



Name of Registrant: - Sheryl Gail Baker

Date of Hearing: - August 25, 2006

Decision

In a hearing held on August 25, 2006, a Panel of the Discipline Committee found Ms. Sheryl Baker guilty of professional misconduct under paragraphs 30 (failing to reply), 42 (contravening the legislation), and 47 (unprofessional misconduct) of Section 15 of Ontario Regulation 218/94 as amended.

Under the Quality Assurance regulations, members of the College are required to comply with the requirements of the College's Quality Assurance Program. Those requirements include the following:

- (a) developing and maintaining a professional portfolio,
- (b) during every year participating in continuing quality improvement activities sufficient to indicate that the member continues to have and to apply in his or her dental hygiene practice the knowledge, skills, judgment and attitudes required to practise dental hygiene in compliance with the College's standards of practice and ethics,
- (c) accurately and completely documenting those activities in the member's professional portfolio, and
- (d) cooperating with an assessment of her professional portfolio, quality improvement activities and practice to evaluate the member's knowledge, skills, judgment and attitudes.

Those requirements are set out in ss. 19-23 of Ontario Regulation 218/94, as amended and s.82 of the *Health Professions Procedural Code*.

Ms. Baker failed to cooperate with the Quality Assurance Committee and with the College as a whole and breached her written agreement to the College. She failed to respond to its many communications. Furthermore, although Ms. Baker ultimately did submit her portfolio, she breached her written assurance to the College that she would provide her professional portfolio in a timely way, as required.

The Panel wanted to make clear that compliance with the Quality Assurance Program was a fundamental obligation of the profession. As the Committee had stated in another case, it was not just a matter of a filing requirement, nor a failure to comply or just a technical breach of the rules. The Quality Assurance Program is very important and strongly connected to safe and effective client/patient care. It is critical that Ms. Baker and all registrants recognize this connection.

The College of Dental Hygienists of Ontario's Quality Assurance Program, of which the Professional Portfolio is a component, requires the dental hygienist to:

- Reflect upon one's own performance in the provision of patient care
- Identify areas of performance that require improvement
- Develop Continuing Quality Improvement (CQI) activities

These requirements are essential to ensure that every dental hygienist maintains and improves her/his level of competence through continuous acquisition of knowledge, skills and judgment. The Panel considered that the penalty proposed and ordered would serve as a specific deterrent to Ms. Baker and as a general deterrent to other registrants of the profession.

Aggravating factors in this case included the repeated failure to cooperate with the Quality Assurance Committee, after numerous opportunities to comply that extended over a one and a half year period. Ms. Baker breached her verbal agreement with the College, suggesting a failure to comprehend the connection between continuing quality improvement activities and competent, safe and effective patient care. Furthermore, Ms. Baker did not properly appreciate

her duty to cooperate with the College which has the obligation to ensure that there is compliance with the requirements of the Quality Assurance Program.

The Panel took into consideration that (a) there was no previous finding of misconduct against Ms. Baker by the Discipline Committee; (b) that she acknowledged her misconduct by pleading guilty; and (c) that she was experiencing difficult personal and family circumstances which was offered as an explanation but not a justification for her conduct.

While the Panel sympathized with her personal problems, it was noted that the College had been very reasonable and patient in dealing with her over the period of non-compliance. However, dental hygienists like other health professionals, must abide by their obligations, even in trying personal times, if they wish to continue to practise. It is important that this message be loud and clear.

Therefore, the Panel accepted a joint submission on order as follows:

1. that Ms. Baker shall receive a reprimand, the fact of which shall be recorded on the register.
2. that Ms. Baker's certificate of registration shall be suspended for three weeks to commence on a date to be fixed by the Registrar.
3. that the Registrar shall suspend two weeks of the suspension ordered in paragraph 2 herein and Ms. Baker shall be required to serve the remaining two weeks of the three-week suspension if she fails to comply with the remainder of this Order. If any dispute shall arise between Ms. Baker and the College as to whether she is in breach of a provision of this Order, the dispute shall be referred to a Panel of the Discipline Committee for further adjudication. The parties shall have the opportunity to make full submissions to that Panel before it renders a decision. If thereafter, the Panel determines that Ms. Baker has breached a provision of this Order, then and only then shall she be required to serve the remaining two weeks of her three-week suspension, to commence on a date to be fixed by the Registrar.

4. that the Registrar shall impose the following specified terms, conditions and limitations on the certificate of registration of Ms. Baker.
 - (a) For a period of two years, commencing on the date the Discipline Panel's Order becomes final, Ms. Baker shall reply appropriately and within 30 days to a written inquiry made by the College that requests a response; and
 - (b) Ms. Baker shall successfully complete, in the opinion of the Registrar, an Ethics and Jurisprudence course acceptable to the Registrar, at Ms. Baker's own expense, within six months from the date the Discipline Panel's Order becomes final.
5. that Ms. Baker shall pay to the College the amount of \$2,400.00 in costs at the rate of \$100.00 per month, starting on the 15th day of the first month after completing the first week of her suspension. No interest will accrue on the outstanding amounts so long as they are paid on time. At all times, Ms. Baker shall be at liberty to increase the amount of her monthly payment, solely at her discretion.

Ms. Baker waived her right of appeal and the reprimand was administered by the Panel.