

DECISION #2

Dr. Louis Devereaux
640 Cathcart Blvd
Sarnia, Ontario

ALLEGATIONS OF PROFESSIONAL MISCONDUCT

- Prescribed, dispensed or sold a drug for an improper purpose or otherwise used improperly the authority to prescribe, dispense or sell drugs (para. 10).
- Failed to abide by a written undertaking given by him to the College (para. 54).
- Failed to take reasonable steps to ensure that information provided by him to the College was accurate (para. 57).
- Disgraceful, dishonourable, unprofessional or unethical conduct (para. 59).

BRIEF SYNOPSIS OF FACTS

- In 2001, member signed a voluntary undertaking to cease the practice of dentistry, including controlled acts, until such time as he satisfied the Executive Committee that concerns about the infection control protocol in his office had been rectified.
- This undertaking remained in place at the time of the hearing (November 26, 2003), as the member had not yet provided the Executive Committee with evidence that the concerns had been resolved.
- Despite his undertaking and by his own admission, the member engaged in the practice of dentistry and performed controlled acts.
- Specifically, during the duration of the undertaking, a pharmacy filled 69 prescriptions written by the member for 20 patients, one of which was written only seven days after signing the undertaking.
- In correspondence to the College, the member attempted to mislead the College with respect to the fact that he was seeing patients, and later with respect to the number of patients he did see.
- The Executive Committee made an interim order suspending the member's certificate of registration pending the outcome of the discipline hearing.

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 will be suspended for six consecutive months [January 26 – July 25, 2004, suspension continues in effect until other aspects of penalty are fulfilled, pursuant to order of panel].
- Comprehensive course on infection control in the dental office.
- Practice monitoring for 60 months.
- Attend for a psychiatric assessment and follow any recommendations made by the psychiatrist.

3. Costs/Publication

- 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 resulting from a pre-hearing conference.
- Member co-operated with the College.
- Penalty reflects serious nature of breaching an undertaking given to the College and is necessary to retain public confidence in the College process.
- Penalty acts as a deterrent, provides an opportunity for rehabilitation, and protects the public interest.