

**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. IVAN TUCAKOV**, 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. Ivan Tucakov  
1735 Kipling Avenue, #211  
Toronto ON M9R 2Y8

### 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 signed or issued a certificate, report or similar document that you knew or ought to have known contained a false, misleading or improper statement in relation to the patient, M.Z., contrary to paragraph 28 of Section 2 of Ontario Regulation 853/93 under the *Dentistry Act, 1991*, as amended (“*Professional Misconduct Regulation*”).

#### Particulars:

- Upon Sun Life Financial’s request for more information about a proposed

procedure, you issued a written response that contained a statement you knew or ought to have known was false, misleading or improper.

- Sun Life Financial received your estimate, dated December 4, 2020, for osseous grafting (procedural code 42621) in sextant six for M.Z.
  - On or about December 9, 2020, Sun Life Financial requested you provide additional information, including a diagnosis and rationale for the submitted procedure, and whether the proposed treatment would be done in conjunction with an extraction in the same sextant.
  - On or about January 9, 2021, Sun Life Financial received your signed response regarding the proposed treatment in sextant 6, in which you stated that there was no extraction planned and the rationale was to treat periodontal disease and preserve teeth. Based on this information, Sun Life Financial approved the estimate on or about January 14, 2021.
  - After receiving Sun Life Financial's approval, you performed an extraction of tooth 36 in conjunction with grafting on February 19, 2021.
  - The progress notes from M.Z.'s appointment on November 28, 2020 show that you identified tooth 36 (lower left 1st molar) as hopeless and recommended its extraction with osseous grafting.
  - The clinical records show a notation of a treatment plan dated November 28, 2020 to extract tooth 36 with grafting.
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 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 the patient, M.Z., contrary to paragraph 59 of Section 2 of the *Professional Misconduct Regulation*.

Particulars:

- Upon Sun Life Financial's request for more information about a proposed procedure, you provided the insurer information that you knew or ought to have known was false, misleading or improper.
- Sun Life Financial received your estimate, dated December 4, 2020, for osseous

grafting (procedural code 42621) in sextant six for M.Z.

- On or about December 9, 2020, Sun Life Financial requested you provide additional information, including a diagnosis and rationale for the submitted procedure, and whether the proposed treatment would be done in conjunction with an extraction in the same sextant.
- On or about January 9, 2021, Sun Life Financial received your signed response regarding the proposed treatment in sextant 6, in which you stated that there was no extraction planned and the rationale was to treat periodontal disease and preserve teeth. Based on this information, Sun Life Financial approved the estimate on or about January 14, 2021.
- After receiving Sun Life Financial's approval, you performed an extraction of tooth 36 in conjunction with grafting on February 19, 2021.
- The progress notes from M.Z.'s appointment on November 28, 2020 show that you identified tooth 36 (lower left 1st molar) as hopeless and recommended its extraction with osseous grafting.
- The clinical records show a notation of a treatment plan dated November 28, 2020 to extract tooth 36 with grafting.

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.

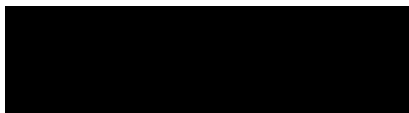
The *Code* also provides that in an appropriate case, a panel may make an order requiring you, in the event the panel finds you have committed an act or acts of professional misconduct or finds you to be incompetent, to pay all or part of the following costs and expenses:

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]



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 21<sup>st</sup> 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. IVAN TUCAKOV**, 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.

---

**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