

Summaries of Recent Discipline Committee Hearings



Royal College of
Dental Surgeons of Ontario
Ensuring Continued Trust

DECISION #1

Dr. Se Yong Yune
5111 New Street #20
Burlington, Ontario

ALLEGATIONS OF PROFESSIONAL MISCONDUCT

- Contravened a standard of practice or failed to maintain the standards of practice of the profession (para.1).
- Recommended and/or provided an unnecessary dental service (para.6).
- Failed to keep records as required by the Regulations (para.25).

BRIEF SYNOPSIS OF FACTS

- An elderly patient suffered extensive treatment that was not appropriate or necessary, as the member failed to conduct appropriate inquiries and tests to support a diagnosis.
- Based on expert testimony, there was no justification to perform root canal treatment on four teeth or for the extraction of one tooth and the placement of an implant, nor for the replacement of a bridge.
- After enduring all the treatment and associated cost, patient still suffered pain.
- Recordkeeping in patient's chart was deficient in many areas including treatment options, informed consent, medical history, radiographs, investigations, and treatment plan.

DECISION

1. Finding

The member pleaded not guilty, but was found guilty of professional misconduct with respect to the above allegations.

2. Penalty

- Reprimand.
- Certificate of Registration suspended for four consecutive months (March 13, 2006 to July 12, 2006).
- Course in ethics.
- Course in recordkeeping, including informed consent.

- Course in oral diagnosis and treatment planning, including the differential diagnosis of oral-facial pain and the indications and contraindications for oral-surgical, endodontic, crown & bridge, and implant treatments.
- Practice to be monitored for 24 months following suspension.

3. Costs/Publication

- Costs to the College in the amount of \$17,000.
- Monitoring costs of \$600 per visit.
- Pursuant to the legislation, publication of this matter includes the member's name and address.

4. Panel's Reasoning

- Allegations set out above were proven on clear, cogent and convincing evidence.
- Treatment of patient fell below standard and was a result of not one, but a series of incidents that left patient with significant distress and discomfort.
- Dental records were totally inadequate notwithstanding that at the time, the member's recordkeeping practices were being monitored by the College as a result of a previous discipline order.
- Panel was of the opinion that member did not take College's efforts to rehabilitate him sufficiently seriously.
- This was the member's second finding by the Discipline Committee and penalty has to be serious enough to deter him and other members from such conduct and to ensure public trust in self-regulation.
- Costs were appropriate as member did not co-operate with the hearing process, attempted to delay the hearing unjustifiably and ultimately walked away from the hearing.

Dr. Yune appealed the decision of the Discipline panel to the Divisional Court of Ontario. The appeal was dismissed on September 28, 2005, with costs awarded to the College in the amount of \$12,500. Dr. Yune subsequently filed a motion seeking leave to appeal to the Court of Appeal. Dr. Yune's motion was dismissed by the Court of Appeal on February 13, 2006, with an additional \$1,500 in costs awarded to the College.