

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. ANDREW WAI-MING KWONG**, of the City of Scarborough, 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. ANDREW WAI-MING KWONG
600 Silver Star Blvd #301 – 302
Scarborough ON M1V 5N1

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 *Code* in that, during the year(s) 2020 and/or 2021, you falsified a record(s) relating to your practice in relation to one or more patients, contrary to paragraph 26 of Section 2 of Ontario Regulation 853/93 under the *Dentistry Act, 1991*, as amended (“*Professional Misconduct Regulation*”).

Particulars:

- You and/or staff for whom you were responsible documented false service dates for:
 - V.F.:
 - The clinical records show that on January 6, 2021 this patient had fluoride, polishing, scaling, an examination and two bitewing radiographs. This treatment was backdated to December 21, 2020 on financial records, including financial ledgers and/or walkout statements and/or insurance claims.
 - The clinical records show that on January 13, 2021 this patient had restorations on teeth 27 (upper left 2nd molar) and 37 (lower left 2nd molar). This treatment was backdated to December 23, 2020 on financial records, including financial ledgers and/or walkout statements and/or insurance claims.
 - R.H.:
 - The clinical records show that on January 13, 2021 this patient had fluoride, polishing, scaling and an examination. This treatment was backdated to December 21, 2020 on financial records, including financial ledgers and/or walkout statements and/or insurance claims.
 - V.R.:
 - The clinical records show that on January 13, 2021 this patient had fluoride, polishing, scaling, an examination and two bitewing radiographs. This treatment was backdated to December 19, 2020 on financial records, including financial ledgers and/or walkout statements and/or insurance claims.
 - The clinical records show that on January 20, 2021 this patient had restorations on teeth 25 (upper left 2nd bicuspid), 16 (upper right 1st molar) and 46 (lower right 1st molar). This treatment was backdated to December 19, 2020 on financial records, including financial ledgers and/or walkout statements and/or insurance claims.
 - S.U.:
 - The clinical records show that on January 18, 2021 this patient had

fluoride, polishing, scaling, an examination and two bitewing radiographs. This treatment was backdated to December 19, 2020 on financial records, including financial ledgers and/or walkout statements and/or insurance claims.

- U.M.:
 - The clinical records show that on January 6, 2021 this patient had restorations on teeth 16 (upper right 1st molar), 35 (lower left 2nd bicuspid) and 45 (lower right 2nd bicuspid). This treatment was backdated to December 23, 2020 on financial records, including financial ledgers and/or walkout statements and/or insurance claims.
2. You committed an act or acts of professional misconduct as provided by s.51(1)(c) of the *Code* in that, during the year(s) 2020 and/or 2021, you signed or issued a certificate, report or similar document that you knew or ought to known contained a false, misleading or improper statement in relation to one or more patients, contrary to paragraph 28 of Section 2 of the *Professional Misconduct Regulation*.

Particulars:

- You and/or staff for whom you were responsible issued insurance claims with service dates that you knew or ought to have known were false, misleading or improper for:
 - V.F.:
 - The clinical records show that on January 6, 2021 this patient had fluoride, polishing, scaling, an examination and two bitewing radiographs. This treatment was backdated to December 21, 2020 on insurance claims that were issued and submitted for payment.
 - The clinical records show that on January 13, 2021 this patient had restorations on teeth 27 (upper left 2nd molar) and 37 (lower left 2nd molar). This treatment was backdated to December 23, 2020 on insurance claims that were issued and submitted for payment.
 - R.H.:
 - The clinical records show that on January 13, 2021 this patient had fluoride, polishing, scaling and an examination. This treatment was backdated to December 21, 2020 on insurance claims that were issued

and submitted for payment.

○ V.R.:

- The clinical records show that on January 13, 2021 this patient had fluoride, polishing, scaling, an examination and two bitewing radiographs. This treatment was backdated to December 19, 2020 on insurance claims that were issued and submitted for payment.
- The clinical records show that on January 20, 2021 this patient had restorations on teeth 25 (upper left 2nd bicuspid), 16 (upper right 1st molar) and 46 (lower right 1st molar). This treatment was backdated to December 19, 2020 on insurance claims that were issued and submitted for payment.

○ S.U.:

- The clinical records show that on January 18, 2021 this patient had fluoride, polishing, scaling, an examination and two bitewing radiographs. This treatment was backdated to December 19, 2020 on insurance claims that were issued and submitted for payment.

○ U.M.:

- The clinical records show that on January 6, 2021 this patient had restorations on teeth 16 (upper right 1st molar), 35 (lower left 2nd bicuspid) and 45 (lower right 2nd bicuspid). This treatment was backdated to December 23, 2020 on insurance claims that were issued and submitted for payment.

3. You committed an act or acts of professional misconduct as provided by s.51(1)(c) of the *Code* in that, during the year(s) 2020 and/or 2021, you submitted an account or charge for dental services that you knew or ought to have known was false or misleading in relation to one or more patients, contrary to paragraph 33 of Section 2 of the *Professional Misconduct Regulation*.

Particulars:

- You and/or staff for whom you were responsible submitted charges and insurance claims with service dates that you knew or ought to have known were false or misleading for:

- V.F.:
 - The clinical records show that on January 6, 2021, this patient had fluoride, polishing, scaling, an examination and two bitewing radiographs. You charged for these dental services on December 21, 2020 and submitted insurance claims with a December 21, 2020 service date even though these dental services had not been provided.
 - The clinical records show that on January 13, 2021 this patient had restorations on teeth 27 (upper left 2nd molar) and 37 (lower left 2nd molar). You charged for these dental services on December 23, 2020 and submitted insurance claims with a December 23, 2020 service date even though these dental services had not been provided.
- R.H.:
 - The clinical records show that on January 13, 2021 this patient had fluoride, polishing, scaling and an examination. You charged for these dental services on December 21, 2020 and submitted insurance claims with a December 21, 2020 service date even though these dental services had not been provided.
- V.R.:
 - The clinical records show that on January 13, 2021 this patient had fluoride, polishing, scaling, an examination and two bitewing radiographs. You charged for these dental services on December 19, 2020 and submitted insurance claims with a December 19, 2020 service date even though these dental services had not been provided.
 - The clinical records show that on January 20, 2021 this patient had restorations on teeth 25 (upper left 2nd bicuspid), 16 (upper right 1st molar) and 46 (lower right 1st molar). You charged for these dental services on December 19, 2020 and submitted insurance claims with a December 19, 2020 service date even though these dental services had not been provided.
- S.U.:
 - The clinical records show that on January 18, 2021 this patient had

fluoride, polishing, scaling, an examination and two bitewing radiographs. You charged for these dental services on December 19, 2020 and submitted insurance claims with a December 19, 2020 service date even though these dental services had not been provided.

- U.M.:
 - The clinical records show that on January 6, 2021 this patient had restorations on teeth 16 (upper right 1st molar), 35 (lower left 2nd bicuspid) and 45 (lower right 2nd bicuspid). You charged for these dental services on December 23, 2020 and submitted insurance claims with a December 23, 2020 service date even though these dental services had not been provided.

4. You committed an act or acts of professional misconduct as provided by s.51(1)(c) of the *Code* in that, during the year(s) 2020 and/or 2021, 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 in relation to one or more patients, contrary to paragraph 59 of Section 2 of the *Professional Misconduct Regulation*.

Particulars:

You and/or staff for whom you were responsible falsified records to backdate dental treatment for the purpose of maximizing insurance benefits only available until the end of the calendar year. In so doing, you submitted claims for treatment that had not been provided, and misled insurers.

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]

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 15th day of December, 2023.



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. ANDREW WAI-MING KWONG**, of the City of Scarborough, 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 HEARING

**ROYAL COLLEGE OF DENTAL SURGEONS
OF ONTARIO**

6 Crescent Road
Toronto ON M4W 1T1

Telephone: 416-961-6555
Fax: 416-961-5814