

Posting Criminal Charges, Findings and Bail Conditions on the Public Register

As part of its mandate to serve and protect the public interest the CDHO *strives to ensure that registrants are of good character by assessing suitability to practise the profession and willingness to meet the requirements of the governing body.* In doing so, the College collects information about Registrants related to criminal charges, findings and bail conditions. At initial registration, applicants are required to provide a current police check (CPIC) and to complete a declaration that includes specific questions related to charges and findings. This same declaration is made annually by Registrants as part of the renewal process.

As of May 1, 2018, information that comes to the attention of the College about **any** open charges a registrant currently has will be posted on the public register. The College does not have discretion in this regard, nor do registrants have discretion whether or not to report their open charges.

The register also contains a summary of any findings of guilt, of which the College is aware, made by a court after December 31, 2015, and before May 1, 2018, against a Registrant in respect of a provincial, federal or other offence that the Registrar believes is relevant to the Registrant's suitability to practise. All findings of guilt made after May 1, 2018 will be posted to the register.

When the College receives information indicating that there have been charges or findings, additional information is requested based on the individual circumstances that could include such things as: a copy of the Notice of Conviction or Notice of Discharge; an updated, recent police check; proof of compliance with any court requirements; bail conditions; reference letters; verification of circumstances; hearing transcripts; etc. The applicant or Registrant is also invited to provide any additional information they wish to submit including a letter of explanation for the conduct in question. In some cases, additional investigation may be warranted so the College has the information it needs to assess suitability to practise the profession.

Furthermore, a panel of the Discipline Committee of the College shall find under section 51(1) of the *Health Professions Procedural Code* that a member has committed an act of professional misconduct if the member has been found guilty of an offence that is relevant to the member's suitability to practise.

It is important to note that although a registrant may not have been found "guilty" through a trial, they may still be guilty of an offence. There are various process outcomes from charges that are findings of guilt, which include, but may not be limited to: convictions, discharges, conditional sentences or restitution orders.

Mandatory revocation now applies to registrants who have been found guilty of any of the following offences under the *Criminal Code*:

- sexual interference
- invitation to sexual touching
- sexual exploitation or sexual exploitation of a person with a disability
- bestiality in the presence of or by a child
- voyeurism
- child pornography
- parent or guardian procuring sexual activity
- making sexually explicit material available to a child
- luring a child
- sexual assault
- sexual assault with a weapon, threats to a third party or causing bodily harm
- aggravated assault

If a registrant is unsure whether to report an issue to the College, it is best to contact the College as soon as possible and provide any and all information available. Professional misconduct under the *Dental Hygiene Act* includes “failing to take reasonable steps to ensure that information provided by or on behalf of the member to the College is accurate.”

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