



## College Press Release

### Superior Court of Justice of Ontario (Divisional Court) upholds decision of the College's Discipline Committee

February 1, 2017

On January 20, 2017, the Superior Court of Justice of Ontario (Divisional Court), dismissed an appeal of the February 2, 2016 decision of the College's Discipline Committee by Mr. Yasong Chen.

The Discipline Committee had ordered the revocation of Mr. Chen's Certificate of Registration for engaging in acts of professional misconduct by:

- failing to maintain a standard of practice;
- making a misrepresentation to a patient,
- failing to refer to a dental surgeon or a physician a patient who has a condition outside the scope of denturism;
- using an unauthorized term, title or designation;
- signing or issuing a false or misleading document;
- submitting an account or charge for services that is false or misleading;
- contravening the Denturism Act, 1991, the Regulated Health Professions Act, 1991 and the regulations under either of them; and,
- disgraceful, dishonourable, unethical or unprofessional conduct.

The full text of the Decision and Reasons of the Discipline Committee can be found [here](#).

In its decision, the Court noted that "The analysis by the Discipline Committee was thorough, based on the uncontradicted evidence and on all of the criteria for establishing penalty. The evidence amply supported the decision. The penalty imposed was within the range of reasonable outcomes. Revocation was not a "clearly unfit" penalty; indeed it was the inevitable outcome, even if this was the first time the Member was disciplined". The Court was not persuaded that the Discipline Committee erred in principle in arriving at the penalty of revocation.

The Court also dismissed an appeal of the Discipline Committee's cost decision in the matter noting that "the decision of the Discipline Committee was based on appropriate legal principles and on the uncontradicted evidence. The amount of costs ordered was well within a reasonable range of outcomes."

As a result of the dismissal of the appeal, Mr. Chen's Certificate of Registration was immediately revoked on January 20, 2017. The order for Mr. Chen to pay the College \$70,000.00 in costs stands. Additionally, the Superior Court of Justice (Divisional Court) ordered Mr. Chen to pay the College \$10,000.00 in costs related to the appeal.

This decision by the Superior Court of Justice (Divisional Court) assists in ensuring the public's trust in the profession, the College and the College's disciplinary process.