

January 22, 2021

A virtual hearing was held December 15, 2020 to consider allegations of unprofessional conduct as defined in the *Health Professions Act*.

The following allegations of unprofessional conduct were considered by the Hearing Tribunal:

1. The dental hygienist violated Principles 1.5, 2.7 and 2.9.7.4 of the CRDHA Code of Ethics and Section 1.3 of the CRDHA Practice Standards by failing to disclose to the client the financial benefit she received by selling a Sonicare Diamond Clean trial toothbrush to the client.
2. The dental hygienist violated Principles 1.6, 4.1, 4.3 and 6.1 of the CRDHA Code of Ethics, Sections 1.3 and 1.17.5 of the CRDHA Practice Standards and Sections 11(1), 11(2), 16(1), 16(2), 17(b)(i), 19(1) and 19(2) of the *Personal Information Protection Act* by:
 - a. Suggesting a client purchase a Sonicare toothbrush from the dental hygienist personally
 - b. Personally selling a Sonicare Diamond Clean trial toothbrush to a client, and
 - c. Using the client's payment information, without the client's consent, to register her daughter for a school trip with EF Tours in June 2018.
3. The dental hygienist violated Principles 1.6, 4.1, 4.2, 4.3, 4.5 and 6.1 of the CRDHA Code of Ethics, Sections 1.1.11, 1.2.7, 1.2.8, 1.3 and 1.7 of the CRDHA Practice Standards and Sections 7(1)(c), 7(1)(d), 11(1), 11(2), 16(1), 16(2), 17(b)(i), 19(1), 19(2) and 20(b) of the *Personal Information Protection Act* by failing to comply with applicable privacy legislation and regulations related to the use and disclosure of a client's banking information, without the client's consent.

All of which is conduct that harms the integrity of the dental hygienist profession.

The hearing proceeded as a consent hearing and the Hearing Tribunal accepted the Admission of Unprofessional Conduct, the Agreed Statement of Facts and the Joint Submission on Penalty.

The Hearing Tribunal made the following orders:

1. The dental hygienist will receive a reprimand;
2. At her own cost, the dental hygienist will be required to successfully complete the following continuing education regarding privacy obligations within three (3) months of the Hearing Tribunal's decision:
 - a. The Privacy Training Program: Alberta PIPA found at www.camli.org/store.php; and
 - b. Privacy Awareness in Healthcare Training found at <https://corridorinteractive.com/online-training/privacy-awareness-in-healthcare/privacy-awareness-alberta/>
3. The dental hygienist must submit written confirmation and written evidence of successful completion of the Privacy Training to the CRDHA within one (1) week of such completion;
4. Within four (4) months of the Hearing Tribunal's decision, the dental hygienist will be required to provide a 1,200-word essay (approximately 4-5 pages double spaced) to CRDHA describing how the learning from the courses listed above will impact the dental hygienist's future professional practice;

5. The dental hygienist is prohibited from selling any product she receives, either through purchase, gift or employee benefit, as the direct or indirect result of her role as a RDH;
6. The dental hygienist be ordered to pay to CRDHA a fine of \$3,000.00 ("Fine");
7. The dental hygienist be ordered to pay to CRDHA 25% of the costs and fees related to the investigation and the hearing as of 12:00 PM on December 16, 2020 or \$11,000.00, whichever amount is less ("Costs");
8. The Fine and Costs must be paid in full by June 30, 2022;
9. In addition, if the Fine and Costs are not paid in full by June 30, 2022, there will be an annual charge of 1.5% per year from the date of the Hearing Tribunal decision until the Fine and Costs are paid in full ("Interest");
10. In addition, if the Fine and Costs are not paid in full by June 30, 2022, the dental hygienist's registration and practice permit shall be suspended until the Fine, Costs and Interest are paid in full;
11. Any suspension of the dental hygienist's registration and practice permit due to the failure to pay the Fine and Costs in full shall be an additional penalty and not an alternative penalty to the payment of the Fine and Costs in full; and
12. The dental hygienist acknowledges that the completion of the penalties ordered by the Hearing Tribunal will not be eligible towards continuing competence credits under the CRDHA Continuing Competence Program.