

23-0842

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. MARK ALAN KOCHMAN**, of the City of Toronto, 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. Mark Alan Kochman
343 Wilson Ave #200
Toronto M3H 1T1

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(s) 2018 and/or 2019, you contravened section 5(4)(g) of the Ontario Regulation 853, Regulations of Ontario, 1993, 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 patients, 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, implant consultation and tooth extraction.
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(s) 2018 and/or 2019, 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 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, implant consultation and tooth extraction. The patients whom you treated paid fees to Alforat Dental Center.
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(s) 2018 and/or 2019, 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 treatment plans in conjunction with Latif Alsoma and/or you performed treatment based on those treatment plans.
- You failed to advise the College of all your practice locations, in particular Alforat Dental Center located at 2395 Cawthra Road, Mississauga, Ontario.
- You worked for Latif Alsoma 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, implant consultation and tooth extraction. The patients whom you treated paid fees to Alforat Dental Center.

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 prosecutor for the College, [REDACTED], in this matter at:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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 10th day of November, 2023.



Royal College of Dental Surgeons of Ontario

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NOTICE OF HEARING

**ROYAL COLLEGE OF DENTAL SURGEONS
OF ONTARIO**

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