

INQUIRY COMMITTEE RECORD OF DECISION

FILE NAME: DH1296

FACTS

In August 2012, the CDHBC Inquiry Committee initiated an investigation under s. 33(4)(a) of the *Health Professions Act*, R.S.B.C. 1996, c. 183 (the “Act”) to determine whether a Registrant had engaged in unauthorized practice of dental hygiene without registration contrary to s. 13 of the *Act*, ss. 3 and 5(a) of the Dental Hygienists Regulation and ss. 47(1) and 49 of the College bylaws after having received an incomplete application for registration from the registrant. College staff contacted the Registrant to identify the outstanding items needed to process the application. The call was cut short by the Registrant to go see a patient. When questioned by College staff if it was a dental hygiene patient, the Registrant advised that it wasn’t. Upon a follow-up call to the Dental Office by the staff member, it was confirmed that the Registrant was providing dental hygiene treatment on that day.

Under direction of the Inquiry Committee, the CDHBC Registrar notified the Registrant of the investigation and requested the Registrant’s response to the investigation in accordance with s. 33(5) of the *Act*.

The Registrant provided a written response explaining that there were extenuating circumstances which lead to her/his oversight in renewing her/his registration by the deadline of February 28, 2012 and which further lead to her/his unauthorized practice of dental hygiene following the expiration of her/his registration. The Registrant advised that (s)he took steps to seek reinstatement when (s)he became aware of her/his lapsed membership and apologized for advising the College staff that (s)he was not seeing dental hygiene clients when in fact (s)he was. The Registrant also advised the College that (s) was terminated from her/his position as a dental hygienist because (s)he had engaged in unauthorized practice.

COMMITTEE DECISION

As the conclusion of the investigation, the Inquiry Committee determined that the evidence established that the Registrant had engaged in unauthorized practice without registration contrary to s. 13 of the *Act*, ss. 3 and 5(a) of the Dental Hygienists Regulation and ss. 47(1) and 49 of the College bylaws for the period of March 1, 2012 until July 9, 2012.

The Inquiry Committee determined, and the Registrant agreed, that the appropriate remedial action would be a consent order under s. 33(6)(c) of the *Act* in which the Registrant would consent to maintain registration in good standing at all times while engaged in the practice of dental hygiene and to take remedial steps to ensure that (s)he understands, and remains compliant with, the *Act*, Dental Hygienists Regulation and College bylaws, and additionally that (s)he will be open and forthright and provide accurate information in all future communications with the College.

The Inquiry Committee concluded that this would be an appropriate case to seek a consent order under s. 36 of the *Act* because: (a) the Registrant acknowledged that (s)he engaged in unauthorized practice for the period of March 1, 2012 to July 9, 2012; (b) the Registrant explained that failure to obtain registration prior to engaging in practice was attributable to extenuating circumstances; (c) the Registrant apologized for her/his misleading statement to College staff that (s)he was not seeing dental

hygiene clients during the telephone call with the College; (d) the Registrant has taken steps to ensure that (s)he does not repeat the conduct of engaging in unauthorized practice which raises public safety concerns and represents a serious issue for the College.

RELEVANT PROVISION OF ACT, REGULATION, OR BYLAWS: *Act, section 33(4)(a); 33(5); 33(6)(c) 36(1)(a); 36 (1)(d); and Bylaws, section 47; 49*

STATUS: Closed

LEGISLATIVE AUTHORITY: *Health Professions Act s 33, 36*