



Name of Registrant: - Romana Bompa-MacRae
(referred November 5, 2013)

Dates of Hearing: January 17, 2014

Decision and Reasons

In a hearing held on January 17, 2014, a Panel of the Discipline Committee found Ms. Romana Bompa-MacRae guilty of professional misconduct in that she failed to comply with the Quality Assurance Program; made false statements to College representatives; and practised while suspended for non-payment of fees.

The Panel made the following order on penalty:

1. Ms. Bompa-MacRae is required to appear before the panel to be reprimanded,
2. The Registrar is directed to suspend Ms. Bompa-MacRae's certificate of registration for twelve (12) months to begin immediately, with three (3) months of the suspension themselves suspended if Ms. Bompa-MacRae provides to the Registrar the written apology and written report (described in paragraph 3(a) and (b) below) within two (2) months of the date of the hearing,
3. The Registrar is directed to impose specified terms, conditions and limitations (to be completed at her own expense) on Ms. Bompa-MacRae's certificate of registration as follows:
 - a. Ms. Bompa-MacRae must provide, within four (4) months of the date of the hearing, a written apology satisfactory to the Registrar regarding Ms. Bompa-MacRae's conduct that led to the discipline hearing,
 - b. Ms. Bompa-MacRae must provide, within four (4) months of the date of the hearing, a written report of at least 1000 words satisfactory to the Registrar describing the role of the College in regulating the profession and of the importance of the Quality Assurance Program,

- c. Ms. Bempa-MacRae must successfully complete (and provide satisfactory proof of such completion to the Registrar) the Professional/Problem-Based Ethics (“ProBe”) course at the earliest possible opportunity but in any event no later than October 2014,
 - d. Ms. Bempa-MacRae must comply with the outstanding elements of the order of the Quality Assurance Committee (i.e., the Mentorship Program ordered for her) to the satisfaction of the Quality Assurance Committee, within six (6) months from the end of Ms. Bempa-MacRae’s suspension,
4. Ms. Bempa-MacRae is ordered to pay a fine of \$1000.00 to the Minister of Finance within twelve (12) months from the end of her suspension.

The Panel reviewed and considered the Book of Authorities submitted by counsel for the College, which cites previous penalty decisions in a number of cases before Discipline Committees for various regulatory Colleges. While the Panel recognizes that it is not bound by previous decisions, these cases do provide some guidance. In cases involving a failure to meet the standard of care and a finding of dishonest, obstructionist, or otherwise unethical behavior, a comprehensive penalty and costs order is generally imposed which can include a reprimand, recording of the reprimand on the Register, a suspension of the member's certificate of registration, costs, and a program of remediation tailored to the specific aspects of the member's care which have been found to be deficient.

The Panel considered the following to be important factors in the determination of the penalty in the circumstances of this case.

Firstly, the Panel concluded that it was appropriate to suspend Ms. Bempa-MacRae's certificate of registration for twelve (12) months to begin immediately, subject to a reduction on satisfying certain terms and conditions. The Panel felt that a period of suspension was reasonable and justified by the serious acts of professional misconduct committed by her. To provide a lesser penalty not involving a suspension would send the wrong message to Ms. Bempa-MacRae and other registrants and would not be sufficient.

Secondly, the College relies on members to follow requirements from the Quality Assurance Program. Through that Program, terms, conditions and limitations were placed upon Ms. Bompa-MacRae's certificate of registration requiring her to cease practicing dental hygiene from October 13, 2010 to March 3, 2011. Ms. Bompa-MacRae continued to practice dental hygiene while under suspension for those five (5) months. Again, on or about February 19, 2013, to on or about April 16, 2013, Ms. BompaMacRae's certificate of registration was suspended for failure to pay her College renewal fees. Once again, the Registrant continued to practice dental hygiene in that period of suspension at the same dental clinic. Again she was ignoring the terms, conditions and limitations on her certificate of registration and putting the public at potential risk because of her unlicensed practice.

Thirdly, Ms. Bompa-MacRae demonstrated that she failed to understand or ignored the College's role and that of the Quality Assurance Committee. The Panel ordered Ms. Bompa-MacRae to comply with the outstanding elements of the order of the Quality Assurance Committee (i.e. the Mentorship Program), to the satisfaction of the Quality Assurance Committee, within six (6) months from the end of Ms. Bompa-MacRae's suspension. The Panel also required that she complete the Professional/Problem-Based Ethics ("ProBe") course, as stated in the penalty order.

Fourthly, Ms. Bompa-MacRae made false statements to representatives of the College, by making the following statements: a) that her bosses were phasing out their practice; and b) that she did not have a stable clinical position and thus was unable to complete the Mentorship Program. In fact, contrary to her claims, the Member had continually worked throughout that period and benefitted financially. Ms. Bompa-MacRae's lack of integrity in making these statements in her dealings with the College is unacceptable and is reflected in the penalty order made.

Fifthly, the mandate of the College is to protect the public by regulating the practice of dental hygienists. In situations where a registrant chooses not to comply with an order of the College or one of its statutory committees, such as the Quality Assurance Committee, the College is placed in a position of not being able to fulfill its public protection mandate. The Panel finds that the actions of Ms. Bompa-MacRae demonstrated a disregard for the College's authority. The suspension ordered addresses the principle of public protection by removing Ms. Bompa-

MacRae from practice for a period of time, thereby allowing her time to reflect on her actions. It serves also both the objective of public protection and rehabilitation, requiring her to provide a satisfactory apology to the Registrar and directing that she complete the Professional/Problem-Based Ethics ("ProBe") course. The public must see that the College can regulate dental hygienists. It is intolerable that Ms. Bompma-MacRae continued to practice while under suspension.

Sixthly, the fine ordered and the strict terms, conditions, and limitation imposed on her certificate of registration send a strong message to the profession at large that such misconduct will not be tolerated.

The Panel found support in the prior discipline decisions cited, that a member cannot pick and choose which regulatory requirements or orders to follow, and a suspension is reasonable when a member chooses to disregard the governing rules and regulations of the profession. The Quality Assurance Program is one of the ways that the College protects the public and the Registrant behaved inappropriately by refusing to comply with the process.

The Panel also found support in the Committee decisions that a health professional cannot use difficult personal or economic situations as an excuse for failing to comply with professional responsibilities.

The Panels' determination of the penalty was based on the evidence, its findings, and the principles the Courts have said a Panel must consider in assessing penalty. The Panel is of the opinion that the penalty imposed appropriately addresses the principles that must be considered, which include public protection, specific deterrence to the member in a sufficient manner such that she will not repeat her misconduct, general deterrence to other members of the profession, upholding the ability of the profession to regulate itself and rehabilitation of the Registrant.

The suspension takes into consideration a number of mitigating factors. This was Ms. Bompma-MacRae's first disciplinary finding. She pleaded guilty and saved the College additional expenses in pursuing this matter in a fully contested hearing, and spared witnesses the need to testify.

The Panel considered a number of aggravating factors in this case. The seriousness of Ms. Bompa-MacRae's misconduct was an aggravating factor. She continued to work while suspended, once for about 5 months and on another occasion for about 2 months. Ms. Bompa-MacRae also failed to comply with a Quality Assurance Committee directive to take part in a Mentorship Program. Furthermore, Ms. Bompa-MacRae showed a lack of integrity in making false statements to representatives of the College and to the College investigator.

The Panel made the following order on costs:

- I. That Ms. Bompa-MacRae pay to the College costs in the amount of \$9,000.00, to be paid in full within 24 months from the date of this Order.

College resources are funded through registrants' fees. The Panel is of the opinion that it would be unreasonable to expect registrants to assume the total cost of the proceedings, but given the finding, it was reasonable and fair that Ms. Bompa-MacRae should be required to pay a portion of the expenses incurred by the College.

The amount of \$9,000.00 is fair and reasonable in all of the circumstances, including the fact that Ms. Bompa-MacRae benefitted by choosing to work while under suspension.

The Panel considered, as the basis for a lower costs order than it might have made, the fact that Ms. Bompa-Mac-Rae agreed to a statement of facts and pleaded guilty, saving the College the expenses that would have been incurred by the College if it had been required to proceed with a fully contested hearing. Furthermore, the Panel took into account Ms. Bompa-MacRae's personal financial situation in arriving at an appropriate costs order.

The Committee agreed to extend the payment period to twenty-four (24) months, to allow Ms. Bompa-MacRae to earn income after her suspension is served, before she is called upon to pay in full the amount of the costs order.