

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

BETWEEN:

COLLEGE OF DENTAL HYGIENISTS OF ONTARIO

- and -

ROXANNE LINDSAY

**NOTICE OF HEARING**

The Inquiries, Complaints and Reports Committee of the College of Dental Hygienists of Ontario (the "College") has referred specified allegations against Roxanne Lindsay to the Discipline Committee of the College. The allegations were referred in accordance with paragraph 26(1)1 of the *Health Professions Procedural Code*, being Schedule 2 to the *Regulated Health Professions Act, 1991* (the "Code"). The statement of specified allegations is attached to this Notice of Hearing. A panel of the Discipline Committee (the "Panel") will hold a hearing under the authority of sections 38 to 56 of the Code for the purposes of deciding whether the allegations are true.

The hearing will be held before the Panel at **69 Bloor Street East, Toronto, Ontario, Suite 300** on a date and time to be set by the Registrar of the College.

**IF YOU DO NOT ATTEND AT THE HEARING IN ACCORDANCE WITH THE PRECEDING PARAGRAPH, THE PANEL MAY PROCEED IN YOUR ABSENCE AND YOU WILL NOT BE ENTITLED TO ANY FURTHER NOTICE IN THE PROCEEDINGS.**

**SUBSECTION 51(2) OF THE CODE PROVIDES THAT** if the Panel finds that you have engaged in professional misconduct, it may make one or more of the following orders:

1. Direct the Registrar to revoke your certificate of registration.
2. Direct the Registrar to suspend your certificate of registration for a specified period of time.
3. Direct the Registrar to impose specified terms, conditions and limitations on your certificate of registration for a specified or indefinite period of time.
4. Require you to appear before the panel to be reprimanded.
5. Require you to pay a fine of not more than \$35,000 to the Minister of Finance.
6. If the act of professional misconduct was the sexual abuse of a patient, require you to reimburse the College for funding provided for that patient under the program required under section 85.7.
7. If the panel makes an order under paragraph 6, require you to post security acceptable to the College to guarantee the payment of any amounts the member may be required to reimburse under the order under paragraph 6.

**PURSUANT TO SECTION 53.1 OF THE CODE**, in an appropriate case, if the Panel finds that you committed an act of professional misconduct or finds you to be incompetent, the Panel may make an order requiring you to pay all or part of the following costs and expenses:

1. the College's legal costs and expenses;

2. the College's costs and expenses incurred in investigating the matter; and
3. the College's costs and expenses incurred in conducting the hearing.

You are entitled to disclosure of the evidence against you in accordance with subsection 42(1) of the Code. You, or your representative, may contact the lawyer for the College, Robin McKechney, in this matter at:

**Robin McKechney**  
Steinecke Maciura LeBlanc  
Barristers & Solicitors  
401 Bay Street  
Suite 2308  
Toronto, ON M5H 2Y4


Telephone: (416) 583-2552  
Facsimile: (416) 593-7867

You must also make disclosure in accordance with section 42.1 of the Code, which states as follows:

Evidence of an expert led by a person other than the College is not admissible unless the person gives the College, at least ten days before the hearing, the identity of the expert and a copy of the expert's written report or, if there is no written report, a written summary of the evidence.

Date:

FEB. 22, 2018

  
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Lisa Taylor  
Registrar  
College of Dental Hygienists of Ontario

**TO: ROXANNE LINDSAY**  
**173 Greenhill Lane**  
**Belleville, ON K8N 0C7**

## STATEMENT OF ALLEGATIONS

### ROXANNE LINDSAY

#### The Registrant

1. At the material times Roxanne Lindsay (the "Registrant") was a duly registered member of the College of Dental Hygienists of Ontario, practising at Dr. Younes Dental Care in Trenton, Ontario (the "Clinic").

#### The Client

2. Client #1 was a client of the Registrant's and attended for dental hygiene treatment with the Registrant at the Clinic on or about April 15, 2014, July 31, 2014, October 31, 2014, February 11, 2015 and May 26, 2015.

#### The Concurrent Dental Hygienist-Client and Sexual Relationship

3. The Registrant and Client #1 were involved in a sexual relationship that included sexual intercourse.
4. The Registrant provided dental hygiene treatment to Client #1 on or about May 26, 2015, while the Registrant and Client #1 were involved in a sexual relationship.

#### Professional Boundary Violations and Conflict of Interest

5. During the course of a Dental Hygienist-Client Relationship with Client #1, the Registrant did one or more of the following:
  - a. sent personal text messages to Client #1 including but not limited to text messages of a flirtatious nature and text messages that discussed a former client of the Registrant's; and/or
  - b. during the course of a dental hygiene appointment with Client #1, discussed Client #1's former spouse; and/or
  - c. during the course of a dental hygiene appointment with Client #1, discussed one of her former clients; and/or
  - d. during the course of a dental hygiene appointment with Client #1, discussed the Registrant's marital issues; and/or
  - e. during the course of a dental hygiene appointment with Client #1, discussed renting Client #1's house; and/or
  - f. rented a house from Client #1; and/or
  - g. met with Client #1 in his vehicle during a sporting event; and/or

- h. entered into a sexual relationship with Client #1, that included sexual intercourse.

### **Breach of Confidentiality**

6. In or around March 2017 and April 2017, the Registrant disclosed personal health information regarding Client #1 in a Facebook message exchange and in a Facebook posting.

### **Professional Misconduct Alleged**

7. It is alleged that the above conduct constitutes professional misconduct pursuant to:
  - (a) Clause 51(1)(b.1) of the *Health Professions Procedural Code*, being Schedule 2 to the *Regulated Health Professions Act, 1991* (the "Code") (sexual abuse of a patient, more particularly, sexual intercourse or other forms of physical sexual relations between the member and the patient); and/or
  - (b) Clause 51(1)(c) of the Code and as defined in one or more of the following paragraphs of section 15 of Ontario Regulation 218/94 under the *Dental Hygiene Act, 1991*:
    - i. paragraph 2: contravening by act or omission, a standard of practice of the profession or failing to maintain the standard of practice of the profession; and/or
    - ii. paragraph 12: acting in a professional capacity while in a conflict of interest; and/or
    - iii. paragraph 24: giving information about a client to a person without the consent of the client or his or her authorized representative except as required or permitted by law; and/or
    - iv. paragraph 52: engaging in conduct or performing an act, relevant to the practise of the profession, that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional; and/or
    - v. paragraph 53: conduct unbecoming a dental hygienist.

## APPENDIX

1. The documents to be tendered in evidence at the hearing have been sent separately.
2. Take notice that the documents that have been and will later be disclosed to you will be tendered as business documents pursuant to the *Evidence Act* of Ontario.
3. All documents that are disclosed to you in this matter are disclosed on the basis that they are to be used solely for the purpose of this proceeding and for no other purpose.

DISCIPLINE COMMITTEE OF THE  
COLLEGE OF DENTAL HYGIENISTS  
OF ONTARIO

**NOTICE OF HEARING**

**STEINECKE MACIURA LEBLANC**  
Barristers & Solicitors  
401 Bay Street  
Suite 2308  
Toronto, ON M5H 2Y4

**Robin McKechney, LSO No. : 45466G**

Telephone: (416) 583-2552  
Facsimile: (416) 593-7867

Lawyers for the College of Dental  
Hygienists of Ontario

