

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

Policy

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.

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.

Recently, the College revised its bylaws to include posting on the Public Register a summary of relevant charges, findings, bail conditions and restrictions on practice by any court or tribunal, within or outside of Canada. This information may be important for the public when choosing a health care professional and while most of it is publicly available now through the courts, it may be difficult to find. Having it on the Register will simplify the process, thereby assisting the public to make an informed choice. Bylaw No. 5 now includes the following provisions under 15.6, which sets out the specific information that will be included on the Public Register:

- (z) A summary of any current charges against a Registrant, of which the College is aware, in respect of a federal, provincial or other offence that the Registrar believes is relevant to the Registrant's suitability to practise.
- (aa) A summary of any current conditions, terms, orders, directions or agreements relating to the custody or release of the Registrant in respect of provincial, federal or other offence processes, of which the College is aware, and that the Registrar believes is relevant to the Registrant's suitability to practise.
- (bb) A summary of any findings of guilt, of which the College is aware, made by a court after December 31, 2015, 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.

When making a determination as to what information is considered relevant to a Registrant's suitability to practise dental hygiene and therefore will be posted on the Register, the Registrar will consider the following:

- The extent of the conduct (e.g. number of times, over what period of time)
- The nature of the conduct (e.g. whether it is likely to impact directly or indirectly on the ability to practise safely and ethically)
- For bail conditions or conditions on release, whether they apply to the dental hygienist's practice (e.g. a requirement to practise only under supervision)
- The specific circumstances of the matter (e.g. the age of the person when the conduct occurred)
- The penalty that was imposed
- How cooperative the person was (e.g. were they forthcoming, did they admit to or deny the conduct)
- The motivation for the conduct (e.g. personal gain, pressure from others, challenging personal circumstances)
- Evidence as to whether the conduct was in character or out of character for the person (e.g. was it a "one off" situation related to a particular circumstance)
- The degree of dishonesty or breach of trust
- Rehabilitation and likelihood the conduct will reoccur (e.g. whether there has been any demonstration of remorse or action taken to correct the wrong)
- Behaviour since the event (e.g. absence of evidence of subsequent similar conduct)
- A treating health care provider's report as to the potential impact on the person's ability to practise and whether there are ongoing concerns that might be likely to lead to a repetition of the conduct
- Evidence directly from other sources such as an employer, regulatory body, educator, parole officer.

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