

**DISCIPLINE COMMITTEE OF THE ROYAL COLLEGE OF DENTAL SURGEONS OF
ONTARIO**

Citation: Royal College of Dental Surgeons of Ontario v. Yarascavitch, 2024 ONRCDSO 3

Date: 2023-08-21

File No.: 22-0349

IN THE MATTER OF: A Hearing held pursuant to the provisions of the Health Professions Procedural Code which is Schedule 2 to the *Regulated Health Professions Act, 1991*, Statutes of Ontario, 1991, Chapter 18 (“Code”)

AND IN THE MATTER OF: the *Dentistry Act* and Ontario Regulation 853, Regulations of Ontario, 1993, as amended (“Dentistry Act Regulation”)

AND IN THE MATTER OF: the *Statutory Powers Procedure Act*, Revised Statutes of Ontario, 1990, Chapter S.22, as amended

BETWEEN:

Royal College of Dental Surgeons of Ontario

-and-

Dr. Marc Edward Yarascavitch

FINDING AND PENALTY REASONS

RESTRICTION ON PUBLICATION

In the matter of the Royal College of Dental Surgeons of Ontario and Dr. Marc Edward Yarascavitch, the Discipline Panel ordered, under ss. 45(3) of the Health Professions Procedural Code, that no person shall publish or broadcast the identity of any patients of the Registrant, or any information that could disclose the identity of any patients who are named in the Notice of Hearing and/or the Agreed Statement of Facts in this matter.

PANEL MEMBERS:

Ms. Judy Welikovitch, Public Member (Chair)

Dr. Nancy Di Santo, Professional Member

Dr. Victor Kutcher, Professional Member

APPEARANCES:

Erica Richler, for the College
Neil Abramson, for Dr. Yarascavitch
Andrea Gonsalves, Independent Legal Counsel

Heard: August 21, 2023, by videoconference

Decision Date: August 21, 2023

Release of Written Reasons: March 19, 2024

REASONS FOR DECISION

[1] This matter came on for hearing before a panel of the Discipline Committee (the “**Panel**”) of the Royal College of Dental Surgeons of Ontario (the “**College**”) in Toronto on August 21, 2023. This matter was heard electronically.

[2] At the outset of the hearing, the College sought an order that no person shall publish or broadcast the identity of any patients of the Registrant, or any information that could disclose the identity of any patients who are named in the Notice of Hearing and/or the Agreed Statement of Facts in this matter. The Registrant consented to the request. The Panel granted the order.

The Allegations

[3] The College’s allegation of professional misconduct against Dr. Yarascavitch (the “**Registrant**”) is set out in a notice of hearing dated May 19, 2022, as follows:

1. You committed an act or acts of professional misconduct as provided by s. 51(1)(c) of the Health Professions Procedural Code, being Schedule 2 of the Regulated Health Professions Act, 1991, Statutes of Ontario, 1991, Chapter 18 (the “Health Professions Procedural Code”) and under paragraph 59 of Section 2 of Ontario Regulation 853, Regulations of Ontario, 1993, as amended, in that, in December of 2017, you engaged in conduct or performed an act or acts that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable, unprofessional or unethical as detailed in the particulars below.

Particulars

- Person B was your patient beginning around October 2017 until about January 2018.
- From approximately December 7-9, 2017, you failed to maintain the boundaries of a therapeutic dentist-patient relationship with Person B. From about December 7-9, 2017, while travelling to and attending a conference in Chicago with Person B, you:

- placed your hand on Person B's upper thigh while at a social outing;
- attended Person B's hotel room very late at night for two consecutive nights. On the evening of December 8, 2017, you brought alcohol to her room and poured Person B a glass of wine;
- slept in the same bed as Person B for two consecutive nights; on one of the nights, you were wearing only underwear by morning;
- rubbed your feet against Person B's feet while in bed with her, rubbed Person B's arm and placed your hand on Person B's hip, including the front side of her hip;
- made comments to Person B about how nice her voice sounded in the morning; and
- exchanged various text messages with Person B that contained a sexual connotation.

The Registrant's Plea

[4] The Registrant admitted the allegation of professional misconduct contained the Notices of Hearing. At the oral hearing the Panel conducted a plea inquiry. Based on the Registrant's responses, the Panel was satisfied that his admissions were voluntary, informed and unequivocal.

The Evidence

[5] On consent of the parties, the College introduced into evidence an Agreed Statement of Facts (Exhibit 2). The Agreed Statement of Facts provides as follows:

Background

1. At the material times, Dr. Marc Edward Yarascavitch (the "**Registrant**"), was a duly registered member of the Royal College of Dental Surgeons of Ontario practising in Huntsville, Ontario. A copy of the Registrant's profile from the Dentist Register is attached hereto as "**Tab 1**" [*omitted from these Reasons*].
2. At the material times, Person B was a registered dental hygienist. The Registrant employed Person B from in or around September 2017 to in or around January 2018.
3. Person B became the Registrant's patient in or around October 2017. The Registrant provided treatment to Person B from in or around October 2017 to in or around January 2018.

Failure to Maintain Boundaries

4. It is admitted that the Registrant failed to maintain the boundaries of a therapeutic dentist-patient relationship with Person B.
5. It is admitted that from about December 7 to 9, 2017, the Registrant travelled with Person B to attend a conference out of town. It is agreed that the Registrant failed to maintain professional boundaries with Person B during this trip, including by:
 - a. Going to Person B's hotel room very late at night for two consecutive nights;
 - b. Bringing alcohol to Person B's hotel room;
 - c. Sleeping in the same hotel room bed as Person B for two consecutive nights, including one night in which the Registrant was partially undressed;
 - d. Making inappropriate comments to Person B about her voice; and
 - e. Exchanging various text messages with Person B with a sexual connotation. A copy of the text messages is attached hereto as "**Tab 2**" [omitted from these Reasons].

Professional Misconduct Admitted

6. The Registrant admits and acknowledges that his conduct described above constitutes professional misconduct pursuant to Section 51(1)(c) of the *Health Professions Procedural Code*, being Schedule 2 of the *Regulated Health Professions Act, 1991*, SO 1991, c 18 and as defined in paragraph 59 of Ontario Regulation 853/93 (unprofessional and unethical only).

Plea Inquiry

7. Through this document, the Registrant 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.
8. In light of the Agreed Facts and the admission of professional misconduct, the Royal College of Dental Surgeons of Ontario and the Registrant submit that the Discipline Committee should find that the Registrant has committed professional misconduct as set out herein.

Decision

[6] Having considered the evidence and submissions of the parties, the Panel found that the Registrant committed professional misconduct as set out in the Notice of Hearing.

Reasons for Decision

[7] The Panel notes that the ICRC's referral of this matter to the Discipline Committee is based upon a single allegation of disgraceful, dishonourable, unprofessional or unethical conduct only.

[8] The Registrant acknowledged by way of the Agreed Statement of Facts that Person B, who was at all times a registered dental hygienist, was both his patient and his employee.

[9] As admitted by the Registrant, notwithstanding that Person B was both a patient and an employee, he traveled with her to a conference in Chicago where he went to Person B's hotel room and slept there in the same bed for two consecutive nights, as described paragraph 5 of the Agreed Statement of Facts, set out above. He also exchanged text messages with Person B that had overt sexual connotations.

[10] Pursuant to the Ontario *Regulated Health Professions Act, 1991* (the "RHPA"),¹ sexual abuse of a patient includes behaviour or remarks of a sexual nature by the Registrant towards a patient,² but does not include touching, behaviour or remarks of a *clinical* nature appropriate to the service provided to the patient.³

[11] The distinction made in the legislation between clinical and non-clinical conduct is significant in that it establishes that touching of a patient is permissible only when it is of a clinical nature. Clinical touching has thus been carved out as the only permissible form of touching between a dentist and their patient.

[12] The College has provided guidance to the profession on this issue in its Practice Advisory entitled *Prevention of Sexual Abuse and Boundary Violations* (the "Practice Advisory")⁴. The College's Practice Advisories may be used to determine whether a registrant has maintained appropriate standards of practice and professional responsibilities. Although it was not part of the evidence in this case, the Practice Advisory provides helpful guidance to the Panel's consideration of whether the Registrant's conduct, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable, unprofessional or unethical.

[13] The Practice Advisory provides the following guidance:

1. In the regulated health professions such as dentistry, sexual abuse is the misuse of the power imbalance in the patient-dentist relationship;
2. That the patient-dentist relationship is inherently unequal: there is always a power imbalance favouring the dentist;

¹ *Regulated Health Professions Act, 1991*, S.O. 1991, c. 18

² *RHPA*, Schedule 2 Health Professions Procedural Code, s. 1(3)

³ *Ibid*, s. 1(4)

⁴ Royal College of Dental Surgeons of Ontario, *Practice Advisory: Prevention of Sexual Abuse and Boundary Violations*, November 2017

3. That boundary violations and/or crossings also involve the misuse of the power imbalance extant between a patient and their dentist;
4. That dentists are prohibited from having sexual relationships with patients. This includes comments and touching of a sexual nature;
5. That it is not appropriate for a dentist to hug or kiss a patient, even as a greeting or to offer comfort;
6. That even the most casual dating or social relationship with a patient – such as going out for coffee – may result in forms of affectionate behaviour that would fall under the RHPA definition of “sexual abuse”⁵.

[14] The boundaries of conduct within the context of a dentist-patient relationship are therefore made clear to registrants in the Practice Advisory.

[15] The facts, as admitted by the Registrant, are also clear: he went to his patient’s room with wine; he stayed in her room, and slept in her bed, for two consecutive nights; he touched her in different ways, all in a *non-clinical* manner; he engaged in inappropriate remarks, such as telling her that her voice sounded nice in the morning; and he engaged in text message communications with his patient that had overt sexual connotations.

[16] The Panel found that Dr. Yarascavitch’s conduct with Person B fell outside the boundaries of normative professional conduct. The interactions between him and Person B were completely social-sexual in nature. They had no connection to Dr. Yarascavitch’s therapeutic relationship with Person B, nor to his employment relationship with her.

[17] On the basis of the evidence, as admitted by the Registrant, the Panel finds, on a balance of probabilities, that Dr. Yarascavitch failed to maintain professionally appropriate, therapeutic boundaries with his patient, Person B.

[18] As a dentist licensed to practice in Ontario, Dr. Yarascavitch was required to maintain appropriate and dignified boundaries in his relationship with his patient,⁶ Person B, who was also his employee. His conduct, as described above, fell below that standard. He misused the power imbalance between himself and Person B. The Panel thus found that Dr. Yarascavitch’s

⁵ *Supra*, Note 2

⁶ This requirement is set out in the RCDSO’s *Code of Ethics*, 2023, para.14, which College counsel referred to in her submissions at the hearing.

conduct was both unprofessional and unethical, and that it would be regarded as such by members of the profession and the public.

Penalty Submissions

[19] The parties presented the Panel with a Joint Submission with respect to Penalty and Costs (Exhibit 3), which reads as follows:⁷

1. The Royal College of Dental Surgeons of Ontario (the "**College**") and Dr. Marc Edward Yarascavitch (the "**Registrant**") jointly submit that this panel of the Discipline Committee impose the following penalty on the Registrant as a result of the panel's finding that the Registrant is guilty of professional misconduct, namely, that it make an order:
 - a. requiring the Registrant to appear before the panel of the Discipline Committee to be reprimanded within ninety (90) days of this Order becoming final or on a date fixed by the Registrar;
 - b. directing the Registrar to suspend the Registrant's certificate of registration for a period of four months, commencing on September 1, 2023 at 12:01 am. The suspension shall run without interruption;
 - c. that the Registrar impose the following terms, conditions and limitations on the Registrant's certificate of registration (the "**Suspension Conditions**"), which conditions shall continue until the suspension of the Registrant's certificate of registration as referred to in paragraph 1(b) above has been fully served:
 - (i) while the Registrant's certificate of registration is under suspension, the Registrant shall immediately inform the following people about the suspension:
 - staff in the offices or practices in which the Registrant works, including other regulated professionals and administrative staff;
 - dentists with whom the Registrant works, whether the Registrant is a principal in the practice or otherwise associated with the practice;
 - dentists or other individuals who routinely refer patients to the Registrant;

⁷ The parties advised the Panel at the hearing that they had agreed to a modification of paragraph 1(e) of the Joint Submission and provided the Panel with the revised wording. The text that follows in these Reasons reflects the agreed revised wording.

- faculty members at Faculties of Dentistry, if the Registrant is affiliated with the Faculty in an academic or professional capacity;
 - owners of a practice or office in which the Registrant works;
 - patients who ask to book an appointment during the suspension, or whose previously booked appointment has been rescheduled due to the suspension. The Registrant may assign administrative staff to inform patients about the suspension. All communications with patients must be truthful and honest;
- (ii) while suspended, the Registrant must not engage in the practice of dentistry, including but not limited to:
- acting in any manner that suggests the Registrant is entitled to practice dentistry. This includes communicating diagnoses or offering clinical advice in social settings. The Registrant must ensure that administrative or office staff do not suggest to patients in any way that the Registrant is entitled to engage in the practice of dentistry;
 - giving orders or standing orders to dental hygienists;
 - supervising work performed by others;
 - working in the capacity of a dental assistant or performing laboratory work;
 - acting as a clinical instructor;
- (iii) while suspended, the Registrant must not be present in offices or practices where the Registrant works when patients are present, except for emergencies that do not involve patients. The Registrant must immediately advise the Registrar in writing about any such emergencies;
- (iv) while suspended, the Registrant must not benefit or profit, directly or indirectly from the practice of dentistry and
- the Registrant may arrange for another dentist to take over their practice during the suspension period. If another dentist assumes the practice, all of the billings of the practice during the suspension period belong to that dentist. The Registrant may be reimbursed for actual out-of-pocket expenses incurred in respect of the practice during the suspension period;

- the Registrant is permitted to sign and/or submit insurance claims for work that was completed prior to the suspension;
 - the Registrant must not sign insurance claims for work that has been completed by others during the suspension period;
- (v) the Registrant shall cooperate with any office monitoring which the Registrar thinks is needed to ensure that the Registrant has complied with the Suspension Conditions. The Registrant must provide the College with access to any records associated with the practice that the College may require to verify that the Registrant has not engaged in the practice of dentistry or profited during the suspension; and
- (vi) the Suspension Conditions imposed by virtue of subparagraphs 1(c)(i)-(v) above shall be removed at the end of the period that the Registrant's certificate of registration is suspended.
- d. directing that the Registrar also impose the following additional terms, conditions and limitations on the Registrant's Certificate of Registration (the "**Practice Condition**"), namely:
- (i) The Registrant shall successfully complete, at his own expense, the PROBE: Ethics & Boundaries Program – Canada, with a grade of "unconditional pass", and provide proof of successful completion to the Registrar, within six (6) months of this Order becoming final.
- e. that the Registrant pay costs to the College in the amount of \$10,000.00 in respect of this discipline hearing, such costs to be paid in four installments as follows: \$2,500 on the date this Order becomes final, \$2,500 within 4 months after the date this Order becomes final, \$2,500 within 8 months after the date this Order becomes final and \$2,500 within 12 months after the date this Order becomes final.
2. The College and the Registrant further submit that pursuant to the *Code*, as amended, the results of these proceedings must be recorded on the Register of the College and any publication of the Decision of the panel would therefore occur with the name and practice address of the Registrant included.
3. Dr. Marc Edward Yarascavitch has not previously appeared before the Discipline Committee of the College.

Penalty Decision

[20] The Panel accepted the Joint Submission with respect to Penalty and Costs, and made the following order (the “**Order**”):

1. The Registrant shall appear before the panel of the Discipline Committee to be reprimanded within ninety (90) days of this Order becoming final or on a date fixed by the Registrar.
2. The Registrar is directed to suspend the Registrant’s certificate of registration for a period of four months, commencing on September 1, 2023 at 12:01 am. The suspension shall run without interruption.
3. The Registrar shall impose the following terms, conditions and limitations on the Registrant’s certificate of registration (the “**Suspension Conditions**”), which conditions shall continue until the suspension of the Registrant’s certificate of registration as referred to in paragraph 2 above has been fully served:
 - a. while the Registrant’s certificate of registration is under suspension, the Registrant shall immediately inform the following people about the suspension:
 - staff in the offices or practices in which the Registrant works, including other regulated professionals and administrative staff;
 - dentists with whom the Registrant works, whether the Registrant is a principal in the practice or otherwise associated with the practice;
 - dentists or other individuals who routinely refer patients to the Registrant;
 - faculty members at Faculties of Dentistry, if the Registrant is affiliated with the Faculty in an academic or professional capacity;
 - owners of a practice or office in which the Registrant works;
 - patients who ask to book an appointment during the suspension, or whose previously booked appointment has been rescheduled due to the suspension. The Registrant may assign administrative staff to inform patients about the suspension. All communications with patients must be truthful and honest;
 - b. while suspended, the Registrant must not engage in the practice of dentistry, including but not limited to:
 - acting in any manner that suggests the Registrant is entitled to practice dentistry. This includes communicating diagnoses or offering clinical advice in social settings. The Registrant must ensure that

- administrative or office staff do not suggest to patients in any way that the Registrant is entitled to engage in the practice of dentistry;
- giving orders or standing orders to dental hygienists;
 - supervising work performed by others;
 - working in the capacity of a dental assistant or performing laboratory work;
 - acting as a clinical instructor;
- c. while suspended, the Registrant must not be present in offices or practices where the Registrant works when patients are present, except for emergencies that do not involve patients. The Registrant must immediately advise the Registrar in writing about any such emergencies;
- d. while suspended, the Registrant must not benefit or profit, directly or indirectly from the practice of dentistry and
- the Registrant may arrange for another dentist to take over their practice during the suspension period. If another dentist assumes the practice, all of the billings of the practice during the suspension period belong to that dentist. The Registrant may be reimbursed for actual out-of-pocket expenses incurred in respect of the practice during the suspension period;
 - the Registrant is permitted to sign and/or submit insurance claims for work that was completed prior to the suspension;
 - the Registrant must not sign insurance claims for work that has been completed by others during the suspension period;
- e. the Registrant shall cooperate with any office monitoring which the Registrar thinks is needed to ensure that the Registrant has complied with the Suspension Conditions. The Registrant must provide the College with access to any records associated with the practice that the College may require to verify that the Registrant has not engaged in the practice of dentistry or profited during the suspension; and
- f. the Suspension Conditions imposed by virtue of subparagraphs 3(a)–(e) above shall be removed at the end of the period that the Registrant’s certificate of registration is suspended.
4. The Registrar is directed to also impose the following additional terms, conditions and limitations on the Registrant’s Certificate of Registration (the “**Practice Condition**”), namely:

- a. The Registrant shall successfully complete, at his own expense, the PROBE: Ethics & Boundaries Program – Canada, with a grade of “unconditional pass”, and provide proof of successful completion to the Registrar, within six (6) months of this Order becoming final.
5. The Registrant shall pay costs to the College in the amount of \$10,000.00 in respect of this discipline hearing, such costs to be paid in four installments as follows: \$2,500 on the date this Order becomes final, \$2,500 within 4 months after the date this Order becomes final, \$2,500 within 8 months after the date this Order becomes final and \$2,500 within 12 months after the date this Order becomes final.

Reasons for Penalty Decision

[21] It is settled law that a decision-maker should not lightly depart from an agreement that has been reached by the parties with respect to an appropriate penalty. The test is not one of “fitness of sentence” but rather, the more stringent test of whether the jointly proposed penalty “would bring the administration of justice into disrepute or would otherwise be contrary to the public interest.”⁸

[22] The Panel accepted the Joint Submission with respect to Penalty and Costs.⁹ The goal of a penalty is to protect the public from dentists who have engaged in professional misconduct and to maintain public confidence in the profession and in its ability to self-regulate. A penalty must serve as a measure of general deterrence, in that it sends a message to members of the dental profession that this type of conduct will not and cannot be tolerated. It must also serve as a measure of specific deterrence with respect to the dentist concerned. An appropriate penalty should also provide for remediation or rehabilitation of the dentist concerned, where possible and appropriate.

[23] Counsel for both the College and the Registrant argued that the Panel should accept the Joint Submission. The parties submitted that the joint proposal meets the goals of public protection, specific and general deterrence, and remediation. They argued that the proposed penalty reflects the seriousness of the misconduct and that it is appropriate having regard to the aggravating and mitigating factors in this case, and to the interests of the public, the profession, and the Registrant himself. College counsel referred the panel to a small handful of cases from the discipline committees of other colleges, explaining that the parties were unable to find any

⁸ *R. v. Anthony Cook* [2016 SCC 43](#) per Mr Justice Michael Moldaver; cited with approval in *Ontario College of Teachers v. Merolle*, 2023 ONSC 3453, Para 32

⁹ Exhibit 3

factually similar cases from this College or other colleges and that cases with sexual abuse findings are distinguishable. Recognizing the factual differences between this case and the cases that were cited by counsel, the Panel was satisfied that the jointly proposed penalty is with a reasonable range for misconduct of this nature.

[24] In reaching its conclusion that the Joint Submission is appropriate in this case, the Panel considered many of the factors brought to its attention by the parties, including that:

- a. Dr. Yarascavitch has no prior disciplinary history with the College;
- b. Dr. Yarascavitch has admitted the allegations against him and has engaged in a process of resolution that led to the Joint Submission herein;
- c. By admitting his misconduct, Dr. Yarascavitch has shown an element of insight into his own behaviour and an understanding that it was unprofessional and unethical; and
- d. The PROBE: Ethics and Boundaries program should serve as a rehabilitative measure such that the Registrant gains even further insight into the nature of his professional misconduct and tools to aid him in avoiding further instances of professional misconduct.

[25] Counsel for the Registrant urged the Panel to consider that Dr. Yarascavitch is a relatively young man who is early in his career, and that the circumstances that led to the allegations being laid against him were the result of a “lapse in his judgment.” He sought to characterize Dr. Yarascavitch’s misconduct as being at the “lower end of seriousness” by highlighting that there was no coercive element in this case.

[26] With respect, the Panel disagrees with counsel’s characterization. Dr. Yarascavitch clearly crossed professional boundaries, and he has admitted doing so. He misused the power imbalance that is always present in the dentist-patient relationship. The four-month suspension and the costs awarded against him to the College should serve as a clear indicator to Dr. Yarascavitch that his misconduct was serious and has been taken seriously by this panel.

[27] The Panel is of the view that the combination of the requirements of further education with respect to ethics and boundaries, and practice monitoring will have the effect of reinforcing the elements of professional conduct for Dr. Yarascavitch and will thus protect the public; that the other penalties—the suspension and the reprimand—will have the effect of impressing upon Dr. Yarascavitch and other members of the profession that professional misconduct will not be tolerated. The penalty measures in the Joint Submission therefore serve the objectives of specific and general deterrence as well as rehabilitation, it would not be contrary to the public interest to accept the Joint Submission.

[28] On the issue of costs, the parties agreed that the Registrant should be ordered to pay costs to the College in the amount of \$10,000.00, to be paid in four installments. The Panel found no reason to interfere with the parties' agreement in that regard. This is an appropriate case to order costs and the agreed amount of \$10,000.00 is fair and reasonable.

The Reprimand

[29] At the conclusion of the discipline hearing, the Panel delivered the reprimand to the Registrant. A copy of the reprimand is attached as Appendix "A" to these Reasons.

I, Judy Welikovitch, sign these Reasons for Decision as Chairperson of this Discipline Panel.



March 19, 2024
Date

Appendix "A"

RCDSO v. Dr. Marc Yarascavitch

Dr. Marc Yarascavitch, as you know, this Discipline panel has ordered you be given an oral reprimand as part of the sanction imposed upon you. The reprimand should impress upon you the seriousness of your misconduct.

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.

You will be given an opportunity to make a statement at the end of the reprimand if you wish.

The panel found that you have engaged in professional misconduct. The misconduct related to conduct in which you engaged with Person B in December 2017 while you and she were on a work-related trip. The facts upon which we base our finding have been set forth in both the Notice of Hearing (Exhibit 1) and the Agreed Statement of Facts (Exhibit 2) and need not be repeated here. We have found as a fact that your conduct, as admitted and described, failed to maintain the boundaries of a patient-therapeutic relationship. You were thus in breach of Schedule 2, s. 51(1)(c) of the *Health Professions Procedural Code*, and section 2, paragraph 59 Ontario Regulation 853/93.

It is worth noting that, at the time of the incidents, Person B was both your employee and your patient. The Panel notes, however, that your conduct, as described and admitted, cannot be reasonably described as having been coercive, notwithstanding the clear power imbalance between yourself, as dentist, and your employee/patient.

The cumulative effect of your conduct would reasonably be regarded by Registrants of the College as unprofessional and/or unethical.

Your professional misconduct is a matter of concern to the profession. It is completely unacceptable to your fellow dentists and to the public. You have brought discredit to the entire profession and to yourself. Public confidence in this profession has been put in jeopardy.

Of special concern to us is the fact that the professional misconduct in which you engaged has involved Person B who was, at all material times, both your employee and your patient; that you failed to maintain an appropriate professional patient-therapeutic relationship with your employee/patient.

While we have accepted as fact that there was no coercion involved in your conduct, it cannot, nevertheless, be dismissed as a mere youthful indiscretion. We agree with your counsel that your conduct was immature. It also crossed serious and significant professional boundaries, and this

must be and has been addressed by this disciplinary process and the penalties that are being imposed.

We acknowledge that you have accepted responsibility for your actions in this case and we expect that you have learned from your mistakes. The requirement that you take a PROBE ethics course, as set out in the Joint Submission on Penalty and Costs, is intended to help guide your future conduct and give you a reference point for making better decisions.

As I advised earlier, you will now be given an opportunity to make a comment if you wish to do so. This is **not** an opportunity for you to debate the merits or the correctness of the decisions we have made.

Do you have any questions or do you wish to make any comments?

(Hear the Registrant's comments at this point)

Thank you for attending today. We are adjourned.