

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. YURIY PAWLUK**, 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.

TO: Dr. Yuriy Pawluk
9 Madawaska Ave #202
Willowdale ON M2M 2R1

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 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 one or more of the following patients during one or more years specified below, contrary to paragraph 28 of Section 2 of Ontario Regulation 853/93 under the *Dentistry Act, 1991*, as amended (“*Misconduct Regulation*”).

Particulars:

- During the years 2017-2020, you submitted claims for services that were not provided, including restorations, radiographs, examinations, nitrous oxide and oxygen sedation.

- During the years 2019 and 2020, you submitted claims for restorations that were not provided, for three patients (A.B., E.B., M.B.).
 - During the year 2018, you submitted claims for radiographs that were not provided, for three patients (A.B., D.S., V.S.).
 - During the year 2020, you submitted claims for examinations that were not provided, for three patients (M.B., F.D., D.S.).
 - During the years 2017-2019, you submitted claims for nitrous oxide and oxygen saturation that were not provided, for one patient (N.K.).
 - During the years 2016-2021, you submitted claims for services with insufficient information to support the claims, including periodontal surgery, apicotomy/apical curettage and nitrous oxide and oxygen sedation.
 - During the years 2016-2021, you submitted claims for periodontal surgery with insufficient information to support the claims, for three patients (A.B., E.B., M.B.).
 - During years 2018 and 2019, you submitted claims for apicotomy/apical curettage with insufficient information to support the claims, for two patients (E.B., D.K.).
 - During the year 2020, you submitted claims for nitrous oxide and oxygen sedation with insufficient information to support the claims, for three patients (V.N., D.S., V.S.).
 - During the years 2019-2021, you submitted claims for scaling for three patients (A.B., E.B., M.B.) only a short period after the patients had received scaling;
 - Your chart entries during the year 2020 for one patient (M.B.) indicate that COVID-19 screening was done before the College first directed registrants to screen patients on March 13, 2020, which calls into question the accuracy of your records.
2. You committed an act or acts of professional misconduct as provided by s.51(1)(c) of the Code in that you submitted an account or charge for dental services that you knew or ought to have known was false or misleading relative to one or more of the following

patients during one or more of the years specified below, contrary to paragraph 33 of Section 2 of the Misconduct Regulation.

Particulars:

- During the years 2017-2020, you submitted claims for services that were not provided, including restorations, radiographs, examinations, nitrous oxide and oxygen sedation.
 - During the years 2019 and 2020, you submitted claims for restorations that were not provided, for three patients (A.B., E.B., M.B.).
 - During the year 2018, you submitted claims for radiographs that were not provided, for three patients (A.B., D.S., V.S.).
 - During the year 2020, you submitted claims for examinations that were not provided, for three patients (M.B., F.D., D.S.).
 - During the years 2017-2019, you submitted claims for nitrous oxide and oxygen saturation that were not provided, for one patient (N.K.).
- During the years 2016-2021, you submitted claims for services with insufficient information to support the claims, including periodontal surgery, apicotectomy/apical curettage and nitrous oxide and oxygen sedation.
 - During the years 2016-2021, you submitted claims for periodontal surgery with insufficient information to support the claims, for three patients (A.B., E.B., M.B.).
 - During years 2018, 2019, you submitted claims for apicotectomy/apical curettage with insufficient information to support the claims, for two patients (E.B., D.K.).
 - During the year 2020, you submitted claims for nitrous oxide and oxygen sedation with insufficient information to support the claims, for three patients (V.N., D.S., V.S.).
- During the years 2019-2021, you submitted claims for scaling for three patients (A.B., E.B., M.B.) only a short period after the patients had received scaling.

3. You committed an act or acts of professional misconduct as provided by s.51(1)(c) of the Code in that you charged a fee that was excessive or unreasonable in relation to the service performed relative to one or more of the following patients during one or more of the years specified below, contrary to paragraph 31 of the Misconduct Regulation.

Particulars:

- During the years 2017-2020, you submitted claims for services that were not provided, including restorations, radiographs, examinations, nitrous oxide and oxygen sedation.
 - During the years 2019 and 2020, you submitted claims for restorations that were not provided, for three patients (A.B., E.B., M.B.).
 - During the year 2018, you submitted claims for radiographs that were not provided, for three patients (A.B., D.S., V.S.).
 - During the year 2020, you submitted claims for examinations that were not provided, for three patients (M.B., F.D., D.S.).
 - During the years 2017-2019, you submitted claims for nitrous oxide and oxygen saturation that were not provided, for one patient (N.K.).
- During the years 2016-2021, you submitted claims for services with insufficient information to support the claims, including periodontal surgery, apicotectomy/apical curettage and nitrous oxide and oxygen sedation.
 - During the years 2016-2021, you submitted claims for periodontal surgery with insufficient information to support the claims, for three patients (A.B., E.B., M.B.).
 - During years 2018 and 2019, you submitted claims for apicotectomy/apical curettage with insufficient information to support the claims, for two patients (E.B., D.K.).
 - During the year 2020, you submitted claims for nitrous oxide and oxygen sedation with insufficient information to support the claims, for three patients (V.N., D.S., V.S.).

- During the years 2019-2021, you submitted claims for scaling for three patients (A.B., E.B., M.B.) only a short period after the patients had received scaling.
4. You committed an act or acts of professional misconduct as provided by s.51(1)(c) of the Code in that you contravened a standard of practice or failed to maintain the standards of practice of the profession relative to one or more of the following patients during one or more of the years specified below, contrary to paragraph 1 of Section 2 of the Misconduct Regulation.

Particulars:

- During the years 2016-2021, you provided aggressive periodontal surgery without adequate investigation or a sanative phase, for three patients (A.B., E.B., M.B.).
5. You committed an act or acts of professional misconduct as provided by s.51(1)(c) of the Code in that you failed to keep records as required by the Regulations relative to one or more of the following patients during one or more of the years specified below, contrary to paragraph 25 of Section 2 of the Misconduct Regulation.

Particulars:

- Your clinical recordkeeping was seriously deficient during the years 2019-2021, including failing to document a diagnosis and the placement of restorations, for three patients (A.B., M.B., V.N.);
 - You failed to document pre-operative instructions and sedation procedure details during the year 2020, for three patients (A.B., E.B., M.B.).
 - You failed to retain the financial ledgers for 19 patients (A.B., E.B., M.B., F.D., V.G., S.H., E.H., G.H., A.I., D.K., M.K.1., M.K.2., N.K., V.N., B.R., M.S., D.S., V.S., O.Z.) and related appointment schedules.
6. 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) 2022 and/or 2023, you failed to reply appropriately or

within a reasonable time to a written enquiry made by the College, contrary to paragraph 58 of Section 2 of the Misconduct Regulation.

Particulars:

- You failed to reply appropriately or within a reasonable time to the College's written request for patient records;
 - You failed to comply with a request from the College to provide the financial ledgers for 19 patients (A.B., E.B., M.B., F.D., V.G., S.H., E.H., G.H., A.I., D.K., M.K.1, M.K.2, N.K., V.N., B.R., M.S., D.S., V.S., O.Z.) and related appointment schedules.
7. 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) 2022 and/or 2023, 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 contrary to paragraph 59 of Section 2 of the Misconduct Regulation.

Particulars:

- You failed to advise the College in 2021 that a flood had destroyed patient ledgers and you did not take appropriate steps to recover the ledgers or notify patients about their loss, as required by College guidance;
- During the years 2017-2020, you submitted claims for services that were not provided including: restorations, radiographs, examinations, nitrous oxide and oxygen sedation, for five patients (A.B., E.B., M.B., D.S., F.D.);
- During the years 2016-2021, you submitted claims for services with insufficient information to support the claims, including: periodontal surgery, apicotectomy/apical curettage and nitrous oxide and oxygen sedation, for seven patients (A.B., E.B., M.B., D.K., V.N., D.S., V.S.);
- During the years 2019-2021, you submitted claims for scaling for three patients (A.B., E.B., M.B.) only a short period after the patients had received scaling;

- Your chart entries during the year 2020 for one patient (M.B.) indicate that COVID-19 screening was done before the College first directed registrants to screen patients on March 13, 2020, which calls into question the accuracy of your records.

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:



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 2nd day of April, 2024.



Royal College of Dental Surgeons of Ontario

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