

COLLEGE OF DENTAL TECHNOLOGISTS OF ALBERTA  
IN THE MATTER OF

A HEARING UNDER  
*THE HEALTH PROFESSIONS ACT,*

AND IN THE MATTER OF A HEARING  
REGARDING THE CONDUCT  
OF ROGELIO REDOBLE

DECISION OF THE HEARING TRIBUNAL  
OF THE  
COLLEGE OF DENTAL TECHNOLOGISTS OF ALBERTA

*IN THE MATTER OF A HEARING UNDER THE HEALTH PROFESSIONS ACT REGARDING THE CONDUCT OF ROGELIO REDOBLE, RDT, WHILE A MEMBER OF THE COLLEGE OF DENTAL TECHNOLOGISTS OF ALBERTA ("CDTA")*

*DECISION OF THE HEARING TRIBUNAL*

**(1) Hearing**

Hearing Tribunal:

- Heather Sheremeta, RDT
- Amanda Wight, RDT
- James Clover, Public Member

Staff:

- Hearings Director, Tara Tremblay
- Complaints Director, Carolyn Kincade
- Legal Counsel, Jason Kully representing the College

Investigated Member:

- Mr. Rogelio Redoble (Member without legal counsel representation)

**(2) Preliminary Matters**

The Hearing was open to the public.

An original Hearing Tribunal date was set for February 26, 2020 in Edmonton and at the beginning of the meeting Mr. Redoble made a statement that he agreed to the allegation of unprofessional conduct. The meeting was adjourned to provide time for Mr. Redoble to complete an Agreed Statement of Facts to be presented at a later date.

There were no objections to the members of the Hearing Tribunal hearing the matter, and no Hearing Tribunal member identified a conflict. There were no objections to the jurisdiction of the Hearing Tribunal.

The Hearing Tribunal reconvened on April 27, 2020. The Hearing was conducted by way of an Agreed Statement of Facts and Acknowledgement of Unprofessional Conduct and a Joint Submission on Penalty.

**(3) Background**

On January 9, 2019, the College of Dental Technologists of Alberta (the "CDTA") received a complaint from MB. The complaint related to services provided to MB by Rogelio Redoble ("Mr. Redoble") between February 9, 2018 and March 31, 2018 (the "Complaint").

By letter dated January 21, 2019, the former Complaints Director of the CDTA, Bob Westlake provided Mr. Redoble with a copy of the Complaint and requested a response. Mr. Redoble provided, through legal counsel, a response to the Complaint dated February 15, 2019.

By letter dated June 4, 2019, the current Complaints Director of the CDTA, Carolyn Kincade (the “Complaints Director”) notified Mr. Redoble that further documents and clarification were needed as part of the investigation into the Complaint. Mr. Redoble provided responses by emails dated June 24, 2019 and June 26, 2019.

The Complaints Director determined there was sufficient evidence that the matter should be referred to the Hearings Director in accordance with s. 66(3)(a) of the Act.

Mr. Redoble received notice that the matter was referred to a hearing by letter dated August 27, 2019.

A Notice of Hearing was served upon Mr. Redoble by letter dated January 22, 2020.

#### **(4) Allegations**

“It is alleged that Mr. Rogelio Redoble (“Mr. Redoble”) while practising as a Dental Technologist engaged in unprofessional conduct by:

**Allegation 1: Between February 9, 2018 and May 2018, you fitted removable complete dentures for MB for the purpose of determining a preliminary fit, which is a restricted activity, without authorization contrary to the *Government Organization Act*, R.S.A. 2000, c. G-10, Schedule 7.1, section 4.**

**Allegation 2: Between February 9, 2018 and May 2018, you fitted removable complete dentures for MB for the purpose of determining a final fit:**

**a) which is a restricted activity, without authorization contrary to the *Government Organization Act*, R.S.A. 2000, c. G-10, Schedule 7.1, section 4; and/or**

**b) which is outside the scope of practice of a Dental Technologist.**

#### **(5) Admission of Unprofessional Conduct**

Section 70 of the *Act* permits an investigated member to make an admission of unprofessional conduct. An admission under s. 70 of the *Act* must be acceptable in whole or in part to the Hearing Tribunal.

Mr. Redoble acknowledged unprofessional conduct of all the allegations as evidenced by his signature on an Agreed Statement of Facts and Acknowledgement of Unprofessional Conduct. He also verbally admitted to unprofessional conduct of allegations set out in the Agreed Statement of Facts during the Hearing.

Legal Counsel for the Complaints Director submitted, where there is an admission of unprofessional conduct, the Hearing Tribunal should accept the admission absent exceptional circumstances.

## **(6) Exhibits**

The following exhibits were entered at the Hearing:

- Exhibit #1: Agreed Statement of Facts and Acknowledgement of Unprofessional Conduct
- Exhibit #2: Joint Submission on Penalty

## **(7) Evidence**

The evidence was adduced by way of an Agreed Statement of Facts and no witnesses were called to give oral testimony. The Hearing Tribunal accepts the evidence set out in the Agreed Statement of Facts which was admitted as exhibit #1.

## **(8) Decision of the Hearing Tribunal and Reasons**

The Hearing Tribunal has reviewed the documents included as exhibits and finds as facts the events as set out in the Agreed Statement of Facts.

The Hearing Tribunal also accepts Mr. Redoble's admission of unprofessional conduct as set out in the Agreed Statement of Facts as described above. Based on the evidence and submissions before it, the Hearing Tribunal did not identify exceptional circumstances that would justify not accepting the admission of unprofessional conduct from Mr. Redoble.

## **(9) Joint Submission on Penalty**

1. Mr. Redoble shall receive a reprimand and the Hearing Tribunal's written decision shall serve as the reprimand.
2. Mr. Redoble's practice permit will be suspended for a period of one (1) month. In the event that the Hearing Tribunal is able to issue an oral decision on the date of the hearing, the period of suspension will commence on the day of the hearing. In the event that the Hearing Tribunal is not able to issue an oral decision on the date of the hearing, the period of suspension will commence on the date of service of the Decision.
3. Mr. Redoble shall write and provide to the Complaints Director, within 3 months of service of the Decision, a written reflection of 1000-1250 words demonstrating reflection on his scope of practice and restricted activities which he is authorized to perform.
4. Mr. Redoble shall pay, within 6 months of notice to Mr. Redoble of the total costs of the investigation and hearing, 50% of the total costs of the investigation and hearing in this matter to the CDTA. **The total costs of the Investigation and Hearing are \$23,369.97. Mr. Redoble shall pay the College 50% of the total costs, \$11,684.99.**

5. The Hearing Tribunal's findings and orders shall be published in the CDT's newsletter, on its website, and reported at the CDTA's Annual General Meeting with Mr. Redoble identified by name and published as required by section 119(1) of the Act.

6. Mr. Redoble shall provide the CDTA with his contact information, including home address, home and cellular telephone numbers, current email address and current employment information. Mr. Redoble will keep his contact information current with the CDTA on an ongoing basis.

7. Should Mr. Redoble be unable to comply with any of the deadlines for completion of the penalty orders identified above, Mr. Redoble may request an extension by submitting to the Complaints Director, prior to the deadline, a request in writing stating a reason for requesting the extension and a reasonable timeframe for completion. The Complaints Director shall, in their sole discretion, determine whether a time extension will be granted and will notify Mr. Redoble in writing if the extension has been granted.

8. Should Mr. Redoble fail or be unable to comply with any of the above orders for penalty, or if any dispute arises regarding the implementation of these orders the Complaints Director may do any or all of the following:

a. Refer the matter back to the Hearing Tribunal which shall retain jurisdiction with respect to penalty;

b. Treat Mr. Redoble's non-compliance as information under s. 56 of the Act and seek an immediate interim suspension in accordance with s. 65 of the Act; or

c. In the case of non-payment of the costs described above suspend Mr. Redoble's practice permit until such costs are paid in full or the Complaints Director is satisfied that such costs are being paid in accordance with a schedule of payments agreed to by the Complaints Director.

#### **(10) Decision on Penalty and Conclusions of the Hearing Tribunal**

##### *The nature and gravity of the proven allegations*

Ignoring procedure and policy and performing tasks beyond one's scope of practice as well as performing restricted activities without authorization is a serious matter and can cause loss of confidence in the profession as a whole. This is a serious matter and could have led to serious and even dangerous outcomes. This was also intentional conduct by the Member and he knew that what he was doing was wrong.

##### *The age and experience of the investigated Member*

Mr. Redoble has been a Member of the CDTA since inception and was practicing in Alberta before the CDTA formed. This afforded Mr. Redoble sufficient time at practice to be proficient at one's profession and aware of scope of practice limitations. These incidents were intentional acts of a qualified dental technologist who should know better.

*The previous character of the investigated Member and in particular the presence or absence of any prior complaints or convictions*

The Hearing Tribunal has no evidence of prior complaints

*The number of times the offending conduct was proven to have occurred*

There is only evidence of unprofessional conduct in the instance of this patient for this course of treatment.

*The role of the investigated Member in acknowledging what occurred*

Mr. Redoble cooperated with investigators and worked with the CDTA to prepare an Agreed Statement of Facts.

### **(11) Orders of the Hearing Tribunal**

The Hearing Tribunal is authorized under s82(1) of the Act to make orders in response to finding of unprofessional conduct. The Hearing Tribunal makes the following orders pursuant to s. 82 of the Act.

- The Hearing Tribunal accepts and imposes all of the penalties as set forth above in #9 Joint Submission on Penalty with the exception that the practice permit suspension period will commence on the day the College of Dental Technologists of Alberta (the “CDTA”) lifts the practice restrictions imposed by Alberta Health due to Covid19. The one-month period will commence on that day. Therefore, the suspension period began on May 14<sup>th</sup>, 2020 and ends on June 14<sup>th</sup>, 2020.