

IN THE MATTER OF a Hearing of a panel of the Discipline Committee of the Royal College of Dental Surgeons of Ontario 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*") respecting one **DR. TRI TANG NGUYEN**, of the City of Toronto, in the Province of Ontario;

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; 1993, Chapter 27; 1994, Chapter 27.

TO: DR. TRI TANG NGUYEN
1198 Bloor Street West
Toronto ON M6H 1N2

NOTICE OF HEARING

TAKE NOTICE THAT IT IS ALLEGED THAT:

1. You committed an act or acts of professional misconduct as provided by s.51(1)(b.0.1) of the *Code* in that, during the year(s) 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021 and/or 2022, you failed to co-operate with the Quality Assurance Committee, contrary to Section 82(1) of the *Code*.

Particulars:

- During the 2014-2017 continuing education cycle, you failed to obtain ten points of mandatory Category 2: Approved Sponsor Courses, as required by Ontario Regulation 27/10 under the *Dentistry Act, 1991*, as amended ("*Quality Assurance Regulation*").

- In February 2020, the Quality Assurance Committee directed you to make up the shortfall by completing the missing ten points of Category 2: Approved Sponsor Courses in addition to obtaining the minimum continuing education points required in the next cycle. The Quality Assurance Committee also told you it had directed College staff to review your e-Portfolio at the cycle's end to ensure your compliance.
 - In February 2022, you were given until April 1, 2022 to enter your continuing education activities for the 2017-2021 cycle in your e-Portfolio, including the additional ten points from the previous cycle, and to provide the College with course certificates and other proof of attendance documents for the activities. You did not provide the requested documents by April 1, 2022.
 - You did not respond to several attempts made by College staff in April 2022 to verify that you had complied with the College's Quality Assurance Program.
 - On or about May 17, 2022, the Quality Assurance Committee expressed serious concerns about your failure to cooperate with the Quality Assurance Program and formed an intention to disclose your name and its concerns to the Inquiries, Reports and Complaints Committee. You were notified and given an opportunity to provide a written response. You did not respond. On or about August 12, 2022, the Quality Assurance Committee disclosed your name and its concerns to the Inquiries, Reports and Complaints Committee.
 - To date, you have failed to give the Quality Assurance Committee proof of your compliance with its direction, and remain in breach of your continuing education obligations under the *Quality Assurance Regulation*.
2. You committed an act or acts of professional misconduct as provided by s.51(1)(c) of the *Code* in that, during the year(s) 2014, 2015, 2016, 2017, 2018, 2019, 2020 and/or 2021, you breached Section 3 of the *Quality Assurance Regulation*, contrary to paragraph 48 of Section 2 of Ontario Regulation 853/93 under the *Dentistry Act, 1991*, as amended ("*Professional Misconduct Regulation*").

Particulars:

- Contrary to Section 3 of the *Quality Assurance Regulation*, in the 2017-2021 continuing education cycle, you did not:

- Participate in mandatory continuing education activities;
 - Obtain the minimum number of continuing education point values, including the extra ten Category 2 points from the previous cycle; and/or
 - Retain a log of your continuing education activities with proof of attendance and participation.
- In March 2019, you were informed by the College that you had been randomly selected to have your e-Portfolio reviewed for the 2014-2017 continuing education cycle. Subsequently, a review of your e-Portfolio showed a shortfall of ten points in Category 2: Approved Sponsor Courses for that cycle.
 - In February 2020, you were directed by the Quality Assurance Committee to make up the shortfall of ten Category 2 points in the next cycle.
 - In February 2022, you were given until April 1, 2022 to enter your continuing education activities for the 2017-2021 cycle in your e-Portfolio and to provide the College with course certificates and other proof of attendance documents for the activities claimed. You did not provide the requested documents by April 1, 2022.
 - To date, you still have not logged your continuing education activities for the 2017-2021 cycle and/or provided the College with proof of your attendance and participation.
3. You committed an act or acts of professional misconduct as provided by s.51(1)(c) of the *Code* in that, during the year(s) 2022 and/or 2023, you failed to reply appropriately or within a reasonable time to a written enquiry made by the College, contrary to paragraph 58 of Section 2 of the *Professional Misconduct Regulation*.

Particulars:

- In February 2022, you were given until April 1, 2022 to enter your continuing education activities for the 2017-2021 cycle in your e-Portfolio and to provide the College with course certificates and other proof of attendance documents for the activities claimed. You did not provide the requested documents by April 1, 2022.
- You did not respond to several written attempts made by College staff in April 2022 to verify that you had complied with the College's Quality Assurance Program.

- In September 2022, the College's Registrar appointed investigators under section 75(1)(b) of the Code to ascertain whether, by failing to reply appropriately or within a reasonable time to a written College inquiry and/or failing to cooperate with the Quality Assurance Committee, you committed an act or acts of professional misconduct or were incompetent.
 - In or about October and November 2022, the investigator repeated the prior requests for the 2017-2021 continuing education course certificates and other proof of attendance documents.
 - Despite multiple requests by the College, you still have not provided the course certificates and other proof of attendance documents for your 2017-2021 continuing education activities, as required by the *Quality Assurance Regulation*.
4. You committed an act or acts of professional misconduct as provided by s.51(1)(c) of the Code in that, during the year(s) 2014, 2015, 2016, 2017, 2018, 2019, 2020, and/or 2021, 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, contrary to paragraph 59 of Section 2 of the *Professional Misconduct Regulation*.

Particulars:

- You did not participate in continuing education activities that are a legal, professional and ethical obligation to ensure members' continued competence and protect the public.
- You did not obtain the minimum requisite number of continuing education points in the 2014-2017 cycle.
- You did not obtain the minimum requisite number of continuing education points in the 2017-2021 cycle.

Such further and other particulars will be provided from time to time, as they become known.

AND TAKE NOTICE THAT the said allegations respecting professional misconduct will be heard and determined by a panel of the Discipline Committee of the Royal College of Dental Surgeons of Ontario ("panel") on a date and time to be agreed upon by the parties, or on a date to be fixed by the Chair of the Discipline Committee, at the offices of the Royal College of Dental

Surgeons of Ontario, 6 Crescent Road, Toronto, Ontario, M4W 1T1, or by electronic hearing as required. You are required to appear in person or by a legal representative before the panel with your witnesses, if any, at the time and place aforesaid.

ONCE A DATE IS FIXED, IF YOU DO NOT ATTEND ON THE FIXED HEARING DATE, THE PANEL MAY PROCEED IN YOUR ABSENCE AND YOU WILL NOT BE ENTITLED TO ANY FURTHER NOTICE OF THE PROCEEDINGS.

The *Code* provides that if a panel finds that you have committed an act of professional misconduct, it may make an order doing any one or more of the following:

- (1) directing the Registrar to revoke your certificate of registration;
- (2) directing the Registrar to suspend your certificate of registration for a specified period of time;
- (3) directing the Registrar to impose specified terms, conditions and limitations on your certificate of registration for a specified or indefinite period of time;
- (4) requiring you to appear before the panel to be reprimanded;
- (5) requiring you to pay a fine of not more than \$35,000.00 to the Minister of Finance;

or any combination thereof.

Furthermore, the *Code* provides that if a panel is of the opinion that the commencement of these proceedings is unwarranted, it may make an order requiring the College to pay all or part of your legal costs.

The *Code* also provides that in an appropriate case, a panel may make an order requiring you, in the event the panel finds you have committed an act or acts of professional misconduct or finds you to be incompetent, to pay all or part of the following costs and expenses:

1. the College's legal costs and expenses;
2. the College's costs and expenses incurred in investigating the matter; and
3. the College's costs and expenses incurred in conducting the hearing.

If you have not done so already, you are entitled to and are well advised to retain legal representation to assist you in this matter.

You are entitled to disclosure of the evidence in this matter in accordance with section 42(1) of the *Code*. You or your representative may contact the prosecutor for the College, [REDACTED], in this matter at:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

You, or your legal representative, should familiarize yourself with your disclosure obligations under law, including section 42.1 of the *Code*.

DATED at Toronto, this 21st day of December, 2023.



Royal College of Dental Surgeons of Ontario

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**ROYAL COLLEGE OF DENTAL SURGEONS
OF ONTARIO**

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