

Inquiry Committee

RECORD OF DECISION

File Reference: DH1910

ELEMENTS OF COMPLAINT

On November 1, 2019, the College of Dental Hygienists of British Columbia (the "College") was alerted to the concern that a Registrant may have engaged in the unauthorized practice of dental hygiene between March 1, and November 1, 2019, together with concerns of unethical behaviour, particularly that the Registrant may not have been forthcoming in a telephone conversation with the Registrar on November 4, 2019 about whether s/he was engaged in unauthorized practice of dental hygiene. The matter was referred to the Inquiry Committee for investigation under authority of section 33(4)(a) of the *Health Professions Act*, regarding an alleged contravention of sections 3 and 5(a) of the Dental Hygienists Regulation and the College's bylaws section 47(1).

On November 5, 2019, the College forwarded notice of the s. 33(4) investigation to the Registrant and invited a response. The Registrant did not provide a response. The Inquiry Committee appointed an inspector to assist with the investigation.

On January 3, 2020, the College received the Inspector's Report, a copy of which was provided to the Registrant who again did not respond.

The inspector's report revealed that:

- The Registrant initially held a conditional license with the College but had transferred to a non-practicing license from March 1, 2018 to February 28, 2019, at which point s/he had four months and one day left on his/her conditional license to complete an approved local anaesthesia (LA) course.
- The Registrant failed to renew his/her license by March 1, 2019 and was removed from the register and twice attempted to upgrade his/her license on September 18, 2019 and ultimately applied as a new registrant on September 22, 2019.
- The Registrant's employer telephoned the College on November 1, 2019 to confirm the Registrant's registration status and was advised that the Registrant was not currently registered with the College. The employer advised that the Registrant had been working as a dental hygienist at his office for approximately one month and had worked 13 days between September 16 and November 1 as a temp and provided dental hygiene care and represented himself/herself as a dental hygienist. The employer immediately terminated the Registrant's employment. The employer reported that the Registrant admitted to him that s/he knew s/he was not registered to practice dental hygiene but "took a gamble and lost".
- The Employer provided an image of a text message sent by the Registrant to one of his front desk employees which stated "...i just told the college I was working there but not as a hygienist hoping that could help everyone here. Not sure if *you* would agree with saying that too but it would save my career. I don't want to get anyone in trouble".
- The Registrar telephoned the Registrant on November 4, 2019 to inquire about his/her practice status. The Registrant advised the Registrar that s/he was "helping out" at the office but was not providing dental hygiene care.

- When interviewed by the inspector, the Registrant explained that s/he did not think it would take so long to be reinstated and had accepted the dental hygiene position for the money. The Registrant admitted that s/he was not upfront because s/he was scared and felt s/he was in too deep. The Registrant confirmed s/he had practiced the full scope of dental hygiene, with the exception of performing LA, and provided a copy of the day sheets to confirm but had not practiced dental hygiene since March 1, 2019 after deciding not to seek renewal of his/her licence.
- The Registrant acknowledged that “what I did was totally wrong, and I will never do it again”.

COMMITTEE DECISION

At the conclusion of the investigation, the Inquiry Committee was concerned that the Registrant: (a) engaged in the unauthorized practice of dental hygiene between March 1, and November 1, 2019, while not registered to do so by the College; (b) engaged in unethical behaviour by not being forthright in his/her initial discussions with the College regarding his/her unauthorized practice of dental hygiene, and failing to advise his/her employer that s/he was not licensed to practice dental hygiene; and (c) engaged in unethical behaviour by trying to have the dental clinic staff mislead the College about his/her status at the clinic.

In accordance with section 33(6)(c) of the Act, the Inquiry Committee determined this would be an appropriate case to seek a consent order under s. 36 of the Act with terms that ensure that the Registrant is not reinstated as a full registrant with the College until s/he demonstrates that s/he has adequate knowledge and understanding of the College’s registration requirements, including the Code of Ethics, and takes remedial action to ensure that s/he does not repeat the conduct in the future.

Under terms of the Consent Order, the Registrant:

- undertakes not to repeat the conduct of: (a) engaging in unauthorized practice of dental hygiene by failing to have valid registration in place as a full registrant; (b) providing false information to the College about his/her practice; and (c) attempting to have third parties provide false information to the College about his/her practice.
- consents to a reprimand for engaging in the unauthorized practice of dental hygiene between March 1 and November 1, 2019, and for the failure to be forthright with the employer and the College regarding that fact.
- consents not to seek reinstatement of full or conditional registration with the College for a period of one year from the date of the Consent Order and until s/he successfully completes the following requirements:
 - to complete, at his/her cost, the “[Probe](#)” Program and to provide documentary evidence confirming that s/he has obtained an unconditional pass to the College;
 - to successfully complete, at his/her cost 75 continuing competency credits, with a focus in Subcategories:
 - (i) C1 – Head, Neck, Oral & Dental Anatomy;
 - (ii) C3 – Radiography Knowledge and Interpretation;
 - (iii) D1 – Health Assessment & Pharmacology;
 - (iv) D6 – Primary Prevention Strategies;
 - (v) D7 – Emergency Prevention & Interventions; and
 - (vi) F2 – Collaborative Relationships, Referrals, Administration & Practice Management as part of their previous Directed Learning Plan; and

- to write a reflective essay, using the [ORID Focused Conversation Model](#), of not less than 1500 words outlining how s/he will implement his/her learning into his/her dental hygiene practice, and to submit a draft of the reflective essay for approval to the Inquiry Committee, and to make such changes to the reflective essay on the terms directed by the Inquiry Committee if it is not satisfactory.
- consents, In the event the Registrant is reinstated as a full or conditional registrant with the College, to:
 - comply with any terms or conditions as set out by the Registration Committee in addition to the requirements for registration as established by the College Bylaws;
 - thoroughly familiarize himself/herself with the registration renewal and other requirements set out in the College Bylaws within seven days of the date of reinstatement;
 - complete the online Jurisprudence Education Module (JEM) within ten days of the date of reinstatement and to provide evidence satisfactory to the College Registrar that it has successfully been completed;
- consents to report any changes with respect to employment status and place of employment in writing to the College Registrar within five days of any change and to ensure that the College is aware at all times of his/her current place of employment as a dental hygienist;
- consents to maintain regular monthly contact with the College by regularly checking their email inbox for communications from the College and contacting the College if s/he has not received email communication from the College within the preceding thirty days.

RELEVANT PROVISION OF ACT, REGULATION OR BYLAWS

Act, section 13; 33(4); 33(5); 33(6)(c); Dental Hygienists Regulation 3 and 5(a), College Bylaws s 47(1)

STATUS

Closed.