



Name of Registrant / Nom du membre

Georgie Vincent (referred Jan. 19, 2017 / renvoyée le 19 janv. 2017)

Date of Hearing / Date de l'audience

April 6, 2017 / le 6 avril 2017

Summary of Hearing / Résumé de l'audience

Ms. Georgie Vincent, who had been a registrant of the College of Dental Hygienists of Ontario (the College) since October 2012, was required to submit her Quality Assurance records to the Quality Assurance Committee, but failed to do so. Ms. Vincent was referred to the Inquiries, Complaints and Reports Committee (ICRC) which referred her to the Discipline Committee.

On April 6, 2017, the Discipline Committee found that Ms. Vincent had engaged in professional misconduct by (1) failing to co-operate with the Quality Assurance Committee, (2) failing to reply appropriately and responsively within the time specified by the request, (3) failing to comply with a direction of a College committee, and (4) engaging in conduct that would reasonably be regarded by members of the profession as disgraceful, dishonourable or unprofessional. The Discipline panel directed that Ms. Vincent appear before the panel immediately following the hearing to be reprimanded, with the fact of the reprimand and a summary of the reprimand on the public register of the College.

The Discipline panel also directed that (1) Ms. Vincent's certificate of registration be suspended for a period of six (6) weeks commencing on the date that Ms. Vincent's certificate of registration with the College is reinstated following the payment of any outstanding fees; and (2) that terms, conditions or limitations be imposed on Ms. Vincent's certificate of registration. The terms, conditions or limitations include that Ms. Vincent must notify the Registrar in writing at least 30 days before she intends to return to practise as a dental hygienist in Ontario (which may be temporary, occasional, part-time or full-time) following the suspension, and at her own expense, prior to her return to practise as a dental hygienist, successfully complete the College's online Jurisprudence Education Module and a Quality Assurance Records Course pre-approved by the Registrar.

Ms. Vincent was ordered to pay \$2,100 in costs to the College.

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

Madame Georgie Vincent, qui était une membre autorisée de l'Ordre des hygiénistes dentaires de l'Ontario (l'Ordre) depuis octobre 2012, devait présenter ses dossiers d'assurance de la qualité au comité d'assurance de la qualité, mais elle a omis de le faire. Madame Vincent a été renvoyée au comité des enquêtes, des plaintes et des rapports (ICRC), qui l'a renvoyée au comité de discipline.

Le 6 avril 2017, le comité de discipline a conclu que Madame Vincent avait commis une faute professionnelle (1) en omettant de coopérer avec le comité d'assurance de la qualité (2) en omettant de répondre de façon adéquate et sensible dans le délai prescrit dans la demande (3) en omettant de se conformer à la directive d'un comité de l'Ordre et (4) en se comportant d'une façon qui serait raisonnablement tenue par les membres de la profession comme honteuse, déshonorante ou non professionnelle. Le sous-comité de discipline a demandé à Madame Vincent de comparaître devant lui au terme de l'audience pour lui adresser une réprimande. Les faits et le résumé de la réprimande seront publiés dans le registre public de l'Ordre.

Le sous-comité de discipline a également prescrit de (1) suspendre le certificat d'inscription de Madame Vincent pour une période de six semaines à compter de la date à laquelle le certificat d'inscription de Madame Vincent aura été rétabli suivant le paiement de tout droit impayé et (2) d'imposer des modalités, conditions et restrictions à son certificat d'inscription, qui obligent Madame Vincent à aviser la registraire par écrit au moins 30 jours avant qu'elle compte exercer de nouveau la profession d'hygiéniste dentaire en Ontario (que ce soit pour un travail temporaire, occasionnel, à temps partiel ou à temps plein) au terme de la suspension et à compléter avec succès et à ses frais, avant de reprendre la profession d'hygiéniste dentaire, le module d'éducation sur la jurisprudence en ligne de l'Ordre et un cours portant sur la tenue de dossiers d'assurance de la qualité approuvé au préalable par la registraire.

Madame Vincent doit payer à l'Ordre des coûts de 2 100 \$.

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



THE DISCIPLINE COMMITTEE OF THE COLLEGE OF DENTAL HYGIENISTS OF ONTARIO

PANEL MEMBERS:

Vinay Jain (Chair) – Public Member of Council;
Beatrix Kau-Lui – Public Member of Council;
Marlene Heics – Professional Member of Council;
Evie Jesin – Professional Member of Council; and
Karlynn Wood – Professional Member, Non Council.

BETWEEN:

**COLLEGE OF DENTAL HYGIENISTS
OF ONTARIO**

- and -

**GEORGIE VINCENT
(REGISTRATION NO. 016237)**

} Erica Richler for the
} College of Dental Hygienists
} of Ontario

}

}

}

}

}

}

} Self Represented

}

}

}

} Joanna Birenbaum,
} Independent Legal
} Counsel

}

}

} Heard: April 6, 2017

DECISION AND REASONS

The Discipline Committee of the College of Dental Hygienists of Ontario (“The College”) heard this matter at Toronto on April 6, 2017. 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

It was alleged in the Notice of Hearing (accepted as Exhibit “1”) that Ms. Georgie Vincent (“Ms. Vincent”) committed acts of professional misconduct under:

Section 15 of Ontario Regulation 218/94, as amended to Ontario Regulation 36/12, under the *Dental Hygiene Act, 1991*, being:

- a. subsection 51 (b.0.1) of the Health Professions Procedural Code, being Schedule 2 to the *Regulated Health Professions Act, 1991* (failing to co-operate with the Quality Assurance Committee); and
- b. paragraph 43 of section 15 of Ontario Regulation 218/94 under the *Dental Hygiene Act, 1991* (failing to reply appropriately and responsively within the time specified by the request or, if no time is specified, within 30 days to a written inquiry made by the College that requests a response); and
- c. paragraph 45 of section 15 of Ontario Regulation 218/94 under the *Dental Hygiene Act, 1991* (failing to comply with an order or direction of a Committee or a panel of a Committee of the College); and
- d. paragraph 52 of section 15 of Ontario Regulation 218/94 under the *Dental Hygiene Act, 1991* (disgraceful, dishonourable or unprofessional conduct).

Counsel for the College advised that the College sought to withdraw the following allegation:

- a. paragraph 53 of section 15 of Ontario Regulation 218/94 under the *Dental Hygiene Act, 1991* (conduct unbecoming a dental hygienist).

The Panel agreed to the withdrawal of the above noted allegation.

Registrant’s Plea

Ms. Vincent admitted the allegations set out in paragraphs 16 (a), (b), (c), and (d) in the Notice of Hearing. The Panel conducted a plea inquiry and was satisfied that the Registrant’s admission was voluntary, informed and unequivocal.

Agreed Statement of Facts

Counsel for the College advised the Panel that agreement had been reached on the facts and introduced an Agreed Statement of Facts and Admission of Professional Misconduct (accepted as Exhibit “2”), which provided as follows:

1. Ms. Vincent obtained a certificate of registration from the College on or about October 17, 2012.

Failure to Comply with the Quality Assurance Program

2. All registrants of the College are required to comply with the requirements of the College’s Quality Assurance Program. Those requirements include the following:
 - a. participating every year in self-assessment continuing education and professional development activities;
 - b. keeping accurate and complete records of the registrant’s participation in self-assessment, continuing education and professional development activities and submitting those records to the Quality Assurance Committee if requested; and
 - c. cooperating with peer and practice assessments when selected to do so.
3. The requirements of the Quality Assurance program are set out in sections 16 through 20 of Ontario Regulation 218/94, under the *Dental Hygiene Act, 1991* and sections 80 through 82 of the Health Professions Procedural Code, being Schedule 2 to the *Regulated Health Professions Act, 1991*.
4. On or about January 29, 2015, the College notified Ms. Vincent by email that she had been selected to submit her Quality Assurance records to the Quality Assurance Committee. Ms. Vincent was given the option of submitting:
 - a. Her Learning Portfolio and Practice Profile, as well as Forms 6, 7 and 8 from her 2013 and 2014 Professional Portfolios; or
 - b. A certificate from the National Dental Hygiene Certification Board (“NDHCB”) showing that she had completed the Quality Assurance written assessment and her Practice Profile, or
 - c. A certificate from NDHCB showing that she had completed the Quality Assurance written assessment and a report of an assessor describing the findings of an onsite review.

A copy of the email dated January 29, 2015 was accepted as Exhibit “A”.

5. Ms. Vincent was required to submit her Quality Assurance records to the Quality Assurance Committee on or before January 31, 2016.

6. Ms. Vincent failed to submit her Quality Assurance records to the Quality Assurance Committee on or before January 31, 2016.
7. On or about February 11, 2016, the College sent Ms. Vincent a letter by mail and email to notify her that her Quality Assurance records had not been received as required. Ms. Vincent was given an extension to February 21, 2016 to submit her Quality Assurance records. Ms. Vincent was advised in the letter that if she did not submit her records by the new February 21, 2016 deadline, she would be required to complete the NDHCB written assessment and participate in an onsite practice review. A copy of the letter dated February 11, 2016 was accepted as Exhibit "B".
8. Ms. Vincent did not submit her Quality Assurance records by the February 21, 2016 deadline as required.
9. Because Ms. Vincent did not submit her Quality Assurance records as requested, on or about March 29, 2016, the Quality Assurance Committee directed Ms. Vincent to successfully complete the NDHCB written assessment and participate in an onsite practice review by April 30, 2016. Ms. Vincent was notified of the direction by letter. A copy of the letter dated March 29, 2016 was accepted as Exhibit "C".
10. On or about April 5, 2016, the Manager of the Quality Assurance Program, Robert Farinaccia, spoke with Ms. Vincent by telephone. Ms. Vincent advised Mr. Farinaccia that she was not currently practicing. Mr. Farinaccia asked Ms. Vincent to notify the Quality Assurance Committee in writing that she was not practicing.
11. Mr. Farinaccia sent an email to Ms. Vincent on April 5, 2016 confirming their conversation and reiterating his request that she notify the Quality Assurance Committee in writing that she was not practicing and that she could do so via email directly to him. Ms. Vincent did not provide that information to the Quality Assurance Committee. A copy of Mr. Farinaccia's email dated April 5, 2016 was accepted as Exhibit "D".
12. On or about May 6, 2016, Mr. Farinaccia wrote to Ms. Vincent by email and mail to remind Ms. Vincent of her obligations to complete the written assessment and onsite practice review. Ms. Vincent was given an extension to May 20, 2016 to complete the written assessment and onsite practice review. A copy of Mr. Farinaccia's correspondence dated May 6, 2016 was accepted as Exhibit "E".
13. Ms. Vincent did not complete the written assessment and onsite practice review on or before May 20, 2016 as required.

14. The College sent all of its correspondence to Ms. Vincent at the mailing address and/or email address that Ms. Vincent had provided to the college, which were her correct addresses.
15. To date, Ms. Vincent has failed to complete the NDHCB written assessment and the onsite practice review as required by the Quality Assurance Committee.
16. Ms. Vincent is not currently practicing dental hygiene and she has not practiced dental hygiene since in or around February 2016.
17. It is agreed that the above conduct constitutes profession misconduct pursuant to:
 - a. subsection 51 (b.0.1) of the Health Professions Procedural Code, being Schedule 2 to the *Regulated Health Professions Act, 1991* (failing to co-operate with the Quality Assurance Committee); and
 - b. paragraph 43 of section 15 of Ontario Regulation 218/94 under the *Dental Hygiene Act, 1991* (failing to reply appropriately and responsively within the time specified by the request or, if no time is specified, within 30 days to a written inquiry made by the College that requests a response); and
 - c. paragraph 45 of section 15 of Ontario Regulation 218/94 under the *Dental Hygiene Act, 1991* (failing to comply with an order or direction of a Committee or a panel of a Committee of the College); and
 - d. paragraph 52 of section 15 of Ontario Regulation 218/94 under the *Dental Hygiene Act, 1991* (disgraceful, dishonourable or unprofessional conduct).

Admission of Professional Misconduct

The Agreed Statement of Facts also contained an admission of Professional Misconduct by Ms. Vincent as follows:

18. Ms. Vincent admits to the truth of the facts referred to in paragraphs 1 to 17 above (the “Agreed Facts”).
19. Ms. Vincent hereby admits that the Agreed Facts constitute professional misconduct pursuant to subsection 51(b.0.1) of the Health Professions Procedural Code, being Schedule 2 to the *Regulated Health Professions Act, 1991*; and pursuant to Ontario Regulation 218/94 under the *Dental Hygiene Act, 1991*, section 15, paragraphs 43, 45, and 52.
20. Ms. Vincent states that:
 - a. she understands fully the nature of the allegations against her;
 - b. she has no questions with respect to the allegations against her;

- c. she understands that by signing this document she is consenting to the evidence as set out in the Agreed Facts being presented to the Discipline Committee;
- d. she understands that by admitting the allegations, she is waiving her right to require the College to prove the case against her and the right to have a hearing;
- e. she 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 her name, may be published in the College's annual report and any other publication or website of the College;
- f. she understands that any agreement between her and the College with respect to the penalty proposed does not bind the Discipline Committee; and
- g. she understands and acknowledges that she is executing this document voluntarily, unequivocally, free of duress, free of inducement or bribe, and that she has been advised of her right to seek legal advice.

The above admission was signed by Ms. Vincent and a witness on March 23, 2017.

Ms. Vincent confirmed her admission to the Panel verbally.

Decision

The Panel considered the Agreed Statement of Facts and finds that the facts support a finding of professional misconduct and, in particular, finds that the Registrant committed an act of professional misconduct as alleged in paragraphs 16 (a), (b), (c), and (d) of the Notice of Hearing:

- a. subsection 51 (b.0.1) of the Health Professions Procedural Code, being Schedule 2 to the *Regulated Health Professions Act, 1991* (failing to co-operate with the Quality Assurance Committee); and
- b. paragraph 43 of section 15 of Ontario Regulation 218/94 under the *Dental Hygiene Act, 1991* (failing to reply appropriately and responsively within the time specified by the request or, if no time is specified, within 30 days to a written inquiry made by the College that requests a response); and
- c. paragraph 45 of section 15 of Ontario Regulation 218/94 under the *Dental Hygiene Act, 1991* (failing to comply with an order or direction of a Committee or a panel of a Committee of the College); and
- d. paragraph 52 of section 15 of Ontario Regulation 218/94 under the *Dental Hygiene Act, 1991* (disgraceful, dishonourable or unprofessional conduct).

PENALTY AND COSTS

Counsel for the College advised the Panel that a Joint Submission on Penalty had been agreed upon. The Joint Submission on Penalty and Costs provides as follows:

1. Ms. Vincent 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 Ms. Vincent's certificate of registration for a period of six (6) weeks commencing on the date that Ms. Vincent's certificate of registration with the College is reinstated following the payment of any outstanding fees.
3. The Discipline Committee shall direct the Registrar to impose the following terms, conditions or limitations on Ms. Vincent's certificate of registration:
 - a. Ms. Vincent must notify the Registrar in writing at least 30 days before Ms. Vincent intends to return to practise as a dental hygienist in Ontario (which may be temporary, occasional, part-time or full-time) following the suspension referred to in paragraph 2 above.
 - b. Ms. Vincent must, at her own expense, successfully complete, in the opinion of the Quality Assurance Committee, an assessment approved by the Quality Assurance Committee, prior to her return to practise as a dental hygienist in Ontario.
 - c. Ms. Vincent must, at her own expense, successfully complete (i.e. obtain 100% on all sections), in the opinion of the Registrar, the College's online Jurisprudence Education Module prior to her return to practise as a dental hygienist in Ontario.
 - d. Ms. Vincent must, at her own expense, successfully complete, in the opinion of the Registrar, a Quality Assurance Records Course, pre-approved by the Registrar prior to her return to practise as a dental hygienist in Ontario.
4. Ms. Vincent is required to pay to the College costs in the amount of \$2,100.00, payable over 12 months in equal monthly payments of \$175.00 (in the form of post-dated cheques which shall be provided to the College on the date of the Hearing), starting one month after the date of the Discipline Committee's order and continuing every month until paid in full.

The above submission was signed by Ms. Vincent and a witness on March 23, 2017.

Penalty and Costs Decision

The Panel considered and accepted the following submissions made by Counsel for the College regarding penalty:

Protecting your health and your smile / Nous protégeons votre santé et votre sourire

1. The penalty demonstrates to the profession and the public that failure to comply with the Quality Assurance program is not simply a technical breach. As stated by this panel in *Dental Hygienists of Ontario v. Allen* (2014): “Compliance with the Quality Assurance Program and the regulatory requirements for dental hygienists is very important and directly linked to safe and effective client care. It is a fundamental obligation of the profession”;
2. The penalty is meaningful and sends a strong message to the registrant and to the profession about the importance of compliance with the Quality Assurance program;
3. The penalty should instil public confidence in self-regulation by Dental Hygienists; and
4. The proposed penalty falls within the range of appropriate penalties as determined in similar cases (see *College of Dental Hygienists of Ontario v. Cacioppo* (2014), *College of Dental Hygienists of Ontario v. Allen* (2014), and *College of Occupational Therapists of Ontario v. Agnelli* (2010));

The Panel also considered the following mitigating circumstances:

1. Ms. Vincent co-operated with the College and accepted responsibility.
2. By admitting to the allegations and agreeing to the proposed penalty, the Registrant avoided unnecessary expense to the College, including requiring the College to call witnesses and prove its case.
3. Ms. Vincent has no prior discipline record before the College.

In sum, the Panel concluded that the proposed penalty is reasonable and in the public interest.

The Panel further considered that the proposed costs are in keeping with other similar cases (see *College of Dental Hygienists of Ontario v. Cacioppo* (2014)).

The Panel accordingly accepts the Joint Submission on Penalty and Costs and orders:

1. Ms. Vincent 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 Ms. Vincent’s certificate of registration for a period of six (6) weeks commencing on the date that Ms. Vincent’s certificate of registration with the College is reinstated following the payment of any outstanding fees.
3. The Discipline Committee shall direct the Registrar to impose the following terms, conditions or limitations on Ms. Vincent’s certificate of registration:
 - a. Ms. Vincent must notify the Registrar in writing at least 30 days before Ms. Vincent intends to return to practise as a dental hygienist in Ontario (which may be temporary, occasional, part-time or full-time) following the suspension referred to in paragraph 2 above.

- b. Ms. Vincent must, at her own expense, successfully complete, in the opinion of the Quality Assurance Committee, an assessment approved by the Quality Assurance Committee, prior to her return to practise as a dental hygienist in Ontario.
- c. Ms. Vincent must, at her own expense, successfully complete (i.e. obtain 100% on all sections), in the opinion of the Registrar, the College's online Jurisprudence Education Module prior to her return to practise as a dental hygienist in Ontario.
- d. Ms. Vincent must, at her own expense, successfully complete, in the opinion of the Registrar, a Quality Assurance Records Course, pre-approved by the Registrar prior to her return to practise as a dental hygienist in Ontario.
- e. Ms. Vincent is required to pay to the College costs in the amount of \$2,100.00, payable over 12 months in equal monthly payments of \$175.00 (in the form of post-dated cheques which shall be provided to the College on the date of the Hearing), starting one month after the date of the Discipline Committee's order and continuing every month until paid in full.

I, Vinay Jain, sign this decision and reasons for the decision as Chair of this Discipline Panel and on behalf of the members of the Discipline Panel as listed below.

Dated this 25th day of April 2017



Vinay Jain
Chair, Discipline Panel

Beatrix Kau-Lui – Public Member of Council;
Marlene Heics – Professional Member of Council;
Evie Jesin – Professional Member of Council; and
Karlyn Wood – Professional Member, Non Council.