

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. KAREN DONNA LOGAN**, of the City of London, 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. KAREN LOGAN**
879 Waterloo Street
London ON N6A 3W7

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)(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 2016, you failed, without reasonable cause, to provide within a reasonable time, access to a patient record or radiograph or a copy of a patient record or radiograph upon the request of a patient or his or her authorized

representative relative to one of your patients, namely Miss A [REDACTED] D [REDACTED], contrary to paragraph 29 of Section 2 of Ontario Regulation 853, Regulations of Ontario, 1993, as amended.

Particulars:

- In or about the year 2016, you failed to fulfil a request by Ms. Z [REDACTED] D [REDACTED], Miss A [REDACTED] D [REDACTED]' guardian for a copy of A [REDACTED]'s patient records.
 - You subsequently contacted Ms. Z [REDACTED] D [REDACTED] indicating that the records were being transferred to the office of Dr. Mark Richardson. To date, you have not sent the records to Dr. Richardson.
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 year 2017, 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 Ontario Regulation 853, Regulations of Ontario, 1993, as amended.

Particulars:

- In or about the year 2017, you failed to respond to enquiries made by the College to obtain Miss A [REDACTED] D [REDACTED]'s' original patient records.
 - On January 5, 2017 the College notified you that a complaint had been filed by Ms. Z [REDACTED] D [REDACTED] and requested that your response along with Miss A [REDACTED] D [REDACTED]' records be provided by February 9, 2017.
 - On March 15, 2017, the College wrote to you again by courier and by email reiterating its request for Miss A [REDACTED] D [REDACTED]' records. The courier package was returned to the College. You failed to respond to the email communication.
- To date, you have not provided your records. In addition, the College has been unsuccessful in obtaining information from you regarding the location of Miss A [REDACTED] D [REDACTED]' original patient records.
 - On April 17, 2017, a College investigator attended your former practice location but was unsuccessful in retrieving the records.
 - On June 29, 2017, the College engaged the services of a process server in an attempt to affect service of documents from the College. The process server was unable to affect service of the College documents.

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 years 2016 and 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 relative to one of your patients, namely Miss A [REDACTED] D [REDACTED], contrary to paragraph 59 of Section 2 of Ontario Regulation 853, Regulations of Ontario, 1993, as amended.

Particulars:

- In or about the year 2016, you failed to provide patient records to your patient's legal guardian as per Ms. Z [REDACTED] D [REDACTED]' request.
- In or about the year 2016, you failed to transfer the records of your patient to another dentist despite your reassurance that you would do so.
- You are ungovernable, in that:
 - You have failed to respond to written enquiries from the College.

You have failed to learn from a previous decision of the College's Discipline Committee where you were required to complete a course in professional ethics, in addition to a comprehensive hands-on course with an evaluative component including recordkeeping. 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. 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 solicitor 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 19th day of April, 2018.



Royal College of Dental Surgeons of Ontario

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**ROYAL COLLEGE OF DENTAL SURGEONS
OF ONTARIO**

6 Crescent Road
Toronto ON M4W 1T1

Telephone: 416-961-6555

Fax: 416-961-5814