr. Anwar and as a general deterrent to other registrants in addressing the misconduct arising by reason of failure to co-operate and comply with the Quality Assurance Committee of the College.

Aggravating factors in this case include Mr. Anwar's repeated failure to comply with the requirements of the College, first of the Quality Assurance Committee and then the College's Inquiries, Complaints and Reports Committee (ICRC). Mr. Anwar breached his obligations to submit his Professional Portfolio to the Quality Assurance Committee and to complete the recommended approved portfolio development course ordered by the ICRC. This indicates a failure to recognize the connection between continuing quality improvement activities and competent, safe, and effective client care. The College is required by law under the *Regulated Health Professions Act, 1991*, to ensure

that its Members comply with the College's Quality Assurance program. Mr. Anwar failed to appreciate his duty to co-operate with the College in its fulfillment of this important public protection mandate.

The Panel considered the following mitigating factors: that Mr. Anwar has no prior record of professional misconduct and that Mr. Anwar acknowledged his misconduct by pleading guilty. The panel also considered that Mr. Anwar was unable to find work as a dental hygienist and was working in another field of employment.

The penalty order delivered was consistent within the penalties ordered in similar cases that the College presented to the panel.

At the conclusion of the hearing, Mr. Anwar waived his right of appeal and the reprimand was administered by the Panel.

I, Catherine Ranson, RDH, sign this decision and reasons for the decision as Chair of the Discipline panel and on behalf of the Discipline panel as listed below.

Dated in Toronto this 21st of September, 2016.



Catherine Ranson, Chair, Professional Member of Council

Discipline Panel Members:

Michael Connor, Public Member of Council
Tote Quizan, Public Member of Council
Jennifer Turner, Professional Member of Council
Bev Woods, Professional Member of Council

**Name of Registrant / Nom du membre**

Noor-Ul Anwar (referred May 16, 2016 / Renvoyé le 16 mai 2016)

Date of Hearing / Date de l'audience

September 21, 2016 / le 21 septembre 2016

**Reprimand Issued by the Discipline Committee /
Réprimande prononcée par le comité de discipline**

Mr. Anwar, the panel found that you have engaged in acts of professional misconduct in that you failed to comply with a direction of the Inquiries, Complaints and Reports Committee to complete a remedial and educational program. The ICRC's direction was to protect the public and assist you in improving your practice. By failing to comply, you put public confidence in the profession at risk. Ensuring compliance is critically important to how the College carries out its function. By admitting to your professional misconduct today, and agreeing to the penalty issued by this panel, you have indicated that you understand and take responsibility for your conduct and are aware of the implications of such conduct on the public trust. We trust that you will not appear again before a panel of the Discipline Committee.

M. Anwar, le sous-comité a constaté que vous avez commis une faute professionnelle en ne vous conformant pas à la directive du comité des enquêtes, des plaintes et des rapports (ICRC) de compléter un programme de remédiation et de formation. La directive du ICRC visait à protéger le public et à vous aider à améliorer votre pratique. En négligeant de vous y conformer, vous risquez de miner la confiance du public dans la profession. Assurer la conformité est un élément essentiel dans l'exécution des fonctions de l'Ordre. En admettant votre faute professionnelle aujourd'hui et en acceptant la sanction imposée par le sous-comité, vous avez indiqué que vous comprenez et assumez la responsabilité de votre comportement et êtes conscient des répercussions d'un tel comportement sur la confiance du public. Nous espérons que vous ne ferez plus l'objet d'une audience devant le sous-comité de discipline.