

**Decision of the Discipline Committee of the
Saskatchewan Dental Assistants' Association
(Summary Document)
Tanis Martens**

Discipline Committee:

Mary Jane Katz (Chair and Member)
Shannon Kehler (Member)
Gillian Isabelle (Member)

Participants:

Tim Hawryluk, legal counsel for the Professional Conduct Committee (PCC) of the Saskatchewan Dental Assistants' Association (SDAA)
Tanis Martens, by telephone
Douglas Heinricks, QC, legal counsel for Tanis Martens, by telephone
Anne Hardy, legal counsel for the SDAA Discipline Committee

Introduction

1. The Discipline Committee convened a hearing at 10:00 a.m. on Saturday, May 9, 2015, the time and date agreed by the parties for the hearing of this matter. Tanis Martens and her counsel participated by telephone.
2. At the outset of the hearing, Tanis Martens confirmed her identity and acknowledged that she is a member of the SDAA and subject to *The Dental Disciplines Act*, that she is the subject of the complaint, and that she had been served with the Notice of Hearing. Ms. Martens also acknowledged the authority of the Discipline Committee to hear and determine the complaint against her, and that she had no objection to the composition of the Discipline Committee.
3. The Notice of Hearing stated the following charges brought against Ms. Martens by the PCC:
That you are guilty of professional misconduct contrary to the provisions of section 27(a) and/or (b) and/or (c) of *The Dental Disciplines Act S.S., 1997*, d-4.1, and/or section 14.6.1 and/or section 14.6.10 of Bylaw 14 "Discipline Committee" of the Regulatory Bylaws, section 16.3 of Bylaw 16 "Standards of Practice" of the Regulatory Bylaws and the "Dental Jurisprudence" section of Bylaw 15 "Code of Ethics" of the Regulatory [Bylaws] in that:
 - (a) Between the 1st day of November 2012 and the 29th day of August 2013 at or near Swift Current, Saskatchewan, you did fraudulently submit claims for reimbursement to Manulife Financial in relation to dental work and procedures that had not been performed, without the consent or directly of Dr. XXXX and the XXXX;
 - (b) Between the 1st day of November 2012 and the 29th day of August 2013 at or near Swift Current, Saskatchewan, you did by deceit, falsehood or other fraudulent means secure and deposit cheques, which were payable from Manulife Financial, as a result of you submitting insurance claims to Manulife Financial for dental work and procedures that had not been performed; and
 - (c) Between the 1st day of May 2013 and the 30th day of May 2013 at or near Swift Current, Saskatchewan, you did unlawfully remove and wrongfully convert gold, the property of Dr. XXXX and the XXXX, without the consent or direction of Dr. XXXX and XXXX.

4. Prior to the hearing, Ms. Martens indicated through her counsel that she intended to plead guilty to these charges.
5. At the hearing, Ms. Martens confirmed her guilty plea to the charges outlined in the Notice of Hearing. The hearing then proceeded to consider the evidence and discuss the appropriate penalty to be imposed.
6. At the conclusion of the hearing, the Discipline Committee indicated that it reserved its decision and that its decision and written reasons would follow. After considering the submissions of the PCC and counsel for Ms. Martens, along with the documents tendered as exhibits at the hearing, the Discipline Committee has made this decision.

Decision on penalty

Although no criminal charges have been laid against her, Ms. Martens was involved in an extensive and repeated course of criminal activity, directed partly at her employer, and carried out primarily at her workplace. Ms. Martens has pled guilty to the charges of misconduct before the Discipline Committee. The conditions for the Discipline Committee to act under ss. 34 of *The Dental Disciplines Act* to make an order of penalty have therefore been satisfied.

With respect to the nature and gravity of the misconduct, the Discipline Committee viewed it as extremely serious. Ms. Martens committed both theft and a repeated series of frauds. She misrepresented herself in calls to the insurer. She not only did not admit the misconduct at first, but also implicated other workers. The frauds affected her employer and involved XXXX. She abused a position of trust with a long term employer.

At the same time, after considering the documents and the oral submissions by Ms. Martens, members of the Committee were left with considerable doubt as to whether she fully takes responsibility for her actions and their effect on her employer, her coworkers and her family. Ms. Martens showed a disturbing sense of entitlement in deciding to steal from her employer, rather than approaching him for a raise. She confessed to the theft of gold only after implicating coworkers. Although she acknowledged having received money from the insurer for nonexistent claims, she tried to minimize her behaviour in discussions with the insurer and with MNP. Even in all of the letters to her employer and the SDAA and in her remarks during the hearing, she continually referred to her activity as ‘making mistakes’. She does not appear to recognize that she did not make an unintentional error, as suggested by the word ‘mistake’, but carried out a deliberate, systematic plan to steal and defraud. Because the fraudulent claims were made at her workplace, they could have jeopardized her employer’s ability to submit legitimate claims to the insurer, and could have jeopardized her XXXX insurance coverage. The Committee is of the view that Ms. Martens does not have sufficient judgment to be placed in a position of trust.

Order

The Discipline Committee therefore makes the following order of penalty against Ms. Martens:

1. The Member shall be expelled from the Association and her name shall be struck from the register;
2. The Member shall be prohibited from reapplying for membership in the Association for a period of 5 years;
3. The member shall reimburse in full the costs of the SDAA related to the investigation and hearing into her conduct, such costs being determined to be \$24,733.25. Such costs must be paid before she is reinstated as a member of the Association.

This decision dated as of June 17, 2015