

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 years 2016 and/or 2017, you failed, without reasonable cause, to satisfy the

terms of an agreement or an arrangement with a patient respecting the provision of dental services relative to one of your patients, namely, Mrs. J [REDACTED] H [REDACTED], contrary to paragraph 15 of Section 2 of Ontario Regulation 853, Regulations of Ontario, 1993, as amended.

Particulars:

- You abandoned orthodontic treatment that you were providing to Mrs. H [REDACTED] after she had partially paid for the treatment, and while she was in the process of receiving treatment, and you failed to make adequate provisions for her continued treatment.
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 you failed to keep records as required by the Regulations relative to the following patients during the year or one or more of the years specified opposite that patient's name, contrary to paragraph 25 of Section 2 of Ontario Regulation 853, Regulations of Ontario, 1993, as amended.

<u>Patient:</u>	<u>Year(s):</u>
Dr. A [REDACTED] H [REDACTED]	2014, 2015, 2016, 2017
Mrs. J [REDACTED] H [REDACTED]	2014, 2015, 2016, 2017

Particulars:

- You failed to retain the patient records of Dr. A [REDACTED] H [REDACTED] for a period of at least ten years after the date of the last entry in the record, in that you abandoned the patient records of Dr. A [REDACTED] H [REDACTED] in premises that you no longer occupied, owned, or rented.
 - You failed to keep patient records for Mrs. J [REDACTED] H [REDACTED], and/or you failed to retain the patient records of Mrs. J [REDACTED] H [REDACTED] for a period of at least ten years after the date of the last entry in the record, in that no patient records for Mrs. J [REDACTED] H [REDACTED] have been located.
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 you failed to make arrangements with a patient for transfer of the patient record or a copy thereof when,
- i. you retired from practice, or

ii. the patient requested the transfer

relative to the following patient(s) during the year or one or more of the years specified opposite that patient's name, contrary to paragraph 30 of Section 2 of Ontario Regulation 853, Regulations of Ontario, 1993, as amended.

<u>Patient:</u>	<u>Year(s):</u>
Dr. A H [REDACTED]	2016, 2017
Mrs. J [REDACTED] H [REDACTED]	2016, 2017

Particulars:

- You failed to arrange for the transfer of the patient records, or the transfer of a copy of the patient records, of Dr. A H [REDACTED] when you retired.
 - You failed to arrange for the transfer of the patient records, or the transfer of a copy of the patient records, of Mrs. J [REDACTED] H [REDACTED] when you retired, and despite requests for the transfer of these records.
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, on or about the year(s) 2015, 2016, 2017, and/or 2018, 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 Ontario Regulation 853, Regulations of Ontario, 1993, as amended.

Particulars:

- You failed to notify the Registrar of your home address, home telephone number, e-mail address, business address, and business telephone number, and/or changes thereof, contrary to College By-Laws 16.4.1 and 16.4.2.
- You failed to provide the College with any means of contacting you and/or serving documents upon you.
- You failed to respond to a request from the College to provide the patient records for Dr. A H [REDACTED], and Mrs. J [REDACTED] H [REDACTED].
- You are ungovernable.

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]
[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 17th day of July, 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