

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

PANEL:

Terence Price, Chairperson, Public Member
George Paraskevopoulos, Member
Janet Faas, Public Member
Harold Bassford, Public Member

BETWEEN:

COLLEGE OF DENTAL TECHNOLOGISTS)	Jordan Glick for College
OF ONTARIO)	of Dental Technologists of Ontario
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- and -))
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William Chan)	William Chan, self-represented
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)	Andrea Gonsalves
)	Independent Legal Counsel
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)	Heard: July 6, 2017

DECISION AND REASONS

This matter came on for hearing before a panel of the Discipline Committee (the “Panel”) of the College of Dental Technologists of Ontario (“the College”) on July 6, 2017, at Toronto.

The Allegations

The allegations against William Chan (the “Member”) as stated in the Notice of Hearing dated December 6, 2016 are as follows.

1. You committed an act or acts of professional misconduct as provided by subsection 51(1)(b.0.1) (failing to cooperate with the Quality Assurance Committee) of the *Health Professions Procedural Code* (the “Code”) of the *Dental Technology Act, 1991*, as amended (the “Act”) when you:
 - (i) failed to submit a Summary of Professional Development Profile (“SPDP”) for the 2011-2014 years by August 31, 2014;

- (ii) failed to respond to follow-up correspondence regarding the failure to submit the SPDP by the August 31, 2014 deadline;
 - (iii) advised the QA Coordinator that you would submit your SPDP for the 2011-2014 in or about June of 2015 but then declined to do so;
 - (iv) directed a member(s) of your family to complete and submit your SPDP;
 - (v) submitted your SPDP without having reviewed it for accuracy and without personally signing it; and,
 - (vi) submitted an SPDP that contained false information relating to your continuing education and professional development activities for the 2011-2014 years.
2. You committed an act or acts of professional misconduct as provided by subsection 51(1)(c) of the Code of the Act and subsections 1(31) of Ontario Regulation 798/93, as amended by contravening the Act, the RHPA or the regulations under the Act and specifically, when you failed to comply with sections 5(1) (obtaining 90 credits in a three year period), 5(4) (maintaining a record of continuing education and professional development), 5(5) (submitting the record) and 7(1) (submitting a declaration) of the current Ontario Regulation 604/98 (sections 5(3), 5(5) and 6(1)(b) prior to January 24, 2013) when you:
- (i) did not complete the requisite 90 continuing quality improvement credits for the 2011-2014 years;
 - (ii) failed to maintain a record of the continuing education and professional development coursework that you did complete during the 2011-2014 years;
 - (iii) failed to submit the SPDP and/or a record of the continuing education and professional development activities for the 2011-2014 years to the Quality Assurance Committee when requested;
 - (iv) failed to submit a declaration attesting to the completion of 90 continuing quality improvement credits for the 2011-2014 years by August 31, 2014;
 - (v) directed a member(s) of your family to complete and submit your SPDP;
 - (vi) submitted your SPDP without having reviewed it for accuracy and without personally signing it; and,

- (vii) submitted an SPDP that contained false information relating to your continuing education and professional development activities for the 2011-2014 years.
3. You committed an act or acts of professional misconduct as provided by subsection 51(1)(c) of the Code of the Act and subsections 1(34) of Ontario Regulation 798/93, as amended by engaging in conduct or performing an act or acts relevant to the practice of dental technology that, having regard to all the circumstances, would reasonably be regarded by members of the profession as disgraceful, dishonourable or unprofessional when you:
- (i) did not complete the requisite 90 continuing quality improvement credits for the 2011-2014 years;
 - (ii) failed to maintain a record of the continuing education and professional development coursework that you did complete during the 2011-2014 years;
 - (iii) failed to submit the SPDP and/or a record of the continuing education and professional development activities for the 2011-2014 years to the Quality Assurance Committee when requested;
 - (iv) failed to respond to follow-up correspondence regarding the failure to submit the SPDP by the August 31, 2014 deadline;
 - (v) advised the QA Coordinator that you would submit your SPDP for the 2011-2014 in or about June of 2015 but then declined to do so;
 - (vi) directed a member(s) of your family to complete and submit your SPDP;
 - (vii) submitted your SPDP without having reviewed it for accuracy and without personally signing it;
 - (viii) submitted an SPDP that contained false information relating to your continuing education and professional development activities for the 2011-2014 years.

Member's Plea

The Member admitted the allegations set out in paragraphs 1, 2 and 3 in the Statement of Allegations appended to the Notice of Hearing. The Panel conducted an oral plea inquiry and a

written plea inquiry signed by the Member was also entered into evidence at the hearing. The Panel was satisfied that the Member's admissions were voluntary, informed and unequivocal.

Agreed Statement of Facts

Counsel for the College and the Member advised the Panel that an agreement had been reached on the facts and introduced an Agreed Statement of Facts, which reads as follows.

The parties agree that the Discipline Committee of the College of Dental Technologists of Ontario (the "**College**") may accept the following facts as true:

1. Now, and at all times relevant to the allegations and to the admissions below, Mr. William Chan (the "**Member**") was a registered dental technologist with the College.
2. In 1996, the College implemented a Quality Assurance Program ("**QAP**") under the *Dental Technology Act, 1991* and its regulations. The QAP prescribes that a Member must obtain at least 90 continuing quality improvement credits ("**Credits**") in every three-year period (a "**Cycle**"). The Credits reflect professional development activities and are required to be submitted by way of a "Summary of Professional Development Profile" ("**Profile Summary**") to the College before the end of each cycle.
3. The Member was required to submit a Profile Summary for Credits received during the 2011-2014 Cycle by August 31st, 2014. The Member received a reminder to submit the Profile Summary in July of 2014.
4. The Member did not submit his Profile Summary by August 31, 2014. He was subsequently sent a reminder by the College to complete the Credits and complete and submit the Profile Summary as soon as possible.
5. The Member did not submit his Profile Summary in response to the letter.
6. As a result of correspondence in early 2015, the Member attended at the College and met with the Registrar and the Coordinator, Quality Assurance in May of 2015. The Member indicated at that time that he would submit the Profile Summary by June 15, 2015. The Member did not, however, submit the Profile Summary, leading to various correspondence between the College and the Member regarding the outstanding submission. At various points, the Member's son was in contact with the College in order to assist with communication with the Member.
7. The Member's Profile Summary for the 2011-2014 Cycle was submitted on August 30, 2015. However, the Profile Summary was deficient in that it was not signed. The Profile Summary was reviewed and the Member was requested to provide certificates for the courses that the Member

purported to have taken.

8. The College requested those certificates in October 2015, though they were never provided.
9. During the course of investigating the Profile Summary, it emerged that the Profile Summary was completed by the Member's ex-wife and that the Member had not reviewed it. The Member was not aware that it had been submitted by his ex-wife which occurred at a time when he was out of the country. The Member had not completed any of the courses listed.
10. The Member claimed to have completed other coursework, though, as of the time of signing this Agreed Statement of Fact, the Member has not supplied any records relating to those courses.

ADMISSIONS

11. By virtue of the above conduct, the Member admits to having committed professional misconduct as provided by subsections 51(1)(b.0.1) (failing to cooperate with the Quality Assurance Committee) of the *Health Profession Procedural Code*.
12. The Member additionally admits, by virtue of the above conduct, to having committed professional misconduct as provided by subsections 51(1)(c) by contravening the following sections of *Ontario Regulation 798/93 of the Dental Technology Act, 1991*:
 - (A) Section 1(31) (Contravening the Act, the *Regulated Health Professions Act, 1991* or the regulations under either of those Act) and particularly, the following sections of the current Ontario Regulation 604/98 (sections 5(3), 5(5) and 6(1)(b) prior to January 24, 2013):
 - (1) section 5(1) (obtaining 90 credits in a three year period);
 - (2) section 5(4) (maintaining a record of continuing education and professional development);
 - (3) section 5(5) (submitting the record); and,
 - (4) section 7(1) (submitting a declaration)
 - (B) Section 1(34) (engaging in conduct or performing an act or acts relevant to practice of dental technology that, having regard to all the circumstances, would reasonably be regarded by members of the profession as dishonourable or unprofessional).
13. The Member acknowledges that he has had the opportunity to receive independent legal advice and was encouraged to do so by the College. He

further acknowledges that he is entering into this Agreed Statement of Facts freely and voluntarily, without compulsion or duress, and after having had ample opportunity to consult with legal counsel if he so wished.

14. The Member irrevocably acknowledges and agrees that all the facts in this Agreed Statement of Fact are true and accurate.

Decision

The Panel finds that the Member committed acts of professional misconduct as alleged in paragraphs 1, 2 and 3 of the Notice of Hearing. As to allegation 3, the Panel finds that the Member engaged in conduct that would reasonably be regarded by members as unprofessional.

Reasons for Decision

The Panel considered the Agreed Statement of Facts and the Member's admissions and finds that the evidence proves on a balance of probabilities the allegations of professional misconduct set out in the Notice of Hearing.

Allegation #1 in the Notice of Hearing is supported by paragraphs 3, 4, 5, 6, 7, 8, 9, and 10 in the Agreed Statement of Facts. With regard to Allegation #1, the Panel finds that the Member failed to cooperate with the College's Quality Assurance Committee and therefore committed an act of professional misconduct as provided by subsection 51(1)(b.0.1) of the Code.

Allegation #2 in the Notice of Hearing is supported by paragraphs 3, 4, 5, 6, 7, 8, 9, and 10 in the Agreed Statement of Facts. Based on the evidence set out in the Agreed Statement of Facts, the Panel finds that:

- on a balance of probabilities, the Member did not keep a record of the required Professional Development Activities and did not complete the required Professional Development Activities;
- despite being given multiple opportunities to do so, the Member did not submit the Summary of Professional Development Profile ("SPDP") until August 2015;
- a SPDP submitted on August 2015 on behalf of the Member by a third party was unsigned by the Member and contained courses that had not been completed by the Member; and
- as of the date of the hearing the Member had not submitted his SPDP for the period of 2011 – 2014.

As a result this conduct, the Member failed to comply with sections 5(1), 5(4), 5(5), and 7(1) of the current Ontario Regulation 604/98 and therefore committed professional misconduct under s. 51(1)(c) of the Code and s. 1(31) of Ontario Regulation 798/93.

Allegation #3 in the Notice of Hearing is supported by paragraphs 2, 3, 4, 5, 6, 7, 8, 9, and 10 in the Agreed Statement of Facts and the Panel's findings on Allegation #1 and Allegation #2. With regard to Allegation #3, the Panel finds that the Member's conduct is unprofessional because of his serious disregard for this professional responsibilities as set out in Regulation 604/98. The requirements that members of the College complete continuous professional development and cooperate with the College's Quality Assurance Committee are intended to ensure the public is protected. The Member ought to have known that his behaviour falls well below the standards of a Registered Dental Technologist and such total disregard for the Member's professional obligations would reasonably be regarded by Members of the profession as unprofessional.

Penalty

Counsel for the College and the Member advised the Panel that the parties had agreed on a Joint Submission as to Penalty. The Joint Submission requests that this Panel make an order as follows.

1. Directing the Registrar to suspend the Member's certificate of registration for the latter of (1) nine months, or (2) until the Member has completed the Professional Development Activities and submitted the 3-year Summary PDP for the period September 1, 2011 to August 31, 2014 to the satisfaction of the Coordinator, Quality Assurance. For greater clarity, the Member's suspension will remain in effect until the 3-year Summary PDP for the period September 1, 2011 to August 31, 2014 has been completed to the satisfaction of the Coordinator, Quality Assurance, regardless of whether the nine month term of suspension has elapsed.
2. Directing the 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.
3. Directing the 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:
 - (a) \$3,000 at the time of hearing;
 - (b) \$2,000 within 12 months of the hearing.
4. The Member acknowledges that pursuant to section 56 of the *Health Professions Procedural Code*, being Schedule 2 to the *Regulated Health Professions Act, 1991*, the 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 Member's name.
5. The Member acknowledges that this Joint Submission as to Penalty is not binding upon the Discipline Committee.

6. The Member acknowledges that he has had the chance to receive independent legal advice before agreeing to this Joint Submission.

Penalty Submissions

College's Counsel made submissions in support of the jointly proposed penalty and how it meets the goals of penalty . The Member supported the terms of the penalty by signing the Joint Submission of Penalty on July 4, 2017 and his agreement was confirmed at the hearing on July 6, 2017.

College Counsel submitted that the following features of the proposed penalty serve the goal of specific deterrence:

- the proposed suspension of the Member's certificate of registration for a period of nine months;
- the requirement that the suspension of the Member's certificate of registration will continue until the Member has demonstrated to the satisfaction of the Coordinator, Quality Assurance of the College of Dental Technologists that he has fulfilled his obligation to complete the Professional Development Activities and has submitted the 3-year SPDS for the period September 1, 2011 to August 31, 2014; and
- the reprimand delivered by the panel.

College Counsel further argued that general deterrence serves as a reminder to the profession that members must not breach their professional obligations to the College and the public, and that goal would be met by the following features of the penalty:

- the proposed suspension of the Member's certificate of registration for a period of nine months;
- the requirement that the suspension of the Member's certificate of registration will continue until the Member has demonstrated to the satisfaction of the Coordinator, Quality Assurance of the College of Dental Technologists that he has fulfilled his obligation to complete the Professional Development Activities and submitted the 3-year SPDP for the period September 1, 2011 to August 31, 2014;
- the 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 Member's name; and
- the reprimand delivered by the panel.

Although an order that the Member pay costs is not part of the penalty and is not meant to be punitive, the proposed requirement that the Member pay a portion of the College's costs related to the investigation and the hearing carries an element of specific deterrence and helps defray the cost of these proceedings to the broader Membership.

Remediation and rehabilitation of the Member is provided by the requirement that the suspension of the Member's certificate of registration will continue until the Member has demonstrated to the satisfaction of the Coordinator, Quality Assurance of the College that he has fulfilled his

obligation to complete the Professional Development Activities and submitted the 3-year SPDP for the period September 1, 2011 to August 31, 2014.

College Counsel relied on the decision of the Discipline Committee of the College in *College of Dental Technologists of Ontario v Huszar* to demonstrate that the proposed penalty falls within the range of appropriate penalties ordered in similar case. In the *Huszar* case, a Discipline Committee panel found that the member committed professional misconduct for reasons that were also related to the unsatisfactory completion of the required Professional Development Activities. The penalty ordered was a suspension of the member's certificate of registration for nine months; a requirement that the member complete the required Professional Development Activities to the satisfaction of the Coordinator, Quality Assurance of the College; and a reprimand. The member was also ordered to pay a portion of the College's costs.

Penalty Decision

The Panel accepts the Joint Submission as to Order and accordingly orders:

1. The Registrar is directed to suspend the Member's certificate of registration until the later of (1) nine months, or (2) until the Member has completed the Professional Development Activities and submitted the 3-year Summary PDP for the period September 1, 2011 to August 31, 2014 to the satisfaction of the Coordinator, Quality Assurance. For greater clarity, the Member's suspension will remain in effect until the 3-year Summary PDP for the period September 1, 2011 to August 31, 2014 has been completed to the satisfaction of the Coordinator, Quality Assurance, regardless of whether the nine month term of suspension has elapsed.
2. The Member shall appear before the panel to be reprimanded and the fact of the reprimand will be recorded on the Public Register of the College.
3. The Member shall pay the College's costs fixed in the amount of \$5,000 to be paid by certified cheque according to the following schedule:
 - (a) \$3,000 at the time of the hearing; and,
 - (b) \$2,000 to be paid within 12 months of the hearing.
4. Pursuant to section 56 of the *Health Professions Procedural Code*, being Schedule 2 to the *Regulated Health Professions Act, 1991*, the Panel's decision and reasons, or a summary thereof, shall be published in the College's annual report and may be published in any other publication of the College with the Member's name.

Reasons for Penalty Decision

The Panel understands that the penalty ordered should protect the public and enhance public confidence in the ability of the College to regulate its Members, the Registered Dental Technologists of Ontario. This is achieved through a penalty that addresses specific deterrence, general deterrence and, where appropriate, rehabilitation and remediation. The Panel also

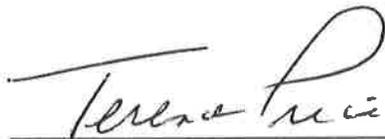
considered the penalty in light of the principle that joint submissions should be respected unless they fall so far outside the range of an appropriate sanction that they would bring the administration of justice at the College into disrepute, or are otherwise contrary to the public interest.

The Panel concluded that the proposed penalty is reasonable and in the public interest. The Member has co-operated with the College and, by agreeing to the facts and a proposed penalty, has accepted responsibility. The Panel finds that the penalty satisfies the principles of specific and general deterrence, rehabilitation and remediation, and public protection.

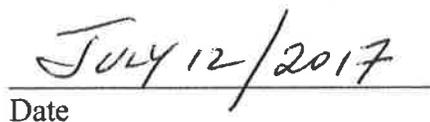
The penalty will serve as a general deterrent to the profession as it sends a clear message to Members of the College regarding the likely consequences if they engage in similar unprofessional behaviour by failing to cooperate with the Quality Assurance Committee and fail to satisfy the continuing education requirements. The penalty, and in particular the lengthy suspension and reprimand, serves the objective of specific deterrence to the Member. The Panel also finds that rehabilitation and remediation of the Member are sufficiently addressed through the oral reprimand and the requirement that the Member's certificate of registration will remain suspended until the Member has completed the Professional Development Activities and submitted the 3-year Summary PDP for the period September 1, 2011 to August 31, 2014 to the satisfaction of the Coordinator, Quality Assurance, College of Dental Technologists of Ontario.

The penalty protects the public by ensuring that the Member's certificate of registrations remains suspended for nine month and until the Member has completed the required Professional Development Activities.

I, Terence Price, 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:



Terence Price, Chairperson
George Paraskevopoulos
Janet Faas
Harold Bassford



Date