



**DISCIPLINE COMMITTEE  
OF THE COLLEGE OF DIETITIANS OF ONTARIO**

**P A N E L :**

Fancis Omoruyi: Public Member (Chairperson)  
Terry Koivula, RD Member  
Jane Dummer, RD Member

**B E T W E E N :**

COLLEGE OF DIETITIANS OF  
ONTARIO

Richard Steinecke for College of  
Dietitians of Ontario

- and -

ANDREA CORBETT, RD  
REGISTRATION #3923

Member was not represented and was not  
present

Johanna Braden, Independent Legal  
Counsel

Heard: March 17, 2008

at

JPR Arbitration, 390 Bay Street,  
Toronto Ontario.

**DECISION AND REASONS**

This matter came on for hearing before a panel of the Discipline Committee at the College of Dietitians of Ontario (the “College”) on March 17, 2008.

**THE ALLEGATIONS**

The allegations against Andrea Corbett (the “Member” or “Ms. Corbett”) as stated in the Notice of Hearing (Exhibit #1) dated November 14, 2007 are as follows:

1. On or about January 5, 2007, the certificate of registration of Ms. Andrea Corbett with the College of Dietitians of Ontario was suspended for non-payment of fees.

2. The College advised Ms. Corbett of the suspension of her certificate. The College also advised Ms. Corbett that she could not use the title “dietitian”, or a variation or abbreviation of that title, or hold herself out as someone qualified to practise as a dietitian in Ontario.
3. After the suspension Ms. Corbett’s employer reasonably believed, on the basis of her conduct, that Ms. Corbett was still registered with the College.
4. After her suspension, Ms. Corbett used the title “dietitian” or a variation or abbreviation of it and held herself out as someone who was qualified to practise as a dietitian in Ontario.
5. Ms. Corbett’s previous College registration card indicated that it expired on October 31, 2006.
6. Mrs. Corbett’s employer underwent an inspection by the Ministry of Health and Long Term Care. Part of the inspection involved obtaining confirmation that staff members were registered with their regulatory Colleges. Ms. Corbett altered her previous registration card so that it indicated that it expired on October 31, 2007. She submitted the altered card, including for use in the Ministry of Health inspection process, knowing that it contained a false statement.
7. The conduct alleged above constitutes professional misconduct as defined in paragraphs 1 (practicing while suspended), 20 (improper use of the term or title), 23 (falsifying a record), 25 (false or misleading statement), 32 (contravening the legislation, including section 7 of the *Dietetics Act*) and 36 (unprofessional conduct) of Ontario Regulation 680/93 as amended.

### **MEMBER’S PLEA**

Due to her apparent confusion about the date, the Member was not present at the hearing, and was not represented by counsel.

The Panel was satisfied that the Member had been properly served with the Notice of Hearing, as set out in the affidavit of Penney Stevens (Exhibit #2). The Panel proceeded on the basis that the Member admitted the allegations against her. In making this finding, the panel relied upon Exhibit #3, the Joint Submission on Finding, signed by the Member on November 30, 2007. This document includes the Member’s admission to the above allegations.

### **THE EVIDENCE**

The Joint Submission on Finding confirmed the facts set out in the allegations contained in the Notice of Hearing. In addition, the Joint Submission on Finding contained evidence that the Member received her membership suspension notice on or about February 9, 2007 and understood its contents. At the time she had been having some difficulty with her bank due to a bank fraud situation and because her husband was ill. She thought her fees were paid up.

Sometime between February 9 and April 20, 2007, the Member altered her registration card so that it indicated that it expired on October 31, 2007 rather than October 31, 2006. She did this to ensure that the facility where she worked would be in compliance with the Ministry of Health and Long Term Care standards.

On April 20, 2007, an employee from the Ministry of Health and Long Term Care called the College to confirm the Member's registration. The College advised that the Member's registration had been suspended for non-payment of fees. The College called the Member to discuss the matter.

On April 22, 2007 the Member apparently paid her fees and was reinstated as a Member. She promptly admitted having worked while under suspension and having altered her registration card. It appeared to the College that the Member was "overwhelmed" at this point in her life with her banking issues and her ill husband.

### **DECISION**

Having considered the evidence and the onus and standard of proof, the panel finds that the Member committed acts of professional misconduct as alleged in paragraph 7 of the Statement of Allegations contained in the Notice of Hearing. In particular, the Member committed professional misconduct as defined in paragraphs 1 (practising while suspended), 20 (improper use of term or title), 23 (falsifying a record), 25 (false or misleading statement), 32 (contravening the legislation, including section 7 of the *Dietetics Act*) and 36 (unprofessional conduct) of Ontario Regulation 680/93 as amended.

### **REASONS FOR THE DECISION**

The Member continued to work as a dietitian and hold herself out as a dietitian, despite the suspension of her registration as indicated in the letter of February 9, 2007. The Member admitted that she received the notice of suspension. The Member deliberately changed the expiry date on her registration card in attempt to prove to the Ministry of Health and Long Term Care that she was legitimately registered as a dietitian, which she was not.

The Panel is satisfied that these facts constitute practising while suspended, improper use of a term or title, giving a false or misleading statement, contravening the relevant legislation and unprofessional conduct, as alleged and admitted.

### **ORDER ON PENALTY**

College Counsel provided the panel with a Joint Submission on Order (Exhibit #4). The Panel accepted the Joint Submission, and orders as follows.

1. The Discipline Panel orders that Ms. Corbett appear before a panel of the Discipline Committee to be reprimanded and that the fact of such a reprimand be recorded in the public portion of the register.
2. The Discipline Panel orders the Registrar to impose a term, condition and limitation on the certificate of registration of Ms. Corbett that by the renewal date of each year (currently October 31<sup>st</sup>), Ms. Corbett either successfully complete the renewal process or deliver to the Registrar a written letter of resignation from membership in the College.
3. The Discipline Panel orders that Ms. Corbett pay to the College \$3000.00 towards the costs and expenses of investigating and prosecuting this matter, payable as follows:
  - a.) Ms. Corbett shall pay \$125.00 by the last day of each consecutive month beginning in the month that the Discipline Panel makes this order;
  - b.) Ms. Corbett shall provide, on or before the date that this order is made, a series of fully completed post-dated cheques covering all of the payments specified above;

- c.) Ms. Corbett shall ensure that each cheque is honoured by her financial institution including ensuring there are sufficient funds in the account to cover each cheque when it is presented; and
  - d.) Should any cheque be dishonoured, Ms. Corbett shall immediately provide a replacement cheque for the amount of any banking charges associated with the dishonoured cheque plus a \$25.00 administrative fee.
4. The Discipline Panel orders the Registrar to impose a term, condition and limitation on the certificate of registration of Ms. Corbett that if Ms. Corbett breaches any provision of this order and has not successfully cured the breach within 30 days of being sent written notice of the breach at her last recorded address for communication with the College, the Registrar shall impose a term, condition and limitation on the certificate of registration of Ms. Corbett that Ms. Corbett may not practice dietetics, use the title “dietitian” or a variation or abbreviation of that title or hold herself out as a person who is qualified to practice in Ontario as a dietitian until she has been informed by the Registrar in writing that the breach has been successfully cured.

**REASONS FOR DECISION ON PENALTY**

The Panel concluded that the proposed penalty is reasonable and in the public interest. The Member has cooperated with the College and, by agreeing to the facts and the proposed penalty, has accepted responsibility for her actions. The Panel concluded that this penalty would provide a specific deterrent to the Member and general deterrence to the profession.

Mitigating factors include this being a first finding of professional misconduct for the Member, the difficult personal circumstances of the Member at the time of the misconduct, the Member’s admissions of misconduct and her cooperation with the College.

I, Francis Omoruyi, public member, sign this decision and reasons for the decision as chair of this Discipline Panel on behalf of the members of the Discipline Panel as listed below:

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Francis Omoruyi MSc., Chairperson

Date

Names of Panel members: Jane Dummer RD; Terry Koivula, RD