

DECISION #2

Dr. Muthuckumar Illango
3852 Finch Ave E #204
Scarborough, Ontario

ALLEGATIONS OF PROFESSIONAL MISCONDUCT

- Abused a patient (para 8).
- Contravened a federal, provincial or territorial law, municipal by-law or rule of a public hospital, relevant to the provision of dental care to the public (para 50), in this case the Criminal Code.
- Disgraceful, dishonourable, unprofessional or unethical conduct (para. 59).

BRIEF SYNOPSIS OF FACTS

- Engaged in behaviour and/or remarks of a sexual nature with a minor patient.
- Touched same patient in an inappropriate manner by rubbing his elbow on her breast while performing dental treatment and fondling her breast with his hand.
- In criminal court, member pleaded guilty and was found guilty of sexual assault in respect of these acts.
- Discussion by trial judge as the College being given information.

DECISION

1. Finding

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 four consecutive months (February 1 – May 31, 2005).
- Terms, conditions and limitations on member's certificate include:
 - attend for treatment and monitoring with a psychiatrist approved by the College;
 - psychiatrist will report to the College at the member's expense;
 - cannot be in a dental operatory with a female under 18 years of age except in the presence of a female staff person.

3. Costs

- Member shall pay costs to the College in the amount of \$5,000.

4. Panel's Reasoning

- Penalty reached as a result of a joint submission on penalty resulting from a pre-hearing conference.
- Penalty balanced protection of the public with fairness to the member, considering deterrence and rehabilitation.
- Member had been suffering with mental health issues for which he had been receiving treatment before the event at issue.
- Psychiatric report filed with the panel suggests no paedophilic tendencies and that member is not likely to re-offend.
- Psychiatric report verified member was continuing treatment and his condition was under control.
- While not required, the patient's mother advised she is satisfied with the penalty that was proposed in the joint submission.