

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. BENJAMIN WOO**, of the City of Newmarket, 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. Benjamin Woo
17260 Leslie Street
Newmarket ON L3Y 7C4

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) 2018, 2019, 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 one or more patients, contrary to paragraph 28 of Section 2 of Ontario Regulation 853/93 under the *Dentistry Act, 1991*, as amended (“*Professional Misconduct Regulation*”).

Particulars:

- You billed for recall examinations (code 01202) that were not provided and/or not supported by the patient records.
 - NB – August 5, 2020

- TG – July 9, 2019
 - JM – March 5, 2020
- You billed for emergency examinations (code 01205) that were not provided and/or not supported by the patient records.
 - GC – February 27, 2021
 - TG – January 11, 2021
- You billed for polishing (code 1110X) that was not provided and/or not supported by the patient records.
 - GC – October 26, 2019
 - BF – July 29, 2020
 - KF – May 14, 2019; September 15, 2020
- You billed for scaling (code 1111X) that was not provided and/or not supported by the patient records.
 - NB – April 25, 2019
 - BF – July 29, 2020
 - KF – September 5, 2018
 - JM – March 5, 2020
- You billed for fluoride (code 12101) that was not provided and/or not supported by the patient records.
 - GC – August 8, 2018
- You billed for oral hygiene instruction (code 13212) that appeared to include the cost of an electronic toothbrush, which should have been billed under a material fee code (i.e., code 99555)
 - NB – May 15, 2019
 - BF – December 13, 2018
 - MS – November 26, 2018
- You billed a maxillary periodontal appliance (code 14611) before the treatment was rendered.
 - BF – June 19, 2019
- You billed for caries control (code 20111) that was not provided, not supported by the patient records, and/or included in the fee code for a different service that you billed for on the same date.
 - TG – December 17, 2018
- You billed for restorations (code 2332X) that were not provided and/or supported

by the patient records; rather, you had placed cores as part of crown preparations.

- TG – October 3, 2018; December 17, 2018
 - JM – September 8, 2020
- You billed for porcelain-fused-to metal crowns (code 27211) that were not provided and/or not supported by the patient records; rather, you had placed zirconia crowns (code 27201).
 - GC – January 29, 2020
 - KF – November 23, 2018
 - TG – October 15, 2018; January 8, 2019
 - EM – October 2, 2019
 - BN – April 25, 2019; October 22, 2020
- You billed for a gingivectomy (code 42311) that was not provided, not supported by the patient records, and/or included in the fee code for a different service that you billed for on the same date.
 - TG – December 17, 2018
- You billed for periodontal re-evaluations/evaluations (code 49101) that were not provided and/or not supported by the patient records.
 - NB – June 27, 2019
 - BF – February 20, 2019
 - KF – September 18, 2019
 - MS – January 23, 2019
- You billed for periodontal therapy, specifically root planings (code 4342X) and chemotherapeutic and/or antimicrobial therapies, intra-sulcular application (code 4352X), which were not provided and/or were not supported by the patient records.
 - NB – May 15, 2019; May 21, 2019
 - BF – December 13, 2018; January 2, 2019
 - MS – November 26, 2018; December 10, 2018; January 23, 2019
- You billed for allografts (code 42621) and alveoplasties (code 73111) that were not provided, not supported by the patient records, and/or included in the fee code for another service that you billed for on the same date.
 - TG – November 13, 2018; February 11, 2020

- You billed a partial denture repair/addition (code 55401) before the treatment was rendered.
 - TG – April 15, 2019
 - You billed for commercial lab charges (code 99111) that were not provided and/or not supported by the patient records.
 - RA – August 20, 2020; September 8, 2020
 - GC – January 25, 2019; January 29, 2020; August 31, 2020
 - BF – June 19, 2019
 - KF – November 23, 2018
 - TG – October 15, 2018; January 8, 2019
 - JM – September 22, 2020
 - EM – October 2, 2019
 - BN – April 25, 2019; October 22, 2020
 - You billed for in-office lab charges (code 99333) that were not provided and/or not supported by the patient records.
 - GC – February 22, 2021
 - KF – February 11, 2021
 - EM – December 3, 2020
 - You billed for additional expenses of materials (code 99555) that were not provided and/or not supported by the patient records.
 - RA – September 8, 2020
 - KF – November 23, 2018
 - TG – October 15, 2018; January 8, 2019
 - BN – April 25, 2019
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) 2018 and/or 2019, you charged a fee that is excessive or unreasonable in relation to one or more patients, contrary to paragraph 31 of Section 2 of the *Professional Misconduct Regulation*.

Particulars:

- You billed for periodontal therapy, specifically root planings (code 4342X) and chemotherapeutic and/or antimicrobial therapies, intra-sulcular application (code 4352X), which were excessive and unjustified claims because the radiographic and periodontal charting did not demonstrate significant periodontal health

issues.

- NB – May 15, 2019; May 21, 2019
- BF – December 13, 2018; January 2, 2019
- MS – November 26, 2018; December 10, 2018; January 23, 2019

3. 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) 2018, 2019, 2020 and/or 2021, you submitted an account or charge for dental services that you knew or ought to have known is false or misleading in relation to one or more patients, contrary to paragraph 33 of Section 2 of the *Professional Misconduct Regulation*.

Particulars:

- You billed for recall examinations (code 01202) that were not provided and/or not supported by the patient records.
 - NB – August 5, 2020
 - TG – July 9, 2019
 - JM – March 5, 2020
- You billed for emergency examinations (code 01205) that were not provided and/or not supported by the patient records.
 - GC – February 27, 2021
 - TG – January 11, 2021
- You billed for polishing (code 1110X) that was not provided and/or not supported by the patient records.
 - GC – October 26, 2019
 - BF – July 29, 2020
 - KF – May 14, 2019; September 15, 2020
- You billed for scaling (code 1111X) that was not provided and/or not supported by the patient records.
 - NB – April 25, 2019
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- GC – August 8, 2018
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 - NB – May 15, 2019
 - BF – December 13, 2018
 - MS – November 26, 2018
- You billed a maxillary periodontal appliance (code 14611) before the treatment was rendered.
 - BF – June 19, 2019
- You billed for caries control (code 20111) that was not provided, not supported by the patient records, and/or included in the fee code for a different service that you billed for on the same date.
 - TG – December 17, 2018
- You billed for restorations (code 2332X) that were not provided and/or supported by the patient records; rather, you had placed cores as part of crown preparations.
 - TG – October 3, 2018; December 17, 2018
 - JM – September 8, 2020
- You billed for porcelain-fused-to metal crowns (code 27211) that were not provided and/or not supported by the patient records; rather, you had placed zirconia crowns (code 27201).
 - GC – January 29, 2020
 - KF – November 23, 2018
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 - NB – June 27, 2019

- BF – February 20, 2019
 - KF – September 18, 2019
 - MS – January 23, 2019
- You billed for periodontal therapy, specifically root planings (code 4342X) and chemotherapeutic and/or antimicrobial therapies, intra-sulcular application (code 4352X), which were not provided and/or were not supported by the patient records.
 - NB – May 15, 2019; May 21, 2019
 - BF – December 13, 2018; January 2, 2019
 - MS – November 26, 2018; December 10, 2018; January 23, 2019
- You billed for allografts (code 42621) and alveoplasties (code 73111) that were not provided, not supported by the patient records, and/or included in the fee code for another service that you billed for on the same date.
 - TG – November 13, 2018; February 11, 2020
- You billed a partial denture repair/addition (code 55401) before the treatment was rendered.
 - TG – April 15, 2019
- You billed for commercial lab charges (code 99111) that were not provided and/or not supported by the patient records.
 - RA – August 20, 2020; September 8, 2020
 - GC – January 25, 2019; January 29, 2020; August 31, 2020
 - BF – June 19, 2019
 - KF – November 23, 2018
 - TG – October 15, 2018; January 8, 2019
 - JM – September 22, 2020
 - EM – October 2, 2019
 - BN – April 25, 2019; October 22, 2020
- You billed for in-office lab charges (code 99333) that were not provided and/or not supported by the patient records.
 - GC – February 22, 2021
 - KF – February 11, 2021
 - EM – December 3, 2020
- You billed for additional expenses of materials (code 99555) that were not

provided and/or not supported by the patient records.

- RA – September 8, 2020
- KF – November 23, 2018
- TG – October 15, 2018; January 8, 2019
- BN – April 25, 2019

4. 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) 2018, 2019, 2020 and/or 2021, you charged a laboratory fee for a dental appliance or device that is more than the commercial laboratory cost you actually incurred in relation to one or more patients, contrary to paragraph 35 of Section 2 of the *Professional Misconduct Regulation*.

Particulars:

- You billed for commercial lab charges (code 99111) that exceeded the charges on the commercial laboratory invoice without justification or explanation.
 - RA – August 20, 2020; September 8, 2020
 - GC – January 25, 2019; January 29, 2020; August 31, 2020
 - BF – June 19, 2019
 - KF – November 23, 2018
 - TG – October 15, 2018; January 8, 2019
 - JM – September 22, 2020
 - EM – October 2, 2019
 - BN – April 25, 2019; October 22, 2020
- You billed for in-office lab charges (code 99333) that were not provided and/or not supported by the patient records, in addition to billing for commercial laboratory charges.
 - GC – February 22, 2021
 - KF – February 11, 2021
 - EM – December 3, 2020
- You billed for additional expenses of materials (code 99555) that were not provided and/or not supported by the patient records, in addition to billing for commercial laboratory charges.
 - RA – September 8, 2020
 - KF – November 23, 2018
 - TG – October 15, 2018; January 8, 2019

- BN – April 25, 2019
5. 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) 2018 and/or 2020, you failed to keep records as required by the regulations in relation to one or more patients, contrary to paragraph 25 of Section 2 of the *Professional Misconduct Regulation*.

Particulars:

- You billed for crown removals (code 29301) without documenting any indication that additional time was required. One unit of crown removal is included in the fee for a crown unless additional time is required.
 - TG – October 3, 2018; December 17, 2018
 - JM – September 8, 2020
- You billed for a calcified three-canal root canal therapy (code 33134) without documenting in the chart entry that the canals were calcified.
 - TG – January 15, 2020

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]
[REDACTED]
[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 5TH day of June, 2024.



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. BENJAMIN WOO**, of the City of Newmarket, 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.

NOTICE OF HEARING

ROYAL COLLEGE OF DENTAL SURGEONS OF ONTARIO

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