



Name of Registrant: - Piera Passaro

Date of Hearing: January 11, 2013

Decision and Reasons

In a hearing held on January 11, 2013, a Panel of the Discipline Committee found Ms. Piera Passaro guilty of professional misconduct in that she contravened or failed to maintain a standard of practice; falsified a record relating to her practice; signed or issued, in her professional capacity, a document that she knew or ought to have known contained a false or misleading statement; submitted an account or charge for services that she knew or ought to have known was false or misleading; acted disgracefully, dishonourably or unprofessionally, 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. Passaro's boyfriend had enrolled her as a beneficiary on his insurance benefit plan. It was agreed that Ms. Passaro submitted insurance claim forms for dental services for herself and her boyfriend, when those services were not provided. It was also agreed that the claim forms were not valid. The total amount of the claims submitted by Ms. Passaro was approximately \$3,300.00. It was further agreed that Ms. Passaro forged her then former boyfriend's signature to change his information with the insurance provider to replace his current beneficiary with herself. It was also agreed that Ms. Passaro forged her former boyfriend's signature on a letter to the insurance provider to change his address to her own.

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:

- I. That Ms. Passaro shall receive a reprimand, the fact of which shall be recorded on the public register of the College.

2. That the Registrar suspend Ms. Passaro's certificate of registration for a period of twelve (12) weeks.
3. That the Registrar suspend six (6) weeks of the suspension ordered in paragraph 2 herein if Ms. Passaro paid the fine referred to in paragraph 4 herein within thirty (30) days of the date of the Discipline Committee's Order. The suspension shall commence immediately following the order of the Discipline Committee and will continue until February 11, 2013, inclusively, and for two (2) additional weeks to commence on dates fixed by the Registrar. Ms. Passaro would be required to serve the remaining six (6) weeks of suspension only if she failed to pay the fine referred to in paragraph 4 herein within thirty (30) days of the date of the Order.
4. That Ms. Passaro pay a fine to the Minister of Finance in the amount of \$400.00 to be paid within thirty (30) days from the date of the Order.
5. That the Registrar impose a specified term, condition and limitation on Ms. Passaro's certificate of registration requiring her to successfully complete, in the opinion of the Registrar, the professional/problem-based ethics course "The ProBE Program", in February 2013 or, if the course does not proceed in February, the next available course, at her own cost.
6. That Ms. Passaro sign an undertaking that she will not engage in any billing activity at her present or future place of employment for twelve (12) months from the date of the Order.
7. That Ms. Passaro pay costs to the College in the amount of \$2,000.00 at the rate of \$166.67 per month by way of post-dated cheques for eleven (11) months plus a final payment of \$166.33 on the twelfth month, starting on the 14th day of January 2013. No interest will accrue on the outstanding amounts so long as they are paid on time. At all times, Ms. Passaro 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. Passaro committed acts of professional misconduct by fraudulently submitting insurance forms and engaging in unethical and dishonest conduct. The Panel was extremely concerned by these facts. The Panel was satisfied that Ms. Passaro had undertaken with the College to refrain from engaging in any billing activity for a period of twelve (12) months of the Order. Ms. Passaro should understand that a breach of this undertaking would constitute professional misconduct for which the College could prosecute her.

Additionally, the Registrar was directed to impose a specified term, condition and limitation on Ms. Passaro's certificate of registration requiring her to successfully complete the professional/problem-based ethics course "The ProBE Program", at her own cost. The Panel is familiar with the program, which is an intervention program addressing ethical and boundary violations. It is the Panel's expectation that the ProBE Program will serve to rehabilitate Ms. Passaro.

Ms. Passaro was ordered to pay \$2000.00 toward the College's costs of the investigation and hearing process, and to pay a fine of \$400.00 to the Ministry of Finance. The Registrant's certificate of registration would be suspended for a period of six (6) weeks, provided that she pay the fine to the Ministry of Finance within thirty (30) days of this Order. The suspension reflects the serious acts of professional misconduct committed by Ms. Passaro. She will have no income from the practice of dental hygiene during the period of suspension as well as having to pay a fine and costs. Registrants will note 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. Passaro had no prior record of professional misconduct
- There was an admission of professional misconduct by Ms. Passaro
- Ms. Passaro expressed remorse for her actions and was cooperative with the College
- Ms. Passaro has committed to reimburse the insurance company in full
- 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. Passaro'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. Passaro waived her right of appeal and the reprimand, as part of the penalty, was administered by the Panel.