



College of Dental Technologists of Ontario

Ordre des technologues dentaires de l'Ontario

2100 Ellesmere Road, Suite 300, Scarborough, Ontario M1H 3B7 web site: www.cdto.ca
tel: (416) 438-5003 1-877-391-CDTO (in Ontario only) fax: (416) 438-5004 email: info@cdto.ca

IN THE MATTER OF a hearing before a panel of the Discipline Committee of the College of Dental Technologists of Ontario (the “College”), held pursuant to the provisions of the *Health Professions Procedural Code* (the “Code”), being Schedule 2 to the *Regulated Health Professions Act, 1991*, S.O. 1991, c. 18, as amended (the “*R.H.P.A.*”), and which is deemed by s. 4 of the *R.H.P.A.* to be a part of the *Dental Technology Act, 1991*, S.O. 1991, c. 23 (the “*Act*”) as amended, respecting **EDWARD HUSZAR, RDT** of the City of London in the Province of Ontario

AND IN THE MATTER OF the *Act*, as amended, and Ontario Regulation 798/93, as amended (the “Professional Misconduct Regulations”)

B E T W E E N:

COLLEGE OF DENTAL TECHNOLOGISTS OF ONTARIO

- and -

EDWARD HUSZAR, RDT

Introduction

On September 25, 2008 a panel of the Discipline Committee of the College of Dental Technologists of Ontario (“the College”), convened in Toronto to hold a hearing pursuant to the Regulated Health Professions Act to determine allegations of professional misconduct in relation to Edward Huszar, RDT, (“the Member”). Richard H. Shekter represented the College. The Member attended and was represented by Michael Fraleigh. The hearing was held in public.

Allegations

The allegations were contained within a Notice of Hearing, dated July 3, 2007, and filed at the hearing. The Notice alleged that the Member committed the following acts of professional misconduct:

1. He contravened a term, condition or limitation imposed on your certificate of registration contrary to paragraph 1 of section 1 of the Professional Misconduct Regulations;
2. He failed to abide by a written undertaking given by him to the College or to carry out an agreement entered into with the College, contrary to paragraph 28 of section 1 of the Professional Misconduct Regulations;
3. He contravened the *Act*, the *R.H.P.A.* or regulations under either of those acts, contrary to paragraph 31 of section 1 of the Professional Misconduct Regulations; and
4. He engaged in conduct or performed an act in the course of practicing the profession that, having regard to all of the circumstances, would reasonably be regarded by members as disgraceful, dishonourable, or unprofessional, contrary to paragraph 34 of section 1 of the Professional Misconduct Regulations.

Plea

The Member pleaded guilty to counts 1, 2, 3 and 4. A plea comprehension agreement was read to the Member and a signed copy of his affirmative responses to those questions was filed as an Exhibit.

Evidence as to Misconduct: The Agreed Statement of Facts

An agreed statement of facts was received as an exhibit at the hearing containing the following agreed facts (references within the agreed statement of facts to the book of exhibits have been redacted):

1. Mr. Huszar has been a member of the College for more than 22 years. He was first registered with the College in 1985. At all material times, the Member has maintained an active Certificate of Registration.
2. The Notice of Hearing particularizes four allegations of professional misconduct against the Member. In brief, the allegations are:
 - Contravening a term, condition or limitation of the Member's Certificate of Registration (Count 1);
 - Failing to abide by a written Agreement/Undertaking (Count 2);
 - contravening the *Act*, the *R.H.P.A.* or their associated regulations (Count 3); and
 - disgraceful, dishonourable or unprofessional conduct (Count 4).

Background Facts

3. It is a requirement of s. 4(1) of Ontario Regulation 604/98 (the "*QA Regulations*") that all members of the College complete a Professional Development Profile (the "Profile") on an annual basis. The Profile must follow a format provided to members by the College and include, among other things, the information set out in s. 4(2) of the *QA Regulations*.
4. It is a requirement of s. 5(3) of the *QA Regulations* that all members of the College obtain at least 90 continuing quality improvement credits every three years.
5. On the Profile completed by the Member as part of his 2001/2002 Annual Return on or about August 30, 2001, Mr. Huszar indicated that he had completed 116 credits of the 90

required during the previous cycle which, because of the timing of the enactment of s. 5(3) of the *QA Regulations*, consists of the time period between September 1, 1997 to August 31, 2001 (the “First Cycle”). Of the 116 credits, 72 were comprised of “self-study activities.” The College’s policy for the allotment of credits assigned by the QA Committee accepts only 18 units during any cycle in respect of self-study. Accordingly, the number of acceptable credits was reduced from 116 to 62 of the 90 required under s. 5(3) of the *QA Regulations*, leaving a shortfall of 28 credits for the First Cycle.

6. As a result of that deficiency, by letter dated October 17, 2001, the Registrar of the College wrote to the Member and advised him that he had failed to maintain the minimum 90 continuing quality improvement credits within the First Cycle as required under s. 5(3) of the *QA Regulations*. The Member was advised that he had until April 26, 2002 to attain the additional 28 missing credits. He was also provided with the opportunity to complete and resubmit page 2 of his submission form by November 1, 2001. Page 2 required the Member to respond to questions regarding the skills learned through his continuing education and professional development activities, and to describe his professional development goals. This part of the Member’s Profile had previously been left blank.
7. The Member re-submitted page 2 to his submission form on November 12, 2001. In response to the question regarding the skills the Member learned through his continuing education and professional development activities, the Member wrote:

Unfortunately I was unable to find a course which was in my interest of expending [sic] my knowledge and technical skills. At the present time the majority of seminars are trough [sic] companies which are promoting there [sic] products.

8. Not having heard from the Member with respect to his obtaining the 28 additional credits, the College sent an additional reminder to the Member by letter dated February 26, 2002 advising him that he had until April 26, 2002 to do so.
9. On April 19, 2002, the Member submitted a letter enclosing a variety of testimonials and photographs of his work. He did not, however, submit his Profile. In his submissions, the Member stated, among other things:

Since the new point system is in effect, I was not able to find anything important in the supplied information I received, to spend time away from my work and more importantly from my children, just so I can proof [sic] to you that I am educating myself and collecting the required points.

10. The Member subsequently signed an Action Plan dated August 2, 2002 whereby he agreed to "resubmit professional [sic] development profile showing continuing education in a variety of forms and media" by August 30, 2002. This did not occur.

11. In his 2002/2003 Annual Return dated August 31, 2002, the Member indicated that he maintained a professional development file. The Member also indicated that he had only accumulated 8 credits towards meeting the 90 continuing quality improvement credits required in the three years between September 1, 2001 and August 31, 2004 (the “Second Cycle”).
12. The College wrote to the Member again on March 28, 2003 providing him with a further extension until April 25, 2003 to submit his Profile. By email dated April 11, 2003 the Member indicated that he had already submitted the requested documents and information to the College in or around August 30, 2002. There is no record of them having been received by the College.
13. In an e-mail to the College dated July 7, 2003, the Member indicated that he would provide the updated Profile “this week”. The Member stated:

As you are aware I am running late with my documents, but I am trying to get it [to] you this week.
14. In his 2003/2004 Annual Return completed and submitted by the Member to the College on or about July 21, 2003, the Member did not confirm that he was maintaining his Profile or that he had accumulated any credits towards the 90 credit requirement provided in the *QA Regulations* for the Second Cycle between September 1, 2001 and August 31, 2004.

15. Not having received the Member's Quality Assurance documentation, the College wrote to the Member on July 28, 2003 and again on August 12, 2003 asking for a copy of his Profile "as soon as possible". The Member did not respond.
16. On April 14, 2004, the Member agreed to provide his self-assessment and Profile by June 14, 2004. The College confirmed the Member's agreement in a letter to the Member dated April 21, 2004. The College did not receive a response by June 14, 2004. The College's Registrar, Emily Cheung, then contacted the Member on July 20, 2004 and discussed the situation with the Member. Her note to the file accurately reflects the discussion that they had. The note summarizes the discussion as follows:

Mr. Huszar related that he would try to put something today but he was busy. He had too many issues and he would be closing the laboratory for vacation the next day.

When reminded [of] his legal obligations and the possible consequence of non-compliance, he said that he is aware and would have no problem taking the consequence.

17. Over the course of the next two years, the Member did not confirm in his Annual Returns (for 2004/2005 and 2005/2006) that he was developing or maintaining his Profile.
18. With respect to his 2004/2005 Annual Returns, completed and submitted to the College on or about August 25, 2004, the Member did not indicate whether he had accumulated any credits towards meeting the 90 continuing quality improvement credits required

under the *QA Regulations* for the Second Cycle between September 1, 2001 and August 31, 2004.

19. With respect to his 2005/2006 Annual Return, completed and submitted to the College on or about July 22, 2005, the Member indicated that he had accumulated 4 credits towards meeting the 90 continuing quality improvement credits required under the *QA Regulations* for the 3 year cycle between September 1, 2004 and August 31, 2007 (the “Third Cycle”).
20. The College subsequently appointed Dr. Minna Stein, DDS, a former Registrar of the Royal College of Dental Surgeons of Ontario, to conduct an investigation into the Member’s practice. During the investigator’s attendance at the Member’s premises on January 13, 2006, the Member acknowledged that (a) he did not have the required continuing quality improvement credits and (b) that he did not have a Profile as required by the *QA Regulations*. The Member also advised Dr. Stein that he would put together a Profile and start collecting the required continuing quality improvement credits if the College would “give him one more chance”. The Member also committed to sending the College his completed Profile by no later than January 20, 2006.
21. On January 15, 2006, the Member submitted a partially completed Profile to the College, consisting of a Self-Assessment Plan for future development and a “Course Information Gathered”. In it, the Member indicated that he had completed 18 credits consisting of self-study activities but had not obtained any other continuing quality improvement

credits towards his 90 credit requirement for the Third Cycle between September 1, 2004 and August 31, 2007.

22. By letter dated March 29, 2006, the College provided the Member with a further extension until August 31, 2006 to complete his Profile by providing the College with satisfactory evidence that he had completed his up-grading activities and achieved 90 continuing quality improvement credits.

23. The Member's legal counsel at the time, Charles Mackenzie, responded by way of letter dated June 2, 2006, enclosing correspondence prepared by the Member on May 30, 2006. In his letter, counsel stated:

Mr. Huszar is unable to comply with the College's regulation for "90 quality improvement credits". It is his belief that he maintains a high standard in carrying out his professional assignments.

Mr. Huszar wishes to sit for examination by the College to prove his competence. He believes that it is impossible to balance his professional and personal life if the College requires him to participate in training or lectures. He daily reads a number of professional journals in his field (outlined on page 2 of his letter) to ensure that his knowledge is current.

Mr. Huszar also provides you with the names of many of the leading dentists in London who will attest to Mr. Huszar's competence in following their instructions.

Allegations of Professional Misconduct

24. The Member admits the facts above and admits that he failed to comply with the requirements of s. 4(1) (to maintain a professional development profile) and s. 6(1) (to provide the College with evidence of having maintained a professional development profile) of the *QA Regulations*, and paragraph 2 of s.8(1) of the *Registration Regulations* (making it a condition of the member's Certificate of Registration to provide the College with evidence of having maintained a professional development profile and having obtained continuing quality improvement credits). As a result, the Member agrees that he committed acts of professional misconduct, as defined in paragraphs 1 (contravening a term, condition or limitation on the member's Certificate of Registration)(Count 1) and 31 (contravening the *Act*, the *RHPA* or the regulations under either of those Acts)(Count 3) of section 1 of the *Professional Misconduct Regulations*.
25. The Member also admits that he has, contrary to the requirements of s. 5(3) (to obtain at least 90 continuing quality improvement credits every three years) and s. 6(1)(b) (to provide the College with evidence of having obtained at least 90 continuing quality improvement credits every three years) of the *QA Regulations*, failed to obtain, and provide the QA Committee with evidence of obtaining, at least 90 continuing quality improvement credits during either the First Cycle (between September 1, 1997 and August 31, 2001), the Second Cycle (between September 1, 2001 and August 31, 2004) or the Third Cycle (between September 1, 2004 and August 31, 2007). As a result, the Member agrees that he is guilty of professional misconduct, as defined in paragraph 31 of

section 1 (contravening the *Act*, the *RHPA* or the regulations under either of those Acts)(Count 3) of the *Professional Misconduct Regulations*.

26. The Member agrees that he breached his agreement, provided as part of an Action Plan on August 8, 2002, to re-submit his Profile evidencing his continuing education by August 30, 2002 as well as his agreement (outlined in the report of the College's investigator, Dr. Minna Stein, dated January 13, 2006) to provide the College with a complete Profile with satisfactory evidence that the Member had completed his upgrading activities and achieved 90 continuing quality improvement credits by January 20, 2006 (later extended to August 31, 2006). The Member agrees that his failure to abide by the undertakings and/or agreements that he provided to the College constitutes an act or acts of professional misconduct, contrary to paragraphs 28 (failing to abide by an undertaking/agreement with the College) (Count 2) and 34 (disgraceful, dishonourable and unprofessional conduct)(Count 4) of section 1 of the *Professional Misconduct Regulations*.

Acknowledgment of Service of Notice of Hearing

27. The Member acknowledges that he was duly and properly served with the Notice of Hearing in these proceedings

Independent Legal Advice

28. The Member acknowledges that he was advised to retain and instruct legal counsel for the purpose of receiving independent legal advice with respect to the allegations

28. The Member acknowledges that he was advised to retain and instruct legal counsel for the purpose of receiving independent legal advice with respect to the allegations contained in the Notice of Hearing and in connection with the preparation and execution of this Agreed Statement of Facts, and that he has done so. The Member has signed the Agreed Statement of Facts voluntarily and without duress.

Findings on Professional Misconduct

The panel unanimously found that the conduct as set out in the Agreed Statement of Facts, above, supports findings of professional misconduct on all of the counts that is, counts 1, 2, 3 and 4 within the Notice of Hearing.

Evidence as to Penalty

The discipline panel received a written joint submission for an agreed upon penalty. The parties agreed that the appropriate penalty in all of the circumstances is as follows:

1. Mr. Huszar's Certificate of Registration shall be suspended for a period of 9 months to commence upon a date to be fixed by the Registrar in his sole and absolute discretion;
2. Mr. Huszar shall be subject to an indefinite suspension until such time as he has completed his Professional Development Profile, obtained at least 90 continuing quality improvement credits during the 3 year cycle, provided the Quality Assurance Committee with evidence of having maintained a professional development profile and evidence of having maintained at least 90 quality improvement credits during the then current 3 year cycle and has complied with the payment of costs as set out in paragraph 3, below.
3. Mr. Huszar shall pay costs in the amount of \$10,000.00, payable as follows:
 - a) \$5,000 by September 25, 2008
 - b) The remainder payable by post-dated cheques of \$1,000.00 every two

months after that date;

4. Mr. Huszar shall receive a public reprimand.
5. The results of this hearing shall be published in the public portion of the College Register and in the Annual Report and/or such publication as may be directed by the Registrar in his sole and absolute discretion after the sentence imposed becomes final.

Counsel for the College submitted that the principles of general and specific deterrence would be met by this joint submission. Counsel further submitted that the ongoing refusal by the Member to carry out his quality assurance credits and development profile amounted to the Member “thumbing his nose at the college.” The significance of requiring these steps by Members is in the fact that the college cannot individually test every Member ensure competence. These steps are required of Members in order to protect the public and to provide a mechanism for ensuring professional competence. Counsel for the College further submitted that the joint submissions reflects some mitigation, including the Member’s plea of guilty which saved the College time and expense in prosecuting this matter. Counsel noted that this suspension is not a total bar from employment because the Member may still provide services if he is supervised by a licensed Member.

Counsel for the Member agreed with the factors and principles outlined by Counsel for the College. He pointed out that the Member has no prior history of discipline, he attended willingly and entered a plea of guilty. Further, there was no evidence of any harm to any member of the public as a result of his actions. Nevertheless, Counsel for the Member agreed that the misconduct is between the Member and his College and the

Reasons for Penalty

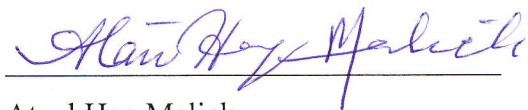
The panel of the Discipline Committee has carefully considered the documents filed and

the submissions of the parties. In addition, the panel received advice from independent legal counsel on the deference which is normally given to joint submissions and which has been recognized by Ontario courts. The panel considered it important that the Member has pleaded guilty without requiring the College to prove its case and the fact that this Member has no previous findings of misconduct. In light of these mitigating factors, two panel members were inclined to reduce the period of suspension. In their view this would have been appropriate as a penalty and would have assisted him in paying the costs as agreed. Those members were inclined to adopt a more remedial approach to the misconduct. However, those members accepted the law and ultimately concurred with the joint submission as presented. The panel as a whole felt it important for parties to have certainty in bringing joint submissions before it and concluded that in this case the joint submission was not contrary to the public interest.

In order for the college to serve, protect and perform its regulatory responsibilities, it must enforce its rules and regulations and ensure compliance by all of its members. These objectives are paramount for the college to maintain integrity, respect and professionalism among the membership. In conclusion, considering the length of time and efforts made by the College, the numerous opportunities to comply with the regulations, and the mitigating factors, the Panel accepts the joint submission and imposes the following penalty:

1. Mr. Huszar's Certificate of Registration shall be suspended for a period of 9 months to commence upon a date to be fixed by the Registrar in his sole and absolute discretion;
2. Mr. Huszar shall be subject to an indefinite suspension until such time as he has completed his Professional Development Profile, obtained at least 90 continuing quality improvement credits during the 3 year cycle, provided the Quality Assurance Committee with evidence of having maintained a professional development profile and evidence of having maintained at least 90 quality improvement credits during the then current 3 year cycle and has complied with the payment of costs as set out in paragraph 3, below.

3. Mr. Huszar shall pay costs in the amount of \$10,000.00, payable as follows:
 - c) \$5,000 by September 25, 2008
 - d) The remainder payable by post-dated cheques of \$1,000.00 every two months after that date;
4. Mr. Huszar shall receive a public reprimand. (Reprimand delivered September 25, 2008)
5. The results of this hearing shall be published in the public portion of the College Register and in the Annual Report and/or such publication as may be directed by the Registrar in his sole and absolute discretion after the sentence imposed becomes final.



Ataul Haq Malick

Chair, Discipline Committee