



Name of Registrant: - Fabrizia Couteiro

Date of Hearing: March 18, 2013

Decision and Reasons

In a hearing held on March 18, 2013, a Panel of the Discipline Committee found Ms. Fabrizia Couteiro guilty of professional misconduct in that she contravened or failed to maintain a standard of practice; failed to keep records in accordance with generally accepted standards of practice or the regulations; failed to take steps to ensure information provided to the College was accurate; failed to cooperate with a College investigator or to provide access to and copies of all records to a College investigator; and engaged in conduct that was unbecoming a dental hygienist.

An Agreed Statement of Facts was filed with the Panel which included the facts that Ms. Couteiro submitted an insurance claim form for dental hygiene services that were provided to her husband when the services were actually provided by another dental hygienist, Ms. D.B. Ms. Couteiro billed for three units of root planing without confirming that the services provided were actually three units of scaling and she assigned Mr. Couteiro's insurance benefits to herself on the claim form. Ms. Couteiro billed \$120.00 for the dental hygiene services, even though Ms. D.B. did not receive any payment from either Mr. or Ms. Couteiro. She did so under the belief that the services could nonetheless be billed by her clinic, and after learning that the claim was denied, Ms. Couteiro charged her husband \$120.00 for dental hygiene services that were provided to him without charge by Ms. D.B.

It was also agreed that Ms. Couteiro created a client ledger and a duplicate client chart for her husband, which implied that he had obtained dental hygiene services through her business, Fabulous Smiles Inc. Mr. Couteiro received treatment from Ms. D.B. on September 22, 2011, but the client chart created by Ms. Couteiro and the insurance claim she submitted identified the treatment date as September 23, 2011.

Furthermore, it was agreed that when requested by a College of Dental Hygienists of Ontario investigator for Mr. Couteiro's client record, Ms. Couteiro told the investigator that she was not in possession of her husband's client chart. However, when the investigator was taken to the client charts, she was able to retrieve a client chart for her husband, which included client

information, appointment list, insurance claim submitted, client route slip, client ledger and appointment schedule. Ms. Couteiro also agreed that she made an incorrect statement to the College investigator when she stated that she paid Ms. D.B. \$35.00 in cash to treat Mr. Couteiro. She agreed that she did not make reasonable efforts to ensure that her answers to the College investigator was correct. Ms. Couteiro also agreed that she instructed Ms. D.B. to provide her husband with three units of scaling prior to Ms. D.B. doing her assessment of Mr. Couteiro's needs.

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 Agreed Statement of Facts, the Joint Submission on Penalty and Costs, the case law cited, 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. That Ms. Couteiro shall receive a reprimand, the fact of which shall be recorded on the public register of the College.
2. That the Registrar suspend Ms. Couteiro's certificate of registration for a period of eight (8) weeks, to be served on dates to be set by the Registrar.
3. That Ms. Couteiro pay a fine to the Minister of Finance in the amount of \$250.00 to be paid within thirty (30) days from the date of the Order.
4. That the Registrar impose a specified term, condition and limitation on Ms. Couteiro's certificate of registration requiring her to successfully complete, in the opinion of the Registrar, an approved ethics course, at her own cost, within eight (8) months from the date of the Order.
5. That Ms. Couteiro pay costs to the College in the amount of \$2,400.00 at the rate of \$100.00 per month by way of post-dated cheques for twenty-four (24) months, starting on the 15th day of the first month after her suspension has been fully served. No interest will accrue on the outstanding amounts so long as they are paid on time. At all times, Ms. Couteiro shall be at liberty to increase the amount of her monthly payment, solely at her discretion.

The Panel was of the opinion that the penalty imposed appropriately addressed the principles of penalty which include public protection, general deterrence and specific deterrence.

Ms. Couteiro committed acts of professional misconduct by creating a client chart and ledger that implied that she had provided dental hygiene services, when she had not, failed to maintain a standard of practice, and engaged in unethical and dishonest conduct. The Panel was extremely concerned by these facts, and so directed the Registrar to impose a specified term, condition and limitation on Ms. Couteiro's certificate of registration requiring her to successfully complete an approved ethics course, at her own cost, within eight (8) months of the date of the Order. The Panel expects that this course will assist to rehabilitate Ms. Couteiro and impress upon her the obligation to conduct her practice in an ethical and honest manner.

Ms. Couteiro's certificate of registration was also suspended for a period of eight (8) weeks. The suspension reflects the serious acts of professional misconduct committed by her. She will have no income from a dental hygiene practice during the period of suspension. She is also required to pay a fine and costs. Specifically, Ms. Couteiro was ordered to pay \$2400.00 toward the College's costs of the investigation and hearing process, as well as a fine of \$250.00 to the Ministry of Finance within thirty (30) days of the Order. Moreover, other Registrants will also have the opportunity to read this Order and reasons (in print and on the CDHO website). This will make clear that the College will not tolerate acts of professional misconduct. It is the Panel's belief that the penalty in its totality will act as both a general and specific deterrent.

The Panel considered the following mitigating factors in this case:

- Ms. Couteiro had no prior record of professional misconduct
- There was an admission of professional misconduct by Ms. Couteiro
- Ms. Couteiro was eventually cooperative with the College
- Her guilty plea spared the necessity of calling witnesses

The Panel reviewed penalties given in two (2) cases with aspects similar to those of Ms. Couteiro's case and was satisfied that the penalty was within the range of what is reasonable and appropriate.

At the conclusion of the Hearing, Ms. Couteiro waived her right of appeal and the reprimand, as part of the penalty, was administered by the Panel.