

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. DWIGHT DAVID EICKMEIER**, of the City of London, 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. DWIGHT DAVID EICKMEIER
1422 Fanshawe Park Rd W #2
London ON N6G 0A4

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 2022, you contravened section 2(1) of the Ontario Regulation 853, Regulations of Ontario, 1993, in that you contravened a standard of practice or failed to maintain the standards of practice of the profession.

Particulars:

- You billed J.N. for 90 minutes of time-based hygiene services and 16 restorative procedures during an appointment when the treatment time was approximately

60-75 minutes and the total appointment length was no longer than 110 minutes including induction of general anaesthesia and recovery time.

- Some or all of the restorative treatment you billed during that appointment, if provided, did not meet the standards of practice of the profession because it is not possible to provide 16 restorations that meet the standards of practice of the profession and 90 minutes of time-based hygiene services in an appointment of that duration.
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 2022 you contravened section 2(6) of the Ontario Regulation 853, Regulations of Ontario, 1993, in that you recommended or provided an unnecessary dental service.

Particulars:

- You billed J.N. for 16 restorations (17OBL; 16OL; 11IBL; 25O; 22MBL; 21IBL; 38OB; 37OB; 36OB; 32IBL; 31IBL; 47OBL; 45OB; 44OB; 42IBL; 41IBL) on October 24, 2022. Many of the fillings were multi-surface restorations. Some or all of these restorations were not indicated based on the Patient's pre-treatment x-rays taken on the same date.
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 2022, you contravened section 2(33) of the Ontario Regulation 853, Regulations of Ontario, 1993, in that you submitted an account or charge for treatment that you knew or ought to have known was false or misleading.

Particulars:

- You billed J.N. for 16 restorations in addition to 90 minutes of time-based hygiene services during an appointment where the treatment time was approximately 60-75 minutes and the total appointment was no more than 110 minutes including induction and recovery. It was not possible to have provided all of the services you billed during an appointment of that length. You did not provide some or all of the services that you billed to the Patient.

4. You committed an act or acts of professional misconduct as provided by s.51(1)(c) of the Health Professions Procedural Code, being Schedule 2 of the *Regulated Health Professions Act, 1991*, Statutes of Ontario, 1991, Chapter 18 in that, during the year 2022, you contravened section 2(59) of the Ontario Regulation 853, Regulations of Ontario, 1993, in that 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.

Particulars:

- You billed J.N. for 16 restorations in addition to 90 minutes of time-based hygiene services during an appointment where the treatment time was approximately 60-75 minutes and the total appointment was no more than 110 minutes including induction and recovery. It was not possible to have provided all of the services you billed during an appointment of that length and/or it was not possible to provide all of the services you billed to the standards of practice of the profession. You did not provide some or all of the services that you billed to the Patient.
- You failed to take additional steps to ensure that the Patient, or their spouse while the Patient was under sedation, consented to all of your proposed treatment, including the cost of treatment, which was significantly more expensive than the Patient's expectations based on their experience at past appointments.

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

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**ROYAL COLLEGE OF DENTAL SURGEONS
OF ONTARIO**

6 Crescent Road
Toronto ON M4W 1T1

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