

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

**PANEL:** Nawaz Pirani, Chairperson. Public Member  
Abena Buahene, Public Member  
Franz Yagin, Professional Member

**BETWEEN:**

COLLEGE OF DENTAL TECHNOLOGISTS	)	Jordan Glick for College
OF ONTARIO	)	of Dental Technologists of Ontario
	)	
- and -	)	
	)	
KEVIN ARCILLAS	)	Self-represented
	)	
	)	
	)	Andrea Gonsalves
	)	Independent Legal Counsel
	)	
	)	Heard: February 6, 2025

**DECISION AND REASONS**

[1] This matter came on for a hearing before a panel of the Discipline Committee (the “**Panel**”) of the College of Dental Technologists of Ontario (the “**College**”) on February 6, 2025, by video conference.

[2] Although Mr. Arcillas was a member of the College when the relevant events occurred, he had resigned his membership with the College prior to the discipline hearing. Accordingly, he is referred to throughout the reasons as the “**Former Member**”.

**The Allegations**

[3] The allegations against the Former Member as set out in the Specified Allegations appended to the Notice of Hearing dated May 24, 2024, are as follows.

1. You committed an act or acts of professional misconduct as provided by subsection 51(1)(c) of the *Health Professions Procedural Code* of the *Dental Technology Act, 1991*, as amended, and subsection 1(2) of *Ontario Regulation 798/93*, as amended, in that, while engaged in the practice of dental technology as a dental technologist and/or the Registered Dental Technologist (“**RDT**”) responsible for supervising Promed Dental

Laboratory (the “**Lab**”) in North York, Ontario, from in or about September 2021 to in or about February 2023, you failed to maintain a standard of practice of the profession when you:

- a. failed to update your member profile to reflect that you were acting as the RDT responsible for supervising the Lab;
- b. failed to maintain physical control and/or responsibility of your RDT stamp;
- c. directed and/or permitted the Lab to affix your RDT stamp to invoices and/or release cases that you did not review for conformity with the prescription and/or the dental, prosthetic, restorative or orthodontic device;
- d. failed to review and stamp both the client and laboratory copy of the invoice or other document authorizing the release of cases processed at the Lab;
- e. directed and/or permitted colour matching without the presence of an RDT at the Lab;
- f. failed to meet the requirement to be present while the technical aspects of dental technology practice were being performed at the Lab;
- g. failed to maintain accurate records of the days that you worked at the Lab;
- h. failed to be personally involved in the hiring of all technical employees working under your supervision;
- i. failed to periodically evaluate staff under your supervision;
- j. failed to be responsible for the adequacy of materials used in the fabrication of dental appliances at the Lab;
- k. failed to establish and/or update written procedure manuals and/or ensure that those under your supervision were familiar with the manuals;
- l. failed to be responsible for periodic test sampling of materials, inspection of equipment, and review of procedures and their application to ensure conformity to quality standards;
- m. failed to be responsible for the general training and development of employees under your supervision; and/or,

- n. failed to supervise, oversee and/or review the design, construction, repair and/or alteration of each dental prosthetic, restorative or orthodontic device that was processed in the Lab.
2. You committed an act or acts of professional misconduct as provided by subsection 51(1)(c) of the *Health Professions Procedural Code* of the *Dental Technology Act, 1991*, as amended, in that while engaged in the practice of dental technology as the RDT responsible for supervising the Lab, from in or about September 2021 to in or about February 2023, you contravened subsection 1(21) of *Ontario Regulation 798/93*, as amended, by failing to keep records as required.
  3. You committed an act or acts of professional misconduct as provided by subsection 51(1)(c) of the *Health Professions Procedural Code* of the *Dental Technology Act, 1991*, as amended, in that while engaged in the practice of dental technology as the RDT responsible for supervising the Lab, from in or about September 2021 to in or about February 2023, you contravened subsection 1(24) of *Ontario Regulation 798/93*, as amended by signing or issuing, in your professional capacity, a document that you knew contained a false or misleading statement when you:
    - a. directed and/or permitted the Lab to affix your RDT stamp to invoices and/or release cases that you did not review for conformity with the prescription and/or the dental, prosthetic, restorative or orthodontic device; and/or,
    - b. affixed your RDT stamp to invoices where you did not meet the standards of a supervising RDT with respect to the processes, materials, and/or charges for the cases.
  4. You committed an act or acts of professional misconduct as provided by subsection 51(1)(c) of the *Health Professions Procedural Code* of the *Dental Technology Act, 1991*, as amended, in that while engaged in the practice of dental technology as the RDT responsible for supervising the Lab, from in or about September 2021 to in or about February 2023, you contravened subsection 1(24) of *Ontario Regulation 798/93*, as amended by signing or issuing, in your professional capacity, a document that you knew contained a false or misleading statement when you:
    - a. directed and/or permitted the Lab to affix your RDT stamp to invoices and/or release cases that you did not review for conformity with the prescription and/or the dental, prosthetic, restorative or orthodontic device; and/or,
    - b. affixed your RDT stamp to invoices where you did not meet the standards of a supervising RDT with respect to the processes, materials, and/or charges for the cases.

5. You committed an act or acts of professional misconduct as provided by subsection 51(1)(c) of the *Health Professions Procedural Code* of the *Dental Technology Act, 1991*, as amended, in that while engaged in the practice of dental technology as the RDT responsible for supervising the Lab, from in or about September 2021 to in or about February 2023, you contravened subsection 1(34) of *Ontario Regulation 798/93*, as amended by engaging in conduct or performing an act, in the course of practicing the profession that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional when you:
- a. failed to update your member profile to reflect that you were acting as the RDT responsible for supervising the Lab;
  - b. failed to maintain physical control and/or responsibility of your RDT stamp;
  - c. directed and/or permitted the Lab to affix your RDT stamp to invoices and/or release cases that you did not review for conformity with the prescription and/or the dental, prosthetic, restorative or orthodontic device;
  - d. failed to review and stamp both the client and laboratory copy of the invoice or other document authorizing the release of cases processed at the Lab;
  - e. directed and/or permitted colour matching without the presence of an RDT at the Lab;
  - f. failed to meet the requirement to be present while the technical aspects of dental technology practice were being performed at the Lab;
  - g. failed to maintain accurate records of the days that you worked at the Lab;
  - h. failed to be personally involved in the hiring of all technical employees working under your supervision;
  - i. failed to periodically evaluate staff under your supervision;
  - j. failed to be responsible for the adequacy of materials used in the fabrication of dental appliances at the Lab;
  - k. failed to establish and/or update written procedure manuals and/or ensure that those under your supervision were familiar with the manuals;

- l. failed to be responsible for periodic test sampling of materials, inspection of equipment, and review of procedures and their application to ensure conformity to quality standards;
- m. failed to be responsible for the general training and development of employees under your supervision; and/or,
- n. failed to supervise, oversee and/or review the design, construction, repair and/or alteration of each dental prosthetic, restorative or orthodontic device that was processed in the Lab.

### **Former Member's Plea**

[4] The Former Member admitted to each of the allegations specified in the Notice of Hearing. The Panel conducted an oral plea inquiry and was satisfied that the Former Member's admissions were voluntary, informed and unequivocal.

### **Agreed Statement of Facts**

[5] Counsel for the College advised the Panel that the parties had reached an agreement on the facts. An Agreed Statement of Facts was presented to the Panel, the relevant portions of which are as follows.

#### **The Former Member**

1. At all times relevant, Mr. Kevin Arcillas (the **"Former Member"**) was a registered member of the College.
2. The Former Member resigned his membership with the College on September 4, 2024.

#### **The Investigation**

3. In October of 2022, the College initiated an undercover investigation into a dental lab (the **"Lab"**) that was believed to be operating but did not have a Registered Dental Technologist (**"RDT"**) registered with the College as responsible for its supervision (**"Supervising RDT"**) since September 2021.
4. When the investigator attended at the Lab, the Former Member's Certificate of Registration from the College was framed on the wall.
5. The Former Member acknowledges that he had been retained as the Supervising RDT at the Lab as of September 2021. However, he had not updated his profile with the College to reflect that he was responsible for supervising the Lab.

6. The investigation uncovered, and the Former Member acknowledges, that:
- A. Within the period from September 2021 to mid-December 2022 (the “**Relevant Time**”), as the Supervising RDT at the Lab, he was responsible for meeting the standards of practice as they relate to supervising a lab;
  - B. He did not maintain physical control of his RDT stamp. The Former Member had two RDT stamps (one for the year 2021 and one for the year 2022) that were each kept at the front desk of the Lab. The Lab’s owner and employees had access to the RDT stamps when the Former Member was not at the Lab;
  - C. He attended the Lab periodically throughout the Relevant Period to review dental devices that were fabricated at the Lab. He did not have set hours. If he were to testify, he would indicate that he attended a few times each week, typically after hours when the Lab was closed and there was no one present. When he attended, he would review the dental devices that were completed for conformity with the prescription. However, as indicated in greater detail in paragraph 6(F) below, his review did not meet the standards of a Supervising RDT;
  - D. He did not maintain records of hours for when he attended the Lab;
  - E. On numerous occasions, he did not review and stamp both the client and laboratory copy of the invoice or any other document authorizing the release of cases processed at the Lab;
  - F. As he was not present at the Lab while dental devices were fabricated, he did not:
    - a. Oversee colour matching at the Lab. As there was no other RDT at the Lab, the colour matching was performed without the presence of an RDT at the Lab;
    - b. Involve himself personally in the hiring of technical employees;
    - c. Evaluate staff under his supervision;
    - d. Ensure the adequacy of materials that were used in the fabrication of dental appliances at the Lab;
    - e. Establish or update written procedure manuals and ensure that workers at the Lab were familiar with the manual;

- f. Engage in periodic test sampling of materials, inspection of equipment and review Lab procedures to ensure conformity to standards of quality;
  - g. Train and develop employees;
  - h. Maintain any records, at all, regarding his work at the Lab; and
  - i. Supervise, oversee and review the design, construction, repair and alteration of any of the dental prosthetic, restorative and orthodontic devices that were processed in the Lab.
- 7. The Former Member acknowledges that he permitted the Lab to affix his RDT stamp and release cases that he did not review for conformity with the prescription.
- 8. In July of 2003, the College introduced its “Laboratory Supervision Standard” (the “**Supervision Standard**”). The Former Member acknowledges that the Supervision Standard reflects the standard of practice as it relates to laboratory supervision during the Relevant Time.

## ADMISSIONS

- 9. By virtue of the above conduct, the Former Member admits to having committed professional misconduct as provided by subsection 51(1)(c) of the *Health Profession Procedural Code* by contravening the following sections of *Ontario Regulation 798/93* of the *Dental Technology Act, 1991*:
  - A. subsection 1(2) by failing to maintain a standard of practice of the profession;
  - B. subsection 1(21) by failing to keep records as required;
  - C. subsection 1(24) by permitting the signing or issuing, in his professional capacity, of a document that he knew contained a false or misleading statement;
  - D. subsection 1(25) by submitting an account or charge for services that he knew was false or misleading;
  - E. subsection 1(34) of *Ontario Regulation 798/93*, as amended by engaging in conduct or performing an act, in the course of practicing the profession that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional.

## **Decision**

[6] The Panel found that the Former Member committed all acts of professional misconduct alleged in the Notice of Hearing.

## **Reasons for Decision**

[7] The Panel considered the Agreed Statement of Facts and the Former Member's admissions and found that the evidence supports findings of professional misconduct as alleged in the Statement of Allegations.

[8] **Failure to Maintain a Standard of Practice of the Profession** (*Ontario Regulation 798/93*, s. 1(2)). The Panel found that the Former Member failed to maintain the standards of practice expected of a supervising RDT as required by the College's Laboratory Supervision Standard (the "**Supervision Standard**"). Specifically:

- a. The Former member did not update his profile with the College to reflect that he was acting as the RDT responsible for Promed Dental Laboratory;
- b. He failed to maintain physical control of his RDT stamp, which was left at the front desk of the laboratory and accessible to non-RDT personnel;
- c. He allowed invoices to be stamped without his review, thereby failing to ensure that all technical aspects of the design, construction, and alteration of dental prosthetic, restorative, and orthodontic devices were personally supervised;
- d. He failed to be present at the laboratory during operating hours, in direct violation of section 4 of the Supervision Standard, which requires that an RDT be available to oversee all aspects of dental technology practice; and
- e. The Former Member permitted colour matching procedures to occur in the absence of an RDT, contravening section 2.2 of the Supervision Standard, which mandates the presence of an RDT during colour-matching processes.

[9] The Panel determined that these actions, taken cumulatively, demonstrate the Former Member's failure to uphold the standards of practice of the dental technology profession, thereby constituting professional misconduct as alleged in allegation 1 of the Notice of Hearing.

[10] **Failure to Keep Records as Required** (*Ontario Regulation 798/93*, s. 1(21)). The Panel found that the Former Member failed to maintain accurate records as required by the Supervision Standard. In particular:

- a. The Former Member did not maintain logs or documentation regarding the days and hours he attended the laboratory, despite the requirement that a supervising RDT maintain clear and complete records of their supervisory activities;



- b. There was no documentation verifying his direct involvement in reviewing or overseeing the fabrication of dental devices; and
- c. He failed to maintain records relating to the hiring and evaluation of technical staff, as required under section 5 of the Supervision Standard.

[11] The Panel found that this lack of documentation obstructed transparency and accountability with respect to the Former Member's practice and quality control at the laboratory, increasing the risk of harm arising from the Former Member's non-compliance with his professional and regulatory obligations.

[12] **Issuing a False or Misleading Document** (*Ontario Regulation 798/93*, s. 1(34)). The Panel determined that the Former Member knowingly permitted the issuance of false or misleading documentation in violation of his obligations as an RDT. Specifically:

- a. The Former Member permitted invoices to be stamped without personally reviewing the associated cases, contrary to the requirements of section 2.1 of the Supervision Standard, which mandates an RDT's direct involvement in every case before release;
- b. The Former Member affixed his RDT stamp to invoices without ensuring that the prosthetic, restorative, or orthodontic devices met professional and regulatory standards; and
- c. The Former Member's stamp was used while he was absent from the laboratory, creating the appearance that he had reviewed and approved cases when, in fact, he had not.

[13] **Submitting a False or Misleading Account or Charge for Services** (*Ontario Regulation 798/93*, s. 1(25)). The Panel found that the Former Member engaged in professional misconduct by submitting accounts or charges that were false or misleading, as follows:

- a. By permitting invoices to be stamped and released without his direct involvement, the Former Member misrepresented the supervision provided on each case;
- b. The invoices gave the impression that the Former Member had fulfilled his regulatory duties when he had not;
- c. The College's Supervision Standard explicitly states that only an RDT who has directly reviewed a case may authorize its release; and
- d. The failure to meet the technical standards required of an RDT meant that some clients and prescribing dentists may have been misled into believing that cases met regulatory standards when they did not.

[14] The Panel found that this conduct misrepresented the nature and extent of the Former Member's oversight, thereby compromising the integrity of patient care and the public's trust in the profession.

[15] **Engaging in Conduct that is Disgraceful, Dishonourable, or Unprofessional** (*Ontario Regulation 798/93*, s. 1(34)). The Panel found that the Former Member engaged in conduct that would reasonably be regarded by members of the profession as disgraceful, dishonourable or unprofessional. The nature of his actions, the sustained period over which they occurred, and the serious impact of the Former Member's conduct on the integrity of the profession represent a fundamental disregard of his professional responsibilities. The Panel noted the following:

- a. The Former Member abdicated his supervisory role by failing to ensure that all dental prosthetic, restorative, and orthodontic devices processed in the laboratory met professional and regulatory standards;
- b. He permitted the unauthorized use of his RDT stamp, which resulted in invoices and case documentation that misrepresented his involvement;
- c. He failed to be physically present at the laboratory during its operating hours, despite regulatory requirements mandating that an RDT be available to oversee all aspects of dental technology practice;
- d. He allowed critical technical aspects of fabrication, including colour matching, to be performed without the presence of an RDT, contrary to the Supervision Standard; and
- e. His failure to maintain records and lack of oversight over materials, employee training, and laboratory procedures resulted in a serious compromise of patient safety and professional accountability.

[16] In reaching its conclusion, the Panel applied the established definitions of these terms, as set out in prior decisions, which can be summarised as follows:

- a. Disgraceful conduct shames the member and, by extension, the profession. It must be so egregious that it casts serious doubt on the member's moral fitness and ability to meet the obligations expected of a regulated professional;
- b. Dishonourable conduct, while not necessarily as severe as disgraceful conduct, involves dishonesty, deceit, or an element of moral failing. The more knowledge the member had—or ought to have had—about the wrongfulness of their actions, the more likely the conduct is to be considered dishonourable; and
- c. Unprofessional conduct does not require dishonesty or moral failing but involves a serious and persistent disregard for professional obligations. It is not simply a matter of poor judgment but a fundamental failure to meet the expectations of a regulated professional.

[17] By knowingly allowing his RDT stamp to be used without supervision and failing to take any meaningful steps to correct the situation, the Former Member demonstrated a reckless disregard for his professional obligations and the trust placed in him by the College, the public, and other health professionals. His inaction allowed non-RDT personnel to exercise professional authority that they did not have, thereby undermining public safety and the credibility of the

regulatory system. In failing to control laboratory processes, despite being the named supervising RDT, he abandoned his fundamental professional duties.

[18] The Former Member ought to have known that allowing his RDT stamp to be used by others—without verifying the accuracy or compliance of the cases—was a serious breach of professional ethics.

[19] The Panel emphasizes that public trust in the regulation of dental technology is paramount. Members of the profession must uphold the highest standards of integrity and accountability. The Former Member's failure to do so over an extended period created a significant risk to the public and undermined public confidence in the profession. Accordingly, the Panel finds that he engaged in conduct that is appropriately described as disgraceful, dishonourable or unprofessional.

### **Penalty Submissions**

[20] Counsel for the College advised the Panel that the parties had arrived at a Joint Submission on Order. The Joint Submission was presented to the Panel and requested that the Panel make an order as follows:

1. Directing the Former Member to appear before the panel to be reprimanded and the fact of the reprimand to be recorded on the Public Register of the College.
2. Directing the Registrar to suspend the Former Member's certificate of registration for a period of nine (9) months. The suspension shall commence on the date on which the Former Member is issued a certificate of registration with the College.
3. Directing the Registrar to impose a term, condition and limitation on the Former Member's certificate of registration, at such point in time when a certificate of registration is issued:
  - a) Requiring the Former Member to receive supervision of his practice for a period of two (2) years on the following terms:
    - i. the supervision period of two (2) years will begin once the suspension identified in paragraph 2 above is completed;
    - ii. the supervisor shall be appointed by the Registrar and shall be a professional member of the College;
    - iii. the supervisor shall visit with the member on four (4) occasions at the Former Member's site(s) of practice. The first two site visits shall be announced while the latter two visits shall be unannounced;

- iv. the supervisor shall determine the length of each visit;
  - v. in conducting site visits, the supervisor shall review the Former Member's documentation relating to supervision including, but not limited to, supervisory logs and invoices to ensure compliance with the College's supervision standard;
  - vi. the supervisor shall prepare a report to the Registrar for every site visit that will be provided directly to the Registrar<sup>1</sup>; and,
  - vii. the Former Member shall pay the costs of the supervision and report (to a maximum of \$500 per site visit and report) and shall fully reimburse the College for these costs within twenty (20) days of receiving an invoice from the College for the supervision.
- b) Directing the Former Member to draft an essay of no less than 500 words explaining the requirements, expectations and obligations of a member under the Supervision Standard and to submit the essay to the Registrar within 3 months of receiving a certificate of registration with the College.<sup>2</sup>
4. Directing the Former Member to pay the College's costs fixed in the amount of \$5,000 to be paid by certified cheque according to the following schedule and provided that this Joint Submission as to Penalty is accepted in its entirety:
- i. \$2,500 to be paid by certified cheque or equivalent on the day of the oral hearing;
  - ii. \$1,000 to be paid within 90 days thereafter;
  - iii. \$750 to be paid within 90 days thereafter; and
  - iv. \$750 to be paid within 90 days thereafter.

In the event that the Former Member does not pay any of the amounts indicated in paragraphs 4(i)-(iv) above within the timeframe indicate, the

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<sup>1</sup> For clarity, in the event that the supervisor's reports suggest that the Former Member is continuing to engage in professional misconduct, the reports may be relied upon by the Registrar in considering whether to appoint an investigator pursuant to section 75(1)(a) of the *RHPA Procedural Code*.

<sup>2</sup> The essay obligation must be fulfilled in a professional manner. If the essay is not completed in a professional manner to the satisfaction of the Registrar, the Registrar may, at her discretion, provide a further opportunity for the Former Member to complete the essay before a suspension is imposed.

payment of the entire \$5,000, or whatever balance remains outstanding, becomes immediately due and enforceable.

[21] The Joint Submission also reflected the Former Member's understanding that pursuant to section 56 of the *Health Professions Procedural Code*, the Panel's decision and reasons, or a summary thereof, will be published in the College's annual report and may be published in any other publication of the College with the Former Member's name.

[22] In support of the Joint Submission, College counsel argued that it would meet all the objectives of penalty and would not be contrary to the public interest.

[23] College counsel argued that the primary function of a penalty is public protection, which ensures that only competent, ethical, and accountable professionals are permitted to practice. Regulatory action is necessary to safeguard patient safety, maintain professional integrity, and uphold public confidence in the profession. A penalty must remove or restrict individuals who fail to meet professional standards, preventing harm to the public and ensuring that regulatory expectations are enforced consistently. Additionally, the principle of proportionality requires that a penalty be appropriate to the nature and severity of the misconduct, ensuring that it is neither excessive nor unduly lenient but instead reflects the seriousness of the regulatory breaches.

[24] A penalty must also achieve general deterrence by sending a clear message to the broader profession that misconduct of this nature will not be tolerated. It reinforces the expectation that all regulated professionals must comply with professional obligations, demonstrating that violations of ethical and supervisory responsibilities will result in significant disciplinary consequences.

[25] In addition to deterring the profession, the penalty must also achieve specific deterrence, meaning it must deter the individual member from engaging in similar misconduct in the future. This is accomplished through direct consequences such as a suspension, financial penalties, and conditions on practice, all of which serve to ensure that the registrant fully understands the gravity of their actions and the consequences of future non-compliance.

[26] Finally, where appropriate, penalties should also allow for rehabilitation and remediation, ensuring that members have an opportunity to correct their behavior and demonstrate future compliance with professional standards. By incorporating elements such as mandatory supervision, educational requirements, and structured monitoring, a penalty can facilitate both accountability and the potential for professional reintegration while ensuring ongoing public safety and regulatory oversight. The principle of proportionality ensures that rehabilitative measures are reasonable and achievable, providing a fair balance between correcting the misconduct and allowing for future compliance with regulatory expectations.

[27] College counsel submitted that the Joint Submission as to Order achieves each of these goals and is an appropriate response to the Former Member's serious failures in supervision, record-keeping, and regulatory compliance.

[28] With respect to public protection, the nine-month suspension ensures that the Former Member is removed from practice for a significant period, preventing him from repeating his

misconduct in the short term. The two-year supervision requirement ensures that if he seeks reinstatement, he will be closely monitored, reducing the likelihood of future breaches. The educational requirement (500-word essay on the Supervision Standard) ensures that the Former Member fully understands his responsibilities as an RDT before he resumes practice. The publication of the decision reinforces transparency and maintains public confidence in the College's regulatory role.

[29] College counsel argued that the suspension and supervision period, combined with mandatory publication of the Panel's order and the public reprimand, sends a strong message to the profession that misconduct of this nature will result in serious regulatory consequences.

[30] The nine-month suspension and supervision at the Former Member's expense also serve as a strong deterrent to the Former Member against similar future conduct.

[31] College counsel identified several mitigating and aggravating factors for the Panel to consider. Regarding aggravating factors, the Former Member's failure to properly supervise the laboratory and control the use of his RDT stamp constituted a serious breach of public trust, as it placed the integrity of patient care and public safety at risk. By allowing his professional stamp to be used without oversight, he compromised regulatory accountability and failed to uphold the fundamental responsibilities of a supervising RDT. The complete absence of supervisory documentation meant that there was no verifiable record of his involvement in reviewing cases, overseeing staff, or ensuring compliance with professional standards. This lack of documentation undermined transparency and accountability, making it impossible to verify whether regulatory requirements were met. Additionally, the Former Member's misconduct was not an isolated incident but occurred over a prolonged period, spanning from September 2021 to February 2023, reflecting a pattern of negligence and systemic disregard for regulatory obligations, rather than a momentary lapse in judgment. This extended period of non-compliance exacerbates the severity of the misconduct, as it indicates that the Former Member failed to take corrective action despite having ample time to do so.

[32] In terms of mitigating factors, the Former Member cooperated fully with the College's investigation and did not attempt to conceal or minimize his actions. His willingness to engage with the inquiry and provide the necessary information without resistance demonstrates accountability and a recognition of the seriousness of the regulatory process. By admitting to the allegations of professional misconduct, the Former Member eliminated the need for a prolonged and adversarial discipline hearing. His admission of wrongdoing allowed for an efficient resolution of the matter and reflected a genuine acknowledgment of his regulatory breaches.

[33] College counsel referenced two previous discipline cases that involved findings of misconduct similar to the findings here. In *College of Dental Technologists of Ontario v Damir-Slavko Hanzek*, the member failed to maintain control of his RDT stamp, did not properly supervise a dental laboratory, and failed to document his involvement in the lab's operations. The penalty imposed included a suspension, mandatory supervision, and an educational requirement. *College of Dental Technologists of Ontario v. Kristopher Grunwald* involved an RDT who was absent from the laboratory for extended periods, failed to properly document his work, and permitted unauthorized use of his professional stamp. The member received a suspension and conditions on his practice.

[34] College counsel argued that the Joint Submission in the present case falls within the accepted range of disciplinary outcomes for similar professional misconduct.

### **Penalty Decision**

[35] The Panel accepted the Joint Submission and made the following order:

1. The Former Member is directed to appear before the panel to be reprimanded and the fact of the reprimand shall be recorded on the Public Register of the College.
2. The Registrar is directed to suspend the Former Member's certificate of registration for a period of nine (9) months. The suspension shall commence on the date on which the Former Member is issued a certificate of registration with the College.
3. The Registrar is directed to impose a term, condition and limitation on the Former Member's certificate of registration, at such point in time when a certificate of registration is issued:
  - a) Requiring the Former Member to receive supervision of his practice for a period of two (2) years on the following terms:
    - i. the supervision period of two (2) years will begin once the suspension identified in paragraph 2 above is completed;
    - ii. the supervisor shall be appointed by the Registrar and shall be a professional member of the College;
    - iii. the supervisor shall visit with the member on four (4) occasions at the Former Member's site(s) of practice. The first two site visits shall be announced while the latter two visits shall be unannounced;
    - iv. the supervisor shall determine the length of each visit;
    - v. in conducting site visits, the supervisor shall review the Former Member's documentation relating to supervision including, but not limited to, supervisory logs and invoices to ensure compliance with the College's Supervision Standard;
    - vi. the supervisor shall prepare a report to the Registrar for every site visit that will be provided directly to the Registrar<sup>3</sup>; and,

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<sup>3</sup> For clarity, in the event that the supervisor's reports suggest that the Former Member is continuing to engage in professional misconduct, the reports may be relied upon by the Registrar in considering whether to appoint an investigator pursuant to section 75(1)(a) of the *RHPA Procedural Code*.

- vii. the Former Member shall pay the costs of the supervision and report (to a maximum of \$500 per site visit and report) and shall fully reimburse the College for these costs within twenty (20) days of receiving an invoice from the College for the supervision.
  - b) Directing the Former Member to draft an essay of no less than 500 words explaining the requirements, expectations and obligations of a member under the Supervision Standard and to submit the essay to the Registrar within 3 months of receiving a certificate of registration with the College.<sup>4</sup>
4. The Member is directed to pay the College's costs fixed in the amount of \$5,000 to be paid by certified cheque according to the following schedule and provided that this Joint Submission as to Penalty is accepted in its entirety:
- i. \$2,500 to be paid by certified cheque or equivalent on the day of the oral hearing;
  - ii. \$1,000 to be paid within 90 days thereafter;
  - iii. \$750 to be paid within 90 days thereafter; and
  - iv. \$750 to be paid within 90 days thereafter.

In the event that the Former Member does not pay any of the amounts indicated in paragraphs 4(i)-(iv) above within the timeframe indicate, the payment of the entire \$5,000, or whatever balance remains outstanding, becomes immediately due and enforceable.

### **Reasons for Penalty Decision**

[36] The Panel understands that the penalty ordered should protect the public and enhance public confidence in the ability of the College to regulate dental technologists. This is achieved through a penalty that addresses specific deterrence, general deterrence and, where appropriate, rehabilitation and remediation. The Panel also considered the penalty considering the principle that joint submissions should be respected unless they fall so far outside the range of an appropriate sanction that they would bring the administration of justice at the College into disrepute or are otherwise contrary to the public interest.

[37] The Panel accepts the Joint Submission as to Order, finding that it appropriately addresses the principles of professional discipline, including public protection, deterrence, and remediation. The penalty promotes public protection by removing the Former Member from

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<sup>4</sup> The essay obligation must be fulfilled in a professional manner. If the essay is not completed in a professional manner to the satisfaction of the Registrar, the Registrar may, at her discretion, provide a further opportunity for the Former Member to complete the essay before a suspension is imposed.



practice for a significant period and imposing strict conditions that will take effect if he seeks reinstatement of his certificate of registration. The nine-month suspension prevents further misconduct in the immediate term, while the two-year supervision requirement ensures that, upon any return to practice, the Former Member is subject to ongoing oversight. The educational requirement, which mandates that he submit a 500-word essay on the Supervision Standard, provides an opportunity for reflection and remediation before he resumes his professional responsibilities.

[38] The penalty also achieves the objective of general deterrence by sending a clear message to the profession that failures in supervision, record-keeping, and regulatory compliance will not be tolerated. The reprimand, suspension and supervision conditions reinforce the importance of upholding professional standards. The Panel is satisfied that these measures will deter both the Former Member and other registrants from engaging in similar misconduct in the future.

[39] At the same time, the penalty allows for rehabilitation and remediation, recognizing that professionals can learn from their mistakes while ensuring that safeguards are in place. The requirement for supervised practice upon reinstatement provides a structured opportunity for the Former Member to demonstrate compliance with regulatory expectations. The essay requirement further reinforces his understanding of professional responsibilities. These elements balance accountability with an opportunity for professional reformation, ensuring that should he seek to re-enter the profession, he does so in a responsible and compliant manner.

[40] In reaching this decision, the Panel considered the relevant aggravating and mitigating factors. The prolonged period of non-compliance, the failure to supervise the laboratory, and the misuse of the RDT stamp were significant aggravating factors, as they compromised public trust and patient safety. However, the Panel also considered the Former Member's cooperation with the investigation and his full admission of misconduct. The Panel accepts that his acknowledgment of wrongdoing and willingness to enter into the Joint Submission support the conclusion that the penalty imposed in this case is reasonable and proportionate.

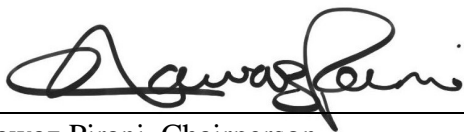
[41] Finally, the Panel considered prior discipline cases, including *CDTO v. Hanzek* and *CDTO v. Grunwald*, in which members were found to have engaged in similar misconduct and received comparable penalties. The consistency of the proposed order with these past decisions reinforces fairness and predictability in the College's disciplinary process. Given that the Joint Submission achieves the necessary objectives of professional regulation, balances public protection with appropriate rehabilitation measures, and aligns with established precedent, the Panel found no reason to depart from it and therefore accepted the Joint Submission on Order.

[42] The Panel was advised that the parties had agreed to an order that the Former Member pay costs to the College in the amount of \$5,000.00 following the payment schedule set out in the Penalty Decision above. The Panel was satisfied that the costs amount agreed to is fair and reasonable in the circumstances of this case and in alignment with costs awarded in similar cases by this Discipline Committee. The Panel saw no reason to depart from the parties' agreement on the issue of costs.

**Reprimand**

[43] At the conclusion of the hearing, the Former Member indicated that he was prepared to receive the reprimand ordered by the Panel. The Former Member confirmed orally, on the record, that he waived his right of appeal. Accordingly, the Panel delivered the reprimand electronically, by video conference.

I, Nawaz Pirani, sign this decision and reasons for the decision as Chairperson of this Discipline Panel and on behalf of the members of the Discipline Panel as listed below:



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Nawaz Pirani, Chairperson

Abena Buahene

Franz Yagin

February 27, 2025

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Date