DISCIPLINE COMMITTEE OF
THE COLLEGE OF DENTAL HYGIENISTS OF ONTARIO

B E T W E E N:

COLLEGE OF DENTAL HYGIENISTS OF ONTARIO

- and -

MALLORY EGAN

NOTICE OF HEARING

The Inquiries, Complaints and Reports Committee of the College of Dental Hygienists of Ontario (the "College") has referred specified allegations against Mallory Egan to the Discipline Committee of the College. The allegations were referred in accordance with paragraph 26(1)1 of the *Health Professions Procedural Code*, being Schedule 2 to the *Regulated Health Professions Act, 1991* (the "Code"). The statement of specified allegations is attached to this Notice of Hearing. A panel of the Discipline Committee (the "Panel") will hold a hearing under the authority of sections 38 to 56 of the Code for the purposes of deciding whether the allegations are true.

The hearing will be held before the Panel at **175 Bloor Street East, North Tower, Suite 601, Toronto, Ontario, on a date and time to be set by the Registrar of the College.**

IF YOU DO NOT ATTEND AT THE HEARING IN ACCORDANCE WITH THE PRECEDING PARAGRAPH, THE PANEL MAY PROCEED IN YOUR ABSENCE AND YOU WILL NOT BE ENTITLED TO ANY FURTHER NOTICE IN THE PROCEEDINGS.

SUBSECTION 51(2) OF THE CODE PROVIDES THAT if the Panel finds that you have engaged in professional misconduct, it may make one or more of the following orders:

1. Direct the Registrar to revoke your certificate of registration.

2. Direct the Registrar to suspend your certificate of registration for a specified period of time.

3. Direct the Registrar to impose specified terms, conditions and limitations on your certificate of registration for a specified or indefinite period of time.

4. Require you to appear before the panel to be reprimanded.

5. Require you to pay a fine of not more than $35,000 to the Minister of Finance.

6. If the act of professional misconduct was the sexual abuse of a patient, require you to reimburse the College for funding provided for that patient under the program required under section 85.7 of the Code.

7. If the panel makes an order under paragraph 6, require you to post security acceptable to the College to guarantee the payment of any amounts the member may be required to reimburse under the order under paragraph 6.

PURSUANT TO SECTION 53.1 OF THE CODE, in an appropriate case, if the Panel finds that you committed an act of professional misconduct or finds you to be incompetent, the Panel may make an order requiring you to pay all or part of the following costs and expenses:

1. the College's legal costs and expenses;
2. the Colleges costs and expenses incurred in investigating the matter; and
3. the College's costs and expenses incurred in conducting the hearing.

You are entitled to disclosure of the evidence against you in accordance with subsection 42(1) of the Code. You, or your representative, may contact the lawyer for the College, Erica Richler, in this matter at:

Bernard C. LeBlanc
Steinecke Maciura LeBlanc
Barristers & Solicitors
401 Bay Street
Suite 2308
Toronto, ON M5H 2Y4

Telephone: (416) 644-4780
Facsimile: (416) 593-7867

You must also make disclosure in accordance with section 42.1 of the Code, which states as follows:

> Evidence of an expert led by a person other than the College is not admissible unless the person gives the College, at least ten days before the hearing, the identity of the expert and a copy of the expert's written report or, if there is no written report, a written summary of the evidence.

Further, you must also make disclosure in accordance with Rule 7.01 of the Rules of the Discipline Committee of the College of Dental Hygienists of Ontario, which states as follows:

> 7.01(1) The parties shall make such disclosure as is required by law and may make such additional disclosure as will assist to make the pre-hearing conference and the hearing effective and fair.
>
> 7.01(2) A party to a hearing shall disclose to the other parties by ten days before the hearing, the existence of every document and thing that the party will refer to or give in evidence at the hearing.
>
> 7.01(3) Each party to a hearing shall, if requested:
>
> 7.01(3).1 make available for inspection by another party by ten days before a hearing all documents that the party will produce or enter as evidence at the hearing;
>
> 7.01(3).2 deliver to each of the other parties by ten days before the hearing copies of all documents that the party will produce or enter as exhibits at the hearing.

7.01(4) If a party fails to comply with the provisions of rule 7.01, that party may not refer to the document or thing or introduce the document or thing in evidence at the hearing without the approval of the Discipline Committee, which may be on such terms and conditions as the Discipline Committee considers just.

Date: June 20, 2019

Lisa Taylor
Registrar
College of Dental Hygienists of Ontario

TO: **Mallory Egan**

STATEMENT OF ALLEGATIONS

MALLORY EGAN

The Registrant

1. At the material times, Erica Grace ("Ms. Grace") and Mallory Egan ("Ms. Egan)" were duly registered members of the College of Dental Hygienists of Ontario (the "College").

Quality Assurance Examination

2. On or about May 26, 2017, Ms. Grace and Ms. Egan completed the College's online Quality Assurance Test (the "QA Test").

3. Prior to commencing the QA Test, Ms. Grace and Ms. Egan acknowledged as part of the "Registrant Statement of Understanding" that the QA Test must be taken individually and without help from any other person.

4. Notwithstanding this acknowledgement, Ms. Grace and Ms. Egan received assistance from and/or assisted each other, to complete the QA Test.

Professional Misconduct Alleged

5. It is alleged that the above conduct constitutes professional misconduct pursuant to:

(a) Clause 51(1)(b.0.1) of the *Health Professions Procedural Code*, being Schedule 2 to the *Regulated Health Professions Act, 1991* (the "Code") (failing to cooperate with the Quality Assurance Committee or any assessor appointed by the committee); and/or

(b) Clause 51(1)(c) of the Code and as defined in one or more of the following paragraphs of section 15 of Ontario Regulation 218/94 under the *Dental Hygiene Act, 1991*:

i. paragraph 2: contravening by act or omission, a standard of practice of the profession or failing to maintain the standard of practice of the profession; and/or

ii. paragraph 30: signing or issuing, in the member's professional capacity, a document that the member knows or ought to know contains a false or misleading statement ; and/or

iii. paragraph 42: failing to take reasonable steps to ensure that information provided by or on behalf of the member to the College is accurate

iv. paragraph 52: engaging in conduct or performing an act, relevant to the practise of the profession, that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional.

APPENDIX

1. The documents to be tendered in evidence at the hearing have been sent separately.

2. Take notice that the documents that have been and will later be disclosed to you will be tendered as business documents pursuant to the *Evidence Act* of Ontario.

3. All documents that are disclosed to you in this matter are disclosed on the basis that they are to be used solely for the purpose of this proceeding and for no other purpose.

COLLEGE OF DENTAL HYGIENISTS OF ONTARIO - and - MALLORY EGAN

DISCIPLINE COMMITTEE OF THE COLLEGE OF DENTAL HYGIENISTS OF ONTARIO

NOTICE OF HEARING

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