

**DISCIPLINE COMMITTEE OF
THE COLLEGE OF DENTAL HYGIENISTS OF ONTARIO**

BETWEEN:

COLLEGE OF DENTAL HYGIENISTS OF ONTARIO

- and -

CANDICE FERNANDES

NOTICE OF HEARING

The Inquiries, Complaints and Reports Committee of the College of Dental Hygienists of Ontario (the "College") has referred specified allegations against Candice Fernandes 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 **69 Bloor Street East, Toronto, Ontario, Suite 300 on a date and time to be set by the Registrar of the College.**

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| <p>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.</p> |
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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.
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 College's 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, Robin McKechney, in this matter at:

Robin McKechney
Steinecke Maciura LeBlanc
Barristers & Solicitors
401 Bay Street
Suite 2308
Toronto, ON M5H 2Y4

Telephone: (416) 583-2552
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.

Date:

May 2, 2018



Lisa Taylor

Registrar
College of Dental Hygienists of Ontario

TO: CANDICE FERNANDES

STATEMENT OF ALLEGATIONS

CANDICE FERNANDES

The Registrant

1. At the material times Candice Fernandes (the "Registrant") was a duly registered member of the College of Dental Hygienists of Ontario, practising at Liberty Square Dental and Bal Dental Centre.

The Client

2. Client #1 was a client of the Registrant's and attended for dental hygiene treatment with the Registrant at Liberty Square Dental on or about May 23, 2017 and at Bal Dental Centre on or about September 11, 2017.

The Concurrent Dental Hygienist-Client and Sexual Relationship

3. When the Registrant provided dental hygiene treatment to Client #1 at Liberty Square Dental on or about May 23, 2017 their relationship was platonic.
4. The Registrant and Client #1 became involved in a sexual relationship with each other commencing in or about June 2017.
5. The Registrant began employment at Bal Dental Centre in or about September 2017.
6. The Registrant provided dental hygiene treatment to Client #1 on or about September 11, 2017 at Bal Dental Centre. At that time the Registrant and Client #1 were involved in a sexual relationship.

Professional Misconduct Alleged

7. It is alleged that the above conduct constitutes professional misconduct pursuant to:
 - (a) Clause 51(1)(b.1) of the *Health Professions Procedural Code*, being Schedule 2 to the *Regulated Health Professions Act, 1991* (the "Code") (sexual abuse of a patient, more particularly, sexual intercourse or other forms of physical sexual relations between the member and the patient); 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 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; and/or
- iii. paragraph 53: conduct unbecoming a dental hygienist.

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.

DISCIPLINE COMMITTEE OF THE COLLEGE
OF DENTAL HYGIENISTS OF ONTARIO

NOTICE OF HEARING

STEINECKE MACIURA LEBLANC
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401 Bay Street, P.O. Box 23
Suite 2308
Toronto, ON M5H 2Y4

Robin McKechney, LSO# 45466G

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Counsel for the College of Dental Hygienists of Ontario