

**Name of Registrant / Nom du membre**

Alana Pallas (referred August 9, 2016 / Renvoyée le 9 août 2016)

Date of Hearing / Date de l'audience

November 24, 2016 / le 24 novembre 2016

Summary of Hearing / Résumé de l'audience

On November 24, 2016, the Discipline Committee found that Ms. Alana Pallas 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 Ms. Pallas a reprimand; suspended her registration for one month, and ordered that the suspension shall continue until Ms. Pallas successfully completes two courses. She was ordered to notify the Registrar, in writing, when she returns to practice as a dental hygienist in Ontario following the suspension of her certificate of registration. Ms. Pallas was ordered to successfully complete the Professional/ Problem-Based Ethics Program ("ProBE") within six months after she returns to practice as a dental hygienist in Ontario. Ms. Pallas was ordered to pay \$1000 in costs to the College. For more information, please read the decision of the Discipline Committee about Ms. Pallas.

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 Ms. Alana Pallas.

Le 24 novembre 2016, le comité de discipline a conclu que Madame Alana Pallas 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 Madame Pallas; a suspendu son certificat d'inscription pour un mois et a ordonné que cette suspension se poursuive jusqu'à ce que Madame Pallas complète avec succès deux cours. Elle a été ordonnée de notifier la Registrare, par écrit, dès qu'elle retournera à la pratique de l'hygiène dentaire en Ontario au terme de la suspension de son certificat d'inscription.

Madame Pallas a été ordonnée de compléter un programme d'éthique professionnel axé sur les problèmes (« ProBE ») au plus tard six mois après son retour à la pratique de l'hygiène dentaire en Ontario. Madame Pallas a été imposée des coûts de 1 000 \$. Pour en apprendre davantage, veuillez lire la décision du comité de discipline concernant Madame Pallas.

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 Madame Alana Pallas.

DECISION AND REASONS FOR DECISION

- [1] A Panel of the Discipline Committee of the College of Dental Hygienists of Ontario (“the College”) heard this matter at Toronto on November 24, 2016. At the conclusion of the hearing, the Panel delivered its finding and penalty order orally and in writing, with written reasons to follow.
- [2] The hearing was uncontested: It proceeded by way of an Agreed Statement of Facts and a Joint Submission on Penalty and Costs, which were jointly proposed by the Counsel for the College and the Registrant.

THE ALLEGATIONS

- [3] It was alleged in the Notice of Hearing, dated November 24, 2016, that Alana Pallas (“the Registrant”) failed to submit a completed Professional Portfolio as part of the College’s Quality Assurance Program. In summary, the allegations against the Registrant were that she engaged in professional misconduct when she failed to:
- a) comply with a decision of the Inquiries, Complaints, and Reports Committee (ICRC), dated July 31, 2015, requiring her to successfully complete: (i) an approved portfolio development course, (ii) an approved ethics course, and (iii) the College’s Jurisprudence Education Module;
 - b) provide proof to the Deputy Registrar that she had commenced those courses within three (3) months of the ICRC’s decision; and
 - c) provide proof to the Deputy Registrar that she had successfully completed the required courses within six (6) months of the ICRC’s decision.
- [4] Specifically, the allegations against the Registrant were set out in the Notice of Hearing, which was filed as Exhibit #1 and provides as follows:
1. At the material times, [the Registrant] was a duly registered dental hygienist in Ontario, holding a certificate of registration in the General class from the College of Dental Hygienists of Ontario (the “College”).

Failure to comply with ICRC Decision

2. [The Registrant] was required to submit a completed Professional Portfolio by January 31, 2014 as part of the College’s Quality Assurance Program. [The Registrant] failed to submit her 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 July 31, 2015, a panel of the ICRC directed [the Registrant] to complete a specified continuing education or remediation program at her own expense. In particular, [the Registrant] was required to complete the following courses:
 - a. an approved portfolio development course;
 - b. an approved ethics course; and
 - c. the College's online Jurisprudence Education Module.
4. The panel of the ICRC specified that [the Registrant] was required to provide proof to the Deputy Registrar that she had commenced the above courses within three months of the date of its decision (i.e., by November 2, 2015) and to provide proof to the Deputy Registrar that she had successfully completed the courses within six months of its decision (i.e., by February 1, 2016).
5. On or about August 5, 2015, the College sent [the Registrant] a copy of the ICRC's decision, as well as information on how to complete the courses.
6. On or about January 7, 2016, the College received confirmation from [the Registrant's] course provider that [the Registrant] had commenced the ethics course and the portfolio development course. This was approximately two months after [the Registrant] was required by the ICRC to commence the courses.
7. [The Registrant] has failed to provide proof to the College that she has successfully completed the ethics course or the portfolio development course as directed by the ICRC in its decision dated July 31, 2015.
8. [The Registrant] has failed to provide proof to the College that she commenced or successfully completed the College's online Jurisprudence Education Module as directed by the ICRC in its decision dated July 31, 2015.
9. 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

- [5] The College advised the Panel that it was not proceeding with respect to the allegation that the Registrant's conduct amounted to conduct unbecoming a dental hygienist, under paragraph 53 of section 15 of Ontario Regulation 218/94 under the *Dental Hygiene Act, 1991*.

- [6] The Registrant admitted to the allegations of professional misconduct as set out in the Agreed Statement of Facts.

THE AGREED STATEMENT OF FACTS

- [7] The Agreed Statement of Facts, which was entered as Exhibit #2, provides as follows:

1. At the material times, [the Registrant] was a duly registered dental hygienist in Ontario, holding a certificate of registration in the General class from the College of Dental Hygienists of Ontario (the “College”).

Failure to Comply with ICRC Decision

2. [The Registrant] was required to submit a complete Professional Portfolio by January 31, 2014 as part of the College’s Quality Assurance program. [The Registrant] failed to submit her 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 July 31, 2015, a panel of the ICRC directed [the Registrant] to complete a specified continuing education or remediation program at her own expense. In particular, [the Registrant] was required to complete the following courses:
 - a. an approved portfolio development course:
 - b. an approved ethics course: and
 - c. the College’s online Jurisprudence Education Module.
4. The panel of the ICRC specified that [the Registrant] was required to provide proof to the Deputy Registrar that she had commenced the above courses within three months of the date of its decision (i.e., by November 2, 2015) and to provide proof to the Deputy Registrar that she had successfully completed the courses within six months of the date of its decision dated July 31, 2015. A copy of the ICRC’s decision dated July 31, 2015 is attached as Exhibit “A”.
5. On August 5, 2015, the College sent [the Registrant] a copy of the ICRC’s decision, as well as information on how to complete the courses. A copy of the College’s letter to [the Registrant] dated August 5 is attached as Exhibit “B”.
6. On January 7, 2016, the College received confirmation from [the Registrant’s] course provider that [the Registrant] had commenced the ethics course and the portfolio development course. This was approximately two months after [the Registrant] was required by the ICRC to commence the courses.

7. Despite starting the ethics course and the portfolio development course, [the Registrant] failed to successfully complete either the ethics course or the portfolio development course as directed by the ICRC in its decision dated July 31, 2015.
8. In order to successfully complete the College's online Jurisprudence Education Module, candidates are required to answer all questions correctly (i.e., obtain 100%). [The Registrant] attempted to complete the College's online Jurisprudence Education Module but obtained a score of 95%. [The Registrant] failed to obtain the required score of 100% in order to successfully complete the College's online Jurisprudence Education Module. A copy of the computer screenshot of [the Registrant's] results is attached as Exhibit "C". [The Registrant] failed to provide proof to the College that she commenced or successfully completed the College's online Jurisprudence Education Module as directed by the ICRC in its decision dated July 31, 2015.
9. On February 2, 2016, [the Registrant] made inquiries of the College regarding an extension of the time to complete certain outstanding assignments. [The Registrant] was advised to contact the Manager of Investigations and Hearings in order to request an extension of the courses directed by the ICRC. [The Registrant] failed to contact the Manager of Investigations and Hearings. A copy of [the Registrant's] email correspondence with the College dated February 2 and February 4, 2016 is attached as Exhibit "D".
10. 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, dishonorable or unprofessional conduct).

Admission of Professional Misconduct

11. By this document, [the Registrant] admits to the truth of the facts referred to in paragraphs 1 to 10 above (the "Agreed Facts").
12. [The Registrant] hereby admits the Agreed Facts constitute professional misconduct pursuant to Ontario Regulation 218/94 under the *Dental Hygiene Act, 1991*, section 15, paragraphs 45 and 52.
13. By this document [the Registrant] 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 depending on the penalty ordered by the Discipline Committee, the decision of the committee and the 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;
 - 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.
14. In light of the Agreed Facts and the admission of professional misconduct, the College of Dental Hygienists of Ontario and [the Registrant] submit that the Discipline Committee should find that [the Registrant] has committed professional misconduct.

FINDING

- [8] The Panel accepted as true the facts set out in the Agreed Statement of Facts and finds that the Registrant committed professional misconduct pursuant to paragraphs 45 and 52 of section 15 of Ontario Regulation 218/94 under the *Dental Hygiene Act, 1991* with respect to the facts and admissions set out in the Agreed Statement of Facts.

JOINT SUBMISSION ON ORDER and COSTS

- [9] The parties filed a Joint Submission on Penalty and Costs (JSPC) with respect to the appropriate Order in this case, which was filed as Exhibit #3, and which provides as follows:
1. [The Registrant] 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 [the Registrant's] certificate of registration:
 - a) for a period of one (1) month commencing on the date of the Discipline Committee's order; and
 - b) until such time as [the Registrant] successfully completes the courses set out in paragraphs 3(a) and 3(b) below.
3. The Discipline Committee shall direct the Registrar to impose the following terms, conditions or limitations on [the Registrant's] certificate of registration:
 - a) [The Registrant] 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.
 - b) [The Registrant] must, at her own expense, successfully complete, in the opinion of the Registrar, a Quality Assurance Records Course pre-approved by the Registrar.
 - c) [The Registrant] is required to notify the Registrar in writing when she returns to practice 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. This notice shall be provided to the Registrar within 48 hours of [the Registrant's] return to practice.
 - d) [The Registrant] must, at her 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, within six (6) months after she returns to practice as a dental hygienist in Ontario.
4. [The Registrant] is required to pay to the College costs in the amount of \$1000.00 within six months of the date of the Discipline Committee's order.

SUBMISSIONS OF THE PARTIES

[10] The College and the Registrant made submissions to the Panel with respect to why the JSPC was appropriate and should be accepted.

[11] Counsel for the College submitted that the proposed penalty and cost were appropriate under the circumstances and with regard to the legal principles relevant to setting an Order. Specifically, College Counsel submitted that the suspension and the completed remedial course will protect the public and serve as a deterrent for the Registrant and for other members of the College.

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[12] The Member referred to her personal health issues.

[13] The College also provided the Panel with copies of the following unreported discipline cases: *College of Dental Hygienists of Ontario v. Barnett* (2016), *College of Dental Hygienists of Ontario v. Anwar* (2016), and *College of Occupational Therapists of Ontario v. Agnelli* (2014)

THE PANEL'S ORDER

[14] After carefully considering the JSPC, the legal precedents cited, and the oral submissions made by Counsel for the College and the Registrant, the Panel accepted the joint submission and makes the following Order:

1. The Registrant is required to appear before the Panel 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 Registrar is directed to suspend the Registrant's certificate of registration:
 - a) for a period of one (1) month commencing on the date of this Order; and
 - b) until such time as the Registrant successfully completes the courses set out in paragraphs 3(a) and 3(b) below.
3. The Registrar is directed to impose the following terms, conditions or limitations on the Registrant's certificate of registration:
 - a) The Registrant 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;
 - b) The Registrant must, at her own expense, successfully complete, in the opinion of the Registrar, a Quality Assurance Records Course pre-approved by the Registrar;
 - c) The Registrant is required to notify the Registrar, in writing, when she returns to practice 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. This notice shall be provided to the Registrar within 48 hours of the Registrant's return to practice; and
 - d) The Registrant must, at her 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, within six (6) months after she returns to practice as a dental hygienist in Ontario.

4. The Registrant is required to pay to the College costs in the amount of \$1000.00, within six months of the date of this Order.

REASONS FOR DECISION ON ORDER

- [15] The Panel understands its legal obligation to accept a joint submission unless doing so would be contrary to the public interest and bring the administration of justice into dispute.
- [16] The Panel considered the terms of the proposed order and concluded that, together, they meet the needs of this case and address the legal principles relevant to setting an Order.
- [17] The Panel notes that the principles relevant to the imposition of an appropriate Order in disciplinary proceedings are well-established, and help ensure that such misconduct will not be repeated. The protection of the public is the paramount consideration. Other factors include: 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 particular Registrant; and the potential for the Registrant's rehabilitation.
- [18] The Panel weighed these principles, taking into account the specific facts and circumstances of this case, when deciding whether to accept the joint submission. The Panel also considered the aggravating and mitigating factors referred to in the JSPC and by the parties.
- [19] Specifically, the Panel considered the following mitigating factors regarding the Member's personal circumstances in this case:
- she has no prior record of professional misconduct;
 - she acknowledged her misconduct by her admissions; and
 - she was experiencing some personal health issues which were offered as an explanation but not a justification for her conduct.
- [20] Ultimately, the Panel was of the opinion that the Order appropriately addresses the principles of public protection, general deterrence and specific deterrence.
- [21] The suspension, reprimand and mandated courses should ensure that the Registrant's conduct will not be repeated, which in turn, serves to protect the public.

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- [22] By way of specific and general deterrence, the significance of the Order communicates to the Registrant and the profession that such misconduct will not be tolerated and that the Discipline Committee will seek to deter members from engaging in conduct that disregards the College's public protection mandate.
- [23] By way of remediation, the Registrant will only be able to resume the practice of dental hygiene, after her one month minimum suspension and not until after she has successfully completed both the College's online Jurisprudence Education Module, and a Quality Assurance Records Course pre-approved by the Registrar.
- [24] At the conclusion of the hearing, the Registrant waived her right of appeal and the reprimand was administered by the Panel.

I, Catherine Ranson, sign this Decision and Reasons for Decision as Chair and on behalf of the Panel members listed below.

Dated at Toronto, this 20th of January, 2017.



Catherine Ranson, Chair, Professional Member of Council

Discipline Panel Members:

Fernand Hamelin, Public Member of Council
Beatrix Kau-Lui, Public Member of Council
Betty Le, Non-Council Committee Member
Janet Munn, Professional Member of Council
[4317402.1](#)

**Name of Registrant / Nom du membre**

Alana Pallas (referred August 9, 2016 / Renvoyée le 9 août 2016)

Date of Hearing / Date de l'audience

November 24, 2016 / le 24 novembre 2016

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

Ms. Pallas, the Panel has found that you have engaged in professional misconduct in that you failed to comply with a direction of the Quality Assurance Committee and the Inquiries, Complaints and Reports Committee and, in failing to do so, engaged in disgraceful, dishonourable or unprofessional conduct.

It is a matter of profound concern to this Panel that you have engaged in these forms of professional misconduct. By doing so, you have brought discredit to the profession and to yourself. Public confidence in the profession has been put in jeopardy; moreover, the results of your misconduct are that you have let down your clients, the public, the profession of dental hygiene and yourself.

While the joint submission on penalty and costs that this Panel has imposed upon you is a fair penalty, a more significant penalty will be imposed by another discipline panel in the event that you are found to have engaged in professional misconduct again. Thank you for attending today.

Madame Pallas, le sous-comité a conclu que vous avez commis une faute professionnelle en manquant de vous conformer à une directive du comité de l'assurance de la qualité et du comité des enquêtes, des plaintes et des rapports. En ce faisant, vous vous êtes comportée d'une façon honteuse, déshonorable ou non professionnelle.

Cette façon non professionnelle de vous comporter préoccupe grandement le sous-comité. En vous comportant ainsi, vous avez jeté du discrédit sur la profession et sur vous-même. En plus de compromettre la confiance du public envers la profession, les résultats de votre inconduite font en sorte que vous avez déçu vos clients, le public, la profession d'hygiéniste dentaire et vous-même.

Tandis que la prononciation conjointe de la sanction et des coûts du sous-comité qui vous sont imposés est juste, une sanction plus sévère sera imposée par un autre sous-comité disciplinaire s'il conclut que vous vous êtes de nouveau comportée d'une façon non professionnelle. Nous vous remercions d'avoir assisté à l'audience aujourd'hui.