

DECISION #4

Dr. Ashraf Awadalla
2901 Lawrence Avenue East, #207
Scarborough, Ontario

ALLEGATIONS OF PROFESSIONAL MISCONDUCT

- Failed to keep records as required by the Regulations (para. 25).
- Signed or issued a certificate, report or similar document that he knew or ought to have known contained a false, misleading or improper statement (para. 28).
- Submitted an account or charge that he knew or ought to have known was false or misleading (para. 33).
- Published, displayed, distributed or used or caused or permitted, directly or indirectly, the publication, display, distribution or use of an advertisement, announcement or information related to a practice, which included information that was false, misleading, fraudulent, deceptive, ambiguous or confusing or likely to mislead or deceive the public because, in context, it made only partial disclosure of relevant facts (para. 60).

BRIEF SYNOPSIS OF FACTS

- Patient charts had numerous and varied recordkeeping deficiencies contrary to the Regulation relative to 19 patients.
- Improper fee codes used in a number of instances to describe services performed, resulting in a significantly higher fee and further did not tell patients his fee was higher than the ODA Suggested Fee Guide.
- Submitted false/misleading claim, account or charge for dental services in respect of five patients.
- Advertised reduced fees, discounts and free services, but in eight instances did not give patient advertised discount and moreover, did not apply advertised promotions uniformly and consistently with respect to all patients.

DECISION

1. Finding

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

2. Penalty

- Reprimand.
- Certificate of registration suspended for three consecutive months [February 17 – May 16, 2004].
- Course in dental recordkeeping.
- Course in dental ethics.
- Practice monitoring for 24 months.
- The member shall submit to the College any and all advertisements and/or publications for approval prior to publication, for a period of 24 months.

3. Costs/Publication

- Costs to the College in the amount of \$10,000.
- 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

- Penalty was a joint submission.
- Penalty promoted rehabilitation of member with courses and monitoring, which will also protect the public from any repetition of previous unacceptable behaviour.
- Member willing to be rehabilitated and had already completed one of the courses set out in the penalty.
- Suspension was significant but not excessive and would send a clear message to the profession that this type of inappropriate conduct cannot be tolerated.
- Guidance would also be afforded to member by College as to any future advertisements both for his benefit and for the protection of the public