

PART V
PROFESSIONAL MISCONDUCT

15. The following are acts of professional misconduct for the purposes of clause 51 (1) (c) of the Health Professions Procedural Code:

1. Contravening, by act or omission, a term, condition or limitation imposed on the member's certificate of registration.
2. Contravening, by act or omission, a standard of practice of the profession or failing to maintain the standard of practice of the profession.
3. Treating or attempting to treat a condition that the member knows or ought to know is beyond his or her expertise or competence.
4. Failing to refer a client to a qualified medical or dental practitioner where the member recognizes or ought to recognize a condition which requires medical or dental examination.
5. Providing or continuing to provide treatment, a remedy or a procedure that is not indicated, has ceased to be effective or is unnecessary.
6. Doing anything to a client for a therapeutic, preventive, palliative, diagnostic, cosmetic or other health-related purpose except,
 - i. with the informed consent of the client or the client's authorized representative, or
 - ii. as required or authorized by law.
7. Abusing a client verbally, physically, psychologically or emotionally.
8. Engaging in sexual misconduct involving a person, other than a client,
 - i. with whom the member has a professional relationship, or
 - ii. in relation to whom the member is in a position of authority or trust.
9. Discontinuing professional services contrary to the terms of an agreement between the member and a hospital within the meaning of the *Public Hospitals Act*.
10. Engaging in the practice of the profession while the member's ability to do so is impaired by any substance.
11. Discontinuing professional services that are needed unless,
 - i. the client requests the discontinuation,
 - ii. alternative services are arranged, or
 - iii. the client is given a reasonable opportunity to arrange alternate services.
12. Practising the profession while the member is in a conflict of interest.

13. Breaching an agreement with a client relating to professional services for the client or fees for such services.
14. Failing to reveal the exact nature of a remedy, treatment, device or procedure used by the member following a request by a client, a client's authorized representative or the College to do so.
15. Making a claim respecting the utility of a remedy, treatment, device or procedure other than a claim which can be supported as reasonable professional opinion.
16. Influencing a client to change his or her will or other testamentary instrument.
17. Failing to provide to a client, a client's authorized representative or a member of the public, when requested, the address and telephone number of the College.
18. Inappropriately using a term, title or designation in respect of the member's practice.
19. Inappropriately using a term, title or designation indicating a specialization in the profession.
20. Using a name other than the member's name as set out in the register in the course of providing or offering to provide services within the scope of practice of dental hygiene.
21. Failing to identify himself or herself, by name and certificate of registration number, upon request in the course of practising the profession.
22. Advertising or permitting advertising with respect to the member's practice in contravention of the regulations.
23. Appearing in, or permitting the use of a member's name in, an advertisement or communication that implies, or could be reasonably interpreted to imply, that the professional expertise of the member is relevant to the subject matter of the advertisement or communication. This does not apply to an advertisement or communication of the member's own practice or to an advertisement or communication by a non-profit organization if the member receives no consideration for his or her appearance or the use of his or her name.
24. Giving information about a client to a person without the consent of the client or his or her authorized representative except as required or permitted by law.

25. Failing to make arrangements with a client or his or her authorized representative for the transfer of the client's records in the care of the member,
 - i. when the member retires from practice,
 - ii. when the member changes office location and the client or his or her authorized representative requests that the records be transferred, or
 - iii. when requested to do so by the client or his or her authorized representative.
26. Failing to provide to a client the new business address and phone number of another member with whom the member previously practised in association, partnership, an employment relationship or otherwise, where the client has requested this information for the purpose of obtaining dental hygiene services from the member of his or her choice. This does not apply to a member who was unable to obtain such information after having made all reasonable efforts to do so.
27. Failing to keep records in accordance with generally accepted standards of practice or as required by any applicable regulations.
28. Falsifying a record relating to the member's practice.
29. Failing, without reasonable cause, to provide a report, certificate or copy of a record relating to an examination or treatment performed by the member within a reasonable time, to the client or his or her authorized representative, after they requested such a report, certificate or copy of a record.
30. Signing or issuing, in the member's professional capacity, a document that the member knows or ought to know contains a false or misleading statement.
31. Submitting an account or charge for services that the member knows or ought to know is false or misleading.
32. Counselling or assisting in the submission of false or misleading accounts or charges to clients or in respect of their care.
33. Charging or accepting a fee or amount that is excessive or unreasonable in relation to the services performed.
34. Failing to advise a client or his or her authorized representative, upon request, of the fee to be charged for a service in advance of providing the service.
35. Failing to itemize an account for professional services,

- i. if requested to do so by the client or person or agency who is to pay, in whole or in part, for the services, or
 - ii. if the account includes a commercial laboratory fee.
36. Refusing to perform a professional service that a client urgently requires unless all or part of the fee is paid before the service is provided.
37. Selling or assigning any debt owed to the member for professional services. This does not prohibit the use of credit cards to pay for professional services.
38. Receiving any form of benefit from the practice of dental hygiene while under suspension unless full disclosure is made by the member to the College of the nature of the benefit to be obtained and prior approval is obtained from the Executive Committee.
39. Employing or otherwise benefiting from a suspended member with respect to the practice of dental hygiene unless full disclosure is made by the member to the College of the nature of the benefit to be obtained and prior approval is obtained from the Executive Committee.
40. Receiving or conferring a benefit to a person for the referral of a client or for any professional services respecting a client.
41. Failing to pay any money owing to the College.
42. Failing to take reasonable steps to ensure that information provided by or on behalf of the member to the College is accurate.
43. Failing to reply appropriately within the time specified by the request or, if no time is specified, within 30 days to a written inquiry made by the College that requests a response.
44. Failing to attend an oral caution of the Complaints Committee or an oral reprimand of the Discipline Committee.
45. Failing to comply with an order or direction of a Committee or a panel of a Committee of the College.
46. Failing to abide by a written undertaking given by the member to the College or to carry out an agreement entered into with the College.
47. Contravening, by act or omission, the Act, the *Regulated Health Professions Act, 1991* or the regulations under either of those Acts.
48. Contravening, by act or omission, a federal, provincial or territorial law, a municipal by-law or a hospital rule or by-law under the *Public Hospitals Act* if,

- i. the purpose of the law, by-law or rule is to protect the public health,
or
 - ii. the act or omission is relevant to the member's suitability to
practise.
49. Permitting, counselling or assisting any person who is not a member to hold himself or herself out as a member of the profession.
 50. Failing to co-operate with an investigator of the College or another regulatory body, upon production by the investigator of his or her appointment under section 75 of the Health Professions Procedural Code or to provide access to and copies of all records, documents, and things that may be reasonably required for the purposes of the investigation.
 51. Failing to promptly report to the College an incident of unsafe practice by a member.
 52. Engaging in conduct or performing an act relevant to the practice of the profession that, having regard to all the circumstances would reasonably be regarded by members as disgraceful, dishonourable or unprofessional.
 53. Engaging in conduct unbecoming a dental hygienist. O. Reg. 382/08, s. 1.