

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. HISHAM FAROUK KALOTI**, of the City of Norwood, 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. Hisham Farouk Kaloti
4243 Hwy 7 Box #8
Norwood, ON K0L 2V0

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, between 2017 and 2022, you contravened a standard of practice or failed to maintain the standards of practice of the profession in relation to your care of the patient, Patient D, contrary to paragraph 1 of Section 2 of Ontario Regulation 853/93 under the *Dentistry Act, 1991*, as amended (“*Professional Misconduct Regulation*”).

Particulars:

- You failed to maintain the standard of practice of the profession in implant dentistry with respect to your preliminary evaluation and pre-surgical assessment, treatment planning, obtaining informed consent, execution of surgical treatment, post-surgical

follow-up and pre-prosthetic assessment, execution of prosthetic treatment, and management of complications in respect of Patient D's care.

- You failed to carry out an appropriate pre-implant examination and determine the complexity level of the proposed treatment.
 - Your work-up and treatment planning were deficient. You did not use consistent tooth numbering during the different stages of implant treatment and you did not appropriately determine the final positions of the implants before beginning treatment.
 - You failed to appropriately obtain Patient D's informed consent to implant treatment, including reviewing the risks of treatment, alternate options, and unique personal circumstances of the patient
 - You used materials (bone graft supplied by GDT Dental Implants) that were not licensed as medical devices for sale in Canada.
 - You placed implants despite significant placement limitations disclosed in the CBCT report and without a surgical guide even though the patient's case was complex.
 - You failed to verify implant osseointegration before proceeding to the prosthetic phase of treatment.
 - You did not confirm the fit, function, stability and cleanability of the bridges you gave the patient. You cemented an implant bridge in February 2018 despite noting poor fit. Two of the bridges subsequently de-bonded.
 - You failed to appropriately investigate and manage Patient D's complaints about bleeding in the Fall of 2021, the patient's bone loss in March 2022, and the open crown margin around the #25 implant and implant failure.
2. You committed an act or acts of professional misconduct as provided by s.51(1)(c) of the *Code* in that, between 2017 and 2022, you treated or attempted to treat Patient D for a disease, disorder or dysfunction of the oral-facial complex that you knew or ought to have known was beyond your expertise or competence, contrary to paragraph 5 of Section 2 of the *Professional Misconduct Regulation*.

Particulars:

- The deficiencies in your assessment, work-up, treatment planning, obtaining informed consent, implant placement, prosthetic treatment, and management of complications demonstrate a lack of expertise in the area of implant dentistry such that you ought to have known that providing treatment for Patient D was beyond your competence and referred his care to an appropriate specialist.
3. You committed an act or acts of professional misconduct as provided by s.51(1)(c) of the *Code* in that, in 2017 and 2021, you treated Patient D for a therapeutic, preventative, palliative, diagnostic, cosmetic or other health-related purpose in a situation in which a consent is required by law, without such a consent, contrary to paragraph 7 of Section 2 of the *Professional Misconduct Regulation*.

Particulars:

- You failed to appropriately obtain Patient D's informed consent for implant treatment, including reviewing the risks of treatment, alternate options, and unique personal circumstances of the patient.
 - You did not tell Patient D that you would use bone grafting materials (xenograft supplied by GDT Dental Implants) that were not licensed as medical devices for sale in Canada.
4. You committed an act or acts of professional misconduct as provided by s.51(1)(c) of the *Code* in that, in 2021, you misrepresented a remedy, treatment, device or procedure to the patient, Patient D, contrary to paragraph 12 of Section 2 of the *Professional Misconduct Regulation*.

Particulars:

- You did not tell Patient D that you would use bone grafting materials (xenograft supplied by GDT Dental Implants) that were not licensed as medical devices for sale in Canada.
5. You committed an act or acts of professional misconduct as provided by s.51(1)(c) of the *Code* in that, between 2017 and 2022, you failed to keep records in relation to the patient, Patient D, as required by the regulations, contrary to paragraph 25 of Section 2 of the *Professional Misconduct Regulation*.

Particulars:

- You failed to maintain a complete, clear and accurate record of Patient D's dental care.
 - You repeatedly failed to document your findings on examination and your diagnoses.
 - You did not document an appropriate informed consent discussion with the patient including diagnosis, discussion of the risks and benefits of treatment, alternative treatment options, anticipated post-surgical sequelae and potential complications, before initiating implant treatment or doing bone grafting.
 - You did not document the patient's medical history before initiating implant treatment.
 - You recorded different tooth numbers for implants during the treatment planning, surgical and prosthetic stages of treatment.
 - You did not retain radiographs and commercial laboratory invoices in the patient's chart.
 - You repeatedly failed to document your interpretation of radiographs, including those taken August 21, 2017, November 8, 2021 and March 3, 2022.
6. You committed an act or acts of professional misconduct as provided by s.51(1)(c) of the *Code* in that, in 2021, you engaged in conduct or performed an act that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable, unprofessional or unethical, in relation to the patient, Patient D, contrary to paragraph 59 of Section 2 of the *Professional Misconduct Regulation*.

Particulars:

- In November 2021, you gave Patient D a bone graft using materials (xenograft supplied by GDT Dental Implants) that were not licensed as medical devices for sale in Canada without telling the patient.

Such further and other particulars will be provided from time to time, as they become known.

AND TAKE NOTICE THAT the said allegations respecting professional misconduct will be heard and determined by a panel of the Discipline Committee of the Royal College of Dental Surgeons of Ontario ("panel") on a date and time to be agreed upon by the parties, or on a date to be fixed by the Chair of the Discipline Committee, at the offices of the Royal College of Dental

Surgeons of Ontario, 6 Crescent Road, Toronto, Ontario, M4W 1T1, or by electronic hearing as required. You are required to appear in person or by a legal representative before the panel with your witnesses, if any, at the time and place aforesaid.

ONCE A DATE IS FIXED, IF YOU DO NOT ATTEND ON THE FIXED HEARING DATE, THE PANEL MAY PROCEED IN YOUR ABSENCE AND YOU WILL NOT BE ENTITLED TO ANY FURTHER NOTICE OF THE PROCEEDINGS.

The *Code* provides that if a panel finds that you have committed an act of professional misconduct, it may make an order doing any one or more of the following:

- (1) directing the Registrar to revoke your certificate of registration;
- (2) directing the Registrar to suspend your certificate of registration for a specified period of time;
- (3) directing the Registrar to impose specified terms, conditions and limitations on your certificate of registration for a specified or indefinite period of time;
- (4) requiring you to appear before the panel to be reprimanded;
- (5) requiring you to pay a fine of not more than \$35,000.00 to the Minister of Finance;

or any combination thereof.

Furthermore, the *Code* provides that if a panel is of the opinion that the commencement of these proceedings is unwarranted, it may make an order requiring the College to pay all or part of your legal costs.

The *Code* also provides that in an appropriate case, a panel may make an order requiring you, in the event the panel finds you have committed an act or acts of professional misconduct or finds you to be incompetent, to pay all or part of the following costs and expenses:

1. the College's legal costs and expenses;
2. the College's costs and expenses incurred in investigating the matter; and
3. the College's costs and expenses incurred in conducting the hearing.

If you have not done so already, you are entitled to and are well advised to retain legal representation to assist you in this matter.

You are entitled to disclosure of the evidence in this matter in accordance with section 42(1) of the *Code*. You or your representative may contact the prosecutor for the College, [REDACTED], in this matter at:

[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 22nd day of August, 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. HISHAM FAROUK KALOTI**, of the City of Norwood, 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

6 Crescent Road

Toronto ON M4W 1T1

Telephone: 416-961-6555

Fax: 416-961-5814