



**Name of Registrant:** - Emily Forbes

**Date of Hearing:** - December 18, 2007

**Decision**

In a hearing held on December 18, 2007, a Panel of the Discipline Committee of the College of Dental Hygienists of Ontario found Ms. Emily Forbes guilty of professional misconduct for contravening a condition imposed on a registrant's certificate of registration, falsifying a record and contravening the Act or regulation.

The Panel accepted a joint submission on facts and admissions which included that on or about March 17, 2006, Ms. Forbes' certificate of registration was suspended for non-payment of fees. Despite not being registered with the College, Ms. Forbes engaged in the practice of dental hygiene from in or about March 17, 2006 to in or about October 2006. On or about August 26, 2005, Ms. Forbes' membership with the Canadian Dental Hygienists Association (CDHA) was cancelled for non-payment of fees. When her membership with the CDHA was cancelled, Ms. Forbes' liability insurance was also cancelled. Ms. Forbes engaged in the practice of dental hygiene without liability insurance from on or about January 1, 2006 to in or about October 2006. On or about October 26, 2006, Ms. Forbes falsified CDHA membership documents and submitted them to the College in order to make it appear that she had liability insurance coverage.

A joint submission with respect to an appropriate penalty and costs was made and accepted, as amended, resulting in the following order:

Ms. Forbes shall receive a reprimand, the fact of which shall be recorded on the register.

- I. Ms. Forbes' certificate of registration shall be suspended for five weeks on a date set by the Registrar.

2. The Registrar shall impose a specified term, condition and limitation on the certificate of registration of Ms. Forbes requiring her to successfully complete, in the opinion of the Registrar, an Ethics and Jurisprudence course acceptable to the Registrar, at Ms. Forbes' own expense, within six months from the date the Discipline Panel's Order becomes final. A copy of the Decision and Reasons of the Discipline Panel shall be provided to the person presenting the Ethics and Jurisprudence course to Ms. Forbes.
3. The Registrar shall impose a specified term, condition and limitation on the certificate of registration of Ms. Forbes, requiring her to prepare an apology/acknowledgement of her conduct acceptable to the Registrar which will be published in the College newsletter. This apology/ acknowledgement shall be provided to the Registrar within 30 days from the date the Discipline Panel's Order becomes final.
4. The Registrar shall also impose a specified term, condition and limitation on the certificate of registration of Ms. Forbes, requiring her to provide to the Registrar of the College, at the time of annual renewal of her certificate of registration, each year for the next five years, documentary proof of her liability insurance.
5. Ms. Forbes shall pay to the College the amount of \$2500.00 in costs at the rate of \$138.88 per month for 17 months and one payment of \$139.04 for the 18<sup>th</sup> month, starting on the 15<sup>th</sup> day of the first month after completion of her suspension, to be paid in full within 18 months after the completion of her suspension. No interest will accrue on the outstanding amounts so long as they are paid on time. At all times, Ms. Forbes shall be at liberty to increase the amount of her monthly payment, solely at her discretion.

The Panel wanted to send a strong message that compliance with the regulations governing registration and renewal of registration and the need to carry professional liability insurance are fundamental requirements for the practice of dental hygiene. Further, registrants are expected to behave professionally and refrain from unprofessional conduct as outlined in the Professional Misconduct regulations.

A current certificate of registration is one of many regulations that are in place to ensure that the public receives safe and effective dental hygiene care. Ms. Forbes' failure to renew her

certificate of registration demonstrated a serious disregard for the laws that govern practice as a dental hygienist. This was further aggravated by her continuation of practise following the suspension of her certificate of registration for non-payment of fees.

The findings of the Committee were serious, involving deliberate misconduct and dishonesty. The Panel was dismayed by Ms. Forbes' failure to carry professional liability insurance while she continued to practise. This demonstrated a serious disregard for the welfare of the clients/patients under her care. Professional liability insurance is an essential element for the protection of the public as well as providing protection for the practitioner. This was further aggravated by Ms. Forbes' action of falsifying CDHA membership documents and submitting them to the College in order to make it appear that she had liability insurance coverage.

The penalty ordered serves as a deterrent to Ms. Forbes and other registrants in general that unprofessional behaviour such as contravening a condition imposed on the registrant's certificate of registration, falsifying a record and failing to have professional liability insurance, will not be tolerated.

The requirement to take an Ethics and Jurisprudence course and to provide a letter of apology/acknowledgement of her conduct, will assist Ms. Forbes in rehabilitation and to restore the reputation of the profession.

The Panel considered mitigating factors in this case in that there was an admission of misconduct by Ms. Forbes and that she showed remorse and cooperated with the College. This was Ms. Forbes' first time before a Discipline Panel. There was no prior record of misconduct. Ms. Forbes demonstrated a readiness to comply with the Order on Penalty.

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