

## DECISION #3

Dr. Abraham Aberback  
491 Lawrence Avenue West #302  
Toronto, Ontario

### ALLEGATIONS OF PROFESSIONAL MISCONDUCT

- Signed or issued certificates, reports or similar documents that he knew or ought to have known contained false, misleading or improper statements (para.28).
- Submitted accounts or charges for dental services that he knew or ought to have known were false or misleading (para.33).
- Recommended and/or provided unnecessary dental services (para.6).
- Falsified a record (para.26).
- Charged fees that were excessive or unreasonable (para.31).
- Accepted an amount in full payment of an account or charge that was less than the full amount of the account or charge submitted to a third party payer without making reasonable efforts to collect the balance from the patient, or to obtain the written consent of the third party payer (para.34).
- Failed to keep records as required by the Regulations (para.25).
- Contravened a standard of practice or failed to maintain the standards of practice of the profession (para.1).

### BRIEF SYNOPSIS OF FACTS

Member agreed with the below-noted facts:

- Member signed a false certificate in respect of 14 patients.
- Member submitted a false account in respect of 14 patients.
- Unnecessary treatment was recommended by the member for two patients.
- Member falsified a record in respect of six patients.
- Excessive or unreasonable fees were charged by the member for 13 patients.
- Member contravened the standards of practice in respect of six patients.
- Member failed to collect co-payment balances in respect of eight patients.
- Member failed to keep records as required in respect of 14 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 six consecutive months (*April 22, 2005 – October 21, 2005*)
- Course in recordkeeping
- Course in ethics
- Course in endodontics
- Practice to be monitored for 24 months following suspension

### 3. Costs/Publication

- Costs to the College in the amount of \$3,000
- 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 result of joint submission, following a pre-hearing conference.
- Mitigating factors included early co-operation from the member; remorse of the member; and it was the member's first discipline matter.
- Aggravating factor was that member altered records which complicated investigation.
- Allegations were serious and extensive; pattern of conduct.
- Penalty was a deterrent to member and to the profession.
- Penalty adequately protected the public and, under the circumstances, was fair to the member.