

DECISION #5

Dr. Stewart Sigesmund
(*Cost portion of decision under appeal by member)
40 St Clair Ave W #203
Toronto, Ontario

ALLEGATIONS OF PROFESSIONAL MISCONDUCT

- Contravened a standard of practice of the profession (para 1).
- Treated a patient for a therapeutic, preventive, palliative, diagnostic, cosmetic or other health-related purpose in a situation in which a consent is required by law, without such a consent (para. 7).

BRIEF SYNOPSIS OF FACTS

- Case resulted from patient complaint regarding member's treatment for temporomandibular disorder (TMD).
- Member selected an anterior repositioning appliance, which may produce irreversible changes to the occlusion, as a first line treatment as opposed to a stabilization splint.
- This choice was not supported by his records which were insufficient for him to arrive at a reliable working diagnosis of the patient's condition before he initiated treatment.
- The decision to use the repositioning device as first line treatment is contrary to the principles of conservative management of TMD set out by the Guidelines.
- Member incorrectly described the services he proposed, and ultimately provided, as "conservative."
- Member failed to inform patient of options available to her for conservative management of symptoms. Therefore, patient could not make an informed decision about treatment.
- Patient chose to discontinue treatment after a short period of time to see another dentist, and likely permanent changes to her occlusion did not actually occur.

DECISION

1. Finding

After several days of a contested hearing, the member pleaded guilty and was found guilty of professional misconduct with respect to these allegations.

2. Penalty

- Reprimand.
- Certificate of registration will be suspended for three consecutive months (dates of suspension not known at time of publication.)

3. Costs *

- Member shall pay costs to the College in the amount of \$81,000, payable within nine months of the order becoming final.

4. Panel's Reasoning

- Penalty reached as a result of a joint submission on penalty.
- Penalty did not include certain courses or monitoring that would have been requested but were ongoing or previously completed by the member.
- Penalty adequately protected the public and was fair to the member.
- For the costs portion, which was not an agreed joint submission, the panel found this case was an appropriate one for costs, based on specified criteria and the facts of the case.
- Costs ordered represent one-half of the College's actual costs in this matter.