

**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, in 2021 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 E, 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 and execution of prosthetic treatment in respect of Patient E’s care.

- You failed to carry out an appropriate pre-implant examination before proposing treatment.
  - Your work-up and treatment planning were deficient. You did not appropriately consider the limitations of the implant site by reviewing the available bone and proximity to the sinus.
  - You failed to appropriately obtain Patient E's informed consent for 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 and dental implant supplied by DSI Dental Solutions) that were not licensed as medical devices for sale in Canada and a laboratory for the crown (Foo Tian Dental Lab) that was not licensed to sell medical devices in Canada.
  - Your surgical placement of the #26 implant was unacceptable and appears to have perforated Patient E's sinus.
  - You did not appropriately follow the patient after placing the implant and you removed the patient's sutures without reviewing the state of healing.
  - You failed to verify implant osseointegration before proceeding to the prosthetic phase of treatment.
  - You placed a crown on the implant despite the implant's high probability of failure given the patient's bone density and the implant's proximity to the sinus.
2. You committed an act or acts of professional misconduct as provided by s.51(1)(c) of the *Code* in that, in 2021 and 2022, you treated or attempted to treat Patient E 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 and prosthetic treatment demonstrate a lack of expertise in the area of implant dentistry such that you ought to have known that providing treatment for Patient E 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 2021 and 2022, you treated Patient E 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 E'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 E that you would use materials (bone graft supplied by GDT Dental Implants and dental implant supplied by DSI Dental Solutions) that were not licensed as medical devices for sale in Canada.
  - You did not tell Patient E that for the #26 crown you would use a dental laboratory (Foo Tian Dental Lab) that was not licensed to sell medical devices 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 and 2022, you misrepresented a remedy, treatment, device or procedure to the patient, Patient E, contrary to paragraph 12 of Section 2 of the *Professional Misconduct Regulation*.

Particulars:

- You did not tell Patient E that you would use materials (bone graft supplied by GDT Dental Implants and dental implant supplied by DSI Dental Solutions) that were not licensed as medical devices for sale in Canada.
  - You did not tell Patient E that for the #26 crown you would use a dental laboratory (Foo Tian Dental Lab) that was not licensed to sell medical devices in Canada.
5. You committed an act or acts of professional misconduct as provided by s.51(1)(c) of the *Code* in that, in 2021 and 2022, you failed to keep records in relation to the patient, Patient E, 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 E's dental care.
    - You failed to document the pre-treatment May 25, 2021 appointment with sufficient detail including the patient's chief complaint, your clinical and radiographic findings, and your justification for recommending tooth #27's extraction.
    - You failed to document the June 7, 2021 post-operative appointment with sufficient detail, including the patient's presentation, your clinical findings and the treatment you provided.
    - You did not document your interpretation of the patient's radiographs.
    - You failed to retain the May 25, 2021 radiograph.
    - You failed to maintain a financial ledger showing amounts billed, commercial laboratory fees incurred and amounts paid.
6. You committed an act or acts of professional misconduct as provided by s.51(1)(c) of the *Code* in that, in 2022, 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, contrary to paragraph 28 of Section 2 of the *Professional Misconduct Regulation*.

Particulars:

- You billed for crown #26 and associated commercial laboratory fees before the date of the crown's insertion.
7. You committed an act or acts of professional misconduct as provided by s.51(1)(c) of the *Code* in that, in 2022, you submitted an account or charge for dental services in respect of Patient E that you knew or ought to have known was false or misleading, contrary to paragraph 33 of Section 2 of the *Professional Misconduct Regulation*.

Particulars:

- You billed for crown #26 and associated commercial laboratory fees before the date of the crown's insertion.
8. You committed an act or acts of professional misconduct as provided by s.51(1)(c) of the *Code* in that, in 2021 and 2022, 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 E, contrary to paragraph 59 of Section 2 of the *Professional Misconduct Regulation*.

Particulars:

- You used materials (bone graft supplied by GDT Dental Implants and dental implant supplied by DSI Dental Solutions) that were not licensed as medical devices for sale in Canada without telling the patient.
- For the #26 crown, you used a dental laboratory (Foo Tian Dental Lab) that was not licensed to sell medical devices 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] [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 22<sup>nd</sup> day of August, 2024.



Royal College of Dental Surgeons of Ontario

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

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