

DECISION #1

Dr. Steven Mascarin
44 Trent St S
Frankford, Ontario

ALLEGATIONS OF PROFESSIONAL MISCONDUCT

- Treated a patient for therapeutic, preventative, palliative, diagnostic, cosmetic, or other health-related purposes in a situation where consent was required and no consent was obtained (para.7).
- Failed to keep records (para.25).
- Falsified a record relating to his practice, relative to one of his patients (para.26).
- Failed without reasonable cause to provide, within a reasonable time, access to a patient record or radiograph, or copy of a patient or radiograph upon the request of the patient (para.29).

BRIEF SYNOPSIS OF FACTS

- Member failed to obtain patient's consent for treatment, including crowns, veneers, and bridges.
- Member failed to inform patient that as a result of treatment, endodontic treatment may be required.
- Prior to treatment being rendered, member failed to discuss fees.
- Member failed to obtain consent for endodontic treatment.
- Member destroyed records and charts.
- Member falsified a patient record in that he inserted a new chart entry in place of the previously destroyed original chart.

- Member received a written request to transfer records, but declined to do so in a timely fashion.

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 two consecutive months (December 9, 2005 to February 8, 2006).
- Course in recordkeeping.
- Practice to be monitored for 24 months following completion of courses.

3. Costs/Publication

- Costs to the College in the amount of \$8,000.
- Monitoring costs of \$600 per visit.
- Pursuant to the legislation, publication of this matter includes the member's name and address.

Panel's Reasoning

The panel received a joint submission with respect to penalty and costs, reached as the result of a pre-hearing conference. The panel considered the penalty in regard to its appropriateness for the purposes of deterrence of the member, as well as the profession in general. The panel also considered the rehabilitation of the member and how the penalty would be perceived by the public. The panel took into consideration that this was the member's first encounter with the College and that the member had co-operated throughout the investigation.