

**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. WALTER HEIDARY**, of the City of Burlington, 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.

**TO: Dr. Walter Heidary**  
**2180 Itabashi Way**  
**Burlington, ON L7M 5A5**

## **NOTICE OF HEARING**

### **TAKE NOTICE THAT IT IS ALLEGED THAT:**

1. You committed an act or acts of professional misconduct as provided by section 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 2019, 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:

- In or about 2019, you provided orthodontic treatment to MS (the Patient).

- Your diagnostic statement for the Patient was incomplete because it did not mention the case's complexities, including inclination of the Patient's teeth.
  - Your case work-up was incomplete because you did not perform any orthodontic analysis or take any necessary diagnostic radiographs and did not create or provide the Patient with a treatment plan for their orthodontic treatment.
  - You proceeded with orthodontic treatment without properly assessing the periodontal tissues surrounding the teeth, including probing, radiographs, and bone margin assessment.
  - You did not ask the Patient relevant questions about their medical and dental history before proceeding with the treatment.
  - You did not communicate with the Patient at all during the treatment, even when they raised concerns that they were experiencing an allergic reaction to the treatment.
  - You did not follow up with the Patient about their concern that they had sores in their mouth due to an allergic reaction. You did not assess the Patient's condition, or recommend that the Patient see a doctor or dentist about this concern.
2. You committed an act or acts of professional misconduct as provided by section 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 2019, you contravened section 2(7) of the Ontario Regulation 853, Regulations of Ontario, 1993, in that you treated a patient for a therapeutic, preventative, palliative, diagnostic, cosmetic, or other health-related purpose in which a consent is required by law, without such a consent.

Particulars:

- You did not discuss the risks, benefits, side effects, and alternatives of the orthodontic treatment with the Patient before beginning the treatment.
- You did not know what the Patient's chief complaint was or the reason why they wanted the treatment at all.
- The Patient was required to sign an informed consent form at the same

appointment when scans were taken and before the Patient had an opportunity to review the images depicting the projected treatment outcome.

- You did not discuss any treatment plan with the Patient.
  - You delegated your responsibility to obtain the Patient's informed consent to treatment to administrative staff and never communicated with the Patient directly about their informed consent to the treatment.
3. You committed an act or acts of professional misconduct as provided by section 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 2019, you contravened section 2(25) of the Ontario Regulation 853, Regulations of Ontario, 1993, in that you failed to keep records as required by the regulations.

Particulars:

- Your records for the Patient were incomplete, and did not include:
  - Side or occlusal pictures of the teeth;
  - Diagnostic radiographs;
  - An orthodontic analysis;
  - A problem list;
  - An objective list;
  - A treatment plan.

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] [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 24<sup>th</sup> day of April, 2024.



Royal College of Dental Surgeons of Ontario

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### **ROYAL COLLEGE OF DENTAL SURGEONS OF ONTARIO**

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