

DECISION #2

Dr. Bruce Gardner
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ALLEGATIONS OF PROFESSIONAL MISCONDUCT

- Contravened a standard of practice or failed to maintain the standards of practice of the profession (para. 1).
- Failed to keep records as required by the Regulations (para. 25).

BRIEF SYNOPSIS OF FACTS

- Member failed to investigate, monitor or diagnose the oral lesion of a teenaged patient over a period of 13 months, notwithstanding the fact that he had a number of opportunities to do so.
- Member failed to take appropriate diagnostic records and to arrange for an earlier consultation with a specialist.
- Member failed to make appropriate notations in the patient's chart regarding the lesion or its progress at subsequent appointments, notwithstanding the patient's advice that it had been present for some months.
- The oral lesion was eventually diagnosed by a specialist as an odontogenic carcinoma with squamous cell differentiation and the patient underwent a partial maxillectomy.
- College and member agreed that, as a general practitioner, the member would not be expected to diagnose a rare type of tumour, but also agreed the member's failure to properly monitor the sore or refer the patient to a specialist in a timely manner did not meet the standard of care.
- College and member agreed that there was no evidence the surgical intervention would have been any less extensive if it had been performed sooner. However, the College and the member also agreed that the earlier a cancer can be treated, the risk of spreading is reduced.

DECISION

1. Finding

The member pleaded guilty and was found guilty of professional misconduct with respect to the above allegations.

2. Penalty

- The member was reprimanded
- The member's certificate of registration was suspended for one month.
- The member must complete a course in recordkeeping.
- The member must complete a course or courses in oral diagnosis and oral pathology.

3. Costs/Publication

- The member will pay costs to the College in the amount of \$2,000.
- Pursuant to the legislation, publication of this matter includes the member's name and address.

4. Panel's Reasoning

- Joint submission on penalty was reached as a result of pre-hearing conference.
- Penalty is appropriate to deter and educate the member as well as the profession-at-large.
- Penalty considers seriousness of the case and rehabilitation of the member.
- Member has no previous discipline history and demonstrated remorse.
- Member co-operated fully with the College, showed willingness to be governed and to rehabilitate himself by completing the required courses in advance of the hearing.
- Patient did not suffer increased consequences from the delay in diagnosis and subsequent treatment as no evidence corrective treatment would have differed had there been an earlier diagnosis.