

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

Citation: Royal College of Dental Surgeons of Ontario v. Omar Farzat, 2024 ONRCDSO 4

Date: 2024-11-13

File No.: 23-0841

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. OMAR FARZAT**, of the City of Windsor, 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.

BETWEEN:

Royal College of Dental Surgeons of Ontario

-and-

Dr. Omar Farzat

FINDING AND PENALTY REASONS

PANEL MEMBERS:

Ms. Judith Welikovitich, Public Member (Chair)
Dr. Noha Gomaa, Professional Member
Dr. Eilyad Honarparvar, Professional Member
Mr. Brian Smith, Public Member
Dr. Vanessa Theriault, Professional Member

APPEARANCES:

Mr. Bernard LeBlanc and Dr. Jennifer Lipiec, for the College
Mr. Symon Zucker, for Dr. Farzat
Mr. Paul Le Vay, Independent Legal Counsel

Heard: November 13, 2024, by videoconference
Decision Date: November 13, 2024
Release of Written Reasons: December 24, 2024

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 November 13, 2024. This matter was heard electronically.

The Allegations

[2] The College’s allegations of professional misconduct against the Registrant are set out in a notice of hearing dated November 10, 2023, 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 (the “Code”), being Schedule 2 of the *Regulated Health Professions Act, 1991*, Statutes of Ontario, 1991, Chapter 18 (the “HRPA”) in that, during the year 2018, you contravened section 5(4)(g) of the Ontario Regulation 853, Regulations of Ontario, 1993 (the “Regulation”), in that you had a conflict of interest where you, directly or indirectly, entered into an agreement or arrangement that prevents or would reasonably be regarded as having the effect of preventing you from properly exercising your professional judgement and skill in respect of the treatment or referral of a patient, contrary to paragraph 38 of Section 2 of the Ontario Regulation 853, Regulations of Ontario, 1993, as amended.

Particulars:

- You worked for Latif Alsoma (a.k.a. Abdul Latif Alsoma and Abdul Latif) who owns Alforat Dental Center but is neither a member of the Royal College of Dental Surgeons of Ontario nor a member of the College of Dental Hygienists of Ontario.
 - At Alforat Dental Center, you provided dental treatment that included implant treatment, bone grafting and a sinus lift.
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 year 2018,

you contravened section 5(4)(h) of the Ontario Regulation 853, Regulations of Ontario, 1993, in that you had a conflict of interest where you, directly or indirectly, engaged in a form of fee or income sharing with a person other than an associated member or a member who is the member's partner or a member of the College of Dental Hygienists of Ontario who engages in the practice of dental hygiene within your dental practice, contrary to paragraph 38 of Section 2 of the Ontario Regulation 853, Regulations of Ontario, 1993, as amended.

Particulars:

- You worked for Latif Alsoma (a.k.a. Abdul Latif Alsoma and Abdul Latif) who owns Alforat Dental Centre but is neither a member of the Royal College of Dental Surgeons of Ontario nor a member of the College of Dental Hygienists of Ontario.
 - At Alforat Dental Centre, you provided dental treatment that included implant treatment, bone grafting and a sinus lift. The patient whom you treated paid fees to Alforat Dental Centre.
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 2018, you engaged in conduct or performed an act that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable, unprofessional or unethical relative to one or more of your patients, contrary to paragraph 59 of Section 2 of the Ontario Regulation 853, Regulations of Ontario, 1993, as amended.

Particulars

- You facilitated Latif Alsoma (a.k.a. Abdul Latif Alsoma and Abdul Latif), who is not a registered dentist, to practise dentistry, in that you formulated a treatment plan in conjunction with Latif Alsoma and/or you performed treatment based on that treatment plan or based on a treatment plan made by Latif Alsoma.
- You failed to advise the College of all your practice locations, in particular Alforat Dental Centre located at 2395 Cawthra Road, Mississauga, Ontario.
- You worked for Latif Alsoma who owns Alforat Dental Centre but is neither a member of the Royal College of Dental Surgeons of Ontario nor a member of the

College of Dental Hygienists of Ontario.

- At Alforat Dental Centre, you provided dental treatment that included implant treatment, bone grafting and a sinus lift. The patient whom you treated paid fees to Alforat Dental Centre.

The Registrant's Plea

[3] The Registrant admitted the allegations of professional misconduct contained in the Notice of Hearing, except for the first particular of Allegation #3, which was not admitted. The Chair conducted an oral plea inquiry on the record at the hearing and a written plea inquiry signed by the Registrant was entered as an exhibit. Based on the Registrant's responses, the Panel was satisfied that his admissions were voluntary, informed and unequivocal.

The Evidence

[4] On consent of the parties, the College introduced into evidence an Agreed Statement of Facts ("**ASF**"). The ASF provides in relevant part as follows (with the attached documents omitted):

Background

1. Dr. Omar Farzat ("the Registrant") was at all material times a dentist registered to practise dentistry with the Royal College of Dental Surgeons of Ontario (the "College"). The Registrant practised at Alforat Dental Centre, located at 1-2395 Cawthra Road in Mississauga (the "Clinic"). A copy of the Registrant's profile from the Dentist Register was attached to the ASF.

Summary of the Facts

2. The Clinic was owned and operated by Latif Alsoma. However, Mr. Alsoma was neither a member of the College nor the College of Dental Hygienists of Ontario (the "CDHO").
3. At all material times, the Registrant worked for and was paid by Mr. Alsoma.
4. The Registrant did not inform the College that his practise locations included Alforat Dental Centre.

5. While at the Clinic, the Registrant provided dental treatment including implant treatment, bone grafting, and a sinus lift. In exchange for the dental treatment provided by the Registrant, the patient paid fees to the Clinic.
6. Among other patients, Dr. Farzat treated JK at the Clinic in exchange for fees paid by JK to the Clinic. The Registrant also obtained Standard Dental Claim Forms indicating that he provided dental treatment to JK at the Clinic.
7. On March 18, 2022, the Registrant admitted to a College investigator that he practised at the Clinic in Mississauga in 2018 for around five or six months. There, he practised general dentistry including fillings, root canals, implant treatment, bridges, crowns, and extractions.
8. The Registrant further confirmed that he worked for Mr. Alsoma at the Clinic. He indicated that Mr. Alsoma was not qualified as a dentist in Canada and, to his knowledge, Mr. Alsoma was “just a manager” at the Clinic. The Registrant confirmed that Mr. Alsoma was never involved in the treatment the Registrant performed.
9. When asked about the patient JK, the Registrant indicated that he might remember having provided her with dental treatment, possibly including surgery, fillings, or extractions, and that he may have been considering implant treatment in her case. He confirmed that he saw the patient at the Clinic.
10. On May 26, 2022, the College received records of six patients who received dental services at the Clinic, including JK. The records for JK included the three invoices/receipts as well as one prescription dated December 9, 2018. The prescription appears on paper marked “Al Forat Dental Center” and indicates “Omar Farzat” as the prescriber. A copy of the prescription paper was attached to the ASF.
11. JK’s records also contained signed consent forms in respect of two procedures where “Omar Farzat” was indicated as the provider. The first consent form is dated November 21, 2018 and is for dental implants. The second consent form is dated December 9, 2018 and is for maxillary sinus elevation. The consent forms were attached to the ASF.
12. JK’s records also contained an undated and unsigned treatment plan for JK. The Registrant authored the treatment plan. An image of the treatment plan was attached to the ASF. Finally, the record contained two progress notes written by the Registrant in respect of the patient dated December 9, 2018 and January 6, 2019.

Professional Misconduct Admitted

13. The Registrant admits and acknowledges that the conduct described above constitutes professional misconduct within the meaning of Section .51(1)(c) of the *Health Professions Procedural Code*, being Schedule 2 of the *Regulated Health Professions Act, 1991*, SO, 1991, c 18 in that:
- a. during the year 2018, he engaged in conduct or performed an act that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable, unprofessional or unethical relative to one or more of his patients, contrary to paragraph 59 of section 2 of Ontario Regulation 853/93;
 - b. he contravened section 5(4)(g) of Ontario Regulation 853/93, in that he had a conflict of interest where he, directly or indirectly, entered into an agreement or arrangement that prevents or would reasonably be regarded as having the effect of preventing him from properly exercising his professional judgement and skill in respect of the treatment or referral of a patient, contrary to paragraph 38 of section 2 of Ontario Regulation 853/93; and
 - c. during the year 2018, he contravened section 5(4)(h) of Ontario Regulation 853/93, in that he had a conflict of interest where he , directly or indirectly, engaged in a form of fee or income sharing with a person other than an associated member or a member who is the member's partner or a member of the College of Dental Hygienists of Ontario who engages in the practice of dental hygiene within his dental practice, contrary to paragraph 38 of section 2 of Ontario Regulation 853/93.

Decision

[5] Having considered the evidence and submissions of the parties, the Panel found that the Registrant committed the acts of professional misconduct as alleged in the Notice of Hearing.

Reasons for Decision

[6] The Notice of Hearing sets out three allegations against the Registrant They are as follows:

Allegation #1: Conflict of Interest - Working at a dental clinic owned by person not a member of the Royal College of Dental Surgeons or the College of Dental Hygienists of Ontario

[7] The College alleged that Dr. Farzat committed acts of professional misconduct contrary to s.51(1)(c) of the Code in that, during 2018, he contravened section 5(4)(g) of the Dentistry Act Regulation, contrary to paragraph 38 of section 2 of the regulation. More specifically, the College alleged that Dr. Farzat had a conflict of interest in that he worked at the Alforat Dental Centre and provided dental treatment to patients there. The Centre is owned by Latif Alsoma, who is neither a member of the College nor a member of the College of Dental Hygienists of Ontario (the “CDHO”). It was alleged that this arrangement prevented him or would reasonably be regarded as having the effect of preventing him, from properly exercising his professional judgement and skill in respect of the treatment or referral of a patient.

[8] S.51(1)(c) of the Code requires that a panel shall find that a member, or registrant, has committed misconduct where that member has committed an act of professional misconduct as defined in the regulations. Thus, if a discipline panel finds that a registrant has committed misconduct contrary to the Dentistry Act Regulation, then a finding of professional misconduct is mandatory.

[9] Section 2 paragraph 38 of the Dentistry Act Regulation states that a member who engages in the practice of dentistry where the member has a conflict of interest in contravention of section 5 of the Regulation commits an act of professional misconduct. Section 5(4)(g) of the regulation then provides that a member has a conflict of interest where the registrant, directly or indirectly, enters into an agreement or arrangement that prevents or would reasonably be regarded as having the effect of preventing the registrant from properly exercising his professional judgment and skill in respect of the treatment or referral of a patient. This type of misconduct relates to an actual conflict, a perceived conflict or a potential conflict. The use of the word “has” in section 5(4)(g) means that where the agreement or arrangement is found by a panel of the Discipline Committee to meet the defined circumstances, a prohibited conflict exists.

[10] In the ASF, Dr. Farzat admitted to facts which the panel found to constitute a proscribed conflict of interest.

[11] He admitted that he worked at the Clinic, and that Mr. Alsoma was neither a member of the College nor of the CDHO and that, at all material times, he worked for and was paid for his work by Mr. Alsoma.

[12] Dr. Farzat further admitted that while practising dentistry at the Clinic, he provided dental treatment including fillings and extractions, root canals, implant treatments, bridges, crowns, bone grafting and a sinus lift; that in exchange for the dental treatment provided by Dr. Farzat, his patients paid fees to the Clinic. The patients treated by Dr. Farzat included JK.

[13] During its investigation into the allegations regarding Dr. Farzat, the College received the records of six patients who had received dental services at the Dental Clinic. Only the records for patient JK were described in the ASF, and some were attached to the ASF.

[14] Dr. Farzat's admissions included that the records with respect to JK included (a) three invoices/receipts for treatments received by him/her from the Registrant, (b) a prescription for medication signed by Dr. Farzat as the prescriber on paper marked "Al Forat Dental Centre", (c) signed patient consent forms dated November 21, 2018 and December 9, 2018 which indicated that the Registrant was the service provider, (d) an undated and unsigned treatment plan for JK which indicated that Dr. Farzat was the author of the plan, and (e) two progress notes written by Dr. Farzat in respect of patient JK and dated December 9, 2018 and January 6, 2019.

[15] The Panel accepts the admissions made by Dr. Farzat as true.

[16] Upon a consideration of the facts admitted by Dr. Farzat in the ASF, the Panel finds, on a balance of probabilities, that they properly ground a finding that Mr. Alsoma was neither an associated registrant nor a member of the CDHO; that the agreement or arrangement that Dr. Farzat had with Mr. Alsoma and the Clinic would reasonably be regarded as having the effect of preventing him from properly exercising his professional judgment and skill in respect of the treatment and referral of a patient, contrary to paragraph 38 of section 2 of the *Regulation*.

Allegation #2: Conflict of Interest - Engaging in a form of fee or income sharing with a person other than an associated member of the College or a member of the College of Dental Hygienists of Ontario

[17] The College alleged that Dr. Farzat committed acts of misconduct contrary to s.51(1)(c) of the Code in that during the year 2018, he contravened the conflict of interest prohibition in the Dentistry Act Regulation as set out above in that his working relationship with Mr. Alsoma, for whom he worked at the Clinic, meant that he engaged in a form of fee or income sharing in circumstances where Mr. Alsoma was not an associated member or a member of the College, nor was he a member of the CDHO who engaged in the practice of dental hygiene within the Registrant's own practice and that Mr. Alsoma would therefore not be bound by the College's standards and guidelines for professional dental/CDHO practices. It was thus alleged that this fee

or income sharing arrangement met the definition of conflict of interest set out in Section 5(4)(h) of the Dentistry Act Regulation

[18] In the ASF, Dr. Farzat admitted the allegations with respect to this second ground of conflict of interest.

[19] Dr. Farzat admitted that while he was working at the Clinic, patients he treated paid fees to the Clinic and not to him. More specifically, at paragraph 5 of the AFS, the Registrant admitted that he provided dental treatment to a patient who then paid fees to the Clinic. At paragraph 6 of that document, Dr. Farzat admitted that he obtained Standard Dental Claim Forms indicating that he was the provider of dental treatment to JK at the Clinic.

[20] The Panel accepts the factual admissions made by Dr. Farzat as true.

[21] Upon a consideration of the evidence before it, specifically the admissions made by Dr. Farzat in the ASF, the Panel is satisfied that Dr. Farzat had a perceived or potential conflict in working for Mr. Alsoma at the Clinic, in that he engaged in a form of fee or income sharing with him and that Mr. Alsoma was neither an associated registrant nor a member of the CDHO, contrary to Section 2(38) of the Dentistry Act Regulation.

[22] More specifically, the Panel finds, on a balance of probabilities, that Dr. Farzat is guilty of professional misconduct as provided by s.51(1)(c) of the Code in that he contravened section 5(4)(h) of the *Regulation*.

Allegation #3: Disgraceful, Dishonourable, Unprofessional or Unethical Conduct

[23] The College alleged that during 2018, Dr. Farzat engaged in conduct relative to one or more of his patients that, having regard to all the circumstances, would reasonably be regarded by members of the profession as disgraceful, dishonourable, unprofessional or unethical, contrary to Section 2(59) of the Dentistry Act Regulation. This conduct, if proven, constitutes professional misconduct for the purposes of clause 51(1)(c) of the Code.

[24] The College alleged, and Dr. Farzat admitted, the following:

1. That he failed to advise the College of all his practice locations, and in particular, of his practice at the Dental Clinic owned by Mr. Alsoma;
2. That he worked for Mr. Alsoma at the Dental Clinic despite that Mr. Alsoma is neither a member of the RCDSO nor the CDHO; and

3. That he provided dental treatment at the Dental Clinic, including implant treatment, bone grafting and a sinus lift, for which services the patient paid the Dental Clinic.

[25] The College also alleged that Dr. Farzat facilitated the practice of dentistry by Mr. Alsoma, who is not a member of the RCDSO; that he did so by formulating a treatment plan in conjunction with Mr. Alsoma, and/or performed treatment on patients based on that treatment plan or based on a treatment plan made by Mr. Alsoma.

[26] This last particular was specifically denied by Dr. Farzat at paragraph 8 of the ASF, which states that “the Registrant confirmed that Mr. Alsoma was never involved in the treatment the Registrant performed”; that Mr. Alsoma was “just a manager at the Clinic”. The panel finds that this particular is not supported by the evidence and is not established.

[27] The Panel accepts the factual admissions made by Dr. Farzat as true and that the other particulars are therefore established.

[28] Upon a consideration of the evidence before it, specifically the admissions made by Dr. Farzat in the ASF, the Panel finds that Dr. Farzat engaged in conduct relative to one or more of his patients that, having regard to all the circumstances, would reasonably be regarded by members of the profession as disgraceful, dishonourable, unprofessional or unethical, contrary to Section 2(59) of the Dentistry Act Regulation.

Penalty Submissions

[29] The parties presented the Panel with a Joint Submission with respect to Penalty and Costs (“**JSPC**”), which reads as follows:

1. The Royal College of Dental Surgeons of Ontario (the “College”) and Dr. Farzat (the “Registrant”) jointly submit that this panel of the Discipline Committee impose the following penalty on the Registrant as a result of the panel’s finding that the Registrant is guilty of professional misconduct, namely, that it make an order:
 - (a) requiring the Registrant 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 Registrant’s Certificate of Registration for a period of four (4) months, to be served consecutively, such suspension to commence December 16, 2024, at 12:01am. The suspension shall run without interruption;

(c) that the Registrar impose the following terms, conditions and limitations on the Registrant's certificate of registration (the "**Suspension Conditions**"), which conditions shall continue until the suspension of the Registrant's certificate of registration as referred to in paragraph 1(b) above has been fully served:

(i) while the Registrant's certificate of registration is under suspension, the Registrant shall immediately inform the following people about the suspension:

- staff in the offices or practices in which the Registrant works, including other regulated professionals and administrative staff;
- dentists with whom the Registrant works, whether the Registrant is a principal in the practice or otherwise associated with the practice;
- dentists or other individuals who routinely refer patients to the Registrant;
- faculty members at Faculties of Dentistry, if the Registrant is affiliated with the Faculty in an academic or professional capacity;
- owners of a practice or office in which the Registrant works;
- patients who ask to book an appointment during the suspension, or who's previously booked appointment has been rescheduled due to the suspension. The Registrant may assign administrative staff to inform patients about the suspension. All communications with patients must be truthful and honest;

(ii) while suspended, the Registrant must not engage in the practice of dentistry, including but not limited to:

- acting in any manner that suggests the Registrant is entitled to practice dentistry. This includes communicating diagnoses or offering clinical advice in social settings. The Registrant must ensure that administrative or office staff do not suggest to patients in any way that the Registrant 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 Registrant must not be present in offices or practices where the Registrant works when patients are present, except for emergencies that do not involve patients. The Registrant must immediately advise the Registrar in writing about any such emergencies;

(iv) while suspended, the Registrant must not benefit or profit, directly or indirectly from the practice of dentistry and

- the Registrant 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 Registrant may be reimbursed for actual out-of-pocket expenses incurred in respect of the practice during the suspension period;
- the Registrant is permitted to sign and/or submit insurance claims for work that was completed prior to the suspension;
- the Registrant must not sign insurance claims for work that has been completed by others during the suspension period

(v) the Registrant shall cooperate with any office monitoring which the Registrar thinks is needed to ensure that the Registrant has complied with the Suspension Conditions. The Registrant must provide the College with access to any records associated with the practice that the College may require to verify that the Registrant 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 Registrant's certificate of registration is suspended.

(d) directing that the Registrar also impose the following additional terms, conditions and limitations on the Registrant's Certificate of Registration, namely:

- (i) The Registrant must successfully complete, at his own expense a one-on-one instruction in jurisprudence, ethics and professionalism, including the issue of aiding illegal practitioners, with a College-approved instructor, within six (6) months of this Order becoming final;
- (ii) The Registrant must submit to practice monitoring of the Registrant's practise for 24 months upon return to practise, the costs of which are to be borne by the Registrant. The practice monitoring will comprise at least two compliance visits per year;
- (iii) The Registrant must inform the College of all of his practice locations within five (5) days of this Order becoming final and update the College of any changes to his practice location(s) within 14 days of starting practice at the new location.

(e) that the Registrant pay costs to the College in the amount of \$10,000.00 in respect of this discipline hearing within thirty (30) days of the date this Order becomes final.

2. The College and the Registrant 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 Registrant included.
3. Dr. Omar Farzat has not previously appeared before the Discipline Committee of the College

Penalty Decision

[30] The Panel accepts the Joint Submission with respect to Penalty and Costs, and makes the following order (the "**Order**"):

Reprimand

1. The Registrant is required 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.

Suspension

2. The Registrar is directed to suspend the Registrant's Certificate of Registration for a period of four (4) months, to be served consecutively, such suspension to commence December 16, 2024, at 12:01am. The suspension shall run without interruption.
3. The Registrar is directed to impose the following terms, conditions and limitations on the Registrant's certificate of registration (the "**Suspension Conditions**"), which conditions shall continue until the suspension of the Registrant's certificate of registration as referred to in paragraph 2 above has been fully served:
 - (i) while the Registrant's certificate of registration is under suspension, the Registrant shall immediately inform the following people about the suspension:
 - staff in the offices or practices in which the Registrant works, including other regulated professionals and administrative staff;
 - dentists with whom the Registrant works, whether the Registrant is a principal in the practice or otherwise associated with the practice;
 - dentists or other individuals who routinely refer patients to the Registrant;
 - faculty members at Faculties of Dentistry, if the Registrant is affiliated with the Faculty in an academic or professional capacity;
 - owners of a practice or office in which the Registrant works;
 - patients who ask to book an appointment during the suspension, or who's previously booked appointment has been rescheduled due to the suspension. The Registrant may assign administrative staff to inform patients about the suspension. All communications with patients must be truthful and honest;
 - (ii) while suspended, the Registrant must not engage in the practice of dentistry, including but not limited to:

- acting in any manner that suggests the Registrant is entitled to practice dentistry. This includes communicating diagnoses or offering clinical advice in social settings. The Registrant must ensure that administrative or office staff do not suggest to patients in any way that the Registrant 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 Registrant must not be present in offices or practices where the Registrant works when patients are present, except for emergencies that do not involve patients. The Registrant must immediately advise the Registrar in writing about any such emergencies;

(iv) while suspended, the Registrant must not benefit or profit, directly or indirectly from the practice of dentistry and

- the Registrant 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 Registrant may be reimbursed for actual out-of-pocket expenses incurred in respect of the practice during the suspension period;
- the Registrant is permitted to sign and/or submit insurance claims for work that was completed prior to the suspension;
- the Registrant must not sign insurance claims for work that has been completed by others during the suspension period

(v) the Registrant shall cooperate with any office monitoring which the Registrar thinks is needed to ensure that the Registrant has complied with the Suspension Conditions. The Registrant must provide the College with access

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

(vi) the Suspension Conditions imposed by virtue of subparagraphs 3 (i)-(v) above shall be removed at the end of the period that the Registrant's certificate of registration is suspended

4. The Registrar shall also impose the following additional terms, conditions and limitations on the Registrant's Certificate of Registration, namely:

Remedial Courses

- a. The Registrant must successfully complete, at his own expense a one-on-one instruction in jurisprudence, ethics and professionalism, including the issue of aiding illegal practitioners, with a College-approved instructor, within six (6) months of this Order becoming final;

Practice Monitoring

- b. The Registrant must submit to practice monitoring of the Registrant's practise for 24 months upon return to practise, the costs of which are to be borne by the Registrant. The practice monitoring will comprise at least two compliance visits per year; and
 - c. The Registrant must inform the College of all of his practice locations within five (5) days of this Order becoming final and update the College of any changes to his practice location(s) within 14 days of starting practice at the new location.
5. The Registrant shall pay costs to the College in the amount of \$10,000.00 in respect of this discipline hearing within thirty (30) days of the date this Order becomes final.
 6. The results of these proceedings shall be recorded on the Register of the College and any publication of this Decision shall contain the name and practice address of the Registrant.

Reasons for Penalty Decision

[31] It is settled law that a decision-maker should not lightly depart from an agreement that has been reached by the parties with respect to an appropriate penalty. The test is not one of “fitness of sentence” but rather, the more stringent test of whether the jointly proposed penalty would bring the administration of justice into disrepute or would otherwise be contrary to the public interest.”¹

[32] For the reasons that follow, the Panel accepted the JSPC and concluded that the proposed penalties and the costs award to the College are reasonable and appropriate in the circumstances of this case.

[33] The Discipline Committee’s goal in imposing penalties is not to punish the Registrant. It is not intended to be punitive. The goal of a penalty is to protect the public from dentists who have committed professional misconduct. It is also to maintain public confidence in the profession and in its ability to self-regulate.

[34] A penalty must serve as a measure of general deterrence, in that it sends a clear and unequivocal message to all registrants of the dental profession that the type of misconduct at issue cannot and will not be tolerated. It must also serve as a measure of specific deterrence with respect to the dentist concerned.

[35] An appropriate penalty should also provide for remediation or rehabilitation of the dentist concerned, where possible and appropriate.

[36] Counsel for the College and for the Registrant urged the Panel to accept the JSPC. They submitted that the jointly proposed penalty reflects the seriousness of Dr. Farzat’s misconduct, and that the terms are appropriate having regard to the objectives of penalty, the aggravating and mitigating factors in this case, and the interests of the public, the profession, and the Registrant himself.

[37] In reaching its decision, the Panel considered the principles of penalty, the submissions of the parties and the advice of its independent legal counsel, the mitigating and aggravating factors, and the circumstances of the case as a whole.

¹ *R v Anthony Cook*, [2016 SCC 43](#), applied in the professional discipline context in *Ontario College of Teachers v Merolle*, 2023 ONSC 3453 at para 32

[38] The Panel reviewed the JSPC with a view to ensuring that the proposed penalty would provide an element of protection for Dr. Farzat's current and future patients. To that end, the Registrant has been ordered to take the remedial courses referred to above. The Panel expects that Dr. Farzat will incorporate and implement his learnings into his practice of dentistry. It also expects that the requirement to take these courses will function as a specific deterrent to future misconduct by Dr. Farzat and as a general deterrent for the profession at large.

[39] Dr. Farzat is also required to submit to practice monitoring for a period of twenty-four (24) months following his return to practice. The Panel is confident that this element of the penalty will support Dr. Farzat's rehabilitation and remediation; that it will have a specific deterrent effect on Dr. Farzat in that it will impress upon him the seriousness of his misconduct; and that it will provide protection to the public. It will also send a clear and unequivocal message to the public that this type of conduct will not and cannot be tolerated.

[40] The Panel has also ordered a suspension from practice for a period of four (4) months commencing on December 16, 2024. The Panel acknowledges that Dr. Farzat has no prior discipline history with the College. Nevertheless, the Panel considered the period of four (4) months to be reasonable and appropriate, particularly in light of the seriousness of Dr. Farzat's misconduct. The Panel is concerned that Dr. Farzat contravened the profession's strict rules about who is eligible to operate a dental practice in Ontario, that he thus knowingly worked in a dental practice that was not operated by a member of the College or the CDHO, and that he did so continuously for a period of approximately six (6) months in 2018.

[41] The Panel expects that the suspension will have a specific deterrent effect for Dr. Farzat.

[42] It will also have a more general deterrent effect in that it will send a clear message to member of the profession and to the public that acts of professional misconduct are being taken very seriously by the College. It will further provide assurance to the public that the RCDSO is acting in its interest and doing its utmost to ensure protection.

[43] With respect to the issue of costs, the Panel found that the amount of \$10,000 as agreed between the parties in the JSPC is reasonable in the circumstances. There is no reason to depart from that agreement.

[44] For these reasons, the Panel accepts the JSPC and orders that its terms and conditions be imposed.

The Reprimand

[45] At the conclusion of the discipline hearing, the Panel administered the reprimand to the Registrant. A copy of the reprimand is attached as Appendix "A" to these Reasons.

I, Judith Welikovitch, sign these Reasons for Decision as Chairperson of this Discipline Panel.



December 24, 2024

Date

Appendix "A"

RCDSO v. Dr. Omar Farzat

Dr. Omar Farzat, 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 providing treatment to patients at a clinic owned and operated by a non-member of the College, resulting in a conflict of interest that risked compromising the proper exercise of your professional judgment in treating a patient. This also resulted in improper fee sharing with a non-member. The cumulative effect of your conduct would reasonably be regarded by Registrants 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 the professional misconduct in which you engaged was not an isolated incident. The misconduct took place over a period of 5 – 6 months in 2018. It involved the fact that you placed yourself in a potential conflict of interest position by working for a non-member of the College, which is specifically prohibited because of the risk that profit will be placed before professional values. You also improperly shared fees with a non-member, which is prohibited for the same reasons.

The penalty we have imposed on you, which includes this reprimand, as well as a 4 month suspension from practice subject to specific conditions, as well as the imposition of certain additional terms, limitations and conditions on your Certificate of Registration reflects the seriousness of your misconduct and will serve as a message to deter your fellow dentists from such conduct. The requirement that you take a one-on-one instruction in jurisprudence, ethics and professionalism, with a special focus on the issue of aiding illegal practitioners, should support your efforts at rehabilitation. The imposition of practice monitoring for a period of 24 months upon your return to practice should reinforce and support your rehabilitation as well.

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 have any questions or do you wish to make any comments?

(Hear the Registrant's comments at this point)

Thank you for attending today. We are adjourned.