

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

PANEL: **Terri Strawn, Chair, Professional, Council Member**
 Kathleen Feres Patry, Professional, Council Member
 Gillian Dunn, Professional, Non-Council Member
 Chris Bonnett, Public Member of Council
 Yvonne Winkle, Public Member of Council

BETWEEN:

College of Dental Hygienists of Ontario

) **Anastasia-Maria Hountalas, for)**
) **the College of Dental Hygienists)**
) **of Ontario**

- and -

Camille Aarons (Registration # : 007935)

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) **Andrew McKenna, for**
) **Ms. Aarons**
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) **Elyse Sunshine, Independent**
) **Legal Counsel**
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)
) **Heard: August 30, 2019**

DECISION AND REASONS FOR DECISION

A panel of the Discipline Committee of the College of Dental Hygienists of Ontario ("the Panel") heard this matter in Toronto on August 30, 2019.

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 of Dental Hygienists of Ontario ("the College") and Ms. Camille Aarons (the "Registrant").

At the conclusion of the hearing, the Panel delivered its finding and penalty order orally, with written reasons to follow.

The Allegations

It was alleged in the Notice of Hearing, dated June 20, 2019 (the "Notice of Hearing"), that the Registrant engaged in professional misconduct pursuant to the following paragraphs of section 15 of Ontario Regulation 218/94 under the *Dental Hygiene Act, 1991* ("Dental Hygiene Act"):

- (a) 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;
- (b) Paragraph 28: falsifying a record relating to the member's practice;
- (c) 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;
- (d) Paragraph 38: Receiving any form of benefit from the practice of dental hygiene while under suspension;
- (e) Paragraph 42: Failing to take reasonable steps to ensure that information provided by or on behalf of the member to the College is accurate;
- (f) Paragraph 47: contravening by act or omission, the Act, the *Regulated Health Professions Act, 1991*, or the regulations under either of those Acts, more particularly section 9 of the Act (no one other than a member shall use the title dental hygienist) in conjunction with section 13(2) of the Code (a suspended member is not a member); and
- (g) Paragraph 52: engaging in conduct or performing an act relevant to the practice of the profession that, having regard to all the circumstances would reasonably be regarded by members as disgraceful, dishonourable or unprofessional.

At the outset of the hearing, counsel for the College advised the Panel that the College sought to withdraw the allegation of falsifying a record relating to the member's practice (paragraph 28 of section 15 of Ontario Regulation 218/94 under the Act). The Registrant advised the Panel that she consented to the College's request to withdraw this particular allegation.

The Panel made an order at the hearing, orally, that the allegation with respect to paragraph 28 (falsifying a record) be withdrawn.

The Notice of Hearing was filed as Exhibit #1.

Agreed Statement of Facts

The parties advised the Panel that the evidence would be provided by way of an Agreed Statement of Facts, which was filed as Exhibit #2 and provided the following:

The Registrant

1. Ms. Aarons was at the material times a duly registered dental hygienist in Ontario, holding a Certificate of Registration in the General class from the College.

Practising While Suspended

2. Ms. Aarons' Certificate of Registration was suspended for non-payment of registration fees from February 23, 2018 to May 11, 2018.
3. Ms. Aarons' Certificate of Registration was suspended by the Discipline Committee of the College on July 27, 2018, for a period of two months to continue until certain terms, conditions or limitations on her Certificate of Registration were completed.
4. Notwithstanding that Ms. Aarons' Certificate of Registration was suspended, she practised as a dental hygienist between the following dates at the following locations:
 - (a) Danforth Neighbourhood Dental Centre between on or about February 23, 2018 to on or about May 9, 2018;
 - (b) King Ritson Dental Centre between on or about July 27, 2018 and August 31, 2018; and
 - (c) Archer Dental between on or about July 31, 2018 and August 31, 2018.

Failing to Provide Accurate Information to the College

5. On or about April 23, 2018, Ms. Aarons submitted an application for reinstatement to the College. As part of this application she certified that she had not practised during the course of her suspension for non-payment of fees.
6. Notwithstanding that Ms. Aarons certified that that she had not practised during the period of time that she was suspended, Ms. Aarons practised as a dental hygienist at the Danforth Neighbourhood Dental Centre between on or about February 23, 2018 and on or about May 9, 2018.
7. Ms. Aarons also failed to update the College as to her place of employment. Particularly, Ms. Aarons failed to update the College that she was practising as a dental hygienist at Danforth Neighbourhood Dental Centre, King Ritson Dental Centre and Archer Dental.

Admissions of Professional Misconduct

8. Ms. Aarons admits that this conduct constitutes professional misconduct pursuant to section 51(1)(c) of the *Health Professions Procedural Code*, being Schedule 2 to the *Regulated Health Professions Act, 1991* (the "Code"), as defined in the following paragraphs of section 15 of Ontario Regulation 218/94 under the Act:
- (a) 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;
 - (b) 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;
 - (c) Paragraph 38: Receiving any form of benefit from the practice of dental hygiene while under suspension;
 - (d) Paragraph 42: Failing to take reasonable steps to ensure that information provided by or on behalf of the member to the College is accurate;
 - (e) Paragraph 47: contravening by act or omission, the Act, the *Regulated Health Professions Act, 1991*, or the regulations under either of those Acts, more particularly section 9 of the Act (no one other than a member shall use the title dental hygienist) in conjunction with section 13(2) of the Code (a suspended member is not a member); and
 - (f) Paragraph 52: engaging in conduct or performing an act relevant to the practice of the profession that, having regard to all the circumstances would reasonably be regarded by members as disgraceful, dishonourable or unprofessional.
9. By this document, Ms. Aarons states that:
- (a) she understands fully the nature of the allegations against her;
 - (b) 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;
 - (c) she understands that any agreement between her and the College with respect to penalty does not bind the Discipline Committee;
 - (d) she understands that the decision of the Committee and a summary of its reasons including reference to her name will be published in the College's annual report and may be reported in the College's publication Milestones and the website of the College; and
 - (e) she is executing this document voluntarily and after receiving, or having had the opportunity to receive, legal advice.

Registrant's Plea

The Registrant admitted the allegations that she engaged in professional misconduct as set out in the Agreed Statement of Facts.

Decision and Reasons on Liability

The Panel carefully considered the Agreed Statement of Facts and the Registrant's plea and the submissions made by the parties, and finds that the facts fully support a finding of professional misconduct and, in particular, finds that the Registrant committed the following acts of professional misconduct:

- (f) 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;
- (g) 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;
- (h) Paragraph 38: Receiving any form of benefit from the practice of dental hygiene while under suspension;
- (i) Paragraph 42: Failing to take reasonable steps to ensure that information provided by or on behalf of the member to the College is accurate;
- (j) Paragraph 47: contravening by act or omission, the Act, the Regulated Health Professions Act, 1991, or the regulations under either of those Acts, more particularly section 9 of the Act (no one other than a member shall use the title dental hygienist) in conjunction with section 13(2) of the Code (a suspended member is not a member); and
- (k) Paragraph 52: engaging in conduct or performing an act relevant to the practice of the profession that, having regard to all the circumstances would reasonably be regarded by members as disgraceful, dishonourable or unprofessional.

Penalty

The parties submitted 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 proposed that the Panel make the following order:

1. Ms. Aarons be 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 the text of the reprimand to appear on the public register of the College.
2. The Registrar be directed to suspend Ms. Aarons' Certificate of Registration for a period of four (4) months, commencing immediately.
3. The Registrar be directed to impose the following terms, conditions or limitations on Ms. Aarons' Certificate of Registration:

- a. Within six (6) months of the date of the Discipline Committee's order, Ms. Aarons must successfully complete, at her own expense, an essay describing the importance of the College's public protection role ensuring that College registrants maintain an ethical and safe dental hygiene practice. The paper shall be at least 2,500 words in length and cite appropriate legislation and other authorities and shall be prepared to the satisfaction of the Registrar.
 - b. Following the completion of the suspension of Ms. Aarons' Certificate of Registration, Ms. Aarons' practice shall be monitored, at her own expense, by a practice monitor approved in advance by the Registrar, for a period of one (1) year, in accordance with the following conditions:
 - i. Ms. Aarons will provide to the practice monitor a copy of the Discipline Committee's decision and reasons in this matter at least one (1) week prior to the first visit to her practice;
 - ii. The practice monitor shall attend at Ms. Aarons' practice once every three (3) months following Ms. Aarons' return to practice, for a period of no less than two (2) hours per session for the purpose of assessing Ms. Aarons' compliance with her obligations as a registered dental hygienist.
 - iii. The practice monitor will prepare a report, at Ms. Aarons' expense, to be sent to the Registrar summarizing the monitor's observations during each assessment.
 - c. Within thirty (30) days of completion of the monitoring described above, Ms. Aarons shall provide to the Registrar a written report from the practice monitor stating that Ms. Aarons has successfully completed the course of monitoring and reporting on Ms. Aarons' understanding of her obligations as a registered dental hygienist.
4. Ms. Aarons be required to pay to the College costs In the amount of \$2,000.00 within six (6) months of the completion of the suspension of her Certificate of Registration.

Submissions on Penalty

The parties made submissions to the Panel with respect to why the JSPC was appropriate and should be accepted.

Counsel for the College submitted that the proposed penalty and costs were appropriate under the circumstances and with respect to the relevant legal principles of public protection, general and specific deterrence and rehabilitation. Counsel for the College submitted that the penalty will protect the public and serve as a deterrent for the Registrant and for other members of the College. Counsel for the College advised that the mitigating factors in this matter were that the

Registrant admitted the conduct and took responsibility for her action. College counsel submitted that aggravating factors included that this was not the Registrant's first time before the Discipline Committee and that she had received a previous suspension for failing to comply with the College.

The College also provided the Panel with copies of the following discipline cases to demonstrate that the proposed penalty fell within the range of penalties awarded for similar cases:

1. College of Dental Hygienists of Ontario and Asselin (2015);
2. College of Dental Hygienists of Ontario and Clifford (2009); and
3. College of Dental Hygienists of Ontario and Barnett (2016) ONCDHO 03 (CanLii).

Counsel for the Registrant provided the Registrant's initial response to the Inquiries, Complaints and Reports Committee, Exhibit #4, and submitted that this response demonstrated the Registrant's remorse. Counsel also submitted that as a single mother, this penalty would be very onerous for the Registrant.

The Panel received and accepted the advice of Independent Legal Counsel that it is under a legal obligation to accept a jointly proposed penalty order unless it is contrary to the public interest and/or would bring the administration of justice into disrepute.

Penalty Decision

The Panel carefully considered the JSPC, the legal precedents cited, and the oral submissions made by the parties. The Panel accepted the joint submission and made the following order (the "Order"):

1. Ms. Aarons 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 the text of the reprimand to appear on the public register of the College.
2. The Registrar is directed to suspend Ms. Aarons' Certificate of Registration for a period of four (4) months, commencing immediately.
3. The Registrar is directed to impose the following terms, conditions or limitations on Ms. Aarons' Certificate of Registration:
 - a. Within six (6) months of the date of the Discipline Committee's order, Ms. Aarons must successfully complete, at her own expense, an essay describing the importance of the College's public protection role ensuring that College registrants maintain an ethical and safe dental hygiene practice. The paper shall be at least 2,500 words in length and cite appropriate legislation and other authorities and shall be prepared to the satisfaction of the Registrar.

- b. Following the completion of the suspension of Ms. Aarons' Certificate of Registration, Ms. Aarons' practice shall be monitored, at her own expense, by a practice monitor approved in advance by the Registrar, for a period of one (1) year, in accordance with the following conditions:
 - i. Ms. Aarons will provide to the practice monitor a copy of the Discipline Committee's decision and reasons in this matter at least one (1) week prior to the first visit to her practice;
 - ii. The practice monitor shall attend at Ms. Aarons' practice once every three (3) months following Ms. Aarons' return to practice, for a period of no less than two (2) hours per session for the purpose of assessing Ms. Aarons' compliance with her obligations as a registered dental hygienist.
 - iii. The practice monitor will prepare a report, at Ms. Aarons' expense, to be sent to the Registrar summarizing the monitor's observations during each assessment.
 - c. Within thirty (30) days of completion of the monitoring described above, Ms. Aarons shall provide to the Registrar a written report from the practice monitor stating that Ms. Aarons has successfully completed the course of monitoring and reporting on Ms. Aarons' understanding of her obligations as a registered dental hygienist.
4. Ms. Aarons is required to pay to the College costs in the amount of \$2,000.00 within six (6) months of the completion of the suspension of her Certificate of Registration.

Reasons for Decision on Penalty

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.

The Panel noted that it should accept a joint submission unless by doing so, it would bring the administration of justice into disrepute or is otherwise an abuse of process.

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 accepted that the JSPC was not overwhelmingly unreasonable or unconscionable.

However, the Panel had some serious concerns that the penalty was not a sufficient deterrent to the Registrant or her peers based on the fact that is the second time this Registrant was before the

Discipline Committee for similar conduct. Had this not been a joint submission, the Panel would have imposed a harsher penalty.

Although the Panel had some concerns with the proposed penalty, the Panel considered that the order addressed the principles of public protection, general deterrence and specific deterrence, which must be considered in determining the penalty on a finding of professional misconduct. The Panel was satisfied that the monitoring component would be sufficient to ensure compliance with the Order and with Ms. Aarons' professional obligations.

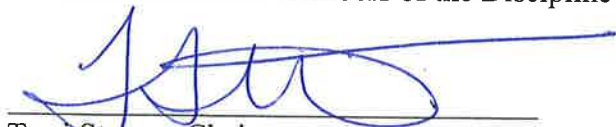
The Panel took into account that there were aggravating factors such as the repeated professional misconduct and Ms. Aarons' previous failure to comply with an order of a committee of the College and to respect the authority of the College. The seriousness of Ms. Aarons' actions was also an aggravating factor in this case. She continued to work while suspended, at three (3) different dental practices. Ms. Aarons submitted an application for re-registration indicating that she had not practiced dental hygiene while suspended, despite having practiced. Dishonest behaviour by a professional is not acceptable and is deserving of a serious sanction.

The mitigating factors were that Ms. Aarons admitted and took responsibility for her actions and she was cooperative with the College after the referral of the allegations to the Discipline Committee. In addition, Ms. Aarons apologized to the Panel and the College through her letter to the Inquiries, Complaints and Reports Committee presented at the hearing. She has provided an apology and shows remorse.

The Panel believed that the imposed penalty and costs were reasonable to help restore the reputation of the profession to the public, which is damaged when a registrant engages in acts of professional misconduct. However, should Ms. Aarons be required to appear before this Discipline Committee again, we would anticipate that a future panel will have grave concerns about her governability. The Panel also expects that the publication of this decision shall deter other members of the profession from acting in a similar manner and will expect that should another member engage in similar conduct (and particularly if such conduct has been repeated) then a harsher penalty will follow.

At the conclusion of the hearing, the Registrant waived her right of appeal and the reprimand was administered by the Panel.

I, Terri Strawn, sign this decision and reasons for the decision as Chair of this Discipline Panel and on behalf of the members of the Discipline Panel as listed below:



Terri Strawn, Chair
Chair, Discipline Panel



Date

Kathleen Feres Patry, Professional, Council Member
Gillian Dunn, Professional, Non-Council
Chris Bonnett, Public Member of Council
Yvonne Winkle, Public Member of Council