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Fallout from closed Guelph dental clinic continues to mount

Dental college admits province's complaint-based inspections are under review as Oakville lawyer prepares class-action lawsuit on behalf of 3,600 patients

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A recent infection control lapse at a Guelph dental clinic that resulted in thousands of patients being advised to get tested for HIV and hepatitis has no doubt been alarming for the patients of that clinic. But there may be a bigger issue at play that could be a concern for all dental patients.

While the regulatory college for dentists has guidelines for infection control that its members are required to follow, just like Public Health, when it comes to inspecting to see that those standards are being followed, the college works on a complaints basis.

"We do not currently have a system to 'monitor' every dental clinic," Kevin Marsh, director of communications for the Royal College of Dental Surgeons of Ontario, said in an email response to a Mercury Tribune inquiry.

Continued on Page 26



TRIBUNE PHOTO BY CHRIS SETO

A forensic investigator closes the door to the Guelph police van on Tuesday morning after exiting 4 Hasler Crescent. The body of 54-year-old Mirella Roncato was found there earlier in the day.

Son charged with murder in death of his mother

Jacob Roncato, 26, is being held in custody for a bail hearing on Friday

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A 54-year-old Guelph woman is dead and a 26-year-old Guelph man is in police custody facing a charge of first-degree murder.

Jacob Roncato was led into a Guelph courtroom on Tuesday afternoon after he was arrested earlier that morning. He stands charged with murder in the death of Mirella Roncato.

Several Roncato family members attended court but were too distraught to speak about the issue. Family

members did say, however, the accused is the son of the victim and suggested that his struggles with mental illness may have played a role in this death.

At the bail hearing, the justice of the peace issued a publication ban on reporting any evidence heard in court regarding this matter.

On Tuesday, shortly after midnight, Guelph police responded to a call at a home on Hasler Crescent and found the body of a woman inside. The circumstances surrounding the death appeared to be suspicious in nature, officers said.

Continued on Page 2

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| | |
|----------|-----|
| Letters | 6-7 |
| Sports | 18 |
| LifeNews | 22 |

RUGBY READY



Guelph's Brittany Kassil hitting rugby World Cup with Canada

Page 18

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Parents, patients say situation was poorly handled by public health

From front page

Whether the college should or could put such a system in place is one of the questions being looked at in a current review of the college's Infection Prevention and Control (IPAC) guidelines, Marsh said.

He referred the Mercury Tribune to a public statement from the college on the issue that emphasized that "dentists are extensively trained on infection prevention," and that dentists have an obligation to maintain the standards of practice, including ensuring staff are adequately trained in IPAC procedures.

The statement was issued June 30 – the same day Wellington-Dufferin-Guelph Public Health mailed 3,600 letters to patients of the Guelph Dental Associates – Growing Smiles clinic on Eramosa Road. Public Health was urging those patients to get tested for hepatitis B, hepatitis C and HIV due to concerns that sterilization of dental instruments was not being done properly.

The clinic was closed on June 22 and remains closed.

The college's statement calls cases like this "rare." However, the clinic is not the first in Guelph to have been closed this year because of lapses in infection control standards, and a dentist in Burlington had his right to practise suspended in June in a situation where patients were also being advised to discuss HIV and hepatitis testing with their doctors.

In the most recent cases in Guelph, the inspections by Public Health and the subsequent closures were prompted by complaints by members of the public.

"Public Health is not authorized to inspect a dental office unless a complaint is made," Brian McKechnie,



WDG Public Health's communications specialist, said in an email.

Public Health has been mandated by the Ministry of Health to do such inspections since January 2016.

"When we do an inspection, we always inform the (RCDSO) and invite them to co-inspect with us," McKechnie said. "The college receives all inspection reports from Public Health and can initiate their own investigations."

In the case of Guelph Dental Associates, an investigation has been ordered, said Marsh.

"That investigation is ongoing and there is no outcome yet," he said.

Attempts to contact the dentists associated with the practice were not successful.

Marsh said the responsibility to make sure dental offices meet IPAC and Public Health Provincial Infectious Disease Advisory Committee standards is something that every practising dentist in Ontario is well aware of.

"There is the clear potential for significant penalty if the standards are not maintained," he said.

He added a dentist could be found guilty of professional misconduct or incompetence, and penalties could

include revocation or suspension of the right to practise, limitations on the dentist's certificate of registration, reprimand, or a fine paid to the Ontario government.

Another potential consequence, highlighted by the many patients commenting on social media on the closure of Guelph Dental Associates, is that patients will take their business elsewhere.

"Why in the world would anyone ever go back to this dental office again?" said one Facebook user, commenting on a Mercury Tribune story.

"It should stay closed permanently! I highly doubt anyone would be stupid enough to go back there," said another.

For Julia Cathro-Oliver, whose family of four has been patients at the clinic for several years, the situation has been a horrible ordeal.

"These infections are life changing and as a mama, the thought of my kids having them is indescribable," she said in an email. "It took four adults to hold down my seven-year-old to get his bloodwork done! I do not wish that pain, anxiety and stress on anyone."

She was also unhappy with the way in which Public Health dealt with the situation.

"I cannot understand why they didn't work harder to contact patients directly and earlier," Cathro-Oliver said.

McKechnie said the local health unit was following strict guidelines set out by Public Health Ontario on how to handle the situation.

It is necessary to notify patients before notifying the general public, he said, and the health unit relies on the clinic to supply patient information so they can be contacted.

"Because the clinic sent their own letters to some patients first, we posted the lapse on our website and issued a press release as soon as our letters were mailed," McKechnie said. "We also shared the information on our social media accounts and had a call centre in place to help answer patient concerns. We felt this was the best way to reach as many patients as possible before our letters could arrive."

Cartho-Oliver said she would like to see better supervision of clinics – "better and mandatory spot checks, the way restaurants do, with big coloured signs at the clinics themselves showing patients if they are safe or not," she said.

Marsh said in addition to the guideline review that is currently underway, the regulatory college has also reminded all members that they must meet guidelines and consider the implications of the standards suggested by Public Health.

"The clinic operator is responsible for ensuring all relevant monitoring systems are in place, that records are kept and available on demand from Public Health or the

These infections are life-changing and as a mama, the thought of my kids having them is indescribable.

Julia Cathro-Oliver, mother of four who were all patients at Growing Smiles

RCDSO and that the clinic is accessible to a college inspector or investigator, or Public Health if any concerns are raised," Marsh said.

The Guelph Dental Associates clinic has let Public Health know of its work plan to ensure all procedures are in place, McKechnie said.

"When they say they are ready for re-inspection, Public Health will ensure they meet all infection control requirements before reopening."

'Dozens' approach Oakville law firm to launch class-action lawsuit against Guelph dental clinic

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A Guelph dental office closed in June due to infection control lapses may be the subject of a class-action lawsuit.

"The first step will be to see if the claim can be certified as a class action," said lawyer Gary Will, a partner with Will Davidson LLP and based out of the firm's Oakville office.

Will said the decision to launch the class-action lawsuit came after the firm was contacted by a number of patients of the Guelph Dental Associates – Growing Smiles clinic on Eramosa Road.

The clinic was closed down by Wellington-Dufferin-Guelph Public Health June 22, and on June 30, letters were mailed to some 3,600 patients of the clinic advising them to speak with their doctors about testing for HIV and hepatitis B and C.

Those 3,600 patients are the potential plaintiffs in the claim, Will said.

They represent any patient who had a procedure done at the clinic between Jan. 21, 2015 and June 21, 2017, before the clinic was closed.

Will said the patients of the clinic might be entitled to damages related to the worry and stress of having to be tested for HIV and hepatitis, but "their claims might be too small to pursue on an individual basis."

In this case, a class action makes sense, he explained.

"A class proceeding is ideal for a case where every single class member has an almost iden-

tical claim," Will said.

In this case, the total damages could be \$10 million, but what individuals may be entitled to will differ depending on their situation.

"If they're infected, that claim is going to be in a whole different category" than that of someone whose tests came back negative, Will said.

Public Health has called the risk of infection "low," but was still encouraging patients to get tested.

The \$10-million figure is just an estimate, said Will.

The claim names four dentists the firm believes are associated with the Guelph Dental Associates practice, as well as a company called Dr. Meikle Dentistry Professional Corporation.

The names differ from those listed by the Royal College of Dental Surgeons of Ontario as dentists associated with the practice.

"We're still in the investigative stage," Will said.

The process to certify a class-action lawsuit can take six months or longer, he said.

Should the class action be certified, the law firm will access the patient list and everyone on the list will be contacted advising them of the certification and their options, he said.

The claimants do have the option to opt out, he said.

In the meantime, people are welcome to contact Will Davidson with their questions at 905-337-9568 or look for information on the firm's website at www.willdavidson.ca.

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