

## INQUIRY COMMITTEE

## RECORD OF DECISION

**File Reference:** DH2112

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### ***ELEMENTS OF COMPLAINT***

On July 22, 2021, a staff member with the College of Dental Hygienists of British Columbia (the "College") notified the Registrar that the Registrant may have engaged in the unauthorized practice of dental hygiene between March 1, 2012, and July 22, 2021, after failing to renew his/her full practicing license prior to the renewal deadline of February 28, 2012. A staff member with the College spoke with the Registrant, who confirmed that s/he was practicing dental hygiene at that time. The College staff member advised the Registrant that s/he did not hold valid license to practice and must cease and desist from practicing dental hygiene immediately.

The matter was referred to the Inquiry Committee which initiated an investigation under s. 33(4) of the *Health Professions Act*, R.S.B.C. 1996, c. 183 (the "Act") and the Registrant was invited to respond.

On August 9, 2021, the College received a written response from the Registrant acknowledging his/her failure to renew his/her registration prior to the renewal deadline and confirming that s/he practiced dental hygiene between March 1, 2012 and July 22, 2021 while failing to hold a full-practicing license. The Registrant apologized but maintained that there were extenuating circumstances which resulted in an inability to pay the annual registration fees.

### ***COMMITTEE DECISION***

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After considering the information which the Registrant provided, and a review of the material gathered during the investigation, the Inquiry Committee concluded that the Registrant: (a) had worked as a dental hygienist between March 1, 2012 and July 22, 2021 without full practising registration and acknowledged doing so; (b) was employed as a dental hygienist on a full time basis at a dental office from April 1, 2003 to July 22, 2021; (c) was employed as a dental hygienist on a temporary basis between June 26, 2019 and December 3, 2020, working a total of 161 hours during that period; (d) was not in compliance with the College's Quality Assurance Program and acknowledged that; (e) was not in compliance with the mandatory 5-year Criminal Record Check requirement and acknowledged that; and (f) did not immediately cease practicing dental hygiene on the morning of July 22, 2021 when instructed to do so by College staff but continued to treat three additional clients that day.

The Inquiry Committee determined under s. 33(6)(c) of the Act that this would be an appropriate case to seek a consent order under s. 36 of the Act because the Registrant engaged in unauthorized practice of dental hygiene for a period of nine years and defied a College direction to immediately cease practising on July 22, 2021. The Registrant agreed to provide an undertaking and consent containing the following terms:

- a reprimand for: (a) engaging in the unauthorized practice of dental hygiene over a nine-year period from March 1, 2012 to July 22, 2021; (b) his/her failure to be forthright with employers about his/her lack of practising registration status; and (c) his/her failure to immediately cease practising dental hygiene on the morning of July 22, 2021 after being advised by College staff that s/he was not authorized to practice.

- the requirement to pay a fine of \$4,885.00 dollars to the College representing the amount of registration fees that would have been payable if s/he had renewed his/her registration over the nine-year period which fine is payable no later than one year from the date of the Consent Order.
- the requirement to write a reflective essay using the ORID Focused Conversation Model of not less than 1500 words exclusive of references outlining the requirements under the Act and College bylaws to maintain practising registration to practice dental hygiene and the specific registration and renewal requirements under the College bylaws, the ethical obligations to ensure that s/he does not engage in future unauthorized practice and misrepresent him/herself as a dental hygienist when not licensed to practice, and the public interest purpose in requiring that dental hygienists be registered to practice, as well as the steps that s/he will take to ensure that s/he does not repeat the conduct and to submit the draft reflective essay to the Inquiry Committee for approval within 180 days of the date of the Consent Order, and to make such changes to the reflective essay on the terms directed by the Inquiry Committee if it is not satisfactory.
- the requirement to undertake and consent not to seek reinstatement of registration with the College (or its successor) for a period of two years from the date of the Consent Order.
- the requirement, before seeking reinstatement of registration with the College (or its successor), to first complete the PROBE (Professional/Problem-Based Ethics) program offered by CPEP at his/her cost and obtain an unconditional pass and authorize the PROBE Program to release his/her program results to the College (or its successor).
- the requirement, in the event the Registrant applies for and is granted reinstatement, to maintain regular monthly contact with the College (or its successor) by ensuring his/her email and mailing addresses are current with the College (or its successor) and by checking his/her email on a monthly basis for communication and contacting the College (or its successor) if s/he has not received email communications from it within the preceding 30 days.

**RELEVANT PROVISION OF ACT, REGULATION OR BYLAWS**

Act, section 13; 33(1); 33(5); 33(6)(c)

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**STATUS**

Closed.