

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

BETWEEN:

COLLEGE OF DENTAL HYGIENISTS OF ONTARIO

- and -

MICHEL ASSELIN

NOTICE OF HEARING

The Inquiries, Complaints and Reports Committee of the College of Dental Hygienists of Ontario (the "College") has referred specified allegations against Michel Asselin 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 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, 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: **Michel Asselin**

STATEMENT OF ALLEGATIONS

MICHEL ASSELIN

The Registrant

1. Mr. Michel Asselin ("Mr. Asselin") was initially issued a general certificate of registration from the College of Dental Hygienists of Ontario (the "College") on or about January 1, 1996.

Quality Assurance Examination

2. At all material times, Mr. Asselin was subject to the jurisdiction of the College and his registration status was as follows:
 - a. From on or about December 18, 2015 to on or about February 16, 2016, Mr. Asselin held a general certificate of registration;
 - b. From on or about February 16, 2016 to on or about March 15, 2016, Mr. Asselin's certificate of registration was suspended as a result of a Discipline Committee order;
 - c. From on or about February 24, 2016 to on or about December 5, 2017, Mr. Asselin's certificate of registration was suspended for non-payment of fees;
 - d. From on or about December 5, 2017 to on or about February 8, 2019, Mr. Asselin was registered in the inactive class;
 - e. From on or about February 8, 2019 to on or about March 20, 2019, Mr. Asselin's certificate of registration was suspended for non-payment of fees;
 - f. Mr. Asselin's certificate of registration was revoked on March 20, 2019 as a result of a Discipline Committee order.

Failing to Provide Accurate Information to the College

3. 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. co-operating with peer and practice assessments when selected to do so.
4. 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*.
5. On or about January 22, 2016, the College notified Mr. Asselin by letter that he had been randomly selected to submit his Quality Assurance records to the Quality Assurance Committee for audit. Mr. Asselin was given the option of submitting:
 - a. His Learning Portfolio and Practice Profile, including his learning goals and activities for 2014, 2015 and 2016; or
 - b. A certificate from the National Dental Hygiene Certification Board ("NDHCB") showing that he had completed the QA written assessment and his 2016 Practice Profile; or
 - c. A certificate from NDHCB showing that he had completed the QA written assessment and a report of an assessor describing the findings of an Onsite Review.
6. Mr. Asselin was required to submit the above records to the Quality Assurance Committee by January 31, 2017.
7. Mr. Asselin failed to submit his Quality Assurance records to the Quality Assurance Committee on or before January 31, 2017 as required.
8. On or about December 15, 2017, the College sent Mr. Asselin a letter acknowledging that he had recently reinstated his certificate of registration with the College and requesting that he submit his Quality Assurance records by January 31, 2018.
9. On or about February 1, 2018, the College sent Mr. Asselin a letter to notify him that his Quality Assurance records had not been received as required. Mr. Asselin was given an extension to February 20, 2018 to submit his Quality Assurance records. Mr. Asselin was advised in the letter that if he did not submit his records by the new February 20, 2018 deadline, he would be required to complete the NDHCB written assessment and participate in an onsite practice review.
10. Mr. Asselin did not submit his Quality Assurance records by the new February 20, 2018 deadline as required.
11. Mr. Asselin requested an extension to submit his Quality Assurance records, and on or about March 5, 2018, the College provided Mr. Asselin with an extension until April 3, 2018. Mr. Asselin did not submit his Quality Assurance records as required and again

requested an extension. On or about April 23, 2018, the College denied Mr. Asselin's request for an extension and set a new deadline of May 7, 2018.

12. Because Mr. Asselin did not submit his Quality Assurance records as requested, on or about May 9, 2018, the Quality Assurance Committee directed Mr. Asselin to successfully complete the NDHCB written assessment and to make arrangements to complete an onsite practice review or evaluation by June 11, 2018. Mr. Asselin was notified of this direction by letter.
13. On or about June 13, 2018, the College wrote to Mr. Asselin to remind Mr. Asselin of his obligations to complete the written assessment and onsite practice review. Mr. Asselin was given an extension to June 27, 2018 to complete the written assessment and to make arrangements to complete an onsite practice review or evaluation.
14. Mr. Asselin did not complete the written assessment or make arrangements to complete an onsite practice review or evaluation by June 27, 2018 as required.
15. The College sent all of its correspondence to Mr. Asselin at the mailing address and/or email address that Mr. Asselin had provided to the College.
16. To date, Mr. Asselin has failed to complete the NDHCB written assessment and the onsite practice review or evaluation as required by the Quality Assurance Committee.
17. It is alleged that the above conduct constitutes professional 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/or
 - 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/or
 - 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/or
 - d. paragraph 52 of section 15 of Ontario Regulation 218/94 under the Dental Hygiene Act, 1991 (disgraceful, dishonourable or unprofessional conduct); and/or
 - e. paragraph 53 of section 15 of Ontario Regulation 218/94 under the Dental Hygiene Act, 1991 (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

Barristers & Solicitors
401 Bay Street
Suite 2308
Toronto, ON M5H 2Y4

Bernard LeBlanc, LSO No.: 32329L

Telephone: (416) 644-4780
Facsimile: (416) 593-7867
Email: bleblanc@sml-law.com

Lawyers for the College of Dental
Hygienists of Ontario

