

**DISCIPLINE COMMITTEE
OF THE COLLEGE OF DENTURISTS OF ONTARIO**

PANEL: Elizabeth Gorham-Matthews, Chair, Professional Member
Lileath Claire, Public Member
Aisha Hasan, Public Member

BETWEEN:

COLLEGE OF DENTURISTS OF ONTARIO NATASHA DANSON and AMANDA
BYRD for College of Denturists of Ontario

- and -

JOSEPH ADAMEC Self-Represented

Reg. No. 566-92

JORDAN STONE
Independent Legal Counsel

Heard: July 7, 2023

DECISION AND REASONS

This matter came on for an electronic hearing before a panel of the Discipline Committee (the “Panel”) on July 7, 2023 via videoconference.

The Allegations

The Panel received a Notice of Hearing dated March 14, 2023 which was marked as Exhibit 1. The allegations contained in the Notice of Hearing are as follows:

The Member

1. Joseph Adamec (the “Member”) is a duly registered member of the College of Denturists of Ontario (the “College”). At the relevant time, he held an active certificate of registration.

Quality Assurance Program Requirements

2. All members of the College are required to participate in the College’s quality assurance (“QA”) program. The QA program is overseen by the College’s Quality Assurance Committee (“QAC”).
3. As part of the QA program, members who hold active certificates of registration must fulfil continuing professional development (“CPD”) requirements. In particular, members must complete a minimum of 10 CPD credits on an annual basis.
4. In or around mid-April of each year, College members are required to report the number of CPD credits they obtained in the preceding year-long cycle through the College’s member portal.
5. Members who fail to complete the CPD requirements may be required by the QAC to undergo a CPD audit. Members who fail to complete the CPD requirements may also be required to undergo a peer and practice assessment (“PPA”).
6. The College applies administration fees for notices sent to members who fail to comply with their QA requirements, as set out in the College’s By-Laws.

Failure to Comply with the Quality Assurance Program Requirements

7. The Member did not report the number of CPD credits he obtained during the 2019-2020 cycle by the deadline in or around mid-April 2020.
8. The College contacted the Member to advise him that he had not submitted his 2019-2020 CPD credits. He was warned that a failure to respond to the College regarding his 2019-2020 CPD requirements would result in the QAC ordering a CPD audit and a \$50 administrative fee.

9. By in or around October 2020, the Member had not responded to the College regarding his 2019-2020 CPD requirements or complied with his 2019-2020 CPD requirements. The College advised the Member that a \$50 administrative fee had been imposed. The College also advised the Member that the QAC had ordered that he participate in a CPD audit. The Member was advised that a failure to respond would result in a PPA being ordered and the imposition of a \$100 administrative fee. The Member did not respond.
10. In or around December 2020, the College sent a letter to the Member regarding the requirement to participate in the CPD audit and pay the \$50 administrative fee. The Member was warned that the next step would be to participate in a PPA. The Member was told a \$100 administrative fee would be imposed. The Member was also warned that if he did not participate in the CPD audit or the PPA, the matter would be referred to the Inquiries, Complaints and Reports Committee (the “ICRC”).
11. By in or around February 2021, the Member had not responded to the College, complied with his 2019-2020 CPD requirements, or paid the \$50 administration fee. The College sent the Member a letter on or around February 16, 2021 advising that the Member was required to participate in a PPA and pay a \$100 administrative fee. The Member was asked to upload documents for the PPA by on or around March 19, 2021. The Member did not upload the PPA documents by this date.
12. The Member did not report the number of CPD credits he obtained during the 2020-2021 cycle by the deadline in or around mid-April 2021.
13. The College contacted the Member to advise him that he had not submitted his 2020-2021 CPD credits. He was warned that a failure to respond to the College regarding his 2020-2021 CPD requirements would result in the QAC ordering a CPD audit and the imposition of a \$50 administrative fee.
14. By on or around October 26, 2021, the Member had not complied with his 2019-2020 and 2020-2021 CPD requirements. He also had not complied with the PPA. The Member was advised that a continuing delay in responding to College communications could result in a referral to the ICRC. The Member was invited to make a written request to the QAC to defer

his PPA. The Member did not respond to this communication or provide a request to defer the PPA.

15. Between approximately November 26, 2021 and March 2022, the College followed up with the Member regarding his QA obligations. He was advised that a failure to comply with his QA obligations would result in a referral to ICRC. The Member did not reply to these communications.
16. As of May 9, 2022, the Member had not submitted his 2019-2020 and 2020-2021 CPD credits, nor had he completed the PPA or participated in the CPD audit. Although the Member paid the \$50 administrative fee in or around April 2021, he did not pay the \$100 administrative fee.
17. On or about May 9, 2022, the QAC disclosed the Member's name and allegations of professional misconduct against the Member to the ICRC.

Grounds of Professional Misconduct

18. It is alleged that the above conduct constitutes professional misconduct pursuant to clause 51(1)(b.0.1) of the Health Professions Procedural Code being Schedule 2 to the Regulated Health Professions Act, 1991 (the "Code") (failing to cooperate with the QAC or any assessor appointed by that Committee).
19. It is further alleged that the above conduct constitutes professional misconduct pursuant to Clause 51(1)(c) of the Code and as defined in one or more of the following paragraphs of section 1 of Ontario Regulation 854/93 made under the Denturism Act, 1991:
 - a. paragraph 33 (contravening by act or omission the Denturism Act, 1991, the Regulated Health Professions Act, 1991 or the regulations under either of those acts, namely section 82(1) of the Code); and/or
 - b. paragraph 44 (failing to reply appropriately in writing within 30 days to any written communication from the College that requests a response); and/or

- c. paragraph 45 (failing to pay a fee or amount owed to the College after reasonable notice of the payment due has been given to the member); and/or
- d. paragraph 47 (engaging in conduct or performing an act, relevant to the practice of denturism, that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable, unethical or unprofessional).

Agreed Statement of Facts

The Panel was provided with an Agreed Statement of Facts (marked as Exhibit 2), which provides as follows:

The Member

1. Joseph Adamec (the “Member”) is a duly registered member of the College. At the relevant times, he held an active certificate of registration.

Quality Assurance Program Requirements

2. All members of the College are required to participate in the College’s quality assurance (“QA”) program. The QA program is overseen by the College’s Quality Assurance Committee (“QAC”).
3. As part of the QA program, members who hold active certificates of registration must fulfil continuing professional development (“CPD”) requirements. In particular, members must complete a minimum of 10 CPD credits on an annual basis.
4. In mid-April of each year, College members are required to report the number of CPD credits they obtained in the preceding year-long cycle through the College’s member portal.
5. Members who fail to complete the CPD requirements may be required by the QAC to undergo a CPD audit. Members who fail to complete the CPD requirements may also be required to undergo a peer and practice assessment (“PPA”).

6. The College applies administration fees for notices sent to members who fail to comply with their QA requirements, as set out in the College's By-Laws.

Failure to Comply with the Quality Assurance Program Requirements

7. The Member did not report the number of CPD credits he obtained during the 2019-2020 cycle by the deadline in mid-April 2020.
8. The College contacted the Member to advise him that he had not submitted his 2019-2020 CPD credits. He was warned that a failure to respond to the College regarding his 2019-2020 CPD requirements would result in the QAC ordering a CPD audit and a \$50 administrative fee.
9. By October 2020, the Member had not responded to the College regarding his 2019-2020 CPD requirements or complied with his 2019-2020 CPD requirements. The College advised the Member that a \$50 administrative fee had been imposed. The College also advised the Member that the QAC had ordered that he participate in a CPD audit. The Member was advised that a failure to respond would result in a PPA being ordered and the imposition of a \$100 administrative fee. The Member did not respond.
10. In December 2020, the College sent a letter to the Member regarding the requirement to participate in the CPD audit and pay the \$50 administrative fee. The Member was warned that the next step would be to participate in a PPA. The Member was told a \$100 administrative fee would be imposed. The Member was also warned that if he did not participate in the CPD audit or the PPA, the matter would be referred to the Inquiries, Complaints and Reports Committee (the "ICRC").
11. By February 2021, the Member had not responded to the College, complied with his 2019-2020 CPD requirements, or paid the \$50 administration fee. The College sent the Member a letter on February 16, 2021 advising that the Member was required to participate in a PPA and pay a \$100 administrative fee. The Member was asked to upload documents for the PPA by March 19, 2021. The Member did not upload the PPA documents by this date.

12. The Member did not report the number of CPD credits he obtained during the 2020-2021 cycle by the deadline in mid-April 2021.
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14. By October 26, 2021, the Member had not complied with his 2019-2020 and 2020-2021 CPD requirements. He also had not complied with the PPA. The Member was advised that a continuing delay in responding to College communications could result in a referral to the ICRC. The Member was invited to make a written request to the QAC to defer his PPA. The Member did not respond to this communication or provide a request to defer the PPA.
15. Between November 26, 2021 and March 2022, the College followed up with the Member regarding his QA obligations. He was advised that a failure to comply with his QA obligations would result in a referral to ICRC. The Member did not reply to these communications.
16. As of May 9, 2022, the Member had not submitted his 2019-2020 and 2020-2021 CPD credits, nor had he completed the PPA or participated in the CPD audit. Although the Member paid the \$50 administrative fee in April 2021, he did not pay the \$100 administrative fee.
17. On May 9, 2022, the QAC disclosed the Member's name and allegations of professional misconduct against the Member to the ICRC.

Grounds of Professional Misconduct

18. It is admitted that the above conduct constitutes professional misconduct pursuant to clause 51(1)(b.0.1) of the Health Professions Procedural Code being Schedule 2 to the Regulated Health Professions Act, 1991 (the "Code") (failing to cooperate with the QAC or any assessor appointed by that Committee).

19. It is further admitted that the above conduct constitutes professional misconduct pursuant to Clause 51(1)(c) of the Code and as defined in the following paragraphs of section 1 of Ontario Regulation 854/93 made under the Denturism Act, 1991:

- a. paragraph 33 (contravening by act or omission the Denturism Act, 1991, the Regulated Health Professions Act, 1991 or the regulations under either of those acts, namely section 82(1) of the Code);
- b. paragraph 44 (failing to reply appropriately in writing within 30 days to any written communication from the College that requests a response);
- c. paragraph 45 (failing to pay a fee or amount owed to the College after reasonable notice of the payment due has been given to the member); and
- d. paragraph 47 (engaging in conduct or performing an act, relevant to the practice of denturism, that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable, unethical or unprofessional).

20. If the Member were to testify, he would state that, at the material times, he faced difficult personal circumstances related to his health and his spouse's health and behaviour.

Plea Inquiry

21. Through this document, the Member states that he:

- a. understands the nature of the allegations that have been made against him;
- b. understands that he is admitting to facts that will support a finding that he has engaged in professional misconduct;
- c. understands that he is admitting to having engaged in an act or acts of professional misconduct;
- d. understands that he is waiving his right to require the College to prove the allegations against him at a contested hearing;

- e. understands that a decision and a summary of the Discipline Committee's reasons for decision, including reference to his name, will be published on the College's website and in College publications;
- f. understands that, even if he and the College have agreed to a proposed penalty order, the Discipline Committee is not bound by that agreement and does not have to order the penalty that he and the College's lawyer have agreed upon;
- g. voluntarily decided to admit the allegations against him;
- h. was not pressured in any way to admit the allegations against him; and
- i. was not offered any bribe to admit the allegations against him.

22. In light of the agreed facts and the admissions of professional misconduct, the College and the Member submit that the Discipline Committee should find that the Member has committed professional misconduct as set out herein.

Member's Plea

The Member admitted the allegations contained in paragraphs 18 and 19 of the Notice of Hearing. The Panel conducted an oral plea inquiry and was satisfied that the Member's plea was voluntary, informed, and unequivocal.

Decision on Misconduct

The Panel considered the Agreed Statement of Facts and the Member's plea and found that the facts and admissions supported findings of professional misconduct. In particular, the Panel found that the Member committed acts of professional misconduct as alleged in paragraphs 18, 19(a), 19(b), 19(c), and 19(d) of the Notice of Hearing, in that he contravened sections 51(1)(b.0.1) and 51(1)(c) of the *Health Professions Procedural Code* and paragraphs 1(33), 1(44), 1(45), and 1(47) of Ontario Regulation 854/93.

Joint Submission on Penalty

The Panel was provided with a Joint Submission on Penalty (marked as Exhibit #3) in which the parties jointly proposed the following order:

1. The Member is required to appear before a panel of the Discipline Committee immediately following the hearing of this matter to be reprimanded, with the fact of the reprimand and the text of the reprimand to appear on the public register of the College.
2. The Registrar is directed to suspend the Member's certificate of registration, to commence immediately following the hearing and to continue until the later of:
 - a. One month; and
 - b. The date the Member complies with both paragraphs 3a and 3b below.
3. The Registrar is directed to impose the following terms, conditions or limitations on the Member's certificate of registration, to be completed to the Registrar's satisfaction:
 - a. The Member must comply with his outstanding quality assurance obligations, including completion of the peer and practice assessment and payment of the outstanding \$100 administrative fee;
 - b. The Member must provide proof of successful completion of an individualized course or mentorship program in professional responsibilities with a provider arranged for by the College regarding the issues raised in this case, where proof of successful completion must take the form of a report from the course or mentorship provider; and,
 - c. The Member must respond to all future communications from the College within 15 days of delivery of the communication, deemed or otherwise.

Penalty Submissions

Counsel for the College submitted that in view of the facts and admissions set out in the Agreed Statement of Facts and the findings of professional misconduct, the proposed penalty, although significant, is fair. College counsel submitted that the joint submission achieved the principles of specific deterrence, general deterrence, remediation, and maintenance of public confidence in the profession.

College counsel submitted that the proposed penalty was in the usual range of penalties for similar misconduct and directed the Panel to several decisions, including College of Denturists vs Agivaev (2019), College of Opticians of Ontario vs Truong (2021), Ontario (College of Massage Therapists of Ontario) vs Harrison (2021), College of Opticians of Ontario vs Chow (2019) and Ontario (College of Massage Therapists of Ontario) vs Miller (2020).

College counsel submitted that the joint submission was not so unhinged from the circumstances of the case that its acceptance would lead reasonable and informed persons to believe that the proper functioning of the justice system had broken down.

College counsel noted that the Member was cooperative and saved the College the time and expenses of a contested hearing. Counsel noted that the Member was enduring medical hardships at the time of the noncompliance with College orders and were mitigating factors.

The Member was given an opportunity to comment on the penalty and confirmed that he agreed with the terms of the Joint Submission on Penalty. The member expressed remorse with the situation.

Penalty Decision

The Panel accepted the Joint Submission on Penalty and made an order as follows:

1. The Member is required to appear before a panel of the Discipline Committee immediately following the hearing of this matter to be reprimanded, with the fact of the reprimand and the text of the reprimand to appear on the public register of the College.
2. The Registrar is directed to suspend the Member's certificate of registration, to commence immediately following the hearing and to continue until the later of:
 - a. One month; and
 - b. The date the Member complies with both paragraphs 3a and 3b below.
3. The Registrar is directed to impose the following terms, conditions or limitations on the Member's certificate of registration, to be completed to the Registrar's satisfaction:
 - a. The Member must comply with his outstanding quality assurance obligations, including completion of the peer and practice assessment and payment of the outstanding \$100 administrative fee;
 - b. The Member must provide proof of successful completion of an individualized course or mentorship program in professional responsibilities with a provider arranged for by the College regarding the issues raised in this case, where proof of successful completion must take the form of a report from the course or mentorship provider; and,
 - c. The Member must respond to all future communications from the College within 15 days of delivery of the communication, deemed or otherwise.

Reasons for Penalty Decision

The Panel found that the penalty in the joint submission would serve as a deterrent to the Member specifically and the profession in general. The order serves to maintain confidence in the College's ability to fulfill its mandate to regulate denturism in the public interest.

The penalty has an educational/mentorship component, which will achieve remediation. Remediation is appropriate in the circumstances due to the nature of the findings of professional misconduct.

The one-month suspension of the Member's certificate of registration is significant, but appropriate given the seriousness of the findings in this matter. Additionally, the suspension may be longer depending on when the Member completes certain terms, conditions or limitations.

The reprimand, and the fact that the reprimand will be posted on the public register, serves the principles of specific deterrence and general deterrence. The principle of transparency has also been met by the fact that the outcome of the hearing, including the reprimand, will be available to the public on the College's website.

In accepting the joint submission, the Panel considered that the Member has no discipline history at the College, that there is no evidence that this is a pattern of behavior with the College, that he cooperated with the investigation and that he pled guilty, thereby saving considerable time and expense to the College. This also indicates that the Member is taking responsibility for his actions.

The Panel found that the principles of public protection, specific deterrence, general deterrence, and remediation were all served by this order in all the circumstances.

E. Gorham-Matthews

Elizabeth Gorham-Matthews
Chairperson

July 19, 2023

Date

Elizabeth Gorham-Matthews
Lileath Claire
Aisha Hasan

As part of its penalty order this Discipline panel has ordered you to be given an oral reprimand. The fact that you have received this reprimand will be part of the public portion of the Register and, as such, part of your record with the College.

The panel has found that you engaged in acts of professional misconduct, including paragraphs 18 and 19 in the Notice of Hearing.

It is a matter of profound concern to this panel that you have engaged in these forms of professional misconduct. By doing so, you have brought discredit to the profession and to yourself. Public confidence in this profession has been put in jeopardy. Moreover, the result of your misconduct is that you have let down the public, the profession and yourself.

We need to make it clear to you that your conduct is unacceptable.

The College and this panel take these infractions seriously. The College is professional body that expects its members to be professional in all aspects of their interactions with the College. We note your demeanor and embarrassment, but we can not discount your actions and lack of response over a two-year period with the College. Your actions did not allow the College to understand or support your situation and has spiralled to the events of today. It is in the interest of the public to know the members of the College have met their quality assurance requirements and the College is obligated to verify the requirements have been met. The public needs the assurance that our professional obligations are being adhered to.

Consequently, it is necessary for us to take steps to impress upon you the seriousness of the misconduct in which you have engaged.

We also want to make it clear that if you ever are found to have engaged in professional misconduct again, a more significant penalty will likely be imposed upon you by the discipline panel hearing that matter. We sincerely hope to never see you before the Discipline Committee again. The panel expect you to take this oral reprimand seriously in your future practice as a denturist.

Thank you for attending.