

21-1117

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. RAYAN GHANDOUR**, of the City of Cornwall, 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.

NOTICE OF PUBLICATION BAN

This is formal notice that on June 8, 2022, the panel of the Discipline Committee of the Royal College of Dental Surgeons of Ontario made an Order directing that no person shall publish or broadcast the identity of any patients of the Member, 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.

This Order is made pursuant to subsection 45(3) of the *Code*.

Subsection 93(1) of the *Code* reads:

93(1) Every person who contravenes an order made under subsection 7(3) or Section 45 or 47, or who contravenes subsection 76(3), 82(2) or (3), 85.2(1), 85.5(1) or (2) or 85.14(2) or Section 92.1 is guilty of an offence and on conviction is liable,

- (a) in the case of an individual to a fine of not more than \$25,000 for a first offence and not more than \$50,000 for a second or subsequent offence; or

(b) in the case of a corporation to a fine of not more than \$50,000 for a first offence and not more than \$200,000 for a second or subsequent offence.



Dr. Richard Hunter, Chair
Discipline Panel

June 8, 2022

Date

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

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. Rayan Ghandour of the City of Cornwall, 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").

Members in Attendance: Dr. Richard Hunter, Chair
 Dr. Margaret Maggisano
 Ms. Judy Welikovitch

BETWEEN:

**ROYAL COLLEGE OF DENTAL
SURGEONS OF ONTARIO**

) Appearances:
)
) Luisa Ritacca
) Independent Counsel for the
) Discipline Committee of the Royal
) College of Dental Surgeons of Ontario
)
) Ahmad Mozaffari for the Royal
) College of Dental Surgeons
) of Ontario
)
) Also in attendance
) Wendy Waterhouse from the
) Royal College of Dental Surgeons
) of Ontario
)
) Josh Koziembrocki and Jakub

- and -

DR. RAYAN GHANDOUR

) Schnitzler for the Registrant¹
)

Hearing held by way of videoconference

REASONS FOR DECISION

1. 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 June 8, 2022. This matter was heard by way of videoconference.
2. At the outset of the hearing, the College sought an order banning the publication of the name of the patient or any information that could be used to identify the patient, including the names and identifying information of the patient’s parents. In addition, the College sought an order banning the publication of the names of the Registrant’s former co-workers mentioned in a document filed in the course of the hearing. The Registrant 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

3. The allegations against the Registrant were contained in the Notice of Hearing, dated January 12, 2022 (Exhibit 1), which is attached to these Reasons for Decision as Appendix A.

THE REGISTRANT’S PLEA

4. The Registrant admitted the allegations of professional misconduct as set out in the Notice of Hearing, marked as Exhibit 1.
5. The Panel confirmed that the Registrant had signed a plea inquiry and as such was satisfied that Registrant’s admissions were voluntary, informed and unequivocal.

¹ The Panel notes that in Exhibit 2, Dr. Ghandour is referred to as the “Registrant” and in Exhibit 3 as the “Member”. We have kept the exact wording found in each Exhibit, but refer to Dr. Ghandour in the body of our decision as the Registrant.

THE EVIDENCE

6. On consent of the parties, the College introduced into evidence an Agreed Statement of Facts (Exhibit 2) which substantiated the allegations. The Agreed Statement of Facts provides as follows:

Background

1. At the material times, Dr. Rayan Ghandour (the “**Registrant**”), was a duly registered member of the Royal College of Dental Surgeons of Ontario practising at the Smiles on Seventh Family and Cosmetic Dentistry Clinic in Cornwall, Ontario (the “**Clinic**”). The Registrant practised at the Clinic from June 2020 until March 2021. A copy of the Registrant’s profile from the Dentist Register is attached hereto as “**Tab 1**” [*omitted from these Reasons*].
2. The Registrant treated a 16-year-old female patient (the “**Patient**”) on four occasions from December, 2020 to February, 2021 – namely December 11 and 17, 2020 and February 4 and 18, 2021.

Events giving rise to the Allegations

3. At her appointment with the Registrant on December 17, 2020, the Patient took a photograph of herself in the dental chair. The Registrant then suggested that she take a photograph of herself with him and post it on the social media application Snapchat. The Patient agreed and posted two different pictures of herself with the Registrant. The pictures show the Registrant and the Patient in the dental operatory, with the Patient sitting in the dental chair and the Registrant standing next to her.
4. At the December 17, 2020 appointment, the Registrant asked the Patient how many people she had on her Snapchat but did not ask her for her Snapchat username. The Patient did not “tag” the Registrant in the photographs she took with him.
5. At her appointment with the Registrant on February 4, 2021, the Patient took another picture of herself with the Registrant. Copies of the photographs referred to above are attached hereto as “**Tab 2**” [*omitted from these Reasons*].
6. On March 8, 2021, approximately two weeks after her last appointment with the Registrant, the Patient received a message from an unknown contact on Snapchat. The Patient initially blocked the number as she did not know who was contacting her, however she later unblocked the account to determine the identity of the person contacting her.
7. The Patient and the unknown contact engaged in a Snapchat conversation on March 9, 2021. Initially, the contact did not identify himself, but the Patient ultimately guessed that it was the Registrant. The parties agree that the unknown contact was the Registrant.
8. During the conversation and prior to the Patient identifying the Registrant,

the Registrant asked the Patient to guess his identity and told her that if she was wrong, she would have to send him a picture of herself (a “selfie”). The Patient refused. The Registrant then asked her to send him a “sweater” pic (i.e. a picture of the Patient from the neck down, which would show the area of her breasts).

9. The Registrant referred to “professional reasons” and “professional barriers” which would lead to him getting into trouble for messaging the Patient. The Registrant wrote that he was “13- 14” years older than the Patient.
10. The Patient asked the Registrant if he created the account for the sole purpose of messaging her. He responded that he did not, but that the conversation was on his “throw away”.
11. The Patient ultimately guessed that it was the Registrant who was messaging her. She asked him how he had gotten her contact information on Snapchat, and he replied that she had been a suggested contact on his Instagram. The Registrant asked the Patient to erase the conversation between them and not tell her boyfriend about their interaction. However instead she saved it and took photographs of the conversation with another phone. Those photographs are attached hereto as “**Tab 3**” [*omitted from these Reasons*].
12. The Patient sent the Registrant a picture of herself wearing a sweater, from the neck up. The Registrant also sent the Patient a picture of himself from the neck up.
13. The Patient provided the College with screenshots of the conversation. In the conversation, the Registrant calls the Patient “cute”. He ends the conversation by saying “sweet dreams”.
14. Later in the evening of March 9, 2021, the Patient texted her mother and told her about the conversation with the Registrant. The next day, March 10, 2021, the Patient talked to her parents and sent her father photographs of the messages exchanged with the Registrant. The Patient’s family called the police and officers attended at their home to take a statement from the Patient.
15. While the officers were at the Patient’s home, the Registrant sent her a selfie with the caption “sup”. When the Patient did not respond, the Registrant told her he was going to delete the account he was using. She blocked his account on Snapchat based on advice from police and did not have any further contact with the Registrant. A copy of the photograph is attached hereto as “**Tab 4**” [*omitted from these Reasons*].
16. The Patient’s father attended the Clinic on March 10, 2021 and spoke with the owner of the Clinic. He provided the owner of the Clinic with copies of photographs of the conversation between the Registrant and the Patient.
17. The owner of the Clinic met with the Registrant on March 12, 2021 and told him that a patient’s father had come to meet with him about the Registrant’s

communication with the patient. The Registrant initially denied communicating with the patient and suggested that perhaps his account had been hacked by his cousin. The Registrant then admitted to contacting the Patient and said he did not mean anything by it. The owner of the Clinic told the Registrant to leave the office and not to return, and the Registrant's employment with the Clinic was later terminated.

18. The Registrant has not practised dentistry since being dismissed from the Clinic on March 12, 2021.
19. Prior concerns were brought to the College's attention regarding the Registrant's conduct in April, 2018, namely that the Registrant engaged in inappropriate conduct of a sexual nature toward female staff members in his workplace.
20. By decision dated April 11, 2019, the Registrant was directed by a Committee of the College to complete the ProBE Program for Professional/Problem-Based Ethics and be subject to 24 months of practice monitoring of his maintenance of professional boundaries and appropriate conduct in the workplace. The Committee expressed concerns that the Registrant made comments of a sexually suggestive nature to colleagues and failed to maintain appropriate boundaries and professionalism. The Committee expressed that the Registrant would benefit from additional, more stringent training on appropriate boundaries and professionalism in the dental workplace.
21. The Registrant completed the remedial education and was still subject to monitoring at the time of his interaction with the Patient on March 10, 2021, and his practice was to be monitored again in May, 2021. A copy of the Committee's decision dated April 11, 2019 is attached at "**Tab 5**" [*omitted from these Reasons*].

Professional Misconduct Admitted

22. It is admitted that on or about December 17, 2020 and/or February 4, 2021, the Registrant breached appropriate patient boundaries by suggesting that the Patient take photographs with him while she was in the dental chair and post those photographs on social media.
23. It is admitted that on or about March 9, March 10 and March 11, 2021, the Registrant engaged in inappropriate behaviour that is predatory and/or, grooming in nature with the Patient, by seeking out, pursuing and engaging her in unprofessional and sexualized social media communications.
24. It is agreed that it was clear from the messages exchanged with the Patient that the Registrant was fully aware of the professional boundaries he was violating and fully aware of the Patient's young age yet continued to communicate with her surreptitiously and asked her to assist him in hiding his actions by deleting their message chain and not telling anyone they had

been in contact.

25. At the time of his interactions with the Patient, the Registrant was still subject to practice monitoring. Despite this and very recent efforts to remediate concerns with respect to his failure to maintain appropriate boundaries and a lack of professionalism, the Registrant violated professional boundaries and engaged in inappropriate social media communication with the Patient.
26. The Registrant admits and acknowledges that his conduct described above constitutes professional misconduct pursuant to Section 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 and as defined in paragraph 59 of *Ontario Regulation 853*, Regulations of Ontario, 1993, as amended, being conduct that, having regard to all the circumstances, would be reasonably regarded by members of the profession as disgraceful, dishonourable, unprofessional or unethical.

Additional Factors

27. This matter has a number of mitigating factors, including the following:
 - a. Dr. Ghandour has taken responsibility and is not contesting the facts;
 - b. Dr. Ghandour has been cooperative throughout the College process;
 - c. Dr. Ghandour has no previous discipline history;
 - d. The social media communications in question were limited in duration, having occurred over a period of two days;
 - e. Dr. Ghandour has reflected extensively and shown insight and initiative by voluntarily seeking out ethics counselling with Dr. Erika Abner, professionalism coach and former Faculty Lead of Ethics and Professionalism at the University of Toronto, Faculty of Medicine, which resulted in a positive report;
 - f. Dr. Ghandour participated in 24 sessions of psychotherapy with Dr. Monik Kalia, which resulted in a positive report, and has engaged in further ongoing counselling with Dr. Kalia; and
 - g. Dr. Ghandour has taken relevant continuing education courses online including the “Ethics in Dentistry” series, comprised of “Part I - Principles and Values”, “Part II - Code of Ethics”, and “Part III - Ethical Decision Making”, and has read several books on maintaining appropriate boundaries.²

Plea Inquiry

² Including: *The Mental Toughness Handbook: A Step-By-Step Guide to Facing Life's Challenges, Managing Negative Emotions, and Overcoming Adversity with Courage and Poise* by Damon Zahariades; *The Dichotomy of Leadership: Balancing the Challenges of Extreme Ownership to Lead and Win* by Jocko Willink; *The Science of Self-Discipline: The Willpower, Mental Toughness, and Self-Control to Resist Temptation and Achieve Your Goals* by Peter Hollins; *Where to Draw the Line: How to Set Healthy Boundaries Every Day* by Anne Katherine.

28. Through this document, the Registrant states that he:

- a. understands the nature of the allegations that have been made against him;
- b. understands that he is admitting to facts that will support a finding that he has engaged in professional misconduct;
- c. understands that he is admitting to having engaged in an act or acts of professional misconduct;
- d. understands that he is waiving his right to require the College to prove the allegations against him at a contested hearing;
- e. understands that a decision and a summary of the Discipline Committee's reasons for decision, including reference to his name, will be published on the College's website and in College publications;
- f. understands that, even if he and the College have agreed to a proposed penalty order, the Discipline Committee is not bound by that agreement and does not have to order the penalty that he and the College's lawyer have agreed upon;
- g. voluntarily decided to admit the allegations against him;
- h. was not pressured in any way to admit the allegations against him; and
- i. was not offered any bribe to admit the allegations against him.

29. In light of the Agreed Facts and the admission of professional misconduct, the Royal College of Dental Surgeons of Ontario and the Registrant submit that the Discipline Committee should find that the Registrant has committed professional misconduct as set out herein.

DECISION AND REASONS FOR DECISION

7. The Panel finds that the Registrant engaged in professional misconduct as alleged in the Notice of Hearing and as admitted. In particular, the Panel finds that the Registrant engaged in conduct that, having regard to all the circumstances, would reasonably be regarded by members of the profession as disgraceful, dishonourable, unprofessional or unethical.

8. The Registrant admitted the allegation of professional misconduct, and the Panel was satisfied that the Agreed Statement of Facts (Exhibit #3) clearly substantiated the allegation.

9. In particular, the Panel noted that the Registrant breached appropriate patient boundaries by suggesting to his minor patient that she take photographs

with him while she was in the dental chair and suggesting to her that she should post the photographs on social media.

10. The Registrant's conduct toward the patient was predatory and grooming in nature. He clearly was pursuing and engaging her in sexualized social media communications. This was disgraceful and unprofessional.

11. It is clear that the Registrant was fully aware of the professional boundaries he was violating and fully aware of the patient's young age; yet he continued to communicate with her surreptitiously and asked her to assist him in hiding his actions by deleting their messages.

12. At the time of his interactions with the patient, the Registrant was still subject to practice monitoring that related to a 2018 ICRC investigation into sexualized comments Dr. Ghandour made to office staff.

13. The Panel was satisfied that the Registrant's conduct, which he admitted, having regard to all of the circumstances, would reasonably be regarded by members of this profession as disgraceful, dishonourable, unprofessional and unethical.

PENALTY SUBMISSIONS

14. The parties presented the Panel with a Joint Submission on Penalty (Exhibit 3), which provides as follows.

1. The Royal College of Dental Surgeons of Ontario ("College") and Dr. Rayan Ghandour ("the Member") jointly submit that this panel of the Discipline Committee, impose the following penalty on the Member as a result of the panel's finding that the Member is guilty of professional misconduct, namely, that it make an order:
 - (a) 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;
 - (b) directing the Registrar to suspend the Member's certificate of registration for a period of ten (10) months, commencing June 9, 2022 at 12:01 am. The suspension shall run without interruption;
 - (c) 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 paragraph 1(b) above has been fully served:

- (i) while the Member's certificate of registration is under suspension, the Member shall immediately inform the following people about the suspension:
- staff in the offices or practices in which the Member works, including other regulated professionals and administrative staff;
 - dentists with whom the Member works, whether the Member is a principal in the practice or otherwise associated with the practice;
 - dentists or other individuals who routinely refer patients to the Member;
 - faculty members at Faculties of Dentistry, if the Member is affiliated with the Faculty in an academic or professional capacity;
 - owners of a practice or office in which the Member works;
 - 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;
- (ii) while suspended, the Member must not engage in the practice of dentistry, including but not limited to:
- 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;
 - giving orders or standing orders to dental hygienists;
 - supervising work performed by others;
 - working in the capacity of a dental assistant or performing laboratory work;
 - acting as a clinical instructor;
- (iii) 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;
- (iv) while suspended, the Member must not benefit or profit, directly or indirectly from the practice of dentistry
- 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;
- The Member is permitted to sign and/or submit insurance claims for work that was completed prior to the suspension;
 - The Member must not sign insurance claims for work that has been completed by others during the suspension period;
- (v) the Member shall cooperate with any office monitoring which the Registrar thinks is needed 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
- (vi) the Suspension Conditions imposed by virtue of subparagraphs 1(c)(i)-(v) above shall be removed at the end of the period that the Member's certificate of registration is suspended.
- (d) directing that the Registrar also impose the following additional terms, conditions and limitations on the Member's Certificate of Registration (the "Practice Conditions"), namely:

Practice Monitoring

- (i) for a period of eighteen (18) months, the Member must not engage in any professional encounters, in person or otherwise, with patients of any age, in any jurisdiction, unless the encounter takes place in the continuous presence of a practice monitor who is a regulated health professional acceptable to the College. For further clarity, Dr. Ghandour must not be alone with any patient during any professional encounter. The practice monitor will be retained at the member's expense. The practice monitor shall:
- be a regulated health professional in Ontario with a current certificate of registration from their regulator and no history of conduct issues or practice issues;
 - not be the Member's current or prior employee, associate or patient and not someone who has a current or prior personal relationship with him;
 - enter into an undertaking with the College setting out their obligations as a practice monitor, including that:
 - a. they will be present for all patient encounters;
 - b. they shall maintain an accurate patient log in the form specified by the College;
 - c. they will provide a monthly report to the College in the form and content specified by the College;

- d. they will promptly respond to any inquiries by the College about the Member's compliance with the conditions on his certificate of registration;
- e. they will immediately report if there is any breach or suspected breach by the Member of the terms, conditions and limitations on his certificate of registration; and
- f. they will immediately inform the College if they are no longer able to act as a practice monitor;

Practice Mentor

- (ii) the Member shall, at his own expense, retain a practice mentor acceptable to the College, who shall meet with the Member during the twelve (12) months immediately following the date the Member returns to practice after serving the suspension referred to in paragraph 1(b) above. The mentor shall provide mentoring in the areas of (1) establishing and maintaining appropriate dentist-patient relationships, (2) the appropriate use of social media, (3) ethics, and (4) appropriate communication with patients;
- (iii) The Member shall meet (virtually or in person) with the mentor at least:
 - a. monthly for the first three (3) months; and
 - b. quarterly for the remaining nine (9) months.

Compliance Monitoring

- (iv) The Member shall inform the College of each and every location at which he practices ("Practice Locations") within five (5) days of commencing practice at that location;
- (v) the Member agrees to submit to and not interfere with unannounced inspections by a College representative of his Practice Locations to confirm his compliance with this Order;
- (vi) the Member shall cooperate with the College during these unannounced inspections and further, shall pay to the College in respect of the costs of the inspections, the amount of \$1,000.00 per office inspection, such amount to be paid immediately after completion of each of the office inspection;
- (vii) the representative or representatives of the College may report the results of those office inspections 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;

Posting a Sign

- (viii) while the terms, conditions and limitations on the Member's certificate of registration specified in paragraph 1(d)(i) above are in

effect, the Member shall post a sign in all waiting rooms, examination rooms and operatories, in all Practice Locations, in a clearly visible and secure location, in all languages that he uses when treating patients, that states:

“Dr. Ghandour must not have professional encounters, in person or otherwise, with patients of any age, unless in the presence of a practice monitor acceptable to the Royal College of Dental Surgeons of Ontario. Dr. Ghandour must not be alone with any patient during any professional encounter. Further information may be found on the RCDSO website at www.rcdso.org”

- (ix) the Member will post a certified translation in any language in which he provides services, of the sign described in paragraph 1(d)(viii) above, in all waiting rooms, examination rooms and operatories of all of his Practice Locations, in a clearly visible and secure location.
- (x) the Member shall provide the certified translation(s) described in paragraph 1(d)(ix) to the College within thirty (30) days of the date of this Order.

Removal of Practice Conditions

- (xi) the Practice Conditions imposed by virtue of paragraphs (1) (d)(i)-(iii) above shall be removed from the Member's certificate of registration upon receipt by the College of confirmation in writing acceptable to the Registrar that the requirements set out in paragraphs (1)(d)(i)-(iii) above have been completed successfully;
 - (xii) the Practice Conditions imposed by virtue of paragraph 1(d)(iv)-(x) above shall be removed from the Member's certificate of registration twenty-four (24) months following receipt by the College of confirmation in writing acceptable to the Registrar that the requirements set out in paragraphs 1(d)(i)-(iii) above have been completed successfully, or upon receipt of written confirmation from the Inquiries, Complaints and Reports Committee that the Member has successfully completed the monitoring program, whichever date is later.
- (e) that the Member pay costs to the College in the amount of \$10,000.00 in respect of this discipline hearing, such costs to be paid in four installments as follows: \$2,500 on the date this Order becomes final, \$2,500 within 4 months after the date this Order becomes final, \$2,500 within 8 months after the date this Order becomes final and \$2,500 within 12 months after the date this Order becomes final.
2. 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.

3. Dr. Rayan Ghandour has not previously appeared before the Discipline Committee of the College.

PENALTY DECISION and REASONS FOR PENALTY DECISION

15. The Panel accepts the parties' joint submission and orders accordingly.

16. 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.

17. 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.

18. The Panel was satisfied that a ten (10) month suspension, a reprimand and the recording of the results of these proceedings on the College register will act to deter the Registrant from behaving in this manner again and also sends a message to other members of the profession that professional misconduct of this nature will not be tolerated by the College.

19. The terms, conditions and limitations further afford public protection and will also provide remediation. Dr. Ghandour is to be supervised by a College-approved practice monitor for eighteen (18) months during any or all patient encounters. The Registrant must not be alone with any patient during any professional encounter. Dr. Ghandour must also post a sign in all waiting rooms, examination rooms and operatories stating that he is not to have any patient encounters unless a practice monitor is present. The Registrant, at his expense shall retain a College-approved practice mentor for 12 months. The mentoring will focus on appropriate dentist-patient relationships, the appropriate use of social media, ethics and appropriate communication with patients.

20. In coming to its decision, the Panel recognized the following mitigating factors: the Registrant co-operated with the College and pled guilty to the misconduct alleged. By admitting the misconduct, he prevented a potentially costly and time-consuming hearing. Dr. Ghandour has never appeared before a Discipline Panel before. The Registrant has voluntarily taken courses and counselling in ethics and has already received 24 sessions of psychotherapy.

21. The Panel considered the following aggravating factors: this misconduct occurred while the Registrant's practice was being monitored for complaints of a similar nature and the misconduct here was related to a breach of trust with a young female patient. The Panel found these facts disturbing.

22. The Panel was satisfied that the proposed penalty as a whole is proportional to the severity of the misconduct, the facts of the case and the circumstances of the Registrant.

23. The Panel determined that costs agreed upon in the amount of \$10,000 was appropriate in this case and ordered it to be paid within 12 months of this Order becoming final.

24. At the conclusion of the hearing, the Panel delivered its reprimand. A copy of the reprimand is attached to the end of the reasons.

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



June 30, 2022

Date

RCDSO v. Dr. Rayan Ghandour

Dr. Ghandour, 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 professional misconduct in your private communications with a patient, who was a minor. The behaviour was predatory and amounted to grooming of this young patient. As you acknowledged to the patient and admitted to the panel, you knew that your communications were inappropriate and not in keeping with your professional obligations. We have no doubt that this conduct would reasonably be regarded by members as disgraceful, dishonourable, unprofessional and unethical.

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 had this patient not reported your communications to her parents, this matter could have escalated to even more serious misconduct. In addition, this panel is mindful of the fact that this misconduct occurred while you were fulfilling the requirements of the ICRC panel's directions. Their directions related to a complaint involving allegations of inappropriate conduct of a sexual nature toward female staff members in your workplace. In this case, the professional misconduct in which you engaged was similarly inappropriate, but this time involved sexualized communications with a minor patient.

As I advised earlier, you will now be given an opportunity to make a comment if you wish to do so. This is **not** an opportunity for you to debate the merits or the correctness of the decisions we have made.

Do you wish to make any comments?

(The Member declined to make a comment)

Thank you for attending today. We are adjourned.

APPENDIX A**21-1117**

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. RAYAN GHANDOUR**, of the City of Cornwall, 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. RAYAN GHANDOUR**
Smiles on Seventh
780 Seventh St W
Cornwall ON K6J 0A3

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)(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 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 one of your patients, Person A, contrary to paragraph 59 of Section 2 of Ontario Regulation 853, Regulations of Ontario, 1993, as amended.

Particulars:

- On or about December 17, 2020 and/or February 4, 2021, you breached appropriate patient boundaries by suggesting that your minor patient, Person A, take photographs with you while she was in the dental chair. You then asked Person A to post these photographs to social media.
- On or about March 9 and/or 10, 2021, you exhibited inappropriate behaviour that could be predatory and/or, grooming in nature with a minor patient, Person A, by seeking out, pursuing and engaging Person A in unprofessional and sexualized social media communication.
- It was clear from the messages exchanged with Person A that you were fully aware of the professional boundaries you were violating and fully aware of the patient's young age, yet continued to communicate with her surreptitiously and asked her to assist you in hiding your actions.
- You exhibited a pattern of violating professional boundaries given that this conduct occurred following previous recent efforts to remediate concerns with respect to your failure to maintain appropriate boundaries and a lack of professionalism and during a time that you were being actively monitored by the College.

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 in this matter at:

Steinecke Maciura LeBlanc
c/o Julie Maciura
401 Bay Street, Suite 2308, P.O. Box 23
Toronto, ON M5H 2Y4
Tel: 416.599.2200
email: info@sml-law.com

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 12th day of January, 2022.

[Seal]

Royal College of Dental Surgeons of Ontario

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. RAYAN GHANDOUR**, of the City of Cornwall, 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.

N O T I C E O F H E A R I N G

**ROYAL COLLEGE OF DENTAL SURGEONS
OF ONTARIO**

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