

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

**Citation:** Royal College of Dental Surgeons of Ontario v. Woo, 2025 ONRCDSO 9

**Date:** 2025-11-20

**File No.:** 24-0414

**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”)

**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

**BETWEEN:**

Royal College of Dental Surgeons of Ontario

-and-

Dr. Benjamin Woo

**FINDING AND PENALTY REASONS**

**RESTRICTION ON PUBLICATION**

In the matter of the Royal College of Dental Surgeons of Ontario and Dr. Benjamin Woo 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 Notice of Hearing and/or the Agreed Statement of Facts in this matter.

**PANEL MEMBERS:**

Judy Welikovitich, Public Member (Chair)  
Daniel Fortino, Professional Member  
Luisa Ritacca, Subject Matter Expert

**APPEARANCES:**

Alexandra Matushenko, for the College  
Kyle Dow, for Dr. Benjamin Woo

**Heard:** November 20, 2025, by video conference

**Decision Date:** November 20, 2025

**Release of Written Reasons:** February 11, 2026

**REASONS FOR DECISION**

1. This matter came on for a hearing before a panel of the Discipline Committee (the "**Panel**") of the Royal College of Dental Surgeons of Ontario (the "**College**") in Toronto on November 20, 2025.
2. At the commencement of the hearing, the College sought an order that no person shall publish or broadcast the identity of any patient of the Registrant, or any information that could disclose the identities of the patients 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. Woo (the "**Registrant**") are set out in a Notice of Hearing dated June 2024 in File No. 24-0414. The College alleged that Dr. Woo committed professional misconduct on five (5) grounds, as follows:

**Allegation 1:**

- (a) That Dr. Woo committed acts of professional misconduct as provided by s. 51(1)(c) of the Health Professions Procedural Code (the "**Code**"), in that during the years 2018, 2019, 2020 and/or 2021, he signed or issued certificates, reports or similar documents that he knew or ought to have known contained false, misleading or improper statements in relation to at least ten (10) patients, contrary to paragraph 28 of Section 2 of Ontario Regulation 853/93 (the "**Regulation**") under the Dentistry Act (the "**Act**"), as amended.
- (b) More specifically, it was alleged that Dr. Woo:
  - i. billed for recall examination that were not supported by the patient records with respect to 3 patients;
  - ii. billed for emergency examinations that were not supported by the patient records with respect to two (2) patients;

- iii. billed for polishing that was not supported by the patient records with respect to three (3) patients;
- iv. billed for scaling that was not supported by the patient records with respect to four (4) patients;
- v. billed for fluoride that was not supported by the patient records with respect to one (1) patient;
- vi. 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 (code 99555) with respect to three (3) patients;
- vii. billed for a maxillary periodontal appliance before the treatment was rendered with respect to one (1) patient;
- viii. billed for caries control that was not provided, not supported by the patient records and/or included in the fee code for a different service that he billed for on the same date with respect to one (1) patient;
- ix. billed for restorations that were not provided and/or supported by the patient records with respect to two (2) patients for whom he had instead places cores as part of crown preparations;
- x. billed for porcelain-fused-to-metal crowns that were not provided or supported by the patient records with respect to five (5) patients, for whom he had instead placed zirconia crowns;
- xi. billed for a gingivectomy that was not provided or supported by the patient records and/or included in the fee code for a different service that he billed for on the same date with respect to one (1) patient;
- xii. billed for periodontal re-evaluations/evaluations that were not provided and/or not supported by the patient records with respect to four (4) patients;
- xiii. billed for periodontal therapy, specifically root planings and chemotherapeutic and/or antimicrobial therapies, intra-sulcular application which were not provided and/or were not supported by the patient records relative to three (3) patients;
- xiv. billed for allografts and alveoplasties that were not provided by the patient records, and/or included in the fee code for another service that was billed for on the same date relative to one (1) patient;
- xv. billed a partial denture repair/addition before the treatment was rendered, relative to one (1) patient;
- xvi. billed for commercial lab charges that were not provided and or not supported by the patient records relative to eight (8) patients;
- xvii. billed for in-office lab charges that were not provided and/or not supported by the patient records, relative to three (3) patients;
- xviii. billed for additional expenses of materials that were not provided and/or not supported by the patient records, relative to four (4) patients.

**Allegation 2:**

- (c) It was further alleged by the College that Dr. Woo committed an act of professional misconduct as provided by s.51(1)(c) of the Code in that, during the years 2018 and/or 2019, the Registrant charged a fee that was excessive

or unreasonable in relation to one or more patients, contrary to paragraph 31 of Section 2 of the Regulation.

- (d) More specifically, it was alleged that Dr. Woo billed for periodontal therapy – specifically chemotherapeutic and/or antimicrobial therapies, intra-sulcular applications – which were excessive and unjustified claims because the radiographic and periodontal charting did not demonstrate significant periodontal health issue, relative to three (3) patients.

**Allegation 3:**

- (e) It was further alleged by the College that Dr. Woo committed acts of professional misconduct as provided by s.51(1)(c) of the Code in that, during the years 2018, 2019, 2020 and/or 2021, he submitted accounts or charges for dental services that he knew or ought to have known to be false or misleading in relation to ten (10) patients, contrary to paragraph 33 of Section 2 of the Regulation.
- (f) More specifically, it was alleged that Dr. Woo billed for the following services that were not provided and/or not supported by patient records:
  - i. Recall examinations in relation to three (3) patients;
  - ii. Emergency examinations in relation to two (2) patients;
  - iii. Polishing, in relation to three (3) patients;
  - iv. Scaling, in relation to four (4) patients;
  - v. Fluoride, in relation to one (1) patient;
  - vi. Periodontal re-evaluations/evaluations in relation to four (4) patients;
  - vii. Periodontal therapy, specifically, root planings and chemotherapeutic and/or antimicrobial therapies, intra-sulcular application, in relation to three (3) patients;
  - viii. Commercial lab charges, in relation to eight (8) patients;
  - ix. In-office lab charges, in relation to three (3) patients; and
  - x. Additional expenses of materials, in relation to four (4) patients.
- (g) In addition, it was alleged under this ground that Dr. Woo billed for the following before treatment was rendered:
  - i. Oral hygiene instruction that appeared to include the cost of an electronic toothbrush and which should have been billed under a material fee code, in relation to three (3) patients; and
  - ii. A partial denture repair/addition in relation to one (1) patient.
- (h) It was also alleged under this ground that Dr. Woo billed for the following services that were not provided/supported by patient records:
  - i. caries control. Rather, it was alleged that Dr. Woo included these services in the fee code for a different service that he billed on the same date, in relation to one (1) patient;
  - ii. restorations. Rather, it was alleged that Dr. Woo placed cores as part of crown preparations, in relation to two (2) patients;

- iii. porcelain-fused-to-metal crowns. Rather, it was alleged that Dr. Woo placed zirconia crowns, in relation to five (5) patients; and
  - iv. gingivectomy, which was also included in the fee code for a different service that was billed on the same date, in relation to one (1) patient.
- (i) It was further alleged under this ground that Dr. Woo billed for allografts and alveoplasties that were not provide, not supported by the patient records, and/or included in the fee code for another service that he billed on the same date, in relation to one (1) patient.

**Allegation 4:**

- (j) It was alleged by the College that Dr. Woo committed an act or acts of professional misconduct as provided by s.51(1)(c) of the Code in that, during the years 2018, 2019, 2020 and/or 2021, he charged a laboratory fee for a dental appliance or device that was more than the commercial laboratory cost that he actually incurred, in relation to eight (8) patients, contrary to paragraph 35 of Section 2 of the Regulation.
- (k) In particular, the College alleged that:
- i. Dr. Woo billed for commercial lab charges that exceeded the charges on the commercial laboratory invoice without justification or explanation, in relation to eight (8) patients;
  - ii. In addition to billing for commercial laboratory charges, Dr. Woo:
    - a. Billed for in-office lab charges that were not supported by patient records, in relation to three (3) patients; and
    - b. Billed for additional expenses of materials that were not provided and/or not supported by patient records, in relation to four (4) patients.

**Allegation 5:**

- (l) The College alleged that Dr. Woo committed an act or acts of professional misconduct as provided by s.51(1)(c) of the Code in that, during the years 2018 and/or 2019, he failed to keep records as required by the regulations in relation to three (3) patients, contrary to paragraph 25 of Section 2 of the Regulation.
- (m) In particular, the College alleged that Dr. Woo:
- i. Billed for crown removals without documenting any indication that additional time was required, in relation to two (2) patients. One unit of crown removal is included in the fee for a crown unless additional time is required; and
  - ii. Billed for a calcified three-canal root canal therapy without documenting in the chart entry that the canals were calcified, in relation to one (1) patient.

4. A copy of the Notice of Hearing is appended to these Reasons, as Appendix "A".

## **Agreed Statement of Facts and Plea Inquiry**

5. Dr. Woo admitted to the acts of professional misconduct as set out in the Notice of Hearing, described above. Included in the Agreed Statement of Facts and Admission of Professional Misconduct (Exhibit 3) (the “**ASF**”), is a written plea inquiry signed by Dr. Woo on July 3, 2025 and by the College on August 11, 2025.
6. Based upon the Registrant’s responses to the Chair’s questions, and the written plea inquiry contained at pages 7 – 8 of the ASF, the Panel is satisfied that the Registrant’s admissions were voluntary, informed and unequivocal.
7. More particularly, at Paragraph 17 of the signed written plea inquiry, Dr. Woo acknowledged that he was admitting to the facts contained in the ASF and that he understood that admitting the facts would support a finding that he had engaged in professional misconduct. Dr. Woo confirmed that he was voluntarily admitting to the allegations against him.

## **The Evidence: Facts and Professional Misconduct Admitted**

8. The factual evidence set out in the ASF elaborates upon the particulars set out in the Notice of Hearing. The full content of the College’s allegations has been set forth in Paragraphs 3 (a) – (m) above.

## **Background:**

9. At all material times, Dr. Benjamin Woo was a duly registered member of the Royal College of Dental Surgeons of Ontario, practising at Dr. Benjamin Woo & Associates in Newmarket, Ontario (the “**Clinic**”).
10. On or about May 14 and 27, 2021, the College received information from Sun Life Financial (“**Sun Life**”) outlining billing concerns about the Registrant’s practice.
11. At Paragraphs 2 – 4 of the ASF, Dr. Woo agreed and admitted that Sun Life had concerns about his billing practices, including that he or his clinic submitted false or misleading claims and that his clinical records did not correlate with procedure codes billed, that laboratory fees were inflated, and that commercial and in-office laboratory fees were combined.
12. In the result, Sun Life delisted the Registrant.
13. Dr. Woo further admitted and agreed that he received overpayments from Sun Life in the amount of \$56,950.30. Dr. Woo reimbursed Sun Life for that amount on May 2, 2024.
14. Shortly thereafter, the College initiated an investigation into the Registrant’s conduct, including his billing practices.

15. The College informed Dr. Woo that it had received information concerning his billing practices, and his contravention of the standards of the profession and/or his failure to maintain the standards of the profession in his practice.
16. The College brought this information forward to a panel of its Inquiries, Complaints and Reports Committee (“**ICRC**”) and the ICRC approved an Appointment of Investigators to ascertain whether the Registrant committed professional misconduct.
17. As part of its investigation, the College requested, and the Registrant provided, patient records for sixteen (16) patients in 2022 and 2023. Of these 16 patients, the College selected ten (10) patients at random for the College’s review and analysis.
18. An analysis of these patients’ records revealed that during the years 2018, 2019, 2020 and 2021, the Registrant submitted multiple false, misleading or inaccurate claims with respect to multiple patients and procedures.

### **Professional Misconduct Admitted**

19. Dr. Woo admitted and acknowledged the facts related to Allegations 1 - 4 set forth above in Paragraph 3(a) – (k). Those facts support allegations of false and misleading billing practices and insurance submissions committed by Dr. Woo.
20. Dr. Woo acknowledged the allegations of professional misconduct pursuant to section 51(1)(c) of the Code and as defined in the following paragraphs of section 2 of the Regulation made under the Act and as contained in the Notice of Hearing:
  - (a) Paragraph 28: signing or issuing a certificate, report or similar document that the registrant knew or ought to have known contained a false, misleading or improper statement (Allegation 1);
  - (b) Paragraph 31: charging a fee that is excessive or unreasonable in relation to the service performed (Allegation 2);
  - (c) Paragraph 33: submitting an account or charge for dental services that the registrant knew or ought to have known was false or misleading (Allegation 3); and
  - (d) Paragraph 35: charging a laboratory fee for a dental appliance or device that is more than the commercial laboratory cost actually incurred by the registrant (Allegation 4).
21. Dr. Woo further admitted and acknowledged the facts related to Allegation 5 set forth above in Paragraphs 3(l) – (m). Those facts support the College’s allegation that Dr. Woo failed to keep records as required by the Regulations, contrary to section 51(1)(c) of the Code and as defined by section 2, paragraph 25 of the Regulation.

### **DECISION**

22. The Panel deliberated and considered the evidence, including the admissions made by Dr. Woo in the ASF and the submissions of the parties. The Panel rendered an oral decision on November 20, 2025, finding that the Registrant committed the acts of professional misconduct as alleged in the Notice of Hearing (Exhibit 1), and contrary

to section 51(1)(c) of the Code and sections 2(28), (31), (33), (35) and (25) of the Regulation.

## **REASONS FOR DECISION**

23. The Registrant did not contest the five (5) allegations set forth in the Notice of Hearing. He admitted the facts and content included in the ASF and its tabs. He acknowledged, and the Panel accepts, that the agreed-upon facts set forth in the ASF constitute professional misconduct under the heads of misconduct as set out above at Paragraphs 3 and 20.

### **Allegation 1:**

24. Dr. Woo agreed and admitted that he billed for recall examinations, for emergency examinations, for polishing, scaling and fluoride, for periodontal re-evaluations/evaluations, periodontal therapy, for commercial lab charges and in-office lab charges and for additional expenses of materials, none of which were supported by the patient records.
25. Dr. Woo further agreed and admitted that, before the treatment was rendered, he billed for a maxillary periodontal appliance and a partial denture repair/addition.
26. Dr. Woo also agreed and admitted that he billed for specific treatments when different treatments were provided, as follows:
- (a) he billed for restorations when he instead placed cores as part of crown preparations; and
  - (b) he billed for porcelain-fused-to-metal crowns when he instead placed zirconia crowns;
27. Dr. Woo also acknowledged and admitted that he billed for caries control, for allografts and alveoplasties, and for a gingivectomy which were not provided. None of these services was supported by patient records, but they were included in the fee code for different services and Dr. Woo billed for them on the same date.
28. Dr. Woo admitted and agreed that the evidence as described above constitutes professional misconduct under section 51(1)(c) of the Code and paragraph 28 of Section 2 of the Regulation. As noted, Dr. Woo admitted and acknowledged only that he *ought to have known* of these improper practices, not that he did know.

### **Finding**

29. The evidence before the Panel establishes, on a balance of probabilities, that during the years 2018, 2019, 2020 and 2021, Dr. Woo signed or issued certificates, reports or similar documents that he ought to have known contained false, misleading or improper statements in relation to ten (10) patients.
30. In his submissions, counsel for Dr. Woo made clear that, with respect to Allegation 1, the Registrant was acknowledging and admitting only that he *ought to have known* of

the inaccuracies in his submissions and records. The Panel accepts this admission and finds it sufficient to establish the professional misconduct alleged.

31. The Panel finds the Registrant's admissions and acknowledgments in the ASF as they relate to Allegation 1 to be true, credible and reliable evidence of his professional misconduct.
32. More particularly, the Panel finds, on a balance of probabilities, that the evidence establishes that Dr. Woo signed or issued certificates, reports or other similar documents that he ought to have known contained false, misleading or improper information.
33. The Panel further finds that Dr. Woo's submission of false, misleading or improper information took place over a period of approximately four (4) years and with respect to all ten (10) patients for whom records were selected and reviewed by the College.
34. These allegations did not arise from an isolated incident of poor recordkeeping and inaccurate submissions. The Panel finds, on a balance of probabilities, that Dr. Woo has exhibited a clear pattern of submitting false, misleading or improper information to insurers over a period of years and with respect to multiple patients. The Panel therefore finds that Dr. Woo has contravened a standard of the profession.
35. The Panel thus finds, on a balance of probabilities, that Dr. Woo has committed professional misconduct as provide by section 51(1)(c), contrary to paragraph 28 of Section 2 of the Regulation.

## **Allegation 2**

36. In the ASF, Dr. Woo admitted that, on four (4) occasions with respect to three (3) patients, he billed and submitted duplicative claims for periodontal therapies – specifically, claims for scaling, root planing, and chemotherapeutic intra-sulcular applications - for the same treatments. The Registrant agreed and admitted that the claims for chemotherapeutic and/or microbial therapies were duplicative of the scaling and root planing claims submitted.

## **Finding**

37. The Panel finds the Registrant's admissions and acknowledgments in the ASF as they relate to Allegation 2 to be true, credible and reliable evidence of his professional misconduct.
38. The evidence before the Panel establishes, on a balance of probabilities, that during the years 2018 and 2019, Dr. Woo charged fees that were excessive or unreasonable in relation to three (3) patients, contrary to paragraph 31 of Section 2 of the Regulation.
39. The Panel finds that the excessive or unreasonable billing took place over a period of two (2) years and with respect to three (3) patients.
40. In doing so, the Panel finds that Dr. Woo contravened the standards of the profession.

41. It is also important to note that as was the case with the facts supporting Allegation 1, this too, was not an isolated incident. Of the ten (10) patient charts reviewed and analyzed, the College found that Dr. Woo engaged in excessive or unreasonable billing during 2018 and 2019 with respect to three (3) individual patients – that is, in relation to all ten (10) of the patient records selected for review by the College.
42. The Panel thus finds, on a balance of probabilities, that Dr. Woo committed professional misconduct as provided by s. 51(1)(c) of the Code, as defined in section 2, paragraph 31 of the Regulation.

### **Allegation 3**

43. In the third allegation, the College alleged that Dr. Woo committed acts of professional misconduct as provided by s.51(1)(c) of the Code and contrary to paragraph 33 of Section 2 of the Regulation.
44. More particularly, the College alleged that during the years 2018, 2019, 2020 and 2021, Dr. Woo submitted accounts or charged for dental services that he knew or ought to have known were false or misleading in relation to ten (10) patients.
45. In his submissions, counsel for Dr. Woo made clear that, with respect to Allegation 3, the Registrant was acknowledging and admitting only that he *ought to have known* that the accounts submitted by him were false or misleading.
46. Dr. Woo thus admitted and acknowledged that he committed the acts as described in paragraphs 3(e) – (i) above, with that stipulation.

### **Finding**

47. The Panel accepts Dr. Woo's admission as stipulated and finds the facts admitted and acknowledged by the Registrant to be sufficient to establish the professional misconduct alleged by the College.
48. The Panel finds the Registrant's admissions and acknowledgments in the ASF as they relate to Allegation 3 to be true, credible and reliable evidence of his professional misconduct.
49. More particularly, the Panel finds, on a balance of probabilities, that the evidence establishes that Dr. Woo charged for dental services that he *ought to have known* contained false, misleading or improper information.
50. The Panel further finds that the submission of false, misleading or improper charges occurred over a period of approximately four (4) years and with respect to all ten (10) patient records that were reviewed and analyzed – that is one hundred percent (100%) of all records reviewed.
51. It is important to emphasise that in submitting claims for service that were false, misleading or improper, Dr. Woo breached a standard of the profession.

52. These allegations did not arise from an isolated incident of poor recordkeeping resulting in the submission of false, misleading or improper charges. The Panel finds, on a balance of probabilities, that Dr. Woo has exhibited a clear pattern of submitting false, misleading or improper information to insurers over a period of four (4) years and with respect to all patients whose records were reviewed as part of the College's investigation. The Panel therefore finds that Dr. Woo has contravened a standard of the profession.
53. The Panel finds, on a balance of probabilities, that this was not an isolated incident but a clear pattern of misconduct. Dr. Woo submitted false, misleading, or improper information to insurers over four years for all patient records reviewed by the College. The Panel therefore finds that Dr. Woo has contravened a standard of the profession.

#### **Allegation 4**

54. The College alleged that Dr. Woo committed acts of professional misconduct as provided by s. 51(1)(c) of the Code during the years 2018, 2019, 2020 and 2021 in that he charged laboratory fees for dental appliances/devices in amounts that were more than the commercial laboratory costs that he actually incurred. These acts took place in relation to eight (8) patients, contrary to paragraph 35 of Section 2 of the Regulation.
55. In the ASF, Dr. Woo admitted that on thirteen occasions, between 2018 and 2019, and with respect to seven (7) patients, he claimed and issued receipts for commercial lab charges that were higher than the actual invoices issued to him by the commercial lab.
56. Dr. Woo further admitted that he billed and issued claims for in-office lab charges that had already been captured and billed as commercial laboratory charges. The Registrant admitted that these acts occurred on three (3) separate dates from December 2020 to February 2021 and with respect to three (3) patients.
57. In addition, Dr. Woo admitted that on five (5) occasions between 2018 and 2020, and with respect to four (4) patients, he billed and issued claims for "additional expenses of materials" when these amounts had already been accounted for in the commercial laboratory charges

#### **Finding**

58. The Panel finds the Registrant's admissions and acknowledgments in the ASF as they relate to Allegation 4 to be true, credible and reliable evidence. They are sufficient to establish that Dr. Woo engaged in professional misconduct as provided by s.51(1)(c) of the Code, contrary to paragraph 35 of Section 2 of the Regulation.
59. The evidence before the Panel establishes, on a balance of probabilities, that Dr. Woo committed multiple acts of professional misconduct during the years 2018 through 2021.
60. Specifically, the evidence before the Panel establishes, on a balance of probabilities, that Dr. Woo over-charged his patients for laboratory fees such that he falsely profited

on each occasion. He also falsely profited when he billed for in-office laboratory charges that were not supported by patient records and when he billed for additional expenses of materials that were not provided or not supported by patient records.

61. Again, these were not isolated incidents of improper billing. As stated above in relation to this allegation, The Panel finds on a balance of probabilities, that Dr. Woo engaged in a clear pattern of improper billing over a period of four (4) years and with respect to eight (8) of the ten (10) patients whose charts were reviewed by the College.
62. In engaging in this conduct, Dr. Woo committed professional misconduct, and he breached the standards of the profession.
63. The Panel finds that there is sufficient evidence to establish, on a balance of probabilities, that Dr. Woo engaged in professional misconduct as provided by s.51(1)(c) of the Code and contrary to paragraph 35 of Section 2 of the Regulation.

#### **Allegation 5**

64. The College alleged that Dr. Woo committed acts of professional misconduct as provided by s.51(1)(c) of the Code, and contrary to paragraph 25 of Section 2 of the Regulation in that during the years 2018 and/or 2020, he failed to keep records as required.
65. In particular, the College alleged that Dr. Woo billed for crown removals with respect to two (2) patients without documenting that additional time was required. It also alleged that the Registrant billed for a calcified three-canal root canal therapy without documenting in the chart that the canals were calcified.

#### **Finding**

66. In the ASF, Dr. Woo admitted that he billed and issued claims for additional time for crown removal for one (1) patient in 2020. He also admitted that he billed for a calcified three-canal root canal therapy without documenting in the patient's chart that the canals were calcified.
67. The Panel finds the Registrant's admissions and acknowledgments in the ASF as they relate to Allegation 5 to be true, credible and reliable evidence; they are sufficient to establish, on a balance of probabilities, that Dr. Woo engaged in professional misconduct as provided by s.51(1)(c) of the Code, contrary to paragraph 25 of Section 2 of the Regulation.
68. The evidence before the Panel therefore establishes, on a balance of probabilities, that Dr. Woo committed professional misconduct during 2020 with respect to two (2) patients.
69. In making this finding, the Panel emphasizes that record-keeping is a fundamental professional responsibility and that registrants' records must meet the College's standards and expectations.

## Conclusion

70. To summarize, the Panel finds, on a balance of probabilities, that Dr. Woo engaged in serious and on-going professional misconduct in relation to all ten (10) patients whose charts were reviewed and analyzed by the College.
71. The Panel finds Dr. Woo's consistent disregard for the professional standards of practice in relation to billing and record-keeping to be concerning.
72. In addition to admittedly submitting claims which he ought to have known contained false or misleading information, he overcharged some of his patients for laboratory and other charges. In so doing, the Panel finds that Dr. Woo breached the trust that his patients put in him to treat them fairly and honourably.

## PENALTY AND COSTS

### Joint Submission on Penalty and Costs (Exhibit 4)

73. The parties presented the Panel with a Joint Submission on Penalty and Costs ("JSPC") which was entered as Exhibit 4. The JSPC provides the following:
  1. The Royal College of Dental Surgeons of Ontario (the "College") and Dr. Benjamin Woo (the "Registrant") jointly submit that this panel of the Discipline Committee impose the following penalty on the Registrant as a result of the panel's finding that the Registrant is guilty of professional misconduct, namely, that it make an order:
    - (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 four (4) months, commencing at 12:01 am on the day after this Order. The suspension shall run without interruption;
    - (c) that the Registrar impose the following terms, conditions and limitations on the Registrant's certificate of registration (the "Suspension Conditions"), which Suspension Conditions shall continue until the suspension of the Registrant's certificate of registration as referred to in paragraph 1(b) above has been fully served:
      - (i) while the Registrant's certificate of registration is under suspension, the Registrant shall immediately inform the following people about the suspension:
        - staff in the offices or practices in which the Registrant works, including other regulated professionals and administrative staff;
        - dentists with whom the Registrant works, whether the Registrant is a principal in the practice or otherwise associated with the practice;

- dentists or other individuals who routinely refer patients to the Registrant;
  - faculty members at Faculties of Dentistry, if the Registrant is affiliated with the Faculty in an academic or professional capacity;
  - owners of a practice or office in which the Registrant works;
  - 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:
- 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;
  - giving orders or standing orders to dental hygienists;
  - supervising work performed by others;
  - working in the capacity of a dental assistant or performing laboratory work;
  - 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 and
- 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;
  - the Registrant is permitted to sign and/or submit insurance claims for work that was completed prior to the suspension;

- 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 thinks 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, namely:
- i. The Registrant shall successfully complete, at his own expense, the following courses and instruction within six (6) months of this Order becoming final:
    - 1. A course on financial recordkeeping with a focus on billing, preapproved by the College, with written proof of same provided to the College;
    - 2. One-on-one instruction with an instructor to be selected by the College on issues of ethics and professionalism.
  - ii. The Registrant shall retain a practice monitor acceptable to the College (the "Practice Monitor") who shall meet with the Registrant during the twenty-four (24) months immediately following the date the Registrant returns to practice after serving the suspension referred to in paragraph 1(b) above. The Practice Monitoring shall focus on the Registrant's recordkeeping and billing practices. The Practice Monitor will review the appropriateness of the Registrant's recordkeeping and billing practices and will conduct a chart review of at least six (6) patient charts at each Practice Monitoring visit. The Practice Monitor shall submit a report to the College after each visit detailing the Registrant's progress, summarizing the six patient charts reviewed since the previous Practice Monitoring visit, listing any recommendations made to the Registrant and whether the Registrant implemented such recommendations.
  - iii. For the first twelve (12) months, the Registrant shall meet with the Practice Monitor at least quarterly. For the final twelve (12)

months, the Registrant shall meet with the Practice Monitor semi-annually.

- iv. At the conclusion of twenty-four (24) months of Practice Monitoring, if the Practice Monitor reports to the College that the Registrant is progressing well and recommends that the Practice Monitoring cease, and if approved by the College, this term, condition and limitation will be removed from the Registrant's certificate of registration.
  - v. The Registrant shall pay to the College in respect of the cost of Practice Monitoring, the amount of \$1000.00 per inspection/office visit and chart review, such amount to be paid immediately after completion of each inspection/review.
- (e) that the Registrant pay costs to the College in the amount of \$10,000 in respect of this discipline hearing within three (3) months of the date this Order becomes final.
2. The College and the Registrant further submit that pursuant to the Code, as amended, the results of these proceedings must be recorded on the Register of the College and any publication of the Decision of the Panel would therefore occur with the name and practice address of the Registrant included.

### **Submissions on Penalty and Costs**

74. College counsel made submissions based upon the contents of the joint submission on penalty and costs. Her submissions spoke to the penalties agreed upon by the parties and the objectives that they would achieve.
75. College counsel provided the Panel with a Book of Authorities (the "**BOA**"). She relied extensively on the cases contained in the BOA in her submissions.
76. Counsel for the Registrant stated that he accepted the submissions of the College, however he urged the Panel to consider the mitigating circumstances which he set forth as follows:
- (a) That the professional conduct admitted was not intentional;
  - (b) That the errors made by the Registrant were inadvertent;
  - (c) That the Registrant acknowledged the errors made in proceedings before the ICRC;
  - (d) That in April 2024, the Registrant proactively took courses provided by the College and the ODA to remediate his own practice, including the College's course on practice management;
  - (e) That the Registrant has taken steps to change his office practices, ensuring that record-keeping is accurate, and including that all lab invoices are scanned into the office's system;
  - (f) That he provided a six (6)-hour training course for his office staff; and
  - (g) That at all stages of this proceeding, the Registrant has shown remorse and insight.

77. Counsel for the Registrant further urged the Panel to accept that specific deterrence for Dr. Woo has already occurred given that he has been de-listed by Sun Life.
78. College counsel disagreed with the Registrant's characterization of the professional misconduct at issue, arguing that there were no mitigating factors, that the Registrant knew what he was doing, and that the Registrant engaged in intentional falsification of records and invoices.
79. Notwithstanding their divergent views of the professional misconduct at issue, both parties urged the Panel to accept the JSPC as being a reasonable outcome of these proceedings.

### **PENALTY AND COSTS DECISION**

80. The Panel reviewed and considered the JSPC, the submissions of counsel, and the cases referred to during argument and makes an order consistent with the terms and conditions set forth above at paragraph 73.

### **REASONS FOR PENALTY DECISION**

81. 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."<sup>1</sup>
82. The Panel considered the terms of the JSPC in the context of the basic principles relating to the imposition of penalties. These established principles include that:
  - (a) The goal of a penalty is 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;
  - (b) The penalty must serve as a measure of general deterrence in that it sends a message to all registrants of the dental profession that this type of conduct will not and cannot be tolerated;
  - (c) The penalty serves as a measure of specific deterrence relative to the dentist concerned;
  - (d) It provides for rehabilitation or remediation of the dentist concerned, where possible and appropriate, to ensure that the dentist practices at a standard acceptable to the profession and to protect the public; and lastly
  - (e) Both mitigating and aggravating factors should be considered.
83. For the reasons that follow, the Panel accepted the parties' joint submission with respect to penalties and costs. It concluded that the proposed penalties and the costs award to the College are reasonable and appropriate in the circumstances of this case.

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<sup>1</sup> *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

They fall well within the standard of serving the administration of justice and protecting the public.

### **Mitigating Factors**

84. Notwithstanding that the parties were able to come to an agreement and join in a submission with respect to penalty and costs, they disagreed about the existence of mitigating factors.
85. Dr. Woo was first licensed to practice dentistry in Ontario approximately twenty-six (26) years ago, in July 1999. This was his first appearance before a panel of the Discipline Committee.
86. Counsel for Dr. Woo urged the Panel to find that there are mitigating factors that support the acceptance of the joint submission. These include that:
  - (a) While Dr. Woo admitted that billing errors were made, and that he ought to have known that the errors were being made, and that they were unintentional;
  - (b) Dr. Woo acknowledged the errors made at an earlier opportunity, before the ICRC;
  - (c) Dr. Woo proactively took courses provided by the College and the ODA to remediate his own practice, including the College's course in practice management;
  - (d) Dr. Woo has taken steps to change his office practices, to ensure that record-keeping is accurate, and particularly that all lab invoices are scanned into the office's system; and
  - (e) Improvements to his office practices that included a six-hour training course for his office staff.
87. As noted above, the College took the position that, notwithstanding the agreement reached in the JSPC, that there were no mitigating factors; that Dr. Woo knew what he was doing and that he engaged in the intentional falsification of records and invoices and that his record-keeping did not meet professional standards.
88. The Panel found that there was no evidence upon which to find that the mitigating steps as noted by his counsel were taken. There were no certificates of completion of courses, nor was there a certificate of completion of the course provided to office staff.
89. The evidence before the Panel consisted of admissions of professional misconduct by Dr. Woo, which admissions he made with the caveat that *he did not know*, but that he *ought to have known* of the errors and falsifications set forth in Allegations 1 and 3. His admissions with respect to Allegations 2, 4 and 5 were unqualified.
90. The Panel did find that there are three mitigating factors that support its acceptance of the JSPC: (a) that Dr. Woo has been practising dentistry for more than twenty-six (26) years with a heretofore unblemished record; (b) that Dr. Woo did admit his professional misconduct at the earlier proceedings before the ICRC, thus demonstrating a basic level of insight into his misconduct; and (c) similarly, that Dr. Woo reimbursed Sun Life fully for all claims that exceeded the allowable amounts. This excess totaled \$56,950.30.

## **Aggravating Factors**

91. The Panel also found that there are some serious and concerning aggravating factors at issue in this case. These include that:
- (a) Dr. Woo admittedly submitted false or misleading claims with respect to all ten (10) patients whose charts were reviewed and which occurred over a period of four (4) years;
  - (b) Dr. Woo's practices with respect to laboratory charges and in-office laboratory fees resulted in some of his patients being over-charged for the services that he provided. Dr. Woo profited from these errors, howsoever committed;
  - (c) Dr. Woo's billing practices, in circumstances whether he knew or he ought to have known was false or misleading, resulted in a breach of the trust that a dentist has with their patients. This, in turn, resulted in harm to the public's trust and confidence in the dental profession and it put public protection at risk; and
  - (d) Dr. Woo's record-keeping, which was admittedly below the standard expected of the profession, similarly put public protection at risk.

## **Deterrence: De-listing and Four-Month Suspension**

92. Penalties must serve as a measure of specific deterrence relative to the dentist concerned.
93. Sun Life has implemented its own deterrence with respect to Dr. Woo by causing him to be de-listed.
94. In addition, the Panel finds that the imposition of a four-month suspension of Dr. Woo's certificate of registration, with strict conditions to be observed, will serve as a specific deterrent to the Registrant engaging in this type of professional misconduct in future.
95. The imposition of a significant suspension will also have a general deterrent effect.
96. Further, it will serve to strengthen public confidence in the ability of the dental profession to regulate itself, and it will assure the public that its safety is a top priority for the College.
97. A four-month suspension is consistent with the range imposed in similar cases provided to the Panel by the College, including *RCDSO v Peracchia*, 2021 ONRCDSO 13; and *RCDSO v Saatian*, 2020 ONRCDSO 2.

## **Practice Monitoring and Approved Courses Ordered**

98. The Panel orders that within six (6) months of this Order becoming final, that the Registrant must complete the courses on financial recordkeeping and on issues of ethics and professionalism, as set out in the JSPC and above, in this Decision.
99. The Panel also orders that Dr. Woo be monitored by a Practice Monitor acceptable to the College during the twenty-four (24) months immediately following the date that he returns to practice, in accordance with the terms and conditions set forth in the JSPC.

100. Both the practice monitoring and the requirement to successfully complete the two courses described above will provide Dr. Woo with opportunities for remediation. They will serve to ensure that Dr. Woo's level of practice meets College standards. Importantly, they will provide a necessary element of protection for the public.

### **COSTS ORDERED**

101. In addition to the penalty imposed, the Panel orders that the Registrant pay costs to the College in the amount of \$10,000 (ten thousand dollars) and that he do so within three (3) months of the date that this Order becomes final. This payment will serve to reimburse the College for some of its costs related to the investigation and prosecution of this matter.
102. The Panel notes that, pursuant to the Code, the results of these proceedings will be recorded on the Register of the College and that any publication of the Decision of the Panel will therefore occur with the name and practice address of the Registrant included.
103. In conclusion, the significant penalties being imposed by this Panel, together with the costs order reflect and communicate the seriousness with which we regard Dr. Woo's professional misconduct. The Panel is satisfied that the combined terms of the penalty Order will ensure that public confidence in the profession is maintained and that the public is protected.

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



February 11, 2026

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Judy Welikovitch  
Chair, Discipline Committee Panel

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Date

## Reprimand

### RCDSO v. Dr. Benjamin Woo

Dr. Benjamin Woo, 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 multiple acts of professional misconduct. You issued reports and billings that you ought to have known were false and/or misleading. You charged fees that were excessive or unreasonable in relation to your patients. Further, you charged a laboratory fee for a dental appliance or device that was more than the commercial laboratory cost you actually incurred in relation to multiple patients, and you failed to keep records as required by the regulations for your patients.

Your professional misconduct is a matter of significant concern. It is unacceptable to your fellow dentists and to the public. It is your responsibility as the dentist to ensure that your office's billings and record keeping practices are consistent with the College's standards and your obligations as a professional. You have undermined the trust that patients and their insurers put in the dental profession, as evidenced by the fact that Sunlife has delisted you.

Of special concern to us is the fact that the professional misconduct in which you engaged took place over four years, involved multiple patients and multiple insurances of inaccurate and misleading records.

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 have any questions, or do you wish to make any comments?

*(Hear the Registrant's comments at this point)*

Thank you for attending today. We are adjourned.

**Appendix "A"****24-0414**

**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
  - 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) 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
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, Alexandra Matushenko, in this matter at:

Alexandra Matushenko  
Steinecke Maciura LeBlanc  
401 Bay Street, Suite 2308, P.O. Box 23  
Toronto ON M5H 2Y4  
Tel: 416.599.2200  
email: [amatushenko@sml-law.com](mailto:amatushenko@sml-law.com)

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 5<sup>TH</sup> 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**

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