



Name of Registrant: - Sabrina Abela

Date of Hearing: - December 18, 2007

Decision

In a hearing held on December 18, 2007, a Panel of the Discipline Committee found Ms. Sabrina Abela guilty of professional misconduct for contravening a condition imposed on her certificate of registration and failing to take reasonable steps to ensure information provided to the College was accurate.

The Discipline Panel accepted an agreed statement which included the facts that on or about March 23, 2007, Ms. Abela's general certificate of registration was suspended for non-payment of fees and subsequently reinstated. Ms. Abela did not carry professional liability insurance in 2004, 2005 or 2006, all the years in which she held a general certificate of registration with the College. In the course of renewing her registration for 2005 and 2006, Ms. Abela signed declarations certifying that she carried professional liability insurance when in fact she did not do so.

The Panel accepted a joint submission on penalty and made the following order:

1. Ms. Abela shall receive a reprimand, the fact of which shall be recorded on the register of the College.
2. The Registrar shall suspend Ms. Abela's certificate of registration for two months.
3. The Registrar shall suspend two weeks of the suspension ordered in paragraph 2 herein and Ms. Abela shall be required to serve those remaining two weeks if she fails to comply with the remainder of this Order. If any dispute should arise between Ms. Abela 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. Abela has breached a

provision of this Order, then and only then shall she be required to serve the remaining two weeks of the suspension, to commence on the date to be fixed by the Registrar.

4. Ms. Abela shall pay a fine to the Minister of Finance in the amount of \$250.00 to be paid within six months from the date the Panel's Order becomes final.
5. The Registrar shall impose a specified term, condition and limitation on the certificate of registration of Ms. Abela requiring her to successfully complete, in the opinion of the Registrar, an Ethics and Jurisprudence course acceptable to the Registrar, at her own expense, within six months from the date the Discipline Panel's Order becomes final.
6. Ms. Abela shall pay to the College the amount of \$1500.00 in costs at the rate of \$125.00 per month, starting on the 15th day of the first month after the completion of her six-week suspension, to be paid in full within 12 months after the completion of her six-week suspension. No interest will accrue on the outstanding amounts so long as they are paid on time. At all times, Ms. Abela shall be at liberty to increase the amount of her monthly payment, solely at her discretion.

The Panel wanted to make clear that compliance with the regulations governing the registration and renewal of registration and the need to carry professional liability insurance are fundamental requirements for the practice of dental hygiene.

Maintaining 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. The Panel was dismayed by Ms. Abela's continued failure to carry professional liability insurance, from 2004 through 2006. This was further aggravated by Ms. Abela's action, in the course of renewing her certificate of registration for 2005 and 2006, of certifying that she carried professional liability insurance, when in fact she did not do so, and by her continuing to practise following the suspension of her certificate of registration for non-payment of fees. This demonstrated a serious disregard for the regulations that govern the practice of dental hygiene and 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.

The integrity of the College and its ability to govern registrants must be maintained. A serious penalty was warranted in the circumstances of this case. The penalty ordered serves as a specific deterrent to Ms. Abela and a general deterrent to other registrants, that unprofessional behaviour such as contravening a condition imposed on a certificate of registration, failing to take reasonable steps to ensure information provided to the College is accurate and failing to have professional liability insurance, will not be tolerated.

The Panel expects that the Ethics and Jurisprudence course required as part of the Panel's order, will serve to assist Ms. Abela in understanding, not only the legislation that governs her dental hygiene practice, but the professional conduct expected of registrants.

In considering the appropriateness of the jointly prepared order, the Panel also considered mitigating factors, which included that there was an admission of misconduct by Ms. Abela and that this was her first time before a Discipline Panel. There was no prior record of misconduct and Ms. Abela cooperated with the College throughout this matter.

In conclusion, the Panel was satisfied that the proposed order as to penalty and costs met the needs of public protection, general and specific deterrence, and rehabilitation.

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