

## DECISION #2

Dr. Aditya Gupta  
5230 Dundas Street West  
Etobicoke, Ontario

### ALLEGATIONS OF PROFESSIONAL MISCONDUCT

- Contravened a standard of practice or failed to maintain the standards of practice of the profession (para. 1).
- Failed to keep records as required by the Regulations (para. 25).
- Falsified a record relating to his practice (para. 26).
- Signed or issued a false, misleading or otherwise improper document (para. 28).
- Accepted an amount in full payment of an account or charge that was less than the full amount of the account or charge submitted by him 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).
- Disgraceful, dishonourable, unprofessional or unethical conduct (para. 59).

### BRIEF SYNOPSIS OF FACTS

- Member falsified documentation regarding the dates of procedures and the identity of patients, including the forward-dating of insurance claims.
- Member waived co-payments and/or deductible amounts on approximately 85 occasions involving nine patients without attempting to collect or get the permission of the insurance company.
- Member's patient records had numerous omissions and deficiencies with respect to 13 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 four consecutive months (November 27, 2005 to March 26, 2006).
- Prohibition on the prescription of narcotic drugs and preparations, controlled drugs and preparations and benzodiazepines and other targeted substances for 12 months.
- Course in ethics.
- Course in recordkeeping.
- Course in prescribing practices.
- Practice to be monitored for 24 months following suspension.

### 3. Costs/Publication

- Costs to the College in the amount of \$3,500.
- 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

- Agreed Statement of Facts and Joint Submission on Penalty reached as a result of a pre-hearing conference.
- Member co-operated with investigation and made restitution to the insurance company.
- Misconduct serious and penalty included appropriate deterrents for both the member and the profession at large, as well as elements of rehabilitation for the member and protection of the public.