Professional disciplinary matters: The Professions Tribunal reiterates the conditions required to accept a guilty plea

April 20, 2026

Authors

Catherine Pariseault

Senior Associate

Sophie Poirier

Lawyer

In the *Henry* decision rendered on January 16, 2026,[1] the Professions Tribunal reiterated what framework applies to a guilty plea in disciplinary matters.

In this case, the professional had pleaded guilty during his conviction hearing. After having ascertained that his pleas were made freely and voluntarily, the Disciplinary Council of the Ordre des dentistes (the “Council”) declared him guilty.

However, the Council had not ensured that the professional admitted to the facts relating to the key elements of the offences at issue. During the penalty hearing, the professional raised questions about his guilty pleas. Although the Council had considered whether his pleas were valid and whether to withdraw them and return the case to a conviction hearing, the hearing continued and penalties were imposed on the professional.

On appeal of the Council’s decision, the Professions Tribunal concluded that the Council had erred in accepting the professional’s guilty pleas when it had become clear that he denied the facts put forward in support of the charges against him.

The Professions Tribunal concluded that the Disciplinary Council of the Ordre des dentistes had erred in accepting the appellant’s guilty plea when it had become clear that he denied the facts put forward in support of the charges against him.

The Professions Tribunal reasons were based on the following:

> The *Professional Code*[2] contains no specific provisions governing the entering of a guilty plea.[3]

Copyright (c) Lavery, de Billy, S.E.N.C.R.L. - L.L.P.

In the absence of specific rules, disciplinary law can draw inspiration from the criteria developed in criminal and penal law.[4]
By pleading guilty, the professional waives their right to a formal investigation and associated procedural safeguards.[5]
Pleading guilty is a significant decision in disciplinary proceedings, as it inevitably brings the investigation to a close and has detrimental consequences on the professional who pleads guilty.[6]

This decision serves as a reminder of the two-prong test[7] a Disciplinary Council must use to accept a guilty plea:

Admission by the professional: The professional must have formally admitted to the key legal elements of the offence.[8] To be valid, a guilty plea must be voluntary, unequivocal and made with full knowledge of its effects and consequences.[9]
Acceptance by the Council: The Council may only accept the plea after ensuring that the professional knows and understands the nature of the offence they are charged with and the effects of their guilty plea. The Council must also confirm that the professional admits to the facts relating to the key elements of the offence in question.[10]

This decision also introduces the requirement to submit a joint statement of the facts[11] or provide an account of the facts that led to the offences in order to properly contextualize them.[12]

Failure to comply with these requirements could result in the professional's guilty plea being contested or dismissed by the Disciplinary Council.

More recently in the Fernandez decision,[13] the Disciplinary Council of the College des médecins was called upon to rule on whether the requirements of the Henry decision applied, in particular regarding the filing of a joint statement or account of the facts giving rise to the offences. In this case, the Council had taken cognizance of the Henry decision after having accepted the professional's guilty plea, and no joint statement had been filed. After allowing the parties to present their observations, the Council declared itself satisfied with the parties' claims that the Fernandez case differed from the Henry case in that Dr. Fernandez had admitted to the facts relating to the essential elements of the charge, that he had filed a 17-page statement, and that the Syndic had filed documents containing the accounts of eight patients.

It will be interesting to follow how case law will develop on this issue to confirm what direction the various disciplinary councils will take.

The members of Lavery's professional and disciplinary law team regularly represent professional orders and professionals. They are available to advise you and answer your questions.

Summary

A guilty plea may expedite the disciplinary process, but it has the effect of depriving the accused professional of certain procedural safeguards.
It is important to ensure that the conditions of validity and acceptance of a guilty plea are met, otherwise it may be dismissed or overturned on appeal.
Summary evidence must be taken before a professional pleads guilty, whether it be through the filing of a joint statement of facts, the presentation of an account of the facts by one of the parties or the submission of documentary evidence.

1. *Henry c. Dentistes (Ordre professionnel des),* 2026 QCTP 1
2. 2 CQLR C-26.
3. *Henry c. Dentistes (Ordre professionnel des),* 2026 QCTP 1, para. 24

Copyright (c) Lavery, de Billy, S.E.N.C.R.L. - L.L.P.

4. Id.
5. Id.
6. Id., para. 27
7. Id., para. 25
8. Id., para. 26
9. Id., para. 28
10. Id., para. 27 and 29.
11. Id., para. 30
12. Id., para. 31
13. Médecins (Ordre professionnel des) c. Fernandez, 2026 QCCDMD 5

Copyright (c) Lavery, de Billy, S.E.N.C.R.L. - L.L.P.