



Discipline Hearing summary

Ms. Janice Fox

Hearing date: May 15, 2014

Allegations

The allegations against the Member as set out in the Notice of Hearing dated March 24, 2014 are as follows;

1. Janice Fox ("Ms. Fox") is a duly registered medical laboratory technologist in Ontario holding a certificate of registration in the Practising class.
2. At the material times Ms. Fox worked at St. Lawrence College in Kingston, Ontario.
3. It is alleged that on or about February 10, 2011, the College of Medical Laboratory Technologists of Ontario (the "College") sent to Ms. Fox written notice that her 2011 annual fees were late and that she would be suspended on March 10, 2011 if her fees were not paid by then.
4. It is alleged that Ms. Fox did not pay her fees by March 10, 2011 and her certificate of registration was suspended that day.
5. It is alleged that on or about March 14, 2011, written notice from the College was sent to Ms. Fox notifying her that her certificate of registration had been suspended on March 10, 2011.
6. It is alleged that in or about April 2011 Ms. Fox, or in the alternative, Ms. Fox's sister, created a false document which purported to be a letter from the College stating that Ms. Fox was an active registered member of the College, when Ms. Fox was in fact suspended for non-payment of fees.
7. It is alleged that on or about April 4, 2011, Ms. Fox sent that false document via e-mail to her employer after Ms. Fox was suspended without pay by her employer for not being registered with the College.



8. Ms. Fox's certificate of registration was reinstated by the College on or about May 16, 2011.
9. It is alleged that the above conduct constitutes professional misconduct pursuant to paragraph 5 (making or signing a document that the member knows or ought to know is false, misleading or otherwise improper); and/or paragraph 6 (falsifying a record); and/or paragraph 20 (disgraceful, dishonourable or unprofessional conduct) of section 1 of Ontario Regulation 752/93 as amended, under the *Medical Laboratory Technology Act, 1991*, R.S.O. 1990, c.28.

Summary of Evidence

The Discipline panel (the Panel) was provided with an Agreed Statement of Facts which sets out as follows:

1. Janice Fox ("Ms. Fox") is a duly registered medical laboratory technologist in Ontario holding a certificate of registration in the Practising class.
2. At the material times Ms. Fox worked at St. Lawrence College in Kingston, Ontario.
3. It is agreed that on or about February 10, 2011, the College of Medical Laboratory Technologists of Ontario (the "College") sent to Ms. Fox written notice that her 2011 annual fees were late and that she would be suspended on March 10, 2011, if her fees were not paid by then.
4. It is agreed that Ms. Fox did not pay her fees by March 10, 2011, and her certificate of registration was suspended that day.
5. It is agreed that on or about March 14, 2011, written notice from the College was sent to Ms. Fox notifying her that her certificate of registration had been suspended on March 10, 2011.
6. It is agreed that in April 2011, Ms. Fox's sister created a false document which purported to be a letter from the College stating that Ms. Fox was an active registered member of the College, when Ms. Fox was in fact suspended for non-payment of fees.



7. It is agreed that on or about April 4, 2011, Ms. Fox sent that false document via e-mail to her employer after Ms. Fox was suspended without pay by her employer for not being registered with the College.
8. Ms. Fox's certificate of registration was reinstated by the College on or about May 16, 2011.
9. It is agreed that the above conduct constitutes professional misconduct pursuant to paragraph 5 (making or signing a document that the member knows or ought to know is false, misleading or otherwise improper); and paragraph 20 (disgraceful, dishonourable or unprofessional conduct) of section 1 of Ontario Regulation 752/93 as amended, under the *Medical Laboratory Technology Act, 1991*, R.S.O. 1990, c.28.

Member's Plea

Ms. Fox orally admitted the facts set out in the Agreed Statement of Facts. The Panel conducted a plea inquiry and was satisfied that the Ms. Fox's admission was voluntary, informed and unequivocal.

Decision and Reasons

The Panel considered the Agreed Statement of Facts and found that the facts supported a finding of professional misconduct, as defined in paragraphs 5 and 20 of section 1 of Regulation 752/93 under the *Medical Laboratory Technology Act, 1991*, in that Ms. Fox submitted a document to her employer purporting to confirm her status with the College, when she knew the document was false. The panel viewed this as troubling and serious misconduct.

Penalty Decision

The Panel was presented with a Joint Submission as to Penalty and also heard submissions from both parties. After deliberation, the panel accepted the Joint Submission as to Penalty and accordingly ordered as follows.



1. Ms. Fox will be required to appear before a panel of the Discipline Committee to be reprimanded.
2. The Registrar will be directed to suspend Ms. Fox's certificate of registration for six (6) weeks, to be served on dates set by the Registrar. Two (2) weeks of the suspension will themselves be suspended as long as Ms. Fox complies with the remainder of this Order within the timelines set out herein. If Ms. Fox complies with the remainder of this Order, then the remaining two (2) weeks suspension will never have to be served by her. If Ms. Fox does not comply with the remainder of this Order in the timelines set herein then the remaining two (2) weeks will have to be served by Ms. Fox immediately upon her breach of, in the opinion of the Registrar, any term of this Order.
3. The Registrar will be directed to impose the following terms, conditions or limitations on Ms. Fox's certificate of registration:
 - a. Within eight (8) months of the date of this Order, Ms. Fox must, at her own expenses, successfully complete to the Registrar's satisfaction, the Professional/Problem-Based Ethics Course (ProBE) offered by The centre for Personalized Education for Physicians; and
 - b. Ms. Fox must, within 30 days of completing the ProBe course, provide proof acceptable to the Registrar that she has completed and passed the course.
4. Ms. Fox will be required to pay the College's costs in the amount of \$1,500.00 within 12 months of the date of this Order, by way of equal monthly instalments by way of post-dated cheques of \$125.00, beginning on the 1st day of June, 2014 and continuing every 30 days thereafter until paid in full.

Reasons for Penalty Decision

The panel considers this decision to be reasonable in that it falls within similar penalty parameters imposed by other regulatory colleges for similar misconduct, it recognizes the severity of the act and it protects the public interest.



The imposition of a suspension and the delivery of a reprimand serve as a deterrent to both Ms. Fox and the membership of the College by demonstrating that unprofessional behaviour such as forwarding falsified documents will not be tolerated.

The requirement to attend and pass the ProBE course will assist Ms. Fox in bridging any knowledge gaps and rehabilitation in addition to advancing public protection.

Mitigating factors included a formal apology by Ms. Fox to the panel, a demonstration of remorse by already enrolling in the ProBE course, and she has no prior record of misconduct.

Ms. Fox waived her right of appeal and the reprimand was administered at the end of the hearing.