

**DISCIPLINE COMMITTEE OF THE ROYAL COLLEGE OF DENTAL SURGEONS OF
ONTARIO**

Citation: Royal College of Dental Surgeons of Ontario v. Eid, 2022 ONRCDSO 1

Date: 2022-05-13

File No.: 21-0815

IN THE MATTER OF: A Hearing held pursuant to the provisions of the Health Professions Procedural Code which is Schedule 2 to the *Regulated Health Professions Act, 1991*, Statutes of Ontario, 1991, Chapter 18 (“Code”)

AND IN THE MATTER OF: the *Dentistry Act* and Ontario Regulation 853, Regulations of Ontario, 1993, as amended (“Dentistry Act Regulation”)

BETWEEN:

Royal College of Dental Surgeons of Ontario

-and-

Dr. Roland Eid

FINDING AND PENALTY REASONS

RESTRICTION ON PUBLICATION

In the matter of the Royal College of Dental Surgeons of Ontario and Dr. Roland Eid the Discipline Panel ordered, under ss 45(3) of the Health Professions Procedural Code, that no person shall publish or broadcast the identity of any patients of the Registrant, or any information that could disclose the identity of any patients who are named in the Notice of Hearing and/or the Agreed Statement of Facts in this matter.

PANEL MEMBERS:

Dr. Richard Hunter, Professional Member (Chair)

Dr. Victor Kutcher, Professional Member

Mr. Marc Trudell, Public Member

APPEARANCES:

Ms. Emily Lawrence, for the College

Dr. Roland Eid, self-represented

Ms. Andrea Gonsalves, Independent Legal Counsel

Heard: May 13, 2022, by videoconference
Decision Date: May 13, 2022
Release of Written Reasons: May 31, 2022

REASONS FOR DECISION

This matter came on for hearing before a panel of the Discipline Committee (the “Panel”) of the Royal College of Dental Surgeons of Ontario (the “College”) in Toronto on May 13, 2022. This matter was heard electronically.

At the outset of the hearing, the College sought an order banning the publication of the names of patients, or any information that could be used to identify the patients, referred to in this matter. The Member consented to the request. The Panel granted the order, which extends to the exhibits filed, as well as to these reasons for decision.

THE ALLEGATIONS

The allegations against the Member are set out in a notice of hearing, dated September 29, 2021, as follows:

1. You committed an act or acts of professional misconduct as provided by s.51(1)(c) of the Health Professions Procedural Code, being Schedule 2 of the Regulated Health Professions Act, 1991, Statutes of Ontario, 1991, Chapter 18, in that, during the years 2013, 2014, 2015, 2016, 2017 and/or 2018 you contravened a standard of practice or failed to maintain the standards of practice of the profession relative to one or more of the following patients, contrary to paragraph 1 of Section 2 of Ontario Regulation 853, Regulations of Ontario, 1993, as amended.

Particulars:

- You failed to take pre-treatment intra-oral photographs for orthodontic patients (C. M, L. R, N. S, C. R and B. T).
2. You committed an act or acts of professional misconduct as provided by s.51(1)(c) of the Health Professions Procedural Code of the *Regulated Health Professions Act, 1991*, Statutes of Ontario, 1991, Chapter 18 in that you signed or issued a certificate, report or similar document that you knew or ought to have known contained a false, misleading or improper statement relative to

one or more of the following four patients during the year(s) 2013, 2014, 2015, 2016 and/or 2017, contrary to paragraph 28 of Section 2 of Ontario Regulation 853, Regulations of Ontario, 1993, as amended.

Particulars:

- You submitted claims for restorative treatment without sufficient justification (C. A, K. A, L. E, B. L, C. M and N. S).
 - You submitted dental insurance claims using restorative billing codes when restorative treatment was not rendered and orthodontic treatment was provided instead (S. G, C. M, L. R, N. S, C. R and B. T).
 - You submitted dental insurance claims for restorative treatment that was not rendered (J. M).
3. You committed an act or acts of professional misconduct as provided by s.51(1)(c) of the Health Professions Procedural Code of the Regulated Health Professions Act, 1991, Statutes of Ontario, 1991, Chapter 18 in that you submitted an account or charge for dental services that you knew or ought to have known was false or misleading relative to one or more of the following patients during the year(s) 2013, 2014, 2015, 2016 and/or 2017, contrary to paragraph 33 of Section 2 of Ontario Regulation 853, Regulations of Ontario, 1993, as amended.

Particulars:

- You submitted claims for restorative treatment without sufficient justification (C. A, K. A, L. E, B. L, C. M and N. S).
 - You submitted dental insurance claims using restorative billing codes when restorative treatment was not rendered and orthodontic treatment was provided instead (S. G, C. M, L. R, N. S, C. R and B. T).
 - You submitted dental insurance claims for restorative treatment that was not rendered (J. M).
4. You committed an act or acts of professional misconduct as provided by s.51(1)(c) of the Health Professions Procedural Code, being Schedule 2 of the Regulated Health Professions Act, 1991, Statutes of Ontario, 1991, Chapter

18 in that, during the years 2011, 2012, 2013, 2014, 2015, 2016, 2017 and/or 2018 you failed to keep records as required by the Regulations relative to one or more of the following patients, contrary to paragraph 25 of Section 2 of Ontario Regulation 853, Regulations of Ontario, 1993, as amended.

Particulars:

- You failed to obtain complete personal, medical and/or dental histories (C. A, K. A, L. E, S. G, B. L, C. M, J. M, L. R, N. S, C. R and B. T).
- You indicated in the progress notes dated November 20, 2014 and October 29, 2015 that bitewing radiographs were taken; however, bitewing radiographs corresponding to these dates do not exist and/or were not provided to the College (B. T).
- Your radiographs are of poor diagnostic quality (C. A, K. A, L. E, S. G, B. L, N. S, C. R and B. T).
- You failed to complete an odontogram (S. G, C. M, L. R, N. S, C. R and B. T).
- You failed to initial each chart entry (C. A, K. A, L. E, S. G, B. L, C. M, J. M, L. R, N. S, C. R and B. T).
- Your progress notes contain issues of legibility and/or clarity including notes extending outside the provided chart area, multiple lines of text written within one line of ruling, new text written over text that was entered into the progress note on a previous occasion and scribbled out text (K. A, C. M, N. S, C. R and B. T).
- You failed to document diagnoses for the teeth that received restorative treatment (C. R).

THE MEMBER'S PLEA

The Member admitted the allegations of professional misconduct contained in the Notices of Hearing. The Member signed a written plea inquiry, which was entered into evidence at the hearing as Exhibit 2. The Panel also conducted an oral plea inquiry at the hearing and was satisfied that the Member's admissions were voluntary, informed and unequivocal.

THE EVIDENCE

On consent of the parties, the College introduced into evidence an Agreed Statement of Facts (Exhibit 3). The Agreed Statement of Facts provides as follows:

Background

1. Dr. Roland Eid received his dental degree at the Université de Montréal in 2001.
2. Dr. Eid practices at College Square Dental in Ottawa, Ontario. At the time of the incidents below, he practiced at Central Dental Centre in Ottawa, Ontario.

Events Giving Rise to Allegations

3. In April 2018, Manulife submitted a complaint to the College, arising from a complaint that Manulife had received from one of its insured, S.G. In its complaint, Manulife advised the College that S.G. had made an inquiry about Dr. Eid's billing, and that Manulife had obtained records for eleven insured patients from Dr. Eid and analysed them. Manulife had concluded that Dr. Eid had billed for restorative treatment for patients who were undertaking orthodontic care (specifically Invisalign treatment), which was unnecessary or which Dr. Eid had not actually completed. Manulife also noted that Dr. Eid's charting did not contain diagnoses, the anesthetic used, or photographs/radiographs.

On April 26, 2018, the Registrar appointed investigators to conduct an investigation in respect to eleven patients who saw Dr. Eid from October 2015 to October 2017, and in respect of a series of appointment dates, under s. 75(1)(c) of the Code. In its investigation, the College obtained and analysed eleven patient records from the time period between October 2013 and November 2017, and 23 appointment schedules.

4. Of the eleven patients, ten were receiving Invisalign treatment.
5. In 2015, Groupon solicited Dr. Eid to run a promotion for his business. Dr. Eid agreed. Through Groupon, the patient could purchase a coupon for \$39.99. If they did, they would receive \$1500.00 off Invisalign treatment. Dr. Eid would submit an estimate to the insurer for the full price of \$5500.00 and submit all

claims for the full cost of the Invisalign treatment. Insurance would pay between \$2000.00 and \$2500.00.

Orthodontic Treatment Billed as Restorations

6. Dr. Eid admits that for these ten patients, he submitted claims for services such as bonding or restorations to insurance which he completed as part of the Groupon Invisalign treatment.
7. Dr. Eid admits and acknowledges that for patients C. A., K. A., L. E., B. L., C. M., and N. S., he submitted dental insurance claims for restorations without sufficient justification. For these patients, he noted “recession” and “sensitivity” but did not include any diagnoses, record of anesthetic used, and the intra-oral photographs or radiographs to justify the treatment. Some of these patients were receiving Invisalign treatment, through his Groupon:
 - (a) For C. A.: On September 27, 2017, he charted and billed for 10 vestibular resin restorations, involving all quadrants (including teeth 13, 14, 15, 23, 24, 25, 34, 35, 44 and 45), after he charted “recession” and “sensitivity”. The pre-treatment radiographs and post-treatment intra-oral photographs were of poor quality.
 - (b) For K. A.: On August 18 and 23, 2017, he charted 14 “bonded recessions” and submitted claims for 11 restorations, after he charted “generalized recession”, “wear”, and “sensitivity”.
 - (c) For L. E.: On September 12, 2017, he charted and billed for six vestibular resin restorations, after pre-operative bitewings demonstrated generalized mild horizontal bone loss with localized mild vertical bone loss involving four teeth and pre-operative photographs demonstrated mild recession of two teeth with moderate recession of one tooth. He charted “areas of recession”, and “sensitivity hot/cold uppers”.
 - (d) For B. L.: On October 4, 2017, he charted for 12 vestibular resin restorations, and billed for ten. He charted that quadrant 3 was sensitive, and pre-operative bitewings and pre-operative photographs demonstrated generalized mild horizontal bone loss with corresponding generalized mild cervical recession in all four quadrants.
 - (e) For C. M.: after Manulife denied a pre-estimate for orthodontic treatment, on February 15, 2017, Dr. Eid charted and billed for 12 vestibular resin

restorations and for a specific examination, and on May 10, 2017, he charted and billed for two vestibular resin restorations. He charted “bonding gum recessions – generalized”. He provided only post-treatment photographs that demonstrated cervical restorations and Invisalign aligner attachments on two teeth. Most of the restorations that he billed for on these days were orthodontic-related treatment and should not have been claimed as restorative treatment; and

- (f) For N. S.: On March 16, 2017, the patient was scheduled for an Invisalign presentation, a treatment she completed and for which she was partially insured. He charted and billed for the placement of 12 vestibular resin restorations involving all four quadrants. Subsequently, on March 30, 2017, the progress notes indicate that maxillary and mandibular impressions were taken to initiate the Invisalign process, and he charted for 10 vestibular resin restorations involving all four quadrants, and billed for eight restorations.

- 8. Dr. Eid admits and acknowledges that for patients S. G., C. M., L. R., N. S., C. R. and B. T., he submitted dental insurance claims using restorative billing codes when he had placed orthodontic-related bondings and restorative treatment had not, in fact, been rendered. Had he actually intended to complete restorations, he would not have been able to complete them in the appointment times allotted. He admits that he should not have billed his orthodontic-related care, provided as part of Invisalign treatment, through his Groupon, as restorations. Dr. Eid further admits that that none of these restorations were justified based on his charting:

- (a) For S. G.: this patient attended and received Invisalign treatment on August 31, 2016, December 8, 2016, and February 2, 2017. The patient made out-of-pocket payments. On April 13, 2017, he billed for one specific examination, and 10 resin restorations and on April 18, 2017, he billed six two-surface restorations. S. G. advised Manulife that Dr. Eid had told her that he was billing for fillings because she did not have orthodontic coverage under her plan. The appointment schedule notes 15-minute appointments on these dates but no corresponding chart entries nor any documentation were provided. He subsequently refunded payment to Manulife for one of these accounts and did not receive payment for the other;

- (b) For C. M., see paragraph 7(e) above;
 - (c) For L. R.: this patient attended and received Invisalign treatment in the fall of 2015 and in 2016, which was partially covered by insurance. On November 12, 2015, Dr. Eid charted and billed for the placement of 11 vestibular resin restorations involving all four quadrants. On January 19, 2016, he charted and billed for the placement of eight vestibular resin restorations involving all four quadrants, and the patient was given new Invisalign aligners. Post-operative radiographs show no evidence of buccal fillings on these teeth, with the possible exception of two teeth. Post-operative photographs demonstrate Invisalign attachments present on eight teeth;
 - (d) For N. S., see paragraph 7(f) above;
 - (e) For patient C. R.: this patient attended and received Invisalign treatment in the fall of 2016, which was partially covered by insurance. On September 30, 2016, Dr. Eid charted and billed for the placement of 10 restorations involving all four quadrants. On October 27, 2016, he charted and billed for the placement of four resin restorations involving all four quadrants; and
 - (f) For patient B. T.: this patient attended and received Invisalign treatment. On October 29, 2015, he charted 13 vestibular resin restorations and billed for the placement of 14 vestibular resin restorations. On January 12, 2016, he charted 11 vestibular resin restorations and billed for the placement of 10 restorations. On April 4, 2017, he charted and billed for the placement of eight vestibular resin restorations and cleaning, over four different claims, with amendments over time. Post-operative radiographs appear to show no evidence of buccal fillings on these teeth, with the possible exception of two teeth. Post-operative photographs demonstrate Invisalign attachments present on eight teeth.
9. For the above patients, Dr. Eid admits and acknowledges that his charting did not justify the restorations that he billed for any of these patients listed in paragraphs 7 and 8, and the treatment he billed for was orthodontic-related treatment and should not have been claimed as restorative treatment.

10. Dr. Eid admits and acknowledges that by submitting claims for the patients listed in paragraphs 7 and 8 for treatment that was not justified or not completed, he submitted accounts that he knew or ought to have known were false and misleading, and/or that he knew or ought to have known contained false, misleading and improper statements as alleged in Allegations 2 and 3 in the Notice of Hearing.

Treatment of Minor Patient

11. For J. M., this six-year old patient attended for appointments on May 20, 24, and 31, 2016 across four separate appointments of 15 minutes to 30 minutes each, for the placement of 14 restorations. Dr. Eid did not take or did not retain any radiographs for this patient.
12. Dr. Eid admits that he submitted dental insurance claims for restorative treatment that was not rendered. He acknowledges that he did not and could not have completed 14 restorations on a minor child in the time allotted for these appointments.
13. Dr. Eid admits and acknowledges that by submitting claims for 14 restorations for J. M., not all of which he performed, he submitted accounts that he knew or ought to have known were false and misleading, and/or that he knew or ought to have known contained false, misleading and improper statements as alleged in Allegations 2 and 3 in the Notice of Hearing.

Documentation and Record Keeping

14. Dr. Eid admits and acknowledges that he had a professional obligation to take pre-treatment intra-oral photographs for these patients who were receiving Invisalign treatment. If he were to testify, he would state that he did take these pictures for every patient receiving Invisalign, as Invisalign requires him to upload pre-treatment intra-oral photographs to their website. However, he acknowledges that he does not have copies of these photographs, cannot provide proof that he took these photographs, and did not have an appropriate procedure to ensure that any photographs he took were maintained within his records. As such, Dr. Eid admits that he failed to take pre-treatment intra-oral photographs for orthodontic patients C. M., L. R., N. S., C. R. and B. T.

15. He further admits and acknowledges that his failure to take these photographs constitutes a breach of the standards of practice as alleged in Allegation 1 of the Notice of Hearing.
16. Dr. Eid further admits that he failed to keep records as required, as alleged in Allegation 4 of the Notice of Hearing. In particular:
 - (a) Dr. Eid did not obtain complete personal, medical or dental histories, and did not adequately chart the odontograms for C. A., K. A., L. E., S. G., B. L., C. M., J. M., L. R., N. S., C. R. and B. T., and for C. R., [he] failed to document diagnoses for teeth that received restorative treatment;
 - (b) For C. A., K. A., L. E., S. G., B. L., N. S., C. R. and B. T., Dr. Eid took and relied on radiographs of poor diagnostic quality, including radiographs with collimator cuts or elongation;
 - (c) For patient B. T., Dr. Eid documented that bitewing radiographs were taken on November 20, 2014, but no radiographs from this date were provided to the College; and
 - (d) Dr. Eid's documentation was deficient, including failing to initial each page of every chart entry, text outside the margins of the chart area, multiple lines of text within one line of ruling, text written over prior text, and scribbled out text.
17. Dr. Eid admits and acknowledges that he had a professional obligation to obtain complete personal, medical or dental histories, complete an odontogram, take radiographs of appropriate diagnostic quality, retain radiographs in patient files, initial each chart entry, and create progress notes that were accurate, legible and clear. He acknowledges that his failure to do so constitutes a failure to keep records as required by the Regulations as set out in Allegation 4 of the Notice of Hearing.
18. If he were to testify, Dr. Eid would state that he was facing some difficult personal circumstances in 2014 to 2016, and that his administrative practices were lacking. He lost some of his office's data in a ransomware attack, which was time-consuming and expensive to manage, and resulted in incomplete records. He would acknowledge that he and his staff made administrative mistakes and that at the time he did not really understand how to bill

appropriately, especially when it comes to orthodontic services. He would further testify that he has since hired an office administrator, and has begun working with another dentist and sold Centre Dental Care to reduce his administrative burden.

DECISION

Having considered the evidence and submissions of the parties, the Panel found that the Member committed professional misconduct as alleged in the Notice of Hearing.

REASONS FOR DECISION

The Panel recognized that the College bears the onus of proving the allegations against the Member on the balance of probabilities, using clear, cogent and convincing evidence.

The Member admitted to four allegations as set out in the Notice of Hearing. Further, together with the College, he submitted facts contained in the Agreed Statement of Facts, which clearly demonstrated misconduct.

In particular, Dr. Eid admitted to:

- Failing to maintain the standards of practice with respect to record keeping;
- Signing or issuing a document that he knew or ought to have known contained a false, misleading or improper statement;
- Submitting an account or charge for dental services that he knew or ought to have known was false or misleading; and
- Failing to take appropriate radiographs and clinical photographs prior to treating a number of patients, as required.

The facts support findings on each of these admitted allegations.

The Member's conduct is in clear violation of Ontario Regulation 853, the College's Professional Misconduct Regulation. Health professionals have an obligation to ensure that the records they generate accurately reflect the services they have provided for each patient. The Member failed to meet this obligation.

In the Agreed Statement of Facts, the Member indicated that if he were to have testified before this Panel, he would have stated that at the time of his misconduct he was experiencing a difficult

time in his life. However, he fully acknowledged that the conduct amounted to misconduct for which he took full responsibility.

PENALTY SUBMISSIONS

The parties presented the Panel with a Joint Submission with respect to Penalty and Costs (Exhibit 4), which reads as follows:

[T]he Member and the Royal College of Dental Surgeons of Ontario (the “College”) jointly submit that this panel of the Discipline Committee make the following order:

1. Requiring the Member to appear before the panel of the Discipline Committee to be reprimanded within ninety (90) days of this Order becoming final or on a date fixed by the Registrar;
2. Directing the Registrar to suspend the Member’s certificate of registration for four (4) consecutive months, commencing on the date that this Order becomes final;
3. Directing that the Registrar impose the following terms, conditions and limitations on the Member’s certificate of registration (the “Suspension Conditions”), which conditions shall continue until the suspension of the Member’s certificate of registration as referred to in subparagraph 2 above has been fully served, namely:
 - a. while the Member’s certificate of registration is under suspension, the Member shall immediately inform the following people about the suspension:
 - i. staff in the offices or practices in which the Member works, including other regulated professionals and administrative staff
 - ii. dentists with whom the Member works, whether the Member is a principal in the practice or otherwise associated with the practice
 - iii. dentists or other individuals who routinely refer patients to the Member
 - iv. faculty members at Faculties of Dentistry, if the Member is affiliated with the Faculty in an academic or professional capacity

- v. owners of a practice of office in which the Member works
 - vi. patients who ask to book an appointment during the suspension, or whose previously booked appointment has been rescheduled due to the suspension. The Member may assign administrative staff to inform patients about the suspension. All communications with patients must be truthful and honest
- b. while suspended, the Member must not engage in the practice of dentistry, including but not limited to:
- i. acting in any manner that suggests the Member is entitled to practice dentistry. This includes communicating diagnoses or offering clinical advice in social settings. The Member must ensure that administrative or office staff do not suggest to patients in any way that the Member is entitled to engage in the practice of dentistry
 - ii. giving orders or standing orders to dental hygienists
 - iii. supervising work performed by others
 - iv. working in the capacity of a dental assistant or performing laboratory work
 - v. acting as a clinical instructor
- c. while suspended, the Member must not be present in offices or practices where the Member works when patients are present, except for emergencies that do not involve patients. The Member must immediately advise the Registrar in writing about any such emergencies;
- d. while suspended, the Member must not benefit or profit, directly or indirectly from the practice of dentistry.
- i. The Member may arrange for another dentist to take over their practice during the suspension period. If another dentist assumes the practice, all of the billings of the practice during the suspension period belong to that dentist. The Member may be reimbursed for actual out-of-pocket expenses incurred in respect of the practice during the suspension period.

- ii. The Member is permitted to sign and/or submit insurance claims for work that was completed prior to the suspension.
 - iii. The Member must not sign insurance claims for work that has been completed by others during the suspension period;
 - e. the Member shall cooperate with any office monitoring which the Registrar deems necessary to ensure that the Member has complied with the Suspension Conditions. The Member must provide the College with access to any records associated with the practice that the College may require to verify that the Member has not engaged in the practice of dentistry or profited during the suspension; and
 - f. The Member shall inform the College of each and every location where he practices (Practice Locations) within ten (10) days of the date the Member resumes practice following the suspension of his Certificate of Registration described above in paragraph 2, and shall inform the College of any and all new Practice Locations within ten (10) days of commencing practice at that location, until all terms, conditions and limitations of this Order are complete.
 - 4. Directing that the Registrar also impose the following terms, conditions and limitations on the Member's Certificate of Registration (the "Practice Conditions"), namely:
 - a. the Member shall successfully complete, at his own expense, the following courses approved by the Registrar:
 - i. the PROBE: Ethics & Boundaries Program - Canada (and must obtain an "unconditional pass" grade);
 - ii. a course in dental practice billing, including the use of billing codes, approved by the College, and provide proof of successful completion in writing to the Registrar; and
 - iii. the Ontario Dental Association's course on dental record-keeping;
- such courses to be completed within six (6) months of this Order becoming final or such further time as may be permitted by the Registrar;

- b. within thirty (30) days of the date this Order becomes final, requiring the Member, at his own cost, to retain a mentor approved by the College (the "Mentor"), to provide Mentoring on the topics of record-keeping and billing, which includes the following requirements ("Mentoring Requirements"):
 - i. the Member and the Mentor will meet (online or in-person) for at least three (3) Mentoring Sessions, at least once every two (2) months, the first of which commencing within 60 days of the date this Order becomes final;
 - ii. the Mentor shall review a minimum of ten (10) patient charts per Mentoring Session for which care was provided in the previous six (6) months;
 - iii. the Member will ensure that the Mentor submits a report to the College within thirty (30) days of each Mentoring Session, or more frequently if the Mentor has concerns about the Member's practice, detailing the date(s) and length of the Mentoring Session, a summary of what was discussed at each meeting, details of any cases reviewed; comments regarding the Member's progress, cooperation, ability to meet standards of practice on record-keeping and billings, recommendations and implementation of such and concerns, if any;
 - iv. if the Member fails to retain a Mentor as required above, or if the Mentor is unable or unwilling to continue as a Mentor for any reason, the Member shall, within thirty (30) days, retain a new College-approved Mentor. If the Member has not been able to do so within thirty (30) days, this information will be provided to the Inquiries, Complaints and Reports Committee (ICRC) of the College and the ICRC may, if deemed warranted, take such action as it considers appropriate;
 - v. the Member shall consent to the disclosure by the Mentor to the College, and by the College to the Mentor, of all information the Mentor or the College deems necessary or desirable to fulfil the Mentoring Requirements and to verify the Member's compliance with this Order; and

- vi. the Mentoring shall last until such time as the College is satisfied that concerns about the Member's record-keeping and billing have been addressed and the College relieves the Member in writing of the Mentoring Requirements.
 - c. for twenty-four (24) months following the date the Member has satisfied the Practice Conditions in clauses (a) and (b) of paragraph 4, the Member's practice shall be monitored by the College by means of periodic inspection(s) or periodic chart review(s) by a representative or representatives of the College at such time or times and in such manner as the College may determine;
 - d. the Member shall cooperate with the College during the inspections and/or chart reviews and, further, shall pay to the College in respect of the cost of monitoring, the amount of \$1,000.00 per inspection or chart review, such amount to be paid immediately after completion of each inspection or review;
 - e. the representative or representatives of the College may report the results of the inspections and/or chart reviews to the ICRC and the ICRC may, if deemed warranted, take such action as it considers appropriate;
5. The Member shall pay costs of \$5,000 to the College in respect of this discipline hearing, such costs to be paid in full within 90 days of this Order becoming final.
6. The College and the Member further submit that pursuant to the Code, as amended, the results of these proceedings must be recorded on the Register of the College and any publication of the Decision of the panel would therefore occur with the name and practice address of the Member included.

Counsel urged the Panel to accept the Joint Submission with respect to Penalty. Dr. Eid admits that the acts described above constitute professional misconduct and he accepts responsibility for his actions and the resulting consequences. Dr. Eid has had the opportunity to obtain independent legal advice with respect to his admissions.

Counsel for the College stated that all elements required of a Penalty Decision are met. In particular, the Joint Submission with respect to Penalty meets the objectives of public protection, specific and general deterrence, maintaining public confidence in the profession and remediation

of the Member. College counsel also argued that the Joint Submission with respect to Penalty reflects the aggravating and mitigating factors in this case and falls within a range of penalties ordered in cases involving similar misconduct.

PENALTY DECISION

The Panel accepted the Joint Submission on Penalty and made the following order (the "Order"):

1. The Member shall appear before the panel of the Discipline Committee to be reprimanded within ninety (90) days of this Order becoming final or on a date fixed by the Registrar.
2. The Registrar is directed to suspend the Member's certificate of registration for four (4) consecutive months, commencing on the date that this Order becomes final;
3. The Registrar is directed to impose the following terms, conditions and limitations on the Member's certificate of registration (the "Suspension Conditions"), which conditions shall continue until the suspension of the Member's certificate of registration as referred to in subparagraph 2 above has been fully served, namely:
 - a. the Member shall immediately inform the following people about the suspension:
 - i. staff in the offices or practices in which the Member works, including other regulated professionals and administrative staff
 - ii. dentists with whom the Member works, whether the Member is a principal in the practice or otherwise associated with the practice
 - iii. dentists or other individuals who routinely refer patients to the Member
 - iv. faculty members at Faculties of Dentistry, if the Member is affiliated with the Faculty in an academic or professional capacity
 - v. owners of a practice of office in which the Member works
 - vi. patients who ask to book an appointment during the suspension, or whose previously booked appointment has been rescheduled due to the suspension. The Member may assign administrative staff to inform patients about the suspension. All communications with patients must be truthful and honest

- b. The Member must not engage in the practice of dentistry, including but not limited to:
 - i. acting in any manner that suggests the Member is entitled to practice dentistry. This includes communicating diagnoses or offering clinical advice in social settings. The Member must ensure that administrative or office staff do not suggest to patients in any way that the Member is entitled to engage in the practice of dentistry
 - ii. giving orders or standing orders to dental hygienists
 - iii. supervising work performed by others
 - iv. working in the capacity of a dental assistant or performing laboratory work
 - v. acting as a clinical instructor
- c. The Member must not be present in offices or practices where the Member works when patients are present, except for emergencies that do not involve patients. The Member must immediately advise the Registrar in writing about any such emergencies;
- d. The Member must not benefit or profit, directly or indirectly from the practice of dentistry.
 - i. The Member may arrange for another dentist to take over their practice during the suspension period. If another dentist assumes the practice, all of the billings of the practice during the suspension period belong to that dentist. The Member may be reimbursed for actual out-of-pocket expenses incurred in respect of the practice during the suspension period.
 - ii. The Member is permitted to sign and/or submit insurance claims for work that was completed prior to the suspension.
 - iii. The Member must not sign insurance claims for work that has been completed by others during the suspension period;
- e. the Member shall cooperate with any office monitoring which the Registrar deems necessary to ensure that the Member has complied with the Suspension Conditions. The Member must provide the College with access to any records

associated with the practice that the College may require to verify that the Member has not engaged in the practice of dentistry or profited during the suspension; and

- f. The Member shall inform the College of each and every location where he practices (Practice Locations) within ten (10) days of the date the Member resumes practice following the suspension of his Certificate of Registration described above in paragraph 2, and shall inform the College of any and all new Practice Locations within ten (10) days of commencing practice at that location, until all terms, conditions and limitations of this Order are complete.
4. The Registrar is directed to impose the following terms. Conditions and limitations on the Member's Certificate of Registration (the "Practice Conditions"), namely:
- a. the Member shall successfully complete, at his own expense, the following courses approved by the Registrar:
 - i. the PROBE: Ethics & Boundaries Program - Canada (and must obtain an "unconditional pass" grade);
 - ii. a course in dental practice billing, including the use of billing codes, approved by the College, and provide proof of successful completion in writing to the Registrar; and
 - iii. the Ontario Dental Association's course on dental record-keeping;such courses to be completed within six (6) months of this Order becoming final or such further time as may be permitted by the Registrar;
 - b. within thirty (30) days of the date this Order becomes final, requiring the Member, at his own cost, to retain a mentor approved by the College (the "Mentor"), to provide Mentoring on the topics of record-keeping and billing, which includes the following requirements ("Mentoring Requirements"):
 - i. the Member and the Mentor will meet (online or in-person) for at least three (3) Mentoring Sessions, at least once every two (2) months, the first of which commencing within 60 days of the date this Order becomes final;
 - ii. the Mentor shall review a minimum of ten (10) patient charts per Mentoring Session for which care was provided in the previous six (6) months;

- iii. the Member will ensure that the Mentor submits a report to the College within thirty (30) days of each Mentoring Session, or more frequently if the Mentor has concerns about the Member's practice, detailing the date(s) and length of the Mentoring Session, a summary of what was discussed at each meeting, details of any cases reviewed; comments regarding the Member's progress, cooperation, ability to meet standards of practice on record-keeping and billings, recommendations and implementation of such and concerns, if any;
 - iv. if the Member fails to retain a Mentor as required above, or if the Mentor is unable or unwilling to continue as a Mentor for any reason, the Member shall, within thirty (30) days, retain a new College-approved Mentor. If the Member has not been able to do so within thirty (30) days, this information will be provided to the Inquiries, Complaints and Reports Committee (ICRC) of the College and the ICRC may, if deemed warranted, take such action as it considers appropriate;
 - v. the Member shall consent to the disclosure by the Mentor to the College, and by the College to the Mentor, of all information the Mentor or the College deems necessary or desirable to fulfil the Mentoring Requirements and to verify the Member's compliance with this Order; and
 - vi. the Mentoring shall last until such time as the College is satisfied that concerns about the Member's record-keeping and billing have been addressed and the College relieves the Member in writing of the Mentoring Requirements.
- c. for twenty-four (24) months following the date the Member has satisfied the Practice Conditions in clauses (a) and (b) of paragraph 4, the Member's practice shall be monitored by the College by means of periodic inspection(s) or periodic chart review(s) by a representative or representatives of the College at such time or times and in such manner as the College may determine;
 - d. the Member shall cooperate with the College during the inspections and/or chart reviews and, further, shall pay to the College in respect of the cost of monitoring, the amount of \$1,000.00 per inspection or chart review, such amount to be paid immediately after completion of each inspection or review;

- e. the representative or representatives of the College may report the results of the inspections and/or chart reviews to the ICRC and the ICRC may, if deemed warranted, take such action as it considers appropriate;
5. The Member shall pay costs of \$5,000 to the College in respect of this discipline hearing, such costs to be paid in full within 90 days of this Order becoming final.

REASONS FOR PENALTY DECISION

The Panel is aware that joint submissions should be respected unless they fall so far outside the range of an appropriate sanction that they would bring the administration of justice at the College into disrepute, or are otherwise contrary to the public interest. The Panel concluded that the jointly proposed penalty was appropriate in all circumstances of this case. It therefore accepted the Joint Submission with respect to Penalty and Costs and made an order in accordance with its terms.

The Panel's primary concern when considering the adequacy of a penalty decision is public protection. The Panel was satisfied that public protection is met through the terms of the Joint Submission on Penalty.

The Panel was satisfied that a four (4) month suspension, a reprimand and the recording of the results of these proceedings on the College register will act to deter the Member from behaving in this manner again and also sends a clear message to the members of the profession that professional misconduct of this nature will not be tolerated by the College.

Terms, conditions and limitations further afford public protection and will also provide remediation. Dr. Eid is required to complete at his own expense, a PROBE/Ethics course and a course in dental practice billing, including the use of billing codes. These courses must be approved by the College and provide proof of successful completion in writing to the Registrar within six (6) months of this Order becoming final. The Member's practice shall be periodically monitored by the College for a period of 24 months at his expense. Additionally, Dr. Eid shall retain a College approved Mentor at his own expense within 30 days of the Order becoming final. The Mentor shall submit reports to the College within 30 days of each session.

The Panel considered as aggravating factors the seriousness of the misconduct, the length of time over which the misconduct occurred, and the number of cases that contained billing irregularities. The Panel was disturbed by the fact that Dr. Eid's misconduct related to record-keeping and billing issues which occurred in the context of his offering discounted dental services. The evidence before the Panel suggests his intention was to inflate his billings in order to recover

from insurers the cost of discounted orthodontic treatments that he advertised and subsequently provided.

The Member co-operated with the College and pled guilty. By admitting the misconduct, he prevented a potentially costly and time-consuming hearing. Dr. Eid has never appeared before a Discipline Panel before. The Panel considered these mitigating factors as well.

The Panel was satisfied that the Penalty Order as a whole is proportional to the severity of the misconduct, the facts of the case and the circumstances of the Member.

The Panel determined that costs in the amount of \$5,000.00 was appropriate in this case and ordered it to be paid within 90 days of this Order becoming final.

THE REPRIMAND

At the conclusion of the discipline hearing, the panel delivered the reprimand to the Member. A copy of the reprimand is attached as Appendix "A" to these Reasons.

I, Dr. Richard Hunter, sign these Reasons for Decision as Chairperson of this Discipline Panel.

APPENDIX "A"

RCDSO v. DR. ROLAND EID

Dr. Eid, as you know, this Discipline panel has ordered you be given an oral reprimand as part of the sanction imposed upon you. The reprimand should impress upon you the seriousness of your misconduct.

The fact that you have received this reprimand will be part of the public portion of the Register and, as such, part of your record with the College.

You will be given an opportunity to make a statement at the end of the reprimand if you wish.

The panel has found that you have engaged in multiple acts of professional misconduct. The misconduct related to:

- You failed to maintain the standards of practice with respect to record-keeping
- You signed accounts that were false and misleading
- You submitted accounts that you knew or ought to have known contained false statements
- You failed to take appropriate x-rays and clinical photographs prior to treating a number of patients, as required.

Your professional misconduct is a matter of profound concern. It is completely unacceptable to your fellow dentists and to the public. You have brought discredit to the entire profession and to yourself. Public confidence in this profession has been put in jeopardy.

Of special concern to us is the fact that your acts of professional misconduct relating to record-keeping and billing issues occurred in the context of your public offering of discounted dental services. The evidence before the Panel gives us concerns that your intention was to inflate billings in order to recover from insurers the cost of discounted orthodontic treatments that you advertised and subsequently provided.