

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

Citation: Royal College of Dental Surgeons of Ontario v. Rondeau, 2024 ONRCDSO 2

Date: 2024-08-19

File No.: 23-0758

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”)

BETWEEN:

Royal College of Dental Surgeons of Ontario

-and-

Dr. Brock Holden M. Rondeau

FINDING AND PENALTY REASONS

RESTRICTION ON PUBLICATION

In the matter of the Royal College of Dental Surgeons of Ontario and Dr. Brock Holden M. Rondeau, the Discipline Panel ordered, under s. 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 exhibits marked at the hearing.

PANEL MEMBERS:

Ms. Judy Welikovitch, Public Member (Chair)
Dr. Peter Delean, Professional Member
Dr. Harpaul Anand, Professional Member

APPEARANCES:

Erica Richler, for the College
Earl Heiber, for Dr. Brock Rondeau
Andrea Gonsalves, Independent Legal Counsel

Heard: July 15, 2024, by videoconference

Decision Date: July 15, 2024

Release of Written Reasons: August 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 July 15, 2024. 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 Dr. Rondeau, or any information that could disclose the identity of any patients who are named in the exhibits marked at the hearing. The Registrant consented to the request. The Panel granted the order.

The Allegations

[3] The College’s allegations of professional misconduct against the Registrant are set out in a notice of hearing dated October 25, 2023, as follows:

1. You committed an act or acts of professional misconduct as provided by s.51(1)(b.1) of the *Health Professions Procedural Code*, being Schedule 2 of the *Regulated Health Professions Act, 1991*, Statutes of Ontario, 1991, Chapter 18, in that in or around the years 2020, 2021 and/or 2022, you sexually abused a patient, Person A.

Particulars:

- You engaged in a concurrent sexual and treating relationship with Person A.
- Person A became your patient on or about July 26, 2018 and continued to be your patient during the material times in 2020, 2021 and/or 2022.
- In or around 2021 and/or 2022, and while Person A was your patient, you engaged in sexual intercourse and/or other forms of sexual relations with Person A.
- While she was your patient, you engaged in touching of a sexual nature and/or behaviour or remarks of a sexual nature towards Person A.
- You sent electronic messages of a sexual nature to Person A while she was your patient.

2. 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 in that, during the years 2020, 2021 and/or 2022, you abused a patient, namely, Person A, contrary to paragraph 8 of Section 2 of Ontario Regulation 853, Regulations of Ontario, 1993, as amended.

Particulars:

- You engaged in a concurrent sexual and treating relationship with Person A.
 - Person A became your patient on or about July 26, 2018 and continued to be your patient during the material times in 2020, 2021 and/or 2022.
 - In or around 2021 and/or 2022, and while Person A was your patient, you engaged in sexual intercourse and/or other forms of sexual relations with Person A.
 - While she was your patient, you engaged in touching of a sexual nature and/or behaviour or remarks of a sexual nature towards Person A.
 - You sent electronic messages of a sexual nature to Person A while she was your patient.
3. 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 in that, during the year 2021, you gave information about multiple patients to a person other than the patients or their authorized representatives except with the consent of the patients or their authorized representatives or as required or allowed by law relative to multiple patients, contrary to paragraph 17 of Section 2 of Ontario Regulation 853, Regulations of Ontario, 1993, as amended.

Particulars:

- On or about May 21, 2021, you sent Person A a photograph of your daily schedule which contained confidential information about other patients.
 - On or about August 11, 2021, you sent Person A a photograph of multiple patient laboratory prescriptions which contained confidential information about other patients.
4. 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 in that, during the years 2020, 2021 and/or 2022, 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 relative to Person A, contrary to paragraph 59 of Section 2 of Ontario Regulation 853, Regulations of Ontario, 1993, as amended.

Particulars:

- In or around 2020, 2021 and/or 2022, you breached appropriate dentist-patient boundaries with Person A by engaging in an intimate personal relationship with her while she was your patient that included, but was not limited to, sending intimate electronic messages to her, travelling with her, allowing her to care for your vacation property and/or discussing with her the purchase of a home together.

The Registrant's Plea

[4] The Registrant admitted the allegations of professional misconduct contained in the Notice of Hearing. The Chair conducted an oral plea inquiry on the record at the hearing and a written plea inquiry signed by the Registrant was entered as an exhibit. 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 3) ("**ASF**"). The ASF provides in relevant part as follows (with the attached documents omitted):

Background

1. At the material times, Dr. Brock Holden M. Rondeau (the "Registrant"), was a registered member of the Royal College of Dental Surgeons of Ontario (the "College") practising at Dr. Brock Rondeau & Associates in London, Ontario. A copy of the Registrant's profile from the Dentist Register is attached as "Tab 1".
2. The Patient is a woman who became a patient of the Registrant on or about July 26, 2018. The Patient had suffered a workplace injury and had an acquired brain injury. The

Patient was referred to the Registrant through the Workplace Safety and Insurance Board.

3. The Registrant provided dental treatment to the Patient, including orthodontic treatment and TMJ (temporomandibular joint) treatment.

Professional Boundaries and Sexual Relationship

4. It is agreed that in or around 2020 to 2022, the Registrant breached appropriate dentist-patient boundaries with the Patient by initiating an intimate personal and sexual relationship with her while she was his patient.
5. It is agreed that the Registrant sent electronic messages to the Patient of an intimate and sexual nature, including messages with terms of affection and a message that said: "I am feeling good about our relationship [with heart emoji]."
6. It is agreed that the Registrant invited the Patient to travel with him, including to Collingwood and Florida. During the relationship, the Patient took care of a vacation property for the Registrant, and the Registrant and the Patient discussed purchasing a home together in Costa Rica.
7. It is agreed that in or around 2021 and 2022, while the Patient was the Registrant's patient, the Registrant engaged in physical sexual relations with the Patient. It is agreed that the Registrant also engaged in touching of a sexual nature of the Patient, including touching of the Patient's genitals, breasts and buttocks.

Patient Confidentiality

8. It is agreed that on or about May 21, 2021, the Registrant sent the Patient a photograph of his daily schedule which contained confidential information about other patients, including their names, reason for appointment, and phone numbers.
9. It is agreed that on or about August 11, 2021, the Registrant sent the Patient a photograph of multiple patient laboratory prescriptions which contained confidential information about other patients, including their names and prescription information.
10. It is agreed that the Registrant did not have the consent of the other patients to disclose this information to the Patient.

Professional Misconduct Admitted

11. The Registrant admits and acknowledges that the conduct described above constitutes professional misconduct according to:
- a. Section 51(1)(b.1) of the *Health Professions Procedural Code*, being Schedule 2 of the *Regulated Health Professions Act, 1991*, SO 1991, c 18 (sexual abuse of a patient, including physical relations and touching of a sexual nature set out in paragraph 3 of subsection 51(5) of the *Health Professions Procedural Code*); and
 - b. 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 the following paragraphs of section 2 of Ontario Regulation 853/93 made under the *Dentistry Act, 1991*:
 - i. Paragraph 8: Abusing a patient;
 - ii. Paragraph 17: Giving information about a patient to a person other than the patient or his or her authorized representative except with the consent of the patient or his or her authorized representative or as required or allowed by law; and
 - iii. Paragraph 59: Engaging in conduct or performing an act that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable, unprofessional or unethical.

Decision

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

Reasons for Decision

[7] The Notice of Hearing sets out four allegations against the Registrant.

Allegation #1: Professional Misconduct – Sexual Abuse of a Patient

[8] With respect to the first allegation, it is alleged that Dr. Rondeau committed acts of professional misconduct as provided by s. 51(1)(b.1) of the *Health Professions Procedural Code* (the “**Code**”), being Schedule 2 of the Ontario *Regulated Health Professions Act, 1991* (the

“RHPA”). In particular, it is alleged that during the years 2020, 2021 and/or 2022, he sexually abused a patient by engaging in a concurrent sexual relationship and treating relationship with that patient. Further, it is alleged that Dr. Rondeau engaged in sexual intercourse or other forms of sexual relations with this patient.

[9] Dr. Rondeau admitted that he engaged in a relationship of a sexual nature with his patient, although his admission did not include that he had sexual intercourse with his patient. The Panel found that Dr. Rondeau’s admissions were informed, voluntary and unequivocal.

[10] The Panel considered s. 1(3) of the *Code* which defines sexual abuse of a patient to include sexual intercourse *or* other forms of physical sexual relations between a registrant and their patient. The use of the word “*or*” by the legislature here means that sexual acts other than sexual intercourse are sufficient to ground an allegation of “sexual abuse.” The Panel found, on the evidence, that Dr. Rondeau engaged in touching of a sexual nature of the patient, including touching of the patient’s genitals, breasts and buttocks. This meets the definition of sexual abuse.

[11] On the basis of the foregoing, and on the basis of Dr. Rondeau’s admissions, the Panel found, on a balance of probabilities, that Dr. Rondeau sexually abused his patient during the years 2020, 2021 and/or 2022, within the meaning of “sexual abuse” as set out in s. 1(3) of the *Code* and pursuant to s. 51(1)(b.1) of the *Code*.

Allegation #2: Professional Misconduct - Abuse of a Patient

[12] With respect to the second allegation, it is alleged that Dr. Rondeau committed acts of professional misconduct as provided by s. 51(1)(c) of the *Code*. More specifically, it is alleged that Dr. Rondeau abused his patient by engaging in a concurrent sexual relationship and treating relationship with her; and that his abuse of his patient constituted professional misconduct pursuant to s. 2(8) of Ontario Regulation 853/93 under the Ontario *Dentistry Act, 1991*.

[13] More specifically, it is alleged that in 2021 and 2022, when Patient A was his patient, Dr. Rondeau engaged in sexual intercourse and/or other forms of sexual relations with his patient, that he engaged in touching of a sexual nature and/or behaviour or remarks of a sexual nature towards his patient, and that he sent electronic messages of a sexual nature to his patient.

[14] Dr. Rondeau made admissions in the ASF that: (a) he invited his patient to travel with him, including to Collingwood and Florida, (b) during the course of their relationship, the patient

took care of a vacation property for Dr. Rondeau, and (c) Dr. Rondeau and his patient discussed purchasing a home together in Costa Rica. Further, Dr. Rondeau admitted that he sent electronic messages to his patient that were of an intimate and sexual nature, including messages that contained terms of affection towards his patient, and a message in which he said: “I am feeling good about our relationship [with a heart emoji].”

[15] As noted above, Dr. Rondeau has admitted that he engaged in a relationship of a sexual nature with his patient, although he does not admit that he engaged in sexual intercourse with this patient. More specifically, Dr. Rondeau has admitted that in or around 2020, 2021 and/or 2022, he engaged in touching of a sexual nature with his patient, including that he touched her genitals, breasts and buttocks.

[16] The Panel has reviewed the evidence, including the admissions made by Dr. Rondeau in paragraphs 4 – 7 of the ASF. We have considered the definition of “sexual abuse” of a patient as set out in subsection 1(3) of the *Code*, together with s. 2(8) of Ontario Regulation 853/93.

[17] The admissions made by Dr. Rondeau and the evidence in paragraphs 4 – 7 of the ASF were sufficient to support this Panel’s finding, on a balance of probabilities, that in or about 2020, 2021 and/or 2022, Dr. Rondeau’s conduct with his patient constituted abuse of a patient within the meaning of s. 1(3) of the *Code* and s. 2(8) of Ontario *Regulation 853/93*. The Panel thus found that Dr. Rondeau committed acts of professional misconduct within the meaning of s. 51(1)(c) of the *Code*, as alleged in allegation 2.

Allegation #3: Professional Misconduct – Breach of Patient Confidentiality

[18] With respect to the third allegation, it is alleged that in or about 2021, Dr. Rondeau provided information about multiple patients to Patient A (with whom he was involved in a sexual relationship and non-treating relationship) when (a) on or about May 21, 2021, he sent Patient A a photograph of his daily schedule which contained confidential information about other patients, and (b) on or about August 11, 2021, he sent the same patient a photograph of multiple patient laboratory prescriptions which contained confidential information about other patients.

[19] Dr. Rondeau admitted the allegation. The ASF establishes that he did not have the consent of the other patients to disclose their information to Patient A.

[20] Paragraph 17 of s. 2 of Ontario Regulation 853/93 provides that giving information about a patient to a person other than the patient or his/her authorized representative, except with the

consent of the patient/authorized representative, constitutes professional misconduct within the meaning of s. 51(1)(c) of the *Code*. The Panel thus found, on the basis of the evidence before it, including the admissions made by Dr. Rondeau and the ASF, that he has committed professional misconduct as alleged in allegation 3.

Allegation 4: Professional Misconduct – Disgraceful, Dishonourable, Unprofessional and/or Unethical Conduct

[21] Lastly, the College alleged that, having regard to all of the circumstances in this case as it relates to his conduct in relation to Patient A, Dr. Rondeau has engaged in conduct that would reasonably be regarded by other registrants as disgraceful, dishonourable, unprofessional and/or unethical within the meaning of s. 2(59) of Ontario Regulation 853/93.

[22] More particularly, it was alleged that in or around 2020, 2021 and/or 2022, Dr. Rondeau breached appropriate dentist-patient boundaries with his patient by engaging in an intimate personal relationship with her while she was his patient. The details of this conduct have been set out above and need not be repeated here.

[23] Considering the evidence and Dr. Rondeau's admissions, the Panel found, on a balance of probabilities, that Dr. Rondeau's conduct with his patient fell outside the boundaries of a normative dentist-patient relationship. The interactions between him and his patient were social-sexual in nature. They had no connection to Dr. Rondeau's therapeutic relationship with this patient.

[24] On the basis of the evidence, as admitted by Dr. Rondeau, the Panel finds, on a balance of probabilities, that Dr. Rondeau failed to maintain professionally appropriate professional boundaries with this patient.

[25] As a dentist licensed to practice in Ontario, Dr. Rondeau was required to maintain appropriate and dignified boundaries in his relationship with his patient. His conduct, as described above, fell well below that standard. He misused the power imbalance between himself and his patient. The Panel thus found, on a balance of probabilities, that Dr. Rondeau's conduct was disgraceful, dishonourable, unprofessional and unethical, and that it would be reasonably regarded as such by members of the profession and by the public.

Penalty Submissions

[26] The parties presented the Panel with a Joint Submission with respect to Penalty and Costs (Exhibit 4) ("**JSPC**"), which reads as follows:

1. The Royal College of Dental Surgeons of Ontario (the “College”) and Dr. Brock Holden M. Rondeau (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 immediately revoke the Registrant’s certificate of registration;
 - (c) requiring the Registrant to reimburse the College for funding provided to the Patient under the program required under section 85.7 of the *Health Professions Procedural Code*;
 - (d) requiring the Registrant to post an irrevocable letter of credit or other security acceptable to the College in the amount of \$17,370.00 to guarantee payments of any amount he is required to pay under paragraph 1(c) above. Any amount of security provided by the Registrant that has not been accessed within five (5) years of the date of this Order will be returned to the Registrant; and
 - (e) that the Registrant pay costs to the College in the amount of \$10,000.00 in respect of this discipline hearing within thirty (30) days of 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.

Penalty Decision

[27] The Panel accepts the Joint Submission with respect to Penalty and Costs, and makes 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 immediately revoke the Registrant's certificate of registration;
3. The Registrant shall reimburse the College for funding provided to the Patient under the program required under section 85.7 of the *Health Professions Procedural Code*;
4. The Registrant shall post an irrevocable letter of credit or other security acceptable to the College in the amount of \$17,370.00 to guarantee payments of any amount he is required to pay under paragraph 1(c) above. Any amount of security provided by the Registrant that has not been accessed within five (5) years of the date of this Order will be returned to the Registrant;
5. The Registrant shall pay costs to the College in the amount of \$10,000.00 in respect of this discipline hearing within thirty (30) days of the date this Order becomes final; and
6. The results of these proceedings must be recorded on the College Register and any publication of the Decision of this panel would therefore occur with the name and practice address of the Registrant included.

Reasons for Penalty Decision

[28] 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."¹

[29] The Panel accepted the JSPC for the following reasons.

[30] The goal of a penalty is to protect the public from dentists who have committed 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 all registrants 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

¹ *R v Anthony Cook*, [2016 SCC 43](#), applied in the professional discipline context in *Ontario College of Teachers v Merolle*, 2023 ONSC 3453 at para 32

concerned. An appropriate penalty should also provide for remediation or rehabilitation of the dentist concerned, where possible and appropriate.

[31] In reaching its conclusion that the JSPC is appropriate in this case, the Panel considered many of the factors brought to its attention by the parties, including that: (a) Dr. Rondeau is a senior dentist; (b) Dr. Rondeau has a limited disciplinary history with the College. In this regard, the Panel was provided with a brief summary of his record with the College. He has received two prior cautions from the Inquiries, Complaints and Reports Committee, neither of which was referred to the Discipline Committee or appears to have involved sexual abuse or abuse of a patient; (c) Dr. Rondeau has admitted to the allegations against him and engaged in a process of resolution that led to the Joint Submission herein. This reduced significantly the costs to the College of prosecuting the case against Dr. Rondeau; and (d) by admitting to professional misconduct, Dr. Rondeau has shown an element of insight into his behaviour and an understanding that it was unprofessional and unethical.

[32] Dr. Rondeau admitted to having sexually abused his patient within the meaning of the s. 1(3) of the *Code*. He also admitted to having abused his patient. The Panel has thus found him guilty of professional misconduct as provided in s. 51(1)(b.1) of the *Code*.

[33] Subsection 51(5) of the *Code* requires the Panel to reprimand Dr. Rondeau and “revoke the member’s certificate of registration if the sexual abuse included...vi. touching of a sexual nature of the patient’s genitals, anus, breasts or buttocks.” The Panel found that Dr. Rondeau engaged in touching of a sexual nature of the patient, including touching of the patient’s genitals, breasts and buttocks. Accordingly, the Panel was mandated to order revocation of his certificate of registration.

[34] Revocation of a dentist’s certificate of registration is a very severe penalty. While the revocation of Dr. Rondeau’s certificate is required by law, it is also appropriate in the circumstances of this case. Dr. Rondeau’s conduct with his patient fell well below the professionalism that is required of dentists. He crossed the patient-dentist boundary with his patient over a prolonged period of time. By engaging in this relationship with his patient, Dr. Rondeau put the reputation of the profession at risk and he jeopardized the public’s confidence in the College to regulate the profession.

[35] The Panel is further of the view that the other aspects of the Order—reimbursement of the College for funding provided to the patient under the program required by s. 85.7 of the

Code and posting of security to guarantee such payment— are reasonable in the circumstances and consistent with orders made by other panels in similar circumstances.

[36] With respect to the issue of costs, the Panel found that the amount of \$10,000 as agreed by the parties in the JSPC was reasonable in the circumstances of this case. There was no reason to depart from that agreement.

[37] For these reasons, the Panel accepted the JSPC and ordered that its terms and conditions be imposed.

The Reprimand

[38] At the conclusion of the discipline hearing, the Panel administered 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.



Date August 19, 2024

APPENDIX "A"**RCDSO v. Dr. Brock Rondeau**

Dr. Brock Rondeau, 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 has found that you have engaged in multiple acts of professional misconduct. The misconduct included sexual abuse and abuse by you of your patient, and a breach by you of your patients' right to privacy. The cumulative effect of your conduct would reasonably be regarded by Registrants as disgraceful, dishonourable, unprofessional and unethical.

Your professional misconduct is a matter of profound concern. 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 inappropriate sexual relations with a patient constituting sexual abuse and abuse of a patient. This conduct took place over a period of approximately three years during which time you continued to exercise poor judgment and to demonstrate disregard for the health professions' very strict rules regarding sexual abuse of patients, abuse of patients, and the crossing of patient-dentist boundaries.

We have ordered the penalty of revocation, being the most significant penalty that this Committee can impose. Having found that your conduct constituted sexual abuse of a patient, the order for revocation of your license is mandatory. It is also, in the view of the Panel, an appropriate penalty considering the very serious misconduct in which you engaged.

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?

(Dr. Rondeau did make some comments.)

Thank you for attending today. We are adjourned.