

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

**Citation:** Royal College of Dental Surgeons of Ontario v. Kochman, 2025 ONRCDSO 5

**Date:** 2025-09-09

**File No.:** 23-0842, 24-0405, 24-0769

**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. Mark Alan Kochman

**FINDING AND PENALTY REASONS**

**RESTRICTION ON PUBLICATION**

In the matter of the Royal College of Dental Surgeons of Ontario and Dr. Mark Kochman 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)  
 Neil Gajjar, Professional Member  
 Luisa Ritacca, Subject Matter Expert

**APPEARANCES:**

Ahmad Mozaffari, for the College  
 Symon Zucker, for Dr. Kochman

**Heard:** July 24, 2025, by video conference

**Decision Date:** July 24, 2025

**Release of Written Reasons:** September 9, 2025

**DECISION and 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 July 24, 2025. This matter was heard by way of videoconference.

2. At the commencement of the hearing, the College sought a publication ban prohibiting any person from publishing or broadcasting the identity of any patient of the Registrant, or any information that could disclose the identity of a patient named in the exhibits marked at the hearing or in the submissions made orally at the hearing. The Registrant consented to the College’s request. The Panel granted the order.

3. It is noted that, on consent of the Registrant, the College introduced into evidence an Agreed Statement of Fact (**“ASF”**), which was entered as Exhibit 4.

**THE ALLEGATIONS**

4. The allegations of professional misconduct against the Registrant, Dr. Mark Kochman, are set forth in three (3) separate Notices of Hearing (**“NOH”**s), as follows:

***Notice of Hearing No. 24-0769 dated 10 November 2023, entered as Exhibit 1***

5. This NOH contains three (3) separate allegations relating to Dr. Kochman’s business relationship with Latif Alsoma (aka Abdul Latif Alsoma, aka Abdul Latif) (**“Alsoma”**) at Mr. Alsoma’s dental clinic named Alforat Dental Centre (**“Alforat”**).

6. The College alleged that Alsoma is neither a member of the College, nor a member of the College of Dental Hygienists of Ontario (the **“CDHO”**). The allegations related to Dr. Kochman’s business relationship with Mr. Alsoma were based upon information that Alsoma

was practising dentistry illegally, using the title of doctor, and holding himself out as a person qualified to practise dentistry in Ontario and that this conduct was being enabled by Dr. Kochman.

7. The College alleged that Dr. Kochman committed acts of professional misconduct as provided by s. 51(1)(c) of the Health Professions Procedural Code ("**the Code**"), being Schedule 2 of the *Regulated Health Professions Act 1991*, S.O. 1991, Chapter 18, ( "**the Act**"), as follows :

***Conflict of Interest:***

a. that he contravened section 5(4)(g) of Ontario Regulation 853, Regulations Ontario 1993 (the "**Regulation**"), in that he had a real, potential or perceived conflict of interest by reason that he entered into an agreement or arrangement with Alsoma/Alforat– that whether directly or indirectly –prevented or would reasonably be regarded as having the effect of preventing him from properly exercising his professional judgment and skill in respect of the treatment or referral of patients, contrary to paragraph 38 of Section 2 of the Regulation; and

***Fee or Income Sharing***

b. that he contravened section 5(4)(h) of the Regulation in that he had a conflict of interest in circumstances where he had, directly or indirectly, engaged in a form of fee or income sharing with Alsoma, who was neither an associated Registrant, nor a Registrant who is Dr. Kochman's partner, nor a member of the CDHO, contrary to paragraph 38 of Section 2 of the Regulation. In particular, it was alleged that Dr. Kochman worked for Alsoma, who owns Alforat but that Algoma is neither a Registrant of the RCDSO nor a member of the CDHO.

It was further alleged that Dr. Kochman provided dental treatment at Alforat that included dental implant treatment, implant consultation and tooth extraction; and

***Disgraceful, Dishonourable, Unprofessional or Unethical Conduct***

c. that he contravened s.51(1)(c) of the Code in that he engaged in conduct or performed an act, relative to one or more of his patients, that would, having regard to all of the circumstances, reasonably be regarded by registrants of the College as disgraceful, dishonourable, unprofessional or unethical ("**DDUU**"), contrary to paragraph 59 of Section 2 of the Regulation.

In particular, it was alleged that Dr. Kochman (a) worked for Alsoma who, as noted, is neither a Registrant of the RCDSO nor a member of the CDHO; (b) facilitated Alsoma to practise dentistry in Ontario in that he formulated treatment plans in conjunction with Alsoma and/or performed treatment based on those treatment plans; (c) failed to advise the College of all his practice locations, including Alforat; and (d) at Alforat, he provided dental treatment that included implant consultation, implant treatment and tooth extractions. It was further alleged that the patients whom Dr. Kochman treated at Alforat paid fees to Alforat and not to him.

***Notice of Hearing No. 24-0405 dated 5 June 2024, entered as Exhibit 2***

8. This NOH contains two (2) sets of allegations, all in relation to a patient that will be identified as Patient 5. More specifically,

***Contravening a standard of practice or failing to maintain the standards of the profession***

a. The College alleged that Dr. Kochman contravened s. 51(1)(c) of the Code in that, when treating Patient 5, he contravened a standard of practice or failed to maintain the standards of practice of the profession, contrary to paragraph 1 of Section 3 of the Regulation. In particular, it was alleged that (a) when performing endodontic treatment on Patient 5, he extended an endodontic file past the apex of the tooth where the file broke off deep into the sinus; and (b) he was prepared to leave the file in the patient and restore the tooth without informing the patient about the potential complications of leaving the file in the sinus; and

***Disgraceful, Dishonourable, Unprofessional or Unethical Conduct***

b. The College further alleged that Dr. Kochman contravened s.51(1)(c) of the Code in that, during the years 2021 and/or 2022, he engaged in conduct or performed an act, relative to one or more of his patients, that would, having regard to all of the circumstances, reasonably be regarded by registrants of the College as disgraceful, dishonourable, unprofessional or unethical, contrary to paragraph 59 of Section 2 of the Regulation.

More specifically, the College alleged that Dr. Kochman attempted to pressure Patient 5 into withdrawing a complaint that he had made to the College; that he offered Patient 5 money in exchange for their agreement to withdraw the complaint and to provide

inaccurate information to the College that the complaint was submitted by their parent; and that after performing endodontic treatment on Patient 5, Dr. Kochman minimized the broken file as a "normal event" that is usually of no consequence and raised no need for concern. This conduct was felt, by the panel of the Inquiries, Complaints and Report Committee ("ICRC") that considered the complaint, as a dishonest way of framing the situation to the patient given the extent to which the file had entered the sinus and the potential consequences.

**Notice of Hearing No. 24-0769 dated 3 October 2024, entered as Exhibit 3**

9. This Notice of Hearing contains three (3) separate allegations, two (2) with respect to a patient identified in the ASF as Patient 1 and one (1) with respect to a second patient who will be identified in these Reasons as Patient 2, as follows:

***Re Patient 1: Sexual Abuse of a Patient and Abuse of a Patient***

- a. The College alleged that, in relation to Patient 1, Dr. Kochman committed an act or acts of professional misconduct as provided by s. 51(1)(b.1) of the Code in that in or around the years 2022 and/or 2023, he sexually abused his patient.
- b. The College further alleged that, in relation to Patient 1, Dr. Kochman committed an act or acts of professional misconduct as provided by s. 51(1)(c) of the Code in that, during the years 2022 and/or 2023, he abused his patient, contrary to paragraph 8 of Section 2 of the Regulation.
- c. In particular, the College alleged that (a) Patient 1 became Dr. Kochman's patient in October 1998 and continued to receive treatment from him until September 15, 2023; (b) during the period 2022 and/or 2023, Dr. Kochman engaged in a concurrent sexual and treating relationship with Patient 1; (c) Dr. Kochman's sexual relationship with Patient 1 included sexual intercourse and other forms or sexual relations, including touching of a sexual nature, and/or behaviour or remarks of a sexual nature; and (d) in or about 2023, Dr. Kochman sent electronic messages of a sexual nature to Patient 1 while she was still his patient;

***Re Patient 2: Disgraceful, Dishonourable, Unprofessional or Unethical Conduct***

- d. The College alleged that Dr. Kochman contravened s.51(1)(c) of the Code in that he engaged in conduct or performed an act, relative to one or more of his patients, that would, having regard to all of the circumstances, reasonably be regarded by

registrants of the College as disgraceful, dishonourable, unprofessional or unethical, contrary to paragraph 59 of Section 2 of the Regulation; and

- e. In particular, the College alleged that in or about 2023, Dr. Kochman breached appropriate dentist-patient boundaries with Patient 2, including by sending inappropriate electronic messages to his patient.

#### **AGREED STATEMENT OF FACTS AND PLEA INQUIRY, EXHIBIT 4**

10. Dr Kochman admitted to the acts of professional misconduct as set out in the Notices of Hearing, described above. Included in the Agreed Statement of Facts (“ASF”) (Exhibit 4), described below, is a written plea and plea inquiry signed by Dr. Kochman, dated July 8, 2025. In addition to the signed plea inquiry, the Chair conducted an oral plea inquiry on the record. Based upon Dr. Kochman’s responses to the Chair’s questions, and the written plea inquiry contained at page 5 of Exhibit 4, the Panel was satisfied that the Registrant’s admissions were voluntary, informed and unequivocal.

11. More particularly, in his signed written plea inquiry, Dr. Kochman agreed 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. He acknowledged that he was voluntarily admitting to the allegations against him.

#### **THE EVIDENCE: ADMITTED FACTS**

12. The factual evidence set out in the ASF elaborates upon the particulars set out in Exhibits 1, 2, and 3. The full content of the College’s allegations has been set forth in Paragraphs 5 – 9 above.

#### **Notice of Hearing 23-0842 (Exhibit 1)**

##### ***Conflict of Interest and Fee or Income Sharing***

13. The College alleged that, during the years 2018 and/or 2019, Dr. Kochman was involved in a business relationship with Alsoma that:

- (a) Violated section 5(4)(g) of the Regulation (apparent/potential conflict of interest) in that the business arrangement/agreement with Alsoma and/or Alforat was contrary to paragraph 38 of section 2 of the Regulation. The College alleged that he thereby committed professional misconduct; and

(b) Violated section 5(4)(h) of the Regulation (fee or income sharing) in that the business arrangement with Alsoma and/or Alforat provided for fee or income sharing of revenue which resulted in a perceived or potential conflict of interest, contrary to paragraph 38 of Section 2 of the Regulation. The College alleged that he thereby committed professional misconduct.

14. These allegations were admitted by Dr. Kochman, who agreed to the following statement of facts:

- a. That in 2018, the College received concerns regarding Alsoma's conduct. Latif is neither a registrant of the College nor a member of the CDHO. The concerns related to Alsoma illegally practising dentistry, using the title "doctor", and holding himself out as a person qualified to practise dentistry in Ontario;
- b. That on August 13, 2018, the College obtained an Order in the Ontario Superior Court of Justice in which Justice Dietrich prohibited Alsoma from practising dentistry and from performing controlled acts;
- c. That Alsoma owned and operated Alforat. Between 2018 and 2019, including after the Order of Justice Dietrich, the Registrant worked for and was paid for his services by Alsoma. The Registrant did not inform the College that his practice locations included Alforat;
- d. That the Registrant also practised at another location, namely Wilson Family Dental in Toronto (the "**Clinic**");
- e. That while working at Alforat, the Registrant provided dental treatment to patients, including formulating treatment plans in conjunction with Alsoma and performing treatments based on those plans. These treatments included implant treatments, implant consultation, and tooth extraction. It was admitted by Dr. Kochman that Alsoma assisted him in providing treatment to patients at Alforat;
- f. That the patients whom Dr. Kochman treated at Alforat paid fees to Alforat. Dr. Kochman was then compensated for his work by Alsoma;
- g. Copies of some of the invoices that Dr. Kochman provided to Alsoma for his services were attached to the ASF at Tab 3. These invoices list the party to be billed as "Dr. Latif";

- h. That the parties also tendered copies of invoices relating to another patient (Patient 3) who received treatment at Alforat. These invoices are on “Alforat Dental Centre” letterhead and they list the service provider as “Dr. Mark” (ASF, Tab 4);
- i. That Dr. Kochman admitted and agreed that Alsoma was present in the treatment room when he provided dental implants for Patient 3;
- j. That the parties tendered a copy of a signed consent form, dated June 27, 2019, in which Patient 3 gave her consent for Dr. Kochman to provide dental implants (ASF, Tab 5);
- k. That Dr. Kochman co-signed the Informed Consent form;
- l. That Dr. Kochman further admitted that, after complications developed with Patient 3, that he saw her at his Clinic, where he conducted an examination. Dr. Kochman’s evidence was that he had concerns with the treatment Patient 3 was receiving from Alsoma, and in particular, that Alsoma was using the wrong dental instruments and screws. He admitted that he provided Patient 3 with dental screws and advised her to return to Alforat so that Alsoma could insert them; and
- m. That the patient records obtained by the College included a prescription for another patient (Patient 4) dated March 22, 2019. The prescription was written on an “Alforat Dental Centre” prescription pad and identified Dr. Mark Kochman as the prescriber (ASF, Tab 6).

***Disgraceful, Dishonourable, Unprofessional or Unethical Conduct***

15. The College alleged that, owing to the conduct described in Paragraph 14 above, Dr. Kochman contravened s. 51(1)(c) of the Code in that during the years 2018 and/or 2019, he engaged in conduct or performed an act that, having regard to all the circumstances as described in NOH 23-0842 (Exhibit 1), would reasonably be regarded by members of the profession as disgraceful, dishonourable, unprofessional and/or unethical, contrary to paragraph 59 of Section 2 of the Regulation.

16. Dr. Kochman admitted this allegation. More specifically, Dr. Kochman admitted to the particulars set out in NOH 23-0842 (Exhibit 1), as follows:



- a. That he facilitated Alsoma, who is not a registered dentist, to practise dentistry in Ontario in that he formulated treatment plans in conjunction with Alsoma, and/or he performed treatment based on those treatment plans;
- b. That he failed to advise the College of all his practice locations, and in particular, he did not inform the College that he was practising at Alforat;
- c. That he worked for Alsoma, who owns Alforat, but that Alsoma is neither a registrant of the College nor a member of the CDHO;
- d. That at Alforat, he provided dental treatment that included implant treatment, implant consultation, and tooth extraction; and
- e. That the patients whom Dr. Kochman treated at Alforat paid fees to the Alforat Dental Centre. In exchange, Alsoma paid Dr. Kochman for his services.

### **Professional Misconduct Admitted**

17. With respect to the allegations against him stemming from his business relationship with Alsoma, Dr. Kochman admitted the facts as set forth in the ASF, and those contained in the particulars of NOH 23-0842. He admitted to having engaged in professional misconduct contrary to paragraphs 38 and 59 of Section 2, and sub-paragraphs (4)(g) and (4)(h) of Section 5 of the Regulation.

### **Notice of Hearing 24-0405, Exhibit 2**

#### ***Contravening a standard of practice or failing to maintain the standards of the profession***

18. The College alleged that, in relation to Patient 5, Dr. Kochman contravened a standard of practice or failed to maintain the standards of practice of the profession, contrary to paragraph 1 of Section 2 of the Regulation. In particular, the College alleged that (a) when performing endodontic treatment on Patient 5, he extended an endodontic file past the apex of the tooth where the file broke off deep into the sinus; and (b) he was prepared to leave the file in the patient and restore the tooth without informing the patient about the potential complications of leaving the file in the sinus.

19. In oral submissions, the College alleged that having the file break off deep into his patient's sinus during root canal therapy was not a "normal event"; and stressed that Dr.

Kochman's failure to explain the potential consequences of leaving the file in place constituted a breach of the standards of professional practice.

20. Dr. Kochman admitted to this allegation, including its particulars, and to the following facts as set forth in the ASF:

"23. In March 2015, Patient 5 became a patient of the Registrant's. He received treatment from the Registrant at the Clinic until May, 2022.

24. On June 29, 2021, Patient 5 received root canal treatment from the Registrant. During the procedure, the Registrant extended an endodontic file past the apex of Patient 5's tooth. The file broke off and remained inside Patient 5's gums, deep into his sinus.

25. The Registrant initially told Patient 5 that the broken file was not a major cause for concern and did not need to be removed. In so doing, the Registrant did not inform Patient 5 of the potential complications of leaving the broken file in the sinus.

26. After Patient 5 expressed concerns about the broken file, the Registrant repeated again that the broken file was not a cause for concern and was a "normal event" that is usually of no consequence.

27. After further follow up from Patient 5, the Registrant ultimately agreed to remove the broken endodontic file and did so on August 11, 2021..."

### ***Disgraceful, Dishonourable, Unprofessional or Unethical Conduct***

21. The College alleged that Dr. Kochman contravened s.51(1)(c) of the Code in that, during 2021 and/or 2022, he engaged in conduct or performed an act, relative to one or more of his patients, that would, having regard to all of the circumstances, reasonably be regarded by registrants of the College as disgraceful, dishonourable, unprofessional or unethical.

22. More specifically, the College alleged that Dr. Kochman attempted to pressure Patient 5 into withdrawing a complaint that he had made to the College; he offered Patient 5 money in exchange for his agreement to withdraw the complaint and to provide inaccurate information to the College that the complaint was submitted by his parent; and that after performing endodontic treatment on Patient 5, Dr. Kochman minimized the broken file as a "normal event" that is usually of no consequence and raised no need for concern. This conduct was determined by the panel of the Inquiries, Complaints and Report Committee ("ICRC") that considered the patient's complaint, to be a "dishonest way of framing the situation to the patient, given the extent to which the file had entered the sinus and the potential

consequences” (College Brief of Documents, Tab 16, p. 162). The ICRC then referred this case to the Discipline Committee of the College.

23. Dr. Kochman admitted these allegations and the facts that were set forth in the ASF, as follows:

**“College Complaint**

28. Following treatment with the Registrant, Patient 5 made a complaint to the College on June 2, 2022. After receiving notice of Patient 5’s complaint, the Registrant contacted Patient 5 and requested that he withdraw his complaint. The Registrant told Patient 5 to erroneously tell the College that Patient 5’s mother made the complaint without Patient 5’s permission or knowledge.

29. The Registrant told Patient 5 to tell the College that Patient 5 would address dental issues directly with the Registrant, that he never meant to harm the Registrant or launch any type of investigation against the Registrant regarding the treatment he provided to Patient 5. The Registrant further asked Patient 5 to tell the College that the Registrant was compassionate, professional and always provided Patient 5 with excellent dental care. The Registrant told Patient 5 to request that the College dismiss the complaint immediately.

30. The Registrant told Patient 5 to tell his mother to contact the College and insist that the complaint be withdrawn.

31. The Registrant told Patient 5 that he would refund him \$1449 in exchange for Patient 5 and his mother withdrawing the complaint.”

24. In addition to these admitted facts, the ASF also contained copies of several lengthy text messages sent by Dr. Kochman to Patient 5 during the period July 21, 2022 to July 27, 2022 (ASF, Tab 7). The content of these text messages corroborates the admitted facts set forth at paragraphs 28 – 31 of the ASF. By way of example,

a. On July 21, 2022, at 7:49 A.M., Dr. Kochman sent a text message to Patient 5. The message consisted of several paragraphs (ASF, pages 30 – 38). It began as follows:

“Good morning (Patient 5) I am pleading with you to contact the RCDS (Royal College of Dental Surgeons of Ontario and withdraw your Complaint. You have to explain to them that you never launched the complaint but that it was your mother in anger over your concerns about the root canal treatment for your tooth who filed the Complaint without your permission.... Please tell your mother that actions were very

hurtful ...But I forgive her since she acted in anger as any protective loving mother might act. She should also contact the College....”;

b. On Saturday, July 23, 2022, at 11:17 A.M., Dr. Kochman sent another lengthy text message to Patient 5 (ASF, pages 39 – 40). It began as follows:

“Hello (Patient 5) Please be in touch with me. I am so overwrought with this Complaint. Please I am pleading with you to contact the College and formally withdraw the Complaint. I know you and your mother have a conscience and you would never do something of a malicious and malevolent nature to anyone. That’s why you must act on this situation which is killing me.... Please respond to me ASAP. Sincerely Dr. Kochman”.

c. Later on July 23<sup>rd</sup>, Dr. Kochman sent another text message to Patient 5 (ASF, pages 41 – 42). In that message, he said the following regarding a possible refund to Patient 5 for the cost of the endodontic treatment. The refund, however, was contingent upon Patient 5 and his mother withdrawing their complaint(s) immediately and upon Dr. Kochman receiving confirmation of the withdrawal from the College. It began as follows:

“Good afternoon (Patient 5) Thank you for contacting me. I am prepared to refund you the amount of \$1449.00 you spend on the root canal treatment, post and composite resin filling. *I first have to know that you/your mother have withdrawn the Complaint to the College and they notify me as such and I will immediately write you a cheque for your refund without hesitation.* But you must act immediately on this matter since as you told me in complete honesty that it was your mother and not you that filed the Complaint and you never asked your mother to do so...But I am more than willing to reimburse you the money spent on the root canal treated tooth as an act of compassion. Please contact the (RCDSO) ASAP so this whole matter can be put to rest...” (Emphasis added)

### ***Professional Misconduct Admitted***

25. With respect to his treatment of Patient 5, Dr. Kochman admitted that he had engaged in professional misconduct in contravention of Section 51(1)(c) of the Code, and as defined in paragraphs 1 and 59 of Section 2 of the Regulation (ASF, Paras. 33, 34(b)(i) and 34(b)(iv).

**Notice of Hearing 24-0769, Exhibit 3****Re Patient 1: Sexual Abuse of a Patient and Abuse of a Patient**

26. The College alleged that, in relation to a patient identified as Patient 1 in the NOH, Dr. Kochman committed an act or acts of professional misconduct as provided by s. 51(1)(b.1) of the Code in that in or around the years 2022 and/or 2023, he sexually abused his patient.

27. Further, the College alleged that, in relation to Patient 1, Dr. Kochman committed an act or acts of professional misconduct as provided by s. 51(1)(c) of the Code in that, during the years 2022 and/or 2023, he abused his patient, contrary to paragraph 8 of Section 2 of the Regulation.

28. In particular, the College alleged that (a) Patient 1 became Dr. Kochman's patient in October 1998 and continued to receive treatment from him for almost twenty five (25) years, until September 15, 2023; (b) during the period 2022 and/or 2023, after she had been his patient for approximately twenty four (24) years Dr. Kochman engaged in a concurrent sexual and treating relationship with Patient 1; (c) Dr. Kochman's sexual relationship with Patient 1 included sexual intercourse and other forms of sexual relations with Patient 1, including touching of a sexual nature, and/or behaviour or remarks of a sexual nature; and (d) in or about 2023, Dr. Kochman sent electronic messages of a sexual nature to Patient 1 while she was still his patient.

29. Dr. Kochman admitted to the allegations with respect to Patient 1 and to the facts set forth in the ASF (Exhibit 3, paragraphs 3 – 5, as follows:

“3. Patient 1 became a patient of the Registrant's in October 1998 and continued to receive treatment from the Registrant until September 15, 2023.

4. From 2022 until 2023, the Registrant entered into a personal relationship with Patient 1 that included sexual intercourse, while Patient 1 continued to receive treatment from the Registrant.

5. From 2022 until 2023, over the course of their personal relationship, the Registrant exchanged text messages with Patient 1. Some of the text messages sent by the Registrant to Patient 1 were of a sexual nature.”

**Professional Misconduct Admitted**

30. With respect to his personal and treating relationship with Patient 1, Dr. Kochman admitted that he had engaged in professional misconduct in contravention of s. 51(1)(b.1) of

the Code in that in or around the years 2022 and/or 2023, he admitted that he had sexually abused Patient 1.

31. Dr. Kochman further admitted that he had engaged in professional misconduct in contravention of s. 51(1)(c) of the Code in that, during the years 2022 and/or 2023, he abused his patient, contrary to paragraph 8 of Section 2 of the Regulation.

### **Re Patient 2: Disgraceful, Dishonourable, Unprofessional or Unethical Conduct**

32. The College alleged that Dr. Kochman engaged in unprofessional conduct as provided by s. 51(1)(c) of the Code in that during the year 2023, he engaged in conduct or performed an act or acts relative to Patient 2 that, having regard to all the circumstances, would reasonably be regarded by registrants of the College as disgraceful, dishonourable, unprofessional or unethical, contrary to paragraph 59 of Section 2 of the Regulation. Patient 2 was also a long-term patient of Dr. Kochman, having received dental treatment from him for almost thirty six (36) years at the time that Dr. Kochman's unprofessional conduct took place.

33. More specifically, the College alleged, and Dr. Kochman admitted, that in or about 2023, he breached appropriate dentist-patient boundaries with Patient 2, including by sending his patient electronic messages that breached appropriate dentist-patient boundaries.

34. In the ASF at paragraphs 6 – 10, Dr. Kochman admitted to the following facts relative to Patient 2:

“6. Patient 2 became a patient of the Registrant's in October, 1985 and continued to receive treatment from the Registrant until August 16, 2023.

7. In August and September, 2023, the Registrant exchanged electronic messages of a personal nature with Patient 2.

8. Between August and October, 2023, the Registrant spoke regularly with Patient 2 on the telephone, often at late hours of the night. The Registrant discussed his personal life, including challenges he was experiencing, with Patient 2.

9. In September, 2023, the Registrant attended a social event with Patient 2.

10. It is agreed that the Registrant's conduct with Patient 2 breached appropriate patient-dentist boundaries.”

### **Professional Misconduct Admitted**

35. With respect to his personal relationship with Patient 2, Dr. Kochman admitted that he committed professional misconduct as provided by Section 51(1)(c) of the Code in that

during the year 2023, he engaged in conduct that would, having regard to all the circumstances, reasonably be regarded as disgraceful, dishonourable, unprofessional or unethical, contrary to paragraph 59 or Section 2 of the Regulation.

## **DECISION**

36. Having deliberated and considered the evidence, including the admissions made by Dr. Kochman in the ASF, and the submissions of the parties, the Panel rendered an oral decision on July 24, 2025 finding that the Registrant committed the acts of professional misconduct as alleged in all three (3) Notices of Hearing, and contrary to sections 51(1)(b.1) and 51(1)(c) of the Code and sections 2(1), 2(8), 2(38), and 2(59) of the Regulation.

## **REASONS FOR DECISION**

37. The Registrant did not contest the allegations set forth in each of the three (3) Notices of Hearing, and he admitted the facts and content included in the appendices contained in the ASF. He acknowledged, and the Panel accepts, that the agreed-upon facts set forth in the ASF, constitute professional misconduct under the headings of misconduct as set out above.

38. As noted, the allegations against Dr. Mark Kochman are set forth in three (3) separate Notices of Hearing (Exhibits 1, 2, and 3). Each NOH concerns very distinct matters and relates to relationships with different businesses and patients. The one common thread is that in each NOH, the College alleged, and Dr. Kochman admitted, that his conduct in each of the circumstances described, was disgraceful, was dishonourable, unprofessional or unethical. Although the types of misconduct are set forth in the legislation as being in the alternative, Dr. Kochman admitted to all four categories of professional misconduct with respect to each NOH.

### **Notice of Hearing 24-0769 (Exhibit 1)**

#### **Conflict of Interest; Working at a dental clinic owned by a person not a member of the College or the CDHO; Income or fee sharing; DDUU Professional Misconduct**

39. This NOH relates to Dr. Kochman's business relationship with Alsoma during the years 2018 and 2019.

40. Dr. Kochman admitted that he committed acts of professional misconduct contrary to s.51(1)(c) of the Code in that, during the years 2018 and 2019, he entered into and remained in a business relationship with Alsoma wherein the Registrant provided dental services at the Alforat dental clinic. Alforat is owned by Alsoma, who is neither a registrant of the College nor

a member of the CDHO. Dr. Kochman admitted that he worked for Alsoma and that he invoiced Alsoma for his services and that he was paid by Alsoma for his services.

41. Dr. Kochman admitted that the business relationship between himself and Alsoma contravened Section 5(4)(g) of the Regulation in that it placed him in a conflict of interest position that prevented or would reasonably be regarded as having the effect of preventing him from properly exercising his professional judgment and skill in respect of the treatment or referral of patients, contrary to paragraph 38 of Section 2 of the Regulation.

42. Dr. Kochman also admitted that his business relationship with Alsoma contravened Section 5(4)(h) of the Regulation in that he engaged in fee sharing/splitting with Alsoma, who was neither a registrant of the RCDSO nor a member of the CDHO.

43. Dr. Kochman admitted that his business relationship with Alsoma continued after the release, on August 13, 2018, of the Order of Justice Dietrich of the Ontario Superior Court of Justice in which Alsoma was prohibited from practising dentistry in Ontario, from using the title “Dr.”, from holding himself out as a person entitled to practise dentistry in Ontario, or from performing controlled acts in Ontario.

44. S.51(1)(c) of the Code requires that a panel shall find that a member, or registrant, has committed misconduct where that member has committed an act of professional misconduct as defined in the regulations. Thus, if a discipline panel finds that a registrant has committed misconduct contrary to the Regulation, then a finding of professional misconduct is mandatory.

45. The Panel finds that Dr. Kochman’s admission of the facts relating to his business relationship with Alsoma is sufficient to establish, on a balance of probabilities, that he was working in a conflict of interest situation. The Panel further finds that Dr. Kochman’s admission of the facts relating to his fee/income arrangement with Alsoma is sufficient to establish, on a balance of probabilities, that he was involved in a proscribed business arrangement with Alsoma.

46. Dr. Kochman admitted that while practising dentistry at Alforat, he provided dental treatment that included implant treatment, implant consultation and tooth extraction; that in exchange for the dental treatment provided by him, Dr. Kochman’s patients paid fees to Alforat. Dr. Kochman further admitted that he submitted invoices to “Dr Latif” and that he was paid for his services by Alsoma (ASF, Tab 3).



47. The Panel finds that Dr. Kochman's admissions were made voluntarily and unequivocally, and that he understood the nature and consequences of his admissions.

48. The Panel thus finds, on a balance of probabilities, that Dr. Kochman's admissions in the ASF, including the evidence in Tabs 1 – 7, constitute credible and reliable evidence of misconduct as described in the NOH, Exhibit 1.

49. The Panel also finds, on a balance of probabilities, that Dr. Kochman's conduct, as described, fell within the parameters of disgraceful, dishonourable, unprofessional or unethical conduct, contrary to Regulation Section 2(59).

50. In this regard, the Panel notes that Dr. Kochman's admissions in relation to Patient 3 included that he was concerned about the standard of care that Alsoma provided to her but that he continued to work for him and to enable him to practice dentistry despite his concerns.

51. This admission reinforces the Panel's finding that Dr. Kochman did have a conflict of interest due to his business relationship with Alsoma and/or Alforat and that the conflict did compromise his treatment of his patients, and in particular, of Patient 3. Further, this Panel finds that Dr. Kochman's conduct in relation to Patient 3 fell within the meaning of 'disgraceful, dishonourable, unprofessional or unethical', contrary to Regulation Section 2(59).

#### **Notice of Hearing 24-0405 (Exhibit 2)**

#### ***Contravening a standard of practice or failing to maintain the standards of the profession***

52. This NOH (Exhibit 2) relates to Dr. Kochman's treatment of Patient 5 at the Wilson Avenue Clinic. It relates both to his dental treatment of Patient 5 and his conduct with respect to that same patient.

53. As noted above, section 51(1)(c) of the Code requires that a panel shall find that a member, or registrant, has committed misconduct where that member has committed an act of professional misconduct as defined in the regulations.

54. Section 2(1) of the Regulation provides that contravening a standard of practice or failing to maintain the standards of practice of the profession constitutes misconduct for the purposes of section 51(1)(c) of the Code.

55. The facts admitted by Dr. Kochman are set forth above. To summarize, the College alleged and Dr. Kochman admitted that the standard of care that he provided to Patient 5 fell below the standards expected of the profession.

56. The Panel is satisfied that the facts admitted by Dr. Kochman and set forth above establish that the standard of care provided to Patient 5 by the registrant was sub-standard relative to the expected level of care of the profession and that Dr. Kochman's conduct is thus captured by the meaning of section 2(1) of the Regulation. The Panel accepts the College's submission that what occurred on June 29, 2021, was not a "normal event" and that it should not have been characterized as such by Dr. Kochman.

57. The Panel finds that Dr. Kochman's admissions were made voluntarily and unequivocally, and that he understood the nature and consequences of his admissions

58. The Panel further finds, on a balance of probabilities, that Dr. Kochman's admissions in the ASF, including the evidence in Tabs 1 – 7, constitute credible and reliable evidence of misconduct as described in the NOH (Exhibit 2).

59. The Panel therefore finds, on a balance of probabilities, that the admitted facts support a finding that Dr. Kochman engaged in professional misconduct by failing to maintain the standards of practice of the profession, contrary to section 51(1)(c) of the Code and paragraph 1 of Section 2 of the Regulation.

60. In particular, the Panel finds that, on June 29, 2021, after an endodontic file broke off deep into Patient 5's sinus during a root canal treatment, that rather than responding to his patient's concerns, Dr. Kochman attempted to minimize the seriousness of the event. He tried to reassure Patient 5 that this was not a cause for concern, and that it was a 'normal event' that is usually of no consequence.

61. Dr. Kochman admitted that he "ultimately agreed to remove the broken endodontic file and (he) did so on August 11", 2021, being approximately six (6) weeks later. (ASF, Para. 27).

***Disgraceful, Dishonourable, Unprofessional or Unethical Conduct***

62. Dr. Kochman admitted, and the Panel finds, that after learning of Patient 5's complaint to the College, he sent his patient a series of text messages in which he pleaded with him to withdraw his complaint and to provide the College with misleading information about the complaint. The Panel further finds that Dr. Kochman prevailed upon his patient and offered,

as an “act of compassion”, to refund the full cost of the endodontic treatment *on the condition that* the complaint first be withdrawn and that he receive confirmation of the withdrawal from the College. This condition leads the Panel to find that the offer to refund the money to Patient 5 was not an “act of compassion” but was rather intended as an inducement.

63. The Panel further finds, on a balance of probabilities, that Dr. Kochman’s admissions, including the evidence at Tab 7 of the ASF, constitute credible and reliable evidence of professional misconduct as described in the NOH (Exhibit 2). This evidence corroborates the College’s allegations regarding the pleas he made to Patient 5 to withdraw his complaint.

64. More specifically, the Panel finds that Dr. Kochman’s conduct fell within the meaning of section 2(59) of the Regulation, and in particular, (a) when he prevailed upon his patient to provide the College with misleading information; and (b) that he offered his patient a *quid pro quo* with respect to the fee he had charged him for the endodontic treatment.

65. Dr. Kochman admitted that, in pleading with Patient 5 to withdraw his complaint, he offered to refund the money and cautioned him that the “College cannot recommend any monetary compensation; that that is a discussion between the dentist and his patient.” (ASF, Tab 7, page 35). He said that “*I first have to know that you/your mother have withdrawn the Complaint to the College and they notify me as such and I will immediately write you a cheque for your refund...*”(ASF, Tab 7, page 42, Emphasis added).

66. Dr. Kochman admitted, and the Panel finds, that he engaged in conduct that would reasonably be regarded by registrants of the College as disgraceful, dishonourable, unprofessional or unethical, contrary to section 2(59) of the Regulation and that he was therefore guilty of misconduct.

67. The Panel finds that Dr. Kochman’s admissions were made voluntarily and unequivocally, and that he understood the nature and consequences of his admissions

68. The Panel further finds, on a balance of probabilities, that Dr. Kochman’s admissions in the ASF, and particularly the evidence at Tab 7, constitute credible and reliable evidence of misconduct as described in the NOH Exhibit 2.

**Notice of Hearing 24-0769*****Sexual Abuse of a Patient and Abuse of a Patient***

69. This Notice of Hearing relates to Dr. Kochman's relationship with two (2) of his patients. The allegations of sexual abuse and abuse of a patient relate to Patient 1; the allegation of disgraceful, dishonourable, unprofessional or unethical conduct relates to Patient 2.

***Patient 1: Sexual Abuse of a Patient and Abuse of a Patient***

70. Pursuant to the Code, Section 51(1)(b.1), a panel is directed to find that a member has committed an act of professional misconduct if that member has sexually abused a patient. Section 51(1)(c) of the Code directs a panel to find that a member has committed an act of professional misconduct if that member has committed an act of professional misconduct as defined in the regulations.

71. Put more plainly, the *Act* and Code contain an absolute prohibition on sexual abuse of a patient, which is defined to include sexual intercourse or other forms of physical sexual relations between a registrant and their patient.

72. Dr. Kochman admitted that he engaged in conduct relative to Patient 1 that constitutes sexual abuse of a patient, as defined in Section 1(3) of the Code; that is contrary to Section 51(1)(b.1) of the Code; and is further elaborated upon in Section 51(5)(3) of the Code.

73. Dr. Kochman further admitted that he engaged in conduct relative to Patient 1 that constitutes abuse of a patient, contrary to Section 2(8) of the Regulation and Section 51(1)(c) of the Code.

74. The Panel is satisfied that the facts admitted by Dr. Kochman and set forth above establish that Dr. Kochman sexually abused Patient 1 contrary to Section 51(1)(b.1) of the Code and that in so doing, that he also abused that patient, contrary to Section 51(1)(c) of the Code. Dr. Kochman admitted that in 2022/2023, he engaged in a concurrent treating and sexual relationship with a long-term patient, and that the relationship included engaging in sexual intercourse and the exchange of text messages, some of which were of a sexual nature.

75. The Panel recognizes that a finding that a registrant sexually abused their patient is serious and significant. It is important to state that the Panel finds that Dr. Kochman's admissions were made voluntarily and unequivocally, and that he understood the nature and consequences of his admissions.

76. The Panel further finds, on a balance of probabilities, that Dr. Kochman's admissions relative to Patient 1, constitute credible and reliable evidence of misconduct as described in the NOH (Exhibit 3).

77. The Panel therefore finds, on a balance of probabilities, that the admitted facts support a finding that Dr. Kochman engaged in professional misconduct contrary to Section 51(1)(b.1) of the Code by engaging in a concurrent treating and sexual relationship with Patient 1, and that he thereby sexually abused his patient. The admitted facts further support a finding that Dr. Kochman abused Patient 1, contrary to Section 2(8) of the Regulation and that he thereby committed professional misconduct, contrary to Section 51(1)(c) of the Code.

***Patient 2: Disgraceful, Dishonourable, Unprofessional or Unethical Conduct***

78. Dr. Kochman admitted that he committed professional misconduct relative to Patient 2.

79. The Panel finds that Dr. Kochman's admitted conduct and acts relative to Patient 2 constitute professional misconduct.

80. The Panel finds, on a balance of probabilities, that Dr. Kochman's admissions, constitute credible and reliable evidence of professional misconduct as described in the NOH (Exhibit 3).

81. The Panel finds that Dr. Kochman's admissions were made voluntarily and unequivocally, and that he understood the nature and consequences of his admissions.

82. The Panel further finds, on a balance of probabilities, that Dr. Kochman's admissions relative to Patient 2, constitute credible and reliable evidence of misconduct as described in the NOH (Exhibit 3).

83. The Panel therefore finds that the admitted facts support a finding that Dr. Kochman engaged in professional misconduct by engaging in a concurrent treating and personal relationship with Patient 2 that crossed appropriate dentist-patient boundaries.

84. The Panel bases this finding on Dr. Kochman's admissions that he breached appropriate dentist – patient boundaries when he exchanged electronic messages of a personal nature with Patient 2; when he spoke regularly with Patient 2 on the telephone, often late at night; when he discussed his personal life with Patient 2, including challenges he was facing; and when he attended a social event with Patient 2.

85. The Panel therefore finds that the facts admitted by Dr. Kochman relative to Patient 2 constitute conduct that would reasonably be regarded by registrants of the profession as disgraceful, dishonourable, unprofessional or unethical, contrary to Section 2(59) of the Regulation.

### **Conclusion**

86. The Panel finds that Dr. Kochman admitted to conduct that supports its findings, on a balance of probabilities, that:

- a) he contravened Section 5(4)(g) of the Regulation in that he practised dentistry in circumstances where he had a conflict of interest in respect of his business relationship with Alsoma, contrary to Section 2(38) of the Regulation;
- b) he contravened Section 5(4)(h) of the Regulation in that he practised dentistry pursuant to a business relationship with Alsoma which involved fee sharing/splitting;
- c) he committed an act of misconduct as provided by Section 51(1)(c) of the Code in that he contravened a standard of practice or failed to maintain the standards of practice of the profession when an endodontic file broke off deep in the sinus of Patient 5 and he was prepared to leave it in place, contrary to paragraph 1 of section 2 of the Regulation;
- d) he committed professional misconduct as provided by Sections 51(1)(b.1) of the Code in that he sexually abused Patient 1 by engaging in a concurrent treating and sexual relationship with her;
- e) he contravened Section 51(1)(c) of the Code and committed professional misconduct in that he abused Patient 1, contrary to Section 2(8) of the Regulation; and
- f) with respect to his conduct as set forth in each of the Notices of Hearing herein, Dr. Kochman is guilty of professional misconduct relative to Patients 2 and 5, and to his business relationship with Alsoma, in that his conduct with respect to each would

reasonably be considered by registrants of the profession as disgraceful, dishonourable, unprofessional or unethical, contrary to Section 2(59) of the Regulation and within the meaning of Section 51(1)(c) of the Code.

87. The Panel thus finds that Dr. Kochman is guilty of all counts of professional misconduct, as described.

### **JOINT SUBMISSION ON PENALTY AND COSTS**

88. Following the conclusion of the hearing on the merits, and the Panel's delivery of its Decision, the hearing moved into the penalty phase. The parties tendered a Joint Submission on Penalty and Costs (the "**JSPC**") which was entered as Exhibit 5. The College also tendered a Brief of Documents (the "**CBOD**") which was entered as Exhibit 6.

89. It is noted that, as at the date of the hearing, the Registrant had not yet signed a waiver of his right to appeal the Panel's decision.

90. The JSPC was signed by Dr. Kochman on July 8, 2025, and by the College on July 17, 2025.

91. Paragraph 1(a) of the JSPC (Exhibit 5) provides that the College and the Registrant "jointly submit" to the Panel that it "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" (Emphasis added; Exhibit 5, page 1).

92. In addition to the foregoing, the parties jointly submitted that this Panel impose the following penalties on the Registrant, as follows:

- (b) "directing the Registrar to revoke the Registrant's certificate of registration, effective immediately;
- (c) requiring the Registrant to reimburse the College for funding provided to the patient referred to in Notice of Hearing with number 24-0769, under the program required under section 85.7 of the Health Professions Procedural Code;
- (d) requiring the Registrant to post security in the amount of \$17,370 to guarantee payments of any amount he is required to pay under paragraph 1(c) above, which shall be paid in six (6) consecutive monthly installments of \$2,895, with the first payment to be made within thirty (30) days of the date of this Order;

- (e) requiring the Registrant to pay a fine payable to the Minister of Finance in the amount of \$35,000; and
- (f) requiring the Registrant to pay costs to the College in the amount of \$10,000 in respect of this discipline hearing, which can be paid in five (5) consecutive monthly installments of \$2,000, with the first payment due within thirty (30) days of the date of this Order. “

93. Lastly, the College and the Registrant submitted that pursuant to the Code, as amended, the results of the proceedings before the Panel 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.

94. College Counsel made submissions based upon the contents of the joint submission on penalty and costs. His submissions spoke to the penalties agreed upon by the parties and the objectives that they would achieve.

95. During his submissions with respect to penalty, counsel for the Registrant raised, for the first time, a request that the reprimand referred to in Paragraph 1(a) of the JSPC be delivered by the Panel to Dr. Kochman, in writing instead of orally and in person. In the Panel's view, the Registrant's counsel was, in effect, seeking to vary a term of the JSPC, although he did not resile from the joint position.

96. The Registrant's counsel based his request on the mental and physical health challenges he stated Dr. Kochman is currently facing. He sought a written reprimand as an accommodation for those challenges. Counsel for the Registrant delineated a lengthy list of Dr. Kochman's challenges, however no corroborating evidence was offered in support of those submissions.

97. Counsel for the College strenuously objected to any departure from the standard practice of having the reprimand delivered orally, in a public forum.

98. The Panel did not accede to Dr. Kochman's request. The Panel's reasons for this decision will be set forth below.

### **Penalty Decision**

99. The Panel accepts the Joint Submission with respect to Penalty and Costs, and makes an order (the “Order”) in accordance with the terms of the JSPC, as follows:



- a. The Registrant shall appear before the panel of the Discipline Committee to be reprimanded within ninety (90) days of this Order becoming final or on a date to be fixed by the Registrar;
- b. The Registrar is directed to revoke the Registrant's certificate of registration, effective immediately;
- c. The Registrant shall reimburse the College for funding provided to Patient 1 referred to in Notice of Hearing 24-0769, under the program required under section 85.7 of the Health Professions Procedural Code;
- d. The Registrant shall post security in the amount of \$17,370 to guarantee payments of any amount he is required to pay under paragraph 1(c) above, which shall be paid in six (6) consecutive monthly installments of \$2,895, with the first payment to be made within thirty (30) days of the date of this Order;
- e. The Registrant shall pay a fine of \$35,000 to the Minister of Finance for the Province of Ontario;
- f. The Registrant shall pay costs to the College in the amount of \$10,000 in respect of this discipline hearing, which can be paid in five (5) consecutive monthly installments of \$2,000, with the first payment due within thirty (30) days of the date of this Order; and
- g. That the results of these proceedings must, pursuant to the Code, 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 being included.

### **Reasons for Penalty Decision**

100. 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>

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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

101. The Panel considered the terms of the JSPC in the context of the basic principles relating to the imposition of penalties. Those 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) a 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) it must also serve as a measure of specific deterrence with respect to the dentist concerned; (d) an appropriate penalty should also provide for remediation or rehabilitation of the dentist concerned, where possible and appropriate; and lastly, (e) the Panel must consider both mitigating and aggravating factors when assessing the appropriateness of the penalty in the circumstances.

102. Dr. Kochman was first licensed to practice dentistry in Ontario in 1981.

103. One of the more significant and aggravating factors in this case is Dr. Kochman's lengthy history of matters before the Inquiries, Reports and Complaints Committee and the Discipline Committee of the College (Brief of Documents, Exhibit 6). More particularly, and prior to the current allegations, Dr. Kochman has had thirteen (13) matters proceed before the ICRC during the period 1992 to 2023 and he has one prior attendance before a panel of the Discipline Committee in 1992. The allegations in those ICRC and Discipline Committee matters are wide-ranging. Many involve complaints about the standard of care provided by Dr. Kochman. Others involve allegations of DDUU. These are themes that we see repeated in the matters before this Panel.

104. The Panel considered the JSPC, the submissions of the parties and the authorities and documents filed by the College.

105. For the reasons that follow, the Panel accepted the JSPC and concluded that the proposed penalties and the costs award to the College are reasonable and appropriate in the circumstances of this case.

106. In his oral submissions, the Registrant's counsel advised the Panel that Dr. Kochman has been coping with serious mental and physical health challenges for the last long while. As noted above, while the Panel can sympathize with Dr. Kochman's circumstances, no evidence to support those submissions was provided to the Panel. They are, therefore, unsubstantiated.

107. Dr. Kochman admitted that from 2022 until 2023, he had a concurrent treating and sexual relationship with Patient 1, who was a long-term patient of the Registrant's. The sexual relationship, which Dr Kochman admitted included sexual intercourse, commenced in 2022 and

continued until September 15, 2023. At that point, Dr Kochman admitted that both the personal/sexual and treating relationships ended.

108. Dr. Kochman admitted, and this Panel found, that he engaged in professional misconduct in contravention of Section 51(1)(b.1) of the Code in that he sexually abused Patient 1.

109. Dr. Kochman further admitted, and the Panel found, that he engaged in professional misconduct in contravention of Section 51(1)(c) of the Code in that he abused his patient, contrary to paragraph 8 of Section 2 of the Regulation.

110. Dr. Kochman also admitted, and the Panel found, that he engaged in other forms of misconduct, as follows:

- a. That he was involved in a business relationship with Alsoma wherein (i) he worked for and was paid by Alsoma; (ii) in which he had a conflict of interest that would reasonably be regarded as having the effect of preventing him from properly exercising his professional judgement and skill in the treatment or referral of patients; and (iii) in which he was engaged in fee sharing/splitting;
- b. That he breached appropriate dentist – patient boundaries with Patient 2;
- c. That he failed to maintain a standard of practice of the profession in relation to Patient 5;
- d. That he committed professional misconduct relative to Patients 1, 2 and 5; and
- e. That in all the circumstances of this case, Dr. Kochman admitted and this Panel found that his conduct was such that it would reasonably be regarded by registrants of the profession as disgraceful, dishonourable, unprofessional or unethical.

### ***Revocation of Certificate of Registration***

111. It is on the basis of these findings as established by the College and admitted by Dr. Kochman in the ASF, that the Panel is required, pursuant to Sections 51(5) and 51(5.2) of the Code, to *revoke* the Registrant's certificate of registration, and it does so.

***Oral Reprimand to be Delivered in Person***

112. Pursuant to Section 51(5) of the Code, the Panel is similarly required to deliver a reprimand to the Registrant upon a finding of sexual abuse by that Registrant.

113. For the reasons set forth above, counsel for the Registrant requested, during oral submissions, that the Panel administer the reprimand in writing in view of Dr. Kochman's personal circumstances involving mental and physical health challenges.

114. Counsel for the College strenuously objected to this request. He pointed to the following factors:

- a. That the public has already heard the details of the allegations against the Registrant and Dr. Kochman's admissions since, the ASF was read into the record;
- b. That there is a public interest in transparency in the reading of the reprimand in an open forum; and
- c. That there was no evidence before the Panel to support a deviation from the standard practice of reading reprimands orally, in a public forum.

115. As an accommodation, the College stated that it had no issue with Dr. Kochman having a support person with him while the reprimand is read.

116. The Panel was not persuaded by the Registrant's request.

117. Section 51(2)(4) of the Code provides that, in an appropriate circumstance, the Panel may make an order "requiring the member to appear before it to be reprimanded."

118. Section 51(5)(5.1) of the Code further provides that in cases where the Registrant has been found guilty of professional misconduct because he has sexually abused a patient, that it is mandatory that the Registrant's dentistry licence be revoked and that an *oral reprimand* be read.

119. The Panel found and Dr. Kochman admitted that he was guilty of professional misconduct because he sexually abused Patient 1, among other types of conduct admitted that are also unacceptable and unprofessional.

120. Relying upon a plain reading of the language in the Code, sexual misconduct involving sexual intercourse calls for mandatory revocation and a reprimand under section 51(5)(3) of the Code. The Registrant must "appear before" - that is, be present, in person, in front of the panel -

so that the reprimand can be read in an open forum. In a post-Covid environment, “appearing before” has also come to mean appearing virtually.

121. Having the Registrant appear before the panel in person (or virtually), is part of the process by which the profession, through the Discipline Committee, delivers to the dentist directly its denunciation of the dentist’s behaviour.<sup>2</sup>

122. By delivering the reprimand orally and in public, the goals of transparency and public accountability are achieved.

123. A similar issue arose in the case of a physician who was found guilty of professional misconduct including sexual abuse of a patient. The physician was not present for the penalty hearing in his case before a Discipline Panel of the College of Physicians and Surgeons of Ontario (the “**CPSO**”). In that case, Dr. Henderson’s counsel suggested that the reprimand could be delivered by the panel by reading it into the record and delivering a certified copy of the reprimand to Dr. Henderson in order to satisfy the requirement that he “appear before the panel to be reprimanded.”<sup>3</sup>

124. The Panel in *Henderson* rejected that suggestion and provided its reasons and order, as follows:

“It is the part of the process by which the profession, through this Committee, delivers to the physician directly its denunciation of the physician’s behavior. In this case, the Committee will express its abhorrence of the serious breach of trust by Dr. Henderson towards a vulnerable patient. By delivering the reprimand orally and in public, the goals of transparency and public accountability are achieved. Therefore, the Committee orders that Dr. Henderson appear before it for the oral reprimand and directs the Hearing Office to schedule the reprimand at the earliest opportunity...”<sup>4</sup>

125. The Panel agrees with the reasoning expressed in *Henderson*. The Panel declined to grant the Registrant’s request that the reprimand be delivered in writing and advised the parties that it would administer the reprimand orally.

126. The Panel also asked the parties to consider whether they might agree to having the reprimand read in private.

127. College counsel strenuously objected to this suggestion.

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<sup>2</sup> *College of Physicians and Surgeons of Ontario v Larry Henderson*. 2011 ONCPSD 3 (CanLII)

<sup>3</sup> *Ibid* at p. 4

<sup>4</sup> *Ibid*.

128. Counsel for the Registrant was similarly opposed to a closed-door delivery of the reprimand. Instead, he offered to sign the waiver of appeal in exchange for the reprimand being administered in writing. The Panel stated that it was not prepared to accept that offer and cautioned counsel for Dr. Kochman that it was not going to engage in bargaining with him.

### **Reimbursement of Funding for Therapy**

129. Where a person has been sexually abused by their dentist, that person is eligible to receive therapy that is paid for by the College.

130. Where a registrant has been found guilty of professional misconduct that includes sexual abuse of a patient, the College is entitled to recover payment for the cost of patient therapy and counselling pursuant to Section 85.7(12) of the Code.

131. Dr. Kochman admitted that he sexually abused Patient 1. This patient is eligible to receive therapy and counselling that is funded by the College.

132. The Panel thus orders that Dr. Kochman is required to reimburse the College for funding for therapy and counselling provided for Patient 1.

133. Further, Dr. Kochman agreed, and this Panel orders, that the Registrant is required to post security in the amount of \$17,370 to guarantee payments of any amount that he is required to pay pursuant to the Order in the paragraph above. The security shall be posted according to the following schedule: payment shall be made in six (6) monthly installments of \$2895, with the first payment to be made within thirty (30) days of the date of this Order,

134. In making this decision, the panel considered a number of factors, including the following:

- a. that Patient 1 had been a patient of Dr. Kochman's for approximately twenty-four (24) years when he began a sexual relationship with her in 2022. The relationship ended on or about September 15, 2023;
- b. that Patient 1 is eligible to receive therapy and counselling funded by the College;
- c. that the sexual abuse committed by Dr. Kochman was egregious, particularly in light of Patient 1's twenty-four (24) year history as a patient of the Registrant before the sexual abuse took place. This contributed, in the Panel's view, to an aggravated breach of trust by Dr. Kochman with respect to Patient 1;
- d. that requiring Dr. Kochman to pay for the therapy and counselling of which Patient 1 avails herself will send a strong message to the profession and to the public that this type of misconduct will not be tolerated by the profession or the public; and

- e. that it also requires of Dr. Kochman that he assume an element of personal accountability in the treatment and rehabilitation of the patient whom he has admittedly abused.

### ***Registrant Required to Pay College Costs and Legal Expenses***

135. Section 53.1 of the Code provides, in part, that in an appropriate case, a panel may make an order requiring the member whom the panel found has committed an act or acts of professional misconduct, to pay all or part of the College's legal costs and expenses, including costs and expenses incurred in investigating the matter, and/or costs and expenses incurred in conducting the hearing.

136. Dr. Kochman admitted all the allegations against him that were contained in the three (3) Notices of Hearing filed in this case.

137. In so doing, and in joining with the College on a JSPC, Dr. Kochman spared the College significant time, money and other resources in bringing this matter to a conclusion. This was considered by the Panel to be a mitigating factor overall.

138. The Panel is also mindful that the allegations before it were broad-ranging, and that the investigations that the College undertook were extensive. The Panel finds that an order requiring that Registrant to pay costs to the College in the amount of \$10,000, which can be paid in five (5) consecutive monthly installments of \$2000 to be reasonable in all of the circumstances of this case. The first installment is due and payable within thirty (30) days of the date of this Order. The Panel finds that this sum is consistent with costs awarded against the Registrant in other, similar circumstances.

### ***Fine Payable to Ministry***

139. Lastly, pursuant to Section 51(2)(5) of the Code, a panel may require a member to pay a fine of not more than \$35,000 to the Minister of Finance. This requirement is typically imposed in the most serious and egregious cases.

140. This case involves sexual abuse and abuse of a long-term patient with whom Dr. Kochman would have built a relationship of trust during the twenty-four (24) years that Patient 1 was his patient and before he began a sexual relationship with her.

141. Dr. Kochman also admitted to breaching appropriate dentist-patient boundaries in respect of Patient 2, to breaching the standard of care required of the profession in respect of Patient 5, and to engaging in a business/professional relationship with Alsoma that was

characterized by a conflict of interest and income/fee sharing/splitting, and engaging in conduct that would reasonably be characterized by members of the profession as disgraceful, dishonourable, unprofessional or unethical with respect to the allegations contained in all three Notices of Hearing.

142. By requiring Dr. Kochman to pay a fine to the Minister of Finance for the Province of Ontario in the maximum amount allowable under the legislation, the Panel expects that this outcome will have a significant general deterrent effect in that it will send a clear message to members of the profession, and to the public, that acts of professional misconduct are being taken very seriously by the College. It will further provide assurance to the public that the College is acting in its interest and doing its utmost to ensure its protection.

143. More specifically, in terms of maintaining the confidence of the public in the profession and in its ability to regulate itself, the fact of an open and transparent public hearing and reprimand, and the significant penalties imposed, reflect and communicate the seriousness with which the College views professional misconduct.

#### **PANEL TO RECONVENE**

144. As noted above, Dr. Kochman declined to sign the waiver of appeal at the time of his hearing. The reading of the reprimand to Dr. Kochman, in person, will be scheduled by the hearings office after the 30-day appeal period has expired, or after a waiver of the registrant's right to appeal is received, whichever is the earlier.

145. The Hearings Administrator is therefore directed to schedule the reading of the reprimand to Dr. Kochman on the earliest possible date, as described above.

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



September 9, 2025

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Judy Welikovitsh  
Chair, Discipline Committee Panel

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Date