

**DISCIPLINE COMMITTEE OF THE ROYAL COLLEGE OF DENTAL SURGEONS OF
ONTARIO**

Citation: Royal College of Dental Surgeons of Ontario v. Estrabillo, 2025 ONRCDSO 3

Date: 2025-07-03

File No.: 24-0318

IN THE MATTER OF: A Hearing 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”)

AND IN THE MATTER OF: the *Dentistry Act* and Ontario Regulation 853, Regulations of Ontario, 1993, as amended (“Dentistry Act Regulation”)

BETWEEN:

Royal College of Dental Surgeons of Ontario

-and-

Dr. Rolando Estrabillo

FINDING AND PENALTY REASONS

RESTRICTION ON PUBLICATION

In the matter of the Royal College of Dental Surgeons of Ontario and Dr. Rolando Estrabillo the Discipline Panel ordered, under ss 45(3) of the Health Professions Procedural Code, that no person shall publish or broadcast the identity of any patients of the Registrant, or any information that could disclose the identity of any patients who are named in the exhibits marked at the hearing.

PANEL MEMBERS:

Judy Welikovitich, chair, public member
Noha Gomaa, professional member
Andrea Gonsalves, subject matter expert

APPEARANCES:

Amy Block, for the College
Matthew Wilton, for Dr. Estrabillo

Heard: March 18, 2025, by videoconference

Decision Date: March 18, 2025

Release of Written Reasons: July 3, 2025

REASONS FOR DECISION

[1] This matter came on for hearing before a panel of the Discipline Committee (the “**Panel**”) of the Royal College of Dental Surgeons of Ontario (the “**College**”) in Toronto on March 18, 2025. This matter was heard electronically.

[2] At the outset of the hearing, the College sought an order that no person shall publish or broadcast the identity of the patient of the Registrant, or any information that could disclose the identity of the patient named in the exhibits marked at the hearing or in the submissions made orally at the hearing. The Registrant consented to the request. The Panel granted the order.

The Allegations

[3] The College’s allegations of professional misconduct against Dr. Estrabillo (the “**Registrant**”) are set out in a Notice of Hearing dated May 1, 2024, as follows:

- a) You committed an act or acts of professional misconduct as provided by section 51(1)(c) of the Code in that, during the years 2021 and 2022, you failed to comply with an Order of the Discipline Committee dated May 4, 2021, contrary to paragraph 52 of Section 2 of Ontario Regulation 853/93, under the *Dentistry Act, 1991*, as amended.

Particulars

- You performed implant dentistry for the patients listed below in breach of an Order of the Discipline Committee dated May 4, 2021, that, among other things, permanently restricted you from performing implant dentistry.

<u>Patients</u>	<u>Dates (as per chart notes)</u>
B.D.	May 14, 2021
B.R.	March 22, 2022
C.J.	May 14, 2021; April 25, 2022; May 16, 2022
D.M.	May 8, 2021
F.M.	May 7, 2021
H.J.	May 3, 2021; May 13, 2021
P.M.	March 15, 2022; March 25, 2022
S.S.J.	June 3, 2022

The Registrant's Plea

[4] The Registrant admitted the allegation of professional misconduct contained in the Notice of Hearing. A written plea inquiry signed by the Registrant was entered into evidence at the hearing. Based on the Registrant's responses to the plea inquiry, the Panel was satisfied that his admissions were voluntary, informed and unequivocal.

The Evidence

[5] On consent of the parties, the College introduced into evidence an Agreed Statement of Facts (Exhibit 3). The Agreed Statement of Facts provides as follows:

Background

a. The Registrant

1. Dr. Rolando Estrabillo ("Dr. Estrabillo" or the "Registrant") has been registered with the Royal College of Dental Surgeons of Ontario (the "College") as a general dentist since 1987.
2. At the material times, the Registrant practiced at his clinic, Estrabillo Dental Group, located in Ancaster, Ontario (the "Clinic").

b. The Notice of Hearing

3. The allegations of professional misconduct against the Registrant are set out in the Notice of Hearing dated May 1, 2024, attached at **Tab A** [omitted from these reasons].
4. It is alleged that the Registrant failed to comply with an order of the Discipline Committee made April 28, 2021 (the "**2021 Discipline Committee Order**") contrary to paragraph 52 of section 2 of Ontario Regulation 853/93, under the *Dentistry Act*, 1991, as amended.
5. The College and the Registrant have agreed to resolve the allegations on the basis of the facts and admissions set out below.

Admitted Facts

a. The 2021 Discipline Proceedings

6. In December 2019, allegations of professional misconduct were referred to the Discipline Committee in respect of the Registrant. The allegations arose following a complaint made by a patient who the Registrant treated in 2017 and 2018.
7. The Registrant was represented by legal counsel, Brian Greenspan, in the proceeding (the “**Registrant’s Counsel**”).
8. On April 28, 2021, following a hearing that proceeded by way of agreed statement of facts and joint submission on penalty, the Registrant was found guilty of professional misconduct for having:
 - Charged excessive or unreasonable fees;
 - Contravened a standard of practice or failed to maintain the standards of practice of the profession;
 - Engaged in disgraceful, dishonourable, unprofessional or unethical conduct;
 - Made a representation about a treatment, remedy, device or procedure without scientific/empirical basis;
 - Recommended or provided an unnecessary dental service; and,
 - Treated a patient without consent.
9. A copy of the decision and reasons of the Discipline Committee released on May 4, 2021 are attached at **Tab B** [omitted from these reasons].
10. As set out in the reasons of the Discipline Committee, the Registrant was found to have provided two years of unnecessary treatment to the patient without any scientific basis, including nine extractions of asymptomatic teeth and inappropriate placement of multiple implants that required revision.
11. The concerns before the panel of the Discipline Committee were not limited to the surgical aspect of implant dentistry. Concerns included the Registrant’s recommendation, assessment and work-up as it pertained to implant dentistry:
 - The Registrant advised the patient that all her teeth with previous root canals were infected and/or had toxins that were leaching into her body and were

exacerbating her pre-existing health issues. These teeth were in fact asymptomatic.

- The Registrant recommended these teeth be extracted and replaced with implants, without adequate consideration of the patient's medical and physical suitability and without adequate treatment planning and case work-up.
 - In subsequent appointments, the Registrant recommended again that the teeth with proper root canal treatment be extracted. He advised the patient that if she did not have an implant her bone would collapse. The Discipline Committee found there was no generally accepted scientific or empirical basis supporting this representation.
 - The Registrant proceeded to perform unnecessary tooth extractions and implants. The Registrant admitted that he placed implants in the patient without doing adequate treatment planning and case work up, without adequate assessment, and without first considering minimally invasive or non-invasive steps, among other things.
12. The Discipline Committee found his implant dentistry practice from initial assessment and treatment plan to implantation contravened or failed to maintain the standards of practice. The Discipline Committee concluded that the Registrant showed disregard for his obligations as a dentist and displayed a lack of concern for his patient's well-being, which resulted in irreversible harm to the patient.
13. On April 28, 2021, the Discipline Committee made an order on penalty (the 2021 Discipline Committee Order) which included the following terms:
- (a) The Registrant receive a reprimand;
 - (b) The Registrant receive a 10-month suspension which shall commence May 15, 2021;
 - (c) The Registrant shall be restricted permanently from performing implant dentistry;

- (d) The Registrant shall successfully complete the following educational courses: (i) PROBE Program for Professional/Problem-Based Ethics and (ii) a one-on-one course in Informed Consent;
- (e) The Registrant shall be subject to monitoring for a period of 24 months following his return to practice after completion of his suspension by means of periodic inspections or chart reviews by a representative of the College; and
- (f) Costs of \$30,000.

14. In its reasons on penalty, the panel remarked:

Further, the public will be protected with the permanent restriction on the member's ability to perform implant dentistry. This prohibition sends a clear message to all members of the profession that the College will not tolerate members performing unnecessary dental services, submitting false, excessive or unreasonable claims, failing to properly obtain informed consent, failing to meet the standards of practice.

- 15. A negotiated term of the resolution was that the suspension would commence May 15, 2021, rather than the date of the Order (April 28, 2021). All other terms of the Order took effect immediately.
- 16. At the conclusion of the hearing, the Registrant waived his right of appeal, the Order took effect immediately and the Registrant received his reprimand.

b. Monitoring of the 2021 Discipline Committee Order

- 17. The Registrant was subject to monitoring pursuant to the terms of the 2021 Discipline Committee Order.
- 18. In May and June 2022, the College's Practice Monitor reviewed randomly selected records for patients treated by the Registrant following his return to practice after the completion of the suspension.
- 19. Notwithstanding that the 2021 Discipline Committee Order restricted the Registrant from performing implant dentistry, the patient records reviewed

revealed that the Registrant provided implant treatment between March and May 2022 to three different patients, including:

- Providing Laser-assisted periodontal treatment for peri-implantitis around three implants;
- Removing of a healing screw, placing a transmucosal healing abutment, taking an impression for a crown, inserting the crown, subsequently removing the crown and taking an impression for a future implant retained bridge; and
- Placing a free gingival graft to cover exposed threads on an implant that he felt were impinging on soft-tissue causing pain.

c. College Investigation

20. On the basis of this information, the Registrar formed reasonable and probable grounds to conduct an investigation into the Registrant's dentistry practice and his conduct, including his compliance with the 2021 Discipline Committee Order.
21. In the investigation, the College reviewed patient records in respect of 12 patients.
22. In 12 instances (in 8 of the 12 patients whose records were obtained), the Registrant performed implant dentistry in breach of the 2021 Discipline Committee Order.
23. Specifically, the Registrant performed implant dentistry between April 28, 2021 (the date the practice restriction prohibiting implant dentistry took effect) and May 15, 2021 (the date the commencement of the suspension) as follows:

DATE	TREATMENT
May 3, 2021	H.J.: Performed second stage therapy for a previously placed implant
May 7, 2021	F.M: Placed an implant
May 8, 2021	D.M: Placed an implant
May 13, 2021	H.J.: Performed element of restorative dentistry for implant fixture
May 14, 2021	B.D. Performed element of restorative dentistry for implant fixture

May 14, 2021 C.J.: Placed an implant

24. If the Registrant were to testify, he would state that, notwithstanding he was represented by legal counsel, he did not appreciate that the practice restriction took effect immediately.
25. The Registrant's Counsel states that during the resolution discussions regarding the 2021 discipline proceeding, he was instructed by the Registrant to negotiate a delayed commencement of the suspension in order for the Registrant to be able to transition his practice to another dentist. According to the Registrant's Counsel, there was no express discussion as to when the prohibition on implant dentistry commenced as it was the Registrant's Counsel's understanding that the Registrant would not be engaging in implant dentistry during the 15-day period before the suspension took effect.
26. At no time did the Registrant make any inquiries of the College and/or of the Registrant's Counsel to clarify or confirm whether his alleged understanding was correct. The Registrant acknowledges and admits that it was his obligation to do so and takes full responsibility for his breach.
27. Following the suspension, upon his return to practice in March 2022, the Registrant continued to breach the 2021 Discipline Committee Order by performing implant dentistry as follows:

DATE	TREATMENT
March 15, 2022	P.M.: Performed periodontal and/or surgical therapy for a compromised implant
March 22, 2022	B.R.: Performed periodontal and/or surgical therapy for a compromised implant
March 25, 2022	P.M.: Performed periodontal and/or surgical therapy for a compromised implant
April 25, 2023	C.J.: Performed element of restorative dentistry for implant fixture
May 16, 2022	C.J.: Performed second stage therapy for a previously placed implant
June 3, 2022	S.S.J.: Performed element of restorative dentistry for implant fixture

28. By performing the treatment identified in paragraphs 21 and 22 above, the Registrant failed to comply with the 2021 Discipline Committee Order which permanently restricted him from performing implant dentistry.
29. If the Registrant were to testify, he would state that, notwithstanding the 2021 Discipline Committee Order permanently restricted him from performing “implant dentistry”, he assumed he was restricted from performing “implant surgery” only. The Registrant acknowledges and admits that this assumption was unreasonable and unfounded, including in light of the nature of the 2021 Discipline Committee Order, his recent history with the College, and the College’s May 2013 “Guidelines: Educational requirements and Responsibilities for Implant Dentistry”
30. The Registrant acknowledges and admits that at no time prior to the College’s investigation did the Registrant make any inquiries of the College and/or the Registrant’s Counsel to clarify or confirm whether this alleged understanding was correct. The Registrant acknowledges and admits that it was his obligation to do so, and takes full responsibility for his breach.

Past History

31. In addition to the 2021 discipline proceedings described above, the Registrant’s discipline history before the College includes the following:
 - (a) In December 2011, the Discipline Committee made findings of professional misconduct against the Registrant for failing to maintain the standards of practice and disgraceful, dishonourable, unprofessional and unethical conduct. The findings of misconduct related to the Registrant’s treatment of 17 patients. Specifically, the Registrant:
 - (i) failed to adequately probe and/or document patients’ medical condition(s);
 - (ii) failed to examine/chart patients’ condition(s);
 - (iii) lacked support for a diagnosis;
 - (iv) performed unnecessary dental services;
 - (v) had incomplete record keeping; and
 - (vi) charged inappropriate fees.

The Discipline Committee imposed a penalty consisting of a reprimand, four month suspension, practice restrictions, course work, mentoring, and payment of costs of \$10,000 to the College. A copy of the decision is attached at **Tab C** [omitted from these reasons].

32. The ICRC has also considered the Registrant's practice on a number of other occasions. Those matters were resolved as follows:
 - (a) In 2001, an Undertaking in relation to misleading and comparative advertising, including an apology, agreement to have future ads vetted for one year, and a commitment to comply in the future.
 - (b) In 2004, an Undertaking in relation to further problematic advertising, including an apology, agreement to have future ads vetted for five years, and a commitment to comply in the future.
 - (c) In 2016, a Caution for making a false, inaccurate and misleading statement in a newspaper article regarding Health Canada's view on dental amalgam use in children; and publishing an advertisement that was confusing, misleading, and suggested superiority over other dental practices.
 - (d) In 2018, advice and recommendations from the ICRC regarding the need to obtain informed consent from patients for video recording prior to the commencement of each recording.
 - (e) In 2018, advice and recommendations from the ICRC regarding not performing or billing for unnecessary bone curettage, not taking excessive radiographs, and that if he removes a lesion large enough to bill separately for, he should also send it out to have a biopsy performed.
 - (f) In 2018, a Remedial Agreement to undergo practice monitoring with respect to his sedation practices.
 - (g) In 2020, a Caution for conduct that did not meet the standards of the profession regarding implant dentistry, including with respect to recommending the implant and informed consent, not adequately preparing the implant site, not recognizing the limitations of his work and failing to involve a specialist, and placing crowns without consent.

- (h) In 2021, a SCERP requiring the Registrant to complete a course in Prosthodontics, including workups and diagnostics for occlusal equilibrations, excluding implant dentistry and a caution regarding his occlusal equilibration procedure and lack of insight.
- (i) In 2021, advice and recommendations from the ICRC regarding patient selection. The complaint related to implant dentistry prior to the 2021 Discipline Order. The panel noted “given that the Registrant is no longer performing implant treatment ...its advice and recommendation to the Registrant about patient selection is not specific to implant treatment, but rather could be applied to all areas of dentistry”.
- (j) In 2023, advice and recommendations from the ICRC to be truthful with patients. The Registrant treated a patient on May 4, 2021 knowing his suspension was about to commence and he would not be in a position to provide follow-up or re-evaluate her at the end of the three-month treatment course. The panel was concerned with the Registrant’s ethical obligations and noted he was subject to an order by the Discipline Committee to complete PROBE Program for Professional/Problem-Based Ethics.

Summary

- 33. The Registrant admits the particulars of the Allegations set out in the Notice of Hearing, to which he has pleaded guilty, and admits the facts as set out above. The Registrant further admits that these acts constitute professional misconduct
- 34. The Registrant admits that he committed an act or acts of professional misconduct as provided by section 51(1)(c) of the Code in that, during the years 2021 and 2022, he failed to comply with an Order of the Discipline Committee, contrary to paragraph 52 of Section 2 of Ontario Regulation 853/93, under the *Dentistry Act, 1991*, as amended.

Decision

[6] Having considered the evidence and submissions of the parties, the Panel finds, on a balance of probabilities, that the Registrant committed professional misconduct as set out in the Notice of Hearing (“**NOH**”, Exhibit 1).

Reasons for Decision

[7] The Notice of Hearing sets out a single allegation against the Registrant, namely that he failed to comply with an Order of the Discipline Committee (the “**DC Order**”), contrary to paragraph 52 of Section 2 of Ontario Regulation 853/93, under the Ontario *Dentistry Act, 1991*, as amended. The DC Order was announced orally on April 28, 2021 and written reasons for the DC Order were released on May 4, 2021.

[8] As set forth in the Agreed Statement of Facts, Dr. Estrabillo admitted the particulars of the allegations as set out in the NOH¹ and as described above. He further admitted and acknowledged that these acts constituted professional misconduct. Before accepting Dr. Estrabillo’s plea, the Panel conducted an oral plea enquiry. The Panel found that Dr. Estrabillo’s plea was unequivocal, voluntary and informed.

[9] It was alleged in the Notice of Hearing that, notwithstanding the permanent restriction imposed on Dr. Estrabillo’s ability to practice implant dentistry commencing on April 28, 2021, the Registrant:

- a) continued to perform implant dentistry after April 28, 2021, in the days leading up to the effective date of suspension on May 15, 2021. It was alleged that he did so with respect to five (5) patients on a total of six (6) separate occasions; and
- b) also practised implant dentistry in the two (2) months following his return to practice in March 2022 at the conclusion of his suspension period. It was alleged that he did so with respect to four (4) patients on a total of six (6) separate occasions.

[10] The Panel found that while the effective date of the suspension was delayed to May 15, 2021, the part of the DC Order of April 28, 2021 that permanently restricted Dr. Estrabillo from practising implant dentistry took effect immediately.

Pre-Suspension Breaches: April 28, 2021 to May 14, 2021

[11] The evidence is clear that Dr. Estrabillo provided implant dentistry to five patients on six separate occasions between April 28, 2021 and May 15, 2021, contrary to the permanent restriction on his certificate of registration, which was in effect during that timeframe.

¹ See also ASF, paras.23, 25, 29, 32 and 33

[12] The Agreed Statement of Facts contained evidence regarding the Registrant's understanding of the DC Order made on April 28, 2021. Specifically, the parties stipulated that if the Registrant were to testify, he would state that, notwithstanding that he was represented by legal counsel, he did not appreciate that the practice restriction took effect immediately.²

[13] By contrast, according to the Agreed Statement of Facts Dr. Estrabillo's legal counsel stated that during the resolution discussions regarding the 2021 discipline proceeding, he was instructed by the Registrant to negotiate a delayed commencement of the suspension only; that there was no express discussion as to when the prohibition on implant dentistry commenced,³

[14] Notwithstanding his stated misunderstanding about the effective date of the permanent prohibition on implant dentistry, Dr. Estrabillo admitted that he practised implant dentistry while he was restricted from doing so, and acknowledged that it was his obligation to clarify or confirm whether his understanding was correct yet he failed to do so.

[15] Dr. Estrabillo thus took full responsibility for the breaches that he admits occurred.

Post-Suspension Breaches: March 15, 2022 to June 3, 2022

[16] The Registrant resumed practising implant dentistry upon his return to practice from suspension in March 2022. He practised implant dentistry on six separate occasions with respect to four patients.

[17] Dr. Estrabillo stated that his understanding of "implant dentistry" impacted only his ability to practice "implant surgery". Accordingly, based upon his interpretation of those words, he was still able to practise "non-surgical" aspects of implant dentistry.

[18] Dr. Estrabillo acknowledged and admitted that at no time prior to the College's investigation did he make any inquiries of the College and/or his lawyer to clarify or confirm whether his alleged understanding of these words was correct.

[19] The Registrant acknowledged and admitted that it was his obligation to make those enquiries and his evidence was that he took full responsibility for his failure to do so and for the breach.⁴

² See ASF, para. 23

³ See ASF, para. 24

⁴ See ASF, paras. 28 - 29

[20] The Panel found, on a balance of probabilities, that Dr. Estrabillo's distinction between "implant dentistry" and "implant surgery" was unreasonable and unfounded, particularly when reference is made to the College's May 2013 *Guideline* entitled "*Educational Requirements and Responsibilities for Implant Dentistry*". This fact was specifically admitted and acknowledged by the Registrant.⁵

[21] The Panel found on the evidence, on a balance of probabilities, that Dr. Estrabillo engaged in professional misconduct when he continued to practise implant dentistry after having been permanently restricted from doing so by the DC Order effective April 28, 2021. He engaged in that misconduct in both the two weeks leading up to the commencement of his suspension on May 15, 2021 and in the two months following the conclusion of his suspension on March 15, 2022.

Penalty Submissions

[22] The parties presented the Panel with a Joint Submission with respect to Penalty and Costs ("**JSPC**") (Exhibit 4), and asked the Panel to make an order as follows:

- (a) requiring the Registrant to appear before the panel of the Discipline Committee to be reprimanded within ninety (90) days of this Order becoming final or on a date fixed by the Registrar;
- (b) directing the Registrar to suspend the Registrant's certificate of registration for a period of ten (10) months, to be served consecutively, such suspension to commence the date of this Order;
- (c) that the Registrar impose the following terms, conditions and limitations on the Registrant's certificate of registration (the "**Suspension Conditions**"), which conditions shall continue until the suspension of the Registrant's certificate of registration as referred to in subparagraph 1(b) above has been fully served, namely:
 - (i) while the Registrant's certificate of registration is under suspension, the Registrant shall immediately inform the following people about the suspension:
 - a. staff in the offices or practices in which the Registrant works, including other regulated professionals and administrative staff;

⁵ Ibid, para. 28

- b. dentists with whom the Registrant works, whether the Registrant is a principal in the practice or otherwise associated with the practice;
 - c. dentists or other individuals who routinely refer patients to the Registrant;
 - d. faculty members at Faculties of Dentistry, if the Registrant is affiliated with the Faculty in an academic or professional capacity;
 - e. owners of a practice or office in which the Registrant works;
 - f. patients who ask to book an appointment during the suspension, or whose previously booked appointment has been rescheduled due to the suspension. The Registrant may assign administrative staff to inform patients about the suspension. All communications with patients must be truthful and honest;
- (ii) while suspended, the Registrant must not engage in the practice of dentistry, including but not limited to:
- a. acting in any manner that suggests the Registrant is entitled to practice dentistry. This includes communicating diagnoses or offering clinical advice in social settings. The Registrant must ensure that administrative or office staff do not suggest to patients in any way that the Registrant is entitled to engage in the practice of dentistry;
 - b. giving orders or standing orders to dental hygienists;
 - c. supervising work performed by others;
 - d. working in the capacity of a dental assistant or performing laboratory work;
 - e. acting as a clinical instructor.
- (iii) while suspended, the Registrant must not be present in offices or practices where the Registrant works when patients are present, except for emergencies that do not involve patients. The Registrant must immediately advise the Registrar in writing about any such emergencies;
- (iv) while suspended, the Registrant must not benefit or profit, directly or indirectly from the practice of dentistry.
- a. the Registrant may arrange for another dentist to take over their practice during the suspension period. If another dentist assumes the practice, all of the billings of the practice during the suspension period belong to that dentist. The Registrant may be reimbursed for actual out-of-pocket expenses incurred in respect of the practice during the suspension period;

- b. the Registrant is permitted to sign and/or submit insurance claims for work that was completed prior to the suspension;
 - c. the Registrant must not sign insurance claims for work that has been completed by others during the suspension period.
 - (v) the Registrant shall cooperate with any office monitoring which the Registrar feels is needed to ensure that the Registrant has complied with the Suspension Conditions. The Registrant must provide the College with access to any records associated with the practice that the College may require to verify that the Registrant has not engaged in the practice of dentistry or profited during the suspension; and
 - (vi) the Suspension Conditions imposed by virtue of subparagraphs 1(c)(i)-(v) above shall be removed at the end of the period that the Registrant's certificate of registration is suspended.
- (d) directing that the Registrar also impose the following additional terms, conditions and limitations on the Registrant's Certificate of Registration (the "**Practice Restrictions**"), namely:
- (i) requiring that the Registrant successfully complete, at their own expense, a one-on-one course in Ethics, approved by the College, and provide proof of successful completion in writing to the Registrar within six (6) months of this Order becoming final;
 - (ii) the Registrant's practice shall be monitored by the College by means of office visit(s) by a representative or representatives of the College at such time or times as the College may determine with advance notice to the Registrant, during the period commencing with the date of the finalization of this Order and ending twenty-four (24) months from the College receiving proof of the Registrant's successful completion of the course(s) referred to above, or until the Inquiries, Complaints and Reports Committee is satisfied that the Registrant has successfully completed the monitoring program, whichever date is later;
 - (iii) that the Registrant shall cooperate with the College during the office visit(s) and further, shall pay to the College in respect of the costs of monitoring, the amount of \$1,000.00 per office visit, such amount to be paid immediately after completion of each of the office visit(s);
 - (iv) that the representative or representatives of the College shall report the results of those office visit(s) to the Inquiries, Complaints and Reports

Committee of the College and the Inquiries, Complaints and Reports Committee may, if deemed warranted, take such action as it considers appropriate.

(e) that the Registrant pay costs to the College in the amount of \$7,500.00 in respect of this discipline hearing, such costs to be paid in full within thirty (30) days of this Order becoming final.

Penalty Decision

[23] The Panel accepted the Joint Submission with respect to Penalty and Costs, and made the following order (the “**Order**”):

- (a) The Registrant is required to appear before the panel of the Discipline Committee to be reprimanded within ninety (90) days of this Order becoming final or on a date fixed by the Registrar;
- (b) The Registrar is directed to suspend the Registrant’s certificate of registration for a period of ten (10) months, to be served consecutively, such suspension to commence the date of this Order;
- (c) The Registrar is directed to impose the following terms, conditions and limitations on the Registrant’s certificate of registration (the “**Suspension Conditions**”), which conditions shall continue until the suspension of the Registrant’s certificate of registration as referred to in subparagraph 1(b) above has been fully served, namely:
 - (i) while the Registrant’s certificate of registration is under suspension, the Registrant shall immediately inform the following people about the suspension:
 - a. staff in the offices or practices in which the Registrant works, including other regulated professionals and administrative staff;
 - b. dentists with whom the Registrant works, whether the Registrant is a principal in the practice or otherwise associated with the practice;
 - c. dentists or other individuals who routinely refer patients to the Registrant;
 - d. faculty members at Faculties of Dentistry, if the Registrant is affiliated with the Faculty in an academic or professional capacity;
 - e. owners of a practice or office in which the Registrant works;
 - f. patients who ask to book an appointment during the suspension, or whose previously booked appointment has been rescheduled due to the suspension.

The Registrant may assign administrative staff to inform patients about the suspension. All communications with patients must be truthful and honest;

- (ii) while suspended, the Registrant must not engage in the practice of dentistry, including but not limited to:
 - a. acting in any manner that suggests the Registrant is entitled to practice dentistry. This includes communicating diagnoses or offering clinical advice in social settings. The Registrant must ensure that administrative or office staff do not suggest to patients in any way that the Registrant is entitled to engage in the practice of dentistry;
 - b. giving orders or standing orders to dental hygienists;
 - c. supervising work performed by others;
 - d. working in the capacity of a dental assistant or performing laboratory work;
 - e. acting as a clinical instructor.
- (iii) while suspended, the Registrant must not be present in offices or practices where the Registrant works when patients are present, except for emergencies that do not involve patients. The Registrant must immediately advise the Registrar in writing about any such emergencies;
- (iv) while suspended, the Registrant must not benefit or profit, directly or indirectly from the practice of dentistry.
 - a. the Registrant may arrange for another dentist to take over their practice during the suspension period. If another dentist assumes the practice, all of the billings of the practice during the suspension period belong to that dentist. The Registrant may be reimbursed for actual out-of-pocket expenses incurred in respect of the practice during the suspension period;
 - b. the Registrant is permitted to sign and/or submit insurance claims for work that was completed prior to the suspension;
 - c. the Registrant must not sign insurance claims for work that has been completed by others during the suspension period.
- (v) the Registrant shall cooperate with any office monitoring which the Registrar feels is needed to ensure that the Registrant has complied with the Suspension Conditions. The Registrant must provide the College with access to any records associated with the practice that the College may require to verify that the Registrant has not engaged in the practice of dentistry or profited during the suspension; and

- (vi) the Suspension Conditions imposed by virtue of subparagraphs 1(c)(i)-(v) above shall be removed at the end of the period that the Registrant's certificate of registration is suspended.
- (d) The Registrar is directed to also impose the following additional terms, conditions and limitations on the Registrant's Certificate of Registration (the "**Practice Restrictions**"), namely:
 - (i) requiring that the Registrant successfully complete, at their own expense, a one-on-one course in Ethics, approved by the College, and provide proof of successful completion in writing to the Registrar within six (6) months of this Order becoming final;
 - (ii) the Registrant's practice shall be monitored by the College by means of office visit(s) by a representative or representatives of the College at such time or times as the College may determine with advance notice to the Registrant, during the period commencing with the date of the finalization of this Order and ending twenty-four (24) months from the College receiving proof of the Registrant's successful completion of the course(s) referred to above, or until the Inquiries, Complaints and Reports Committee is satisfied that the Registrant has successfully completed the monitoring program, whichever date is later;
 - (iii) that the Registrant shall cooperate with the College during the office visit(s) and further, shall pay to the College in respect of the costs of monitoring, the amount of \$1,000.00 per office visit, such amount to be paid immediately after completion of each of the office visit(s);
 - (iv) that the representative or representatives of the College shall report the results of those office visit(s) to the Inquiries, Complaints and Reports Committee of the College and the Inquiries, Complaints and Reports Committee may, if deemed warranted, take such action as it considers appropriate.
- (e) The Registrant shall pay costs to the College in the amount of \$7,500.00 in respect of this discipline hearing, such costs to be paid in full within thirty (30) days of this Order becoming final.

Reasons for Penalty Decision

[24] It is settled law that a decision-maker should not lightly depart from an agreement that has been reached by the parties with respect to an appropriate penalty. The test is not one of

“fitness of sentence” but rather, the more stringent test of whether the jointly proposed penalty would bring the administration of justice into disrepute or would otherwise be contrary to the public interest.”⁶ The bar for setting aside a joint proposal is thus extremely high.

[25] For the reasons that follow, the Panel accepted the JSPC and concluded that the proposed penalty and the costs award to the College are reasonable and appropriate in the circumstances of this case.

[26] The Discipline Committee’s goal in imposing penalties is not to punish the Registrant. Discipline orders are not intended to be punitive. The goals of penalty are to protect the public from dentists who have committed professional misconduct and to maintain public confidence in the profession and in its ability to self-regulate.

[27] A penalty must also serve as a measure of general deterrence, in that it must send a clear and unequivocal message to all registrants of the dental profession that the type of misconduct at issue cannot and will not be tolerated. It must also serve as a measure of specific deterrence with respect to the dentist concerned.

[28] An appropriate penalty should also provide for remediation or rehabilitation of the dentist concerned, where possible and appropriate.

[29] Counsel also submitted that a penalty should fall within a reasonable range of those ordered in other, similar cases. The Panel accepted this submission but notes that each case is unique and the penalty ordered must also be suitable to the unique circumstances of the case that is before each panel.

[30] In reaching its decision, the Panel considered the principles of penalty, the submissions of the parties and the mitigating and aggravating factors, and the circumstances of the case as a whole.

[31] This case involves a single allegation and finding of misconduct. The misconduct, as admitted by the Registrant, relates to Dr. Estrabillo’s performance of implant dentistry for patients after having been permanently restricted from doing so by a panel of the Discipline Committee in April 2021. That panel also ordered that Dr. Estrabillo serve a ten-month suspension from practice commencing May 15, 2021.

⁶ *R v Anthony Cook*, [2016 SCC 43](#), applied in the professional discipline context in *Ontario College of Teachers v Merolle*, 2023 ONSC 3453 at para 32

[32] The misconduct that was acknowledged and admitted here by Dr. Estrabillo occurred during two distinct periods in time: a pre-suspension period of April 28 to May 14, 2021, and a post-suspension period of March 15 to June 3, 2022.

[33] The Panel reviewed the JSPC with a view to ensuring that the proposed penalty would provide an element of protection for Dr. Estrabillo's current and future patients. To that end, the parties jointly proposed that the Registrant be required to successfully complete a one-on-one course in Ethics within six (6) months of the date on which the Order issued by this Panel becomes final. The Panel found this to be an important part of its Order.

[34] The Order also requires Dr. Estrabillo to have his practice monitored by the College for a period of twenty-four (24) months following his completion of the suspension period or the one-on-one Ethics course, whichever is the later. The Panel expects that the combination of the education and practice monitoring elements of the penalty will reinforce Dr. Estrabillo's remediation and rehabilitation. It will also thereby provide protection to the public, and specifically, to his current and future patients.

[35] In determining whether to impose the penalty being proposed jointly by the parties, the Panel considered both the mitigating and the aggravating factors present in this case.

[36] The mitigating factors in this case include that:

- a) Dr. Estrabillo has taken accountability for his conduct. He quickly acknowledged and admitted that his conduct was wrong and that he breached his responsibility to the College when he failed to confirm with the College his interpretation of the language used in the previous DC Order;
- b) Dr. Estrabillo quickly admitted that his assumptions about the meaning of the wording "implant dentistry" were unreasonable and unfounded, and that, in any event, it was his responsibility to seek clarification on the meaning of the wording if he assumed that "implant surgery" was different from "implant dentistry";
- c) Dr. Estrabillo's early admissions and acknowledgements demonstrated reasonable insight into his own misconduct. It also saved the College valuable hearing time and other costs associated with the hearing; and

- d) His early admissions and acknowledgements also brought an element of certainty to the proceedings for both the College and the Registrant, knowing that the JSPC was more likely than not to be accepted by the Panel.⁷

[37] In terms of aggravating factors, the Panel has been made aware of Dr. Estrabillo's record of conduct with the College. As was set forth above, this is not Dr. Estrabillo's first appearance before a panel of the Discipline Committee. In fact, it was his breach of the Order of a previous Discipline Committee panel that led to the present proceeding.

[38] Further, the misconduct to which Dr. Estrabillo has admitted is serious and his misconduct had the potential to cause serious harm to his patients.

[39] The parties have proposed, and the Panel has ordered, that Dr. Estrabillo be suspended from the practice of dentistry for a further period of ten (10) months, commencing from the date of this Panel's Order, being March 18, 2025. The Order that was published in this case contains very detailed terms, conditions and limitations with which Dr. Estrabillo must comply while suspended. It is the expectation of this Panel that the Registrant will clarify any assumptions and other questions that he may have with the College before resuming his practice.

[40] The Panel agrees that a ten (10) – month suspension is reasonable and appropriate in the circumstances of this case, particularly in light of Dr. Estrabillo's previous history with the College.

[41] The suspension will serve a two-fold function:

- a) It will serve as a specific deterrent to Dr. Estrabillo to refrain from breaching the Order that was made by this Panel of the Discipline Committee, and that was made by the Discipline Committee Panel in April 2021;
- b) It will also have a more general deterrent effect in that it will send a clear message to members of the profession and to the public that acts of professional misconduct will be taken very seriously by the Discipline Committee of the RCDSO.

[42] The DC Order of April 28, 2021 that *permanently restricted* Dr. Estrabillo's right to practice implant dentistry remains in effect.

⁷ Ibid

[43] With the imposition of the measures in this Panel's order, and the delivery of these Reasons, it is the Panel's intent to send a clear, unequivocal message to Dr. Estrabillo that his conduct has fallen below the standard expected of dentists in Ontario on more than one occasion, and that any future appearances by him before the Discipline Committee may well result in the imposition of more severe penalties. Having a record of matters before the Discipline Committee will be relevant to the issue of penalty should another matter be referred to it.

[44] It is also the Panel's intent to send a clear message to the profession that failing to comply with the terms and conditions of a Discipline Committee Order will be taken very seriously by a panel of the College's Discipline Committee.

[45] With respect to the issue of costs, the Panel found that the amount of \$7,500, as agreed by the parties in the JSPC, is reasonable in the circumstances. The Panel saw no reason to depart from that agreement.

The Reprimand

[46] At the conclusion of the discipline hearing, the Panel administered the reprimand to the Registrant. A copy of the reprimand is attached as Appendix "A" to these Reasons.

I, Judy Welikovitch, sign these Reasons for Decision as Chairperson of this Discipline Panel.



July 3, 2025

Date

Appendix “A”
RCDSO v. Dr. Rolando Estrabillo

Dr. Rolando Estrabillo, as you know, this Discipline panel has ordered you be given an oral reprimand as part of the sanction imposed upon you. The reprimand should impress upon you the seriousness of your misconduct.

The fact that you have received this reprimand will be part of the public portion of the Register and, as such, part of your record with the College.

You will be given an opportunity to make a statement at the end of the reprimand if you wish.

The panel has found that you have engaged in a serious act of professional misconduct. The misconduct related to your failure to comply with a Discipline Committee order permanently restricting you from performing implant dentistry.

Your professional misconduct is a matter of profound concern. It is completely unacceptable to your fellow dentists and to the public. You have brought discredit to the entire profession and to yourself. Public confidence in this profession has been put in jeopardy.

Of special concern to us is the fact that the professional misconduct in which you engaged has involved:

- A history of professional misconduct on your part. This is your third appearance before a panel of the Discipline Committee and you have had 10 prior matters before the ICRC.
- In 2021, following a hearing before the Discipline Committee there was a permanent restriction imposed on your ability to perform implant dentistry and a 10-month suspension. The permanent restriction took effect immediately. Despite that order, you performed implant surgery in May 2021. Upon your return from serving your suspension, you performed implant dentistry between March and May 2022 even though you were still under a permanent restriction prohibiting you from doing so.
- On multiple occasions you have been directed to participate in measures to improve your professional practice, including a period of practice monitoring ordered by the Discipline Committee in 2021 and the PROBE ethics course.

Despite these remedial measures, you failed to ensure you understood and followed the restrictions imposed by the Discipline Committee's order on your registration.

Considered in totality, the panel is concerned that you have engaged in significant remedial support and have previously been suspended for a period of 10-months, yet issues persist in the conduct of your practice.

Failing to comply with orders and practice restrictions imposed by College committees is very serious. We must impress upon you our strong disapproval of your misconduct. Contravening orders undermines public confidence in the College and its ability to regulate the profession effectively.

We caution you that should you appear before the Discipline Committee in the future, you may face a more severe penalty. Repeated instances of professional misconduct over several years cannot be tolerated. The panel hopes and expects that you have learned from this experience and will not face further discipline in future. We urge you to reflect seriously on your misconduct. The one-on-one ethics course and 24-months of practice monitoring are being imposed to support you in your remediation efforts.

As I advised earlier, you will now be given an opportunity to make a comment if you wish to do so. This is **not** an opportunity for you to debate the merits or the correctness of the decisions we have made.

Do you wish to make any comments?

(Hear the Registrant's comments at this point)

Thank you for attending today. We are adjourned.