



**Name of Registrant:** - Kathleen Jane O'Leary  
(referred November 13 2013)

**Date of Hearing:** May 9, 2014

**Decision and Reasons**

In a hearing held in Toronto on May 9, 2014, a Panel of the Discipline Committee found Ms. O'Leary guilty of professional misconduct pursuant to paragraph 51(1) (b.0.1) of the *Health Professions Procedural Code*; and the *Dental Hygiene Act, 1991*, or the regulations thereunder in that she engaged in conduct that was disgraceful, dishonourable or unprofessional in that she failed to reply appropriately to the College and failed to comply with an order of a Committee of the College.

The Discipline Panel carefully considered the Agreed Statement of Facts, the Joint Submission on Penalty and Costs, the case law cited, and the oral submissions made. The Panel 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. O'Leary was required to appear before a panel of the Discipline Committee to be reprimanded;
2. The Registrar was directed to suspend Ms. O'Leary's certificate of registration for at least two (2) weeks, to commence on the date of this Order. The suspension will continue indefinitely until Ms. O'Leary complies with the term, condition and limitation in paragraph 4;
3. The Registrar was directed to impose the following terms, conditions or limitations on Ms. O'Leary's certificate of registration:
  - a. Within six (6) months after the suspension of her certificate of registration ends, Ms. O'Leary must, at her own expense, successfully complete to the Registrar's

satisfaction, the Professional Problem Based Ethics Course (“ProBE”) offered by The Center for Personalized Education for Physicians; and

- b. Ms. O’Leary must, within 30 days of completing the ProBE course, provide proof acceptable to the Registrar that she has completed and passed the course.
4. The Registrar was directed to impose the following term, condition or limitation on Ms. O’Leary’s certificate of registration:

Ms. O’Leary must submit to the College her completed professional portfolio (Forms 1-9 for 2012, Forms 6-7 for 2010 and 2011 and, if applicable, Form 8) for the Peer Assessment, Professional Portfolio/Practice Review.

5. Ms. O’Leary was required to pay to the College costs in the amount of \$1,500.00, payable within 24 months of the date of this Order, by way of equal monthly instalments of \$60 beginning on the 15<sup>th</sup> day of June, 2014 and continuing every 30 days thereafter until paid in full.

The Panel is of the opinion that the penalty proposed appropriately addresses the principles of public protection, general deterrence and specific deterrence.

The Panel understands that joint submissions must be accepted as a matter of law, unless contrary to the public interest and would bring into disrepute the administration of justice by the Discipline Committee. In the circumstances of this case the Panel accepted the jointly proposed penalty and costs order as reasonable and appropriate.

The proposed order serves to protect the public. It sends an important message to the registrant, and the profession, that quality assurance requirements must be taken seriously. They are intended to ensure safe and effective practices by dental hygienists.

A registrant who does not comply with the quality assurance requirements will face discipline proceedings with increasingly more severe penalties. The public must be assured that health professionals comply with quality assurance regulations in the public interest.