

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 2019 and in 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 F, 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 F's care.

- You failed to carry out an appropriate pre-implant examination, including periodontal assessment and/or periodontal referral, and determine the complexity level of the proposed treatment.
 - Your work-up and treatment planning were deficient. You did not plan to stabilize the patient's active periodontal disease before and after implant placement. You did not plan for a sinus lift.
 - You failed to appropriately obtain Patient F's informed consent for implant treatment with a sinus lift, including reviewing the risks of treatment, alternate options, and unique personal circumstances of the patient.
 - You placed implants despite significant limitations signalled in the CBCT report and without taking intra-operative and post-operative radiographs to check their placement.
 - 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 crowns you gave the patient. You placed defective crown restorations with overhangs and defective margins.
 - You did not appropriately investigate the de-bonding of the #17 crown in April 2019 and the #17 crown mobility in March 2022.
 - You did not appropriately investigate and address the patient's complaints about bleeding, swollen gums 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 2019, you treated or attempted to treat Patient F 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 F was beyond your competence and referred her 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, between 2017 and 2019, you treated Patient F 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 F's informed consent for implant treatment, including reviewing the risks of treatment, alternate options, and unique personal circumstances of the patient.
 - You did not discuss the potential for a sinus lift prior to treatment with the patient and you did not obtain her informed consent before performing it.
4. You committed an act or acts of professional misconduct as provided by s.51(1)(c) of the *Code* in that, between 2017 and 2019 and in 2022, you failed to keep records in relation to the patient, Patient F, 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 F's dental care.
 - You did not appropriately document your June 2017 complete oral examination of the patient, including your findings and diagnoses.
 - You did not document an appropriate informed consent discussion including diagnosis, discussion of the risks and benefits of implant treatment, alternative treatment options, your recommendation for a sinus lift procedure, anticipated post-surgical sequelae and potential complications, including the risk of implant failure.
 - You did not obtain and/or retain a signed treatment plan.
 - You did not appropriately document your interpretation of the patient's radiographs.
 - You did not retain commercial laboratory invoices and radiographs in the patient's records.

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, 2022.



Royal College of Dental Surgeons of Ontario

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ROYAL COLLEGE OF DENTAL SURGEONS OF ONTARIO

6 Crescent Road

Toronto ON M4W 1T1

Telephone: 416-961-6555

Fax: 416-961-5814