

**IN THE MATTER OF** a Hearing of a panel of the Discipline Committee of the Royal College of Dental Surgeons of Ontario 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*”) respecting one **DR. MUTHANNA GEWARGES**, of the City of Shelburne, in the Province of Ontario;

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

**AND IN THE MATTER OF** the *Statutory Powers Procedure Act*, Revised Statutes of Ontario, 1990, Chapter S.22, as amended; 1993, Chapter 27; 1994, Chapter 27.

TO: **DR. MUTHANNA GEWARGES**  
**Shelburne Village Dental**  
**125 Main Street W**  
**Shelburne ON L9V 3K3**

## **NOTICE OF HEARING**

### **TAKE NOTICE THAT IT IS ALLEGED THAT:**

1. You committed an act or acts of professional misconduct as provided by s.51(1)(b.1) of the *Health Professions Procedural Code*, being Schedule 2 of the *Regulated Health Professions Act, 1991*, Statutes of Ontario, 1991, Chapter 18, in that in or around the years 2018 and/or 2019, you sexually abused a patient, Person A.

Particulars:

- In or around the years 2018 and/or 2019, you engaged in touching of a sexual nature and/or behavior or remarks of a sexual nature towards Person A, your minor patient [REDACTED]  
[REDACTED]
  - Person A became your patient on or about May 9, 2016 and continued to receive dental treatment [REDACTED]  
[REDACTED]
  - While she was your patient you:
    - Offered to pay Person A to engage in sexual relations
    - Kissed Person A
    - Hugged Person A
    - Brushed the sides of Person A's breasts
    - Grabbed Person A's leg
    - Made comments of a sexual nature or with sexual innuendo to Person A
2. 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 2016, 2017, 2018 and/or 2019, you engaged in conduct or performed an act or acts that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable, unprofessional or unethical relative to your staff members, contrary to paragraph 59 of Section 2 of Ontario Regulation 853, Regulations of Ontario, 1993, as amended.

Particulars:

- You created an unprofessional work environment that didn't respect personal and professional boundaries in that you hugged and kissed staff members and permitted your staff to hug and kiss you.
  - You failed to establish and maintain appropriate employer-employee boundaries.
3. 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 year 2021, you contravened a provision of the *Dentistry Act, 1991*, the

*Regulated Health Professions Act, 1991* or the Regulations under either of those Acts, contrary to paragraph 48 of Section 2 of Ontario Regulation 853, Regulations of Ontario, 1993, as amended

Particulars:

- On or about March 22, 2021, you were found guilty of two counts under the *Criminal Code of Canada*:
    - Between November 1, 2018 and February 21, 2019, you committed a sexual assault on Person A contrary to section 271
    - On or about February 22, 2019, being in a position of trust or authority towards Person A a young person did for a sexual purpose, touch the body of Person A a young person, with a part of your body to wit hand, contrary to section 153(1)(a)
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 year 2021, you contravened a federal, provincial or territorial law, municipal by-law or rule of a public hospital within the meaning of the *Public Hospitals Act*, relevant to the provision of dental care to the public, contrary to paragraph 50 of Section 2 of Ontario Regulation 853, Regulations of Ontario, 1993, as amended.

Particulars:

- On or about March 22, 2021, you were found guilty of two counts under the *Criminal Code of Canada*:
    - Between November 1, 2018 and February 21, 2019, you committed a sexual assault on Person A contrary to section 271
    - On or about February 22, 2019, being in a position of trust or authority towards Person A a young person did for a sexual purpose, touch the body of Person A a young person, with a part of your body to wit hand, contrary to section 153(1)(a)
5. 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 year 2021, you contravened a term, condition or limitation imposed on your certificate of registration relative to your patients, namely Person B, Person C and Person D, contrary to paragraph 2 of Section 2 of Ontario Regulation 853, Regulations of Ontario, 1993, as amended.

Particulars:

- On June 7, 2021, you signed a voluntary Undertaking with the College in which you agreed to cease practising dentistry and treating any and all patients effective Tuesday, June 8, 2021 at 5:00 p.m.
  - On June 8, 2021, you treated the following patients after 5:00 p.m.:
    - Person B – extraction
    - Person C – specific area exam and prescription
    - Person D – crown insertion
6. 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 year 2021, you failed to abide by a written Undertaking given by you to the College or to carry out an arrangement entered into with the College, contrary to paragraph 54 of Section 2 of Ontario Regulation 853, Regulations of Ontario, 1993, as amended.

Particulars:

- On June 7, 2021, you signed a voluntary Undertaking with the College in which you agreed to cease practising dentistry and treating any and all patients effective Tuesday, June 8, 2021 at 5:00 pm.
- On June 8, 2021, you treated the following patients after 5:00 p.m.:
  - Person B – extraction
  - Person C – specific area exam and prescription
  - Person D – crown insertion

Such further and other particulars will be provided from time to time, as they become known.

**AND TAKE NOTICE THAT** the said allegations respecting professional misconduct will be heard and determined by a panel of the Discipline Committee of the Royal College of Dental Surgeons of Ontario ("panel") on a date and time to be agreed upon by the parties, or on a date to be fixed by the Chair of the Discipline Committee, at the offices of the Royal College of Dental Surgeons of Ontario, 6 Crescent Road, Toronto, Ontario, M4W 1T1, or by electronic hearing as required. You are required to appear in person or by a legal representative before the panel with your witnesses, if any, at the time and place aforesaid.

ONCE A DATE IS FIXED, IF YOU DO NOT ATTEND ON THE FIXED HEARING DATE, THE PANEL MAY PROCEED IN YOUR ABSENCE AND YOU WILL NOT BE ENTITLED TO ANY FURTHER NOTICE OF THE PROCEEDINGS.

The *Code* provides that if a panel finds that you have committed an act of professional misconduct, it may make an order doing any one or more of the following:

- (1) directing the Registrar to revoke your certificate of registration;
- (2) directing the Registrar to suspend your certificate of registration for a specified period of time;
- (3) directing the Registrar to impose specified terms, conditions and limitations on your certificate of registration for a specified or indefinite period of time;
- (4) requiring you to appear before the panel to be reprimanded;
- (5) requiring you to pay a fine of not more than \$35,000.00 to the Minister of Finance;

or any combination thereof.

Furthermore, the *Code* provides that if a panel is of the opinion that the commencement of these proceedings is unwarranted, it may make an order requiring the College to pay all or part of your legal costs.

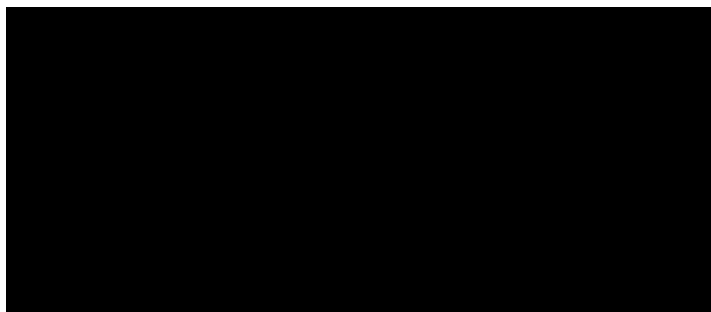
The *Code* also provides that in an appropriate case, a panel may make an order requiring you, in the event the panel finds you have committed an act or acts of professional misconduct or finds you to be incompetent, to pay all or part of the following costs and expenses:

1. the College's legal costs and expenses;
2. the College's costs and expenses incurred in investigating the matter; and

3. the College's costs and expenses incurred in conducting the hearing.

If you have not done so already, you are entitled to and are well advised to retain legal representation to assist you in this matter.

You are entitled to disclosure of the evidence in this matter in accordance with section 42(1) of the *Code*. You or your representative may contact the solicitor for the College, [REDACTED], in this matter at:



You, or your legal representative, should familiarize yourself with your disclosure obligations under law, including section 42.1 of the *Code*.

DATED at Toronto, this 20<sup>th</sup> day of October, 2021.



Royal College of Dental Surgeons of Ontario

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### **ROYAL COLLEGE OF DENTAL SURGEONS OF ONTARIO**

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