

DECISION #1

Dr. James Frizzell
6144 McLeod Road
Niagara Falls, Ontario

ALLEGATIONS OF PROFESSIONAL MISCONDUCT

- Ordered persons to perform intra-oral procedures or delegated or assigned such procedures, without first ensuring that the persons are qualified to perform the procedures safely and competently (para.4).
- Contravened the standards of practice, as published by the College, in relation to inducing general anaesthesia or conscious sedation (para.11).
- Disgraceful, dishonourable, unprofessional or unethical conduct (para. 59).

BRIEF SYNOPSIS OF FACTS

- Allowed an unqualified employee to monitor sedation and scale teeth of a patient (her husband).
- Allowed another unqualified employee to polish a patient's teeth (her father).
- Permitted unqualified employee to polish and scale member's own teeth and place an amalgam filling in his mouth.
- Self-administered nitrous oxide and oxygen sedation on more than one occasion.
- Took sexually suggestive and/or provocative and/or inappropriate and/or unprofessional photographs of a high school co-op student and an employee (who was also a patient) on a number of occasions.
- Engaged in inappropriate and/or unprofessional communications with patients/staff.

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 4 consecutive months (February 10, 2006 to June 9, 2006).
- Course in ethics.
- Restricted from treating female patients 16 years of age or younger except in the presence of another member of his staff who is 18 years of age or older.
- Restricted from administering nitrous oxide sedation and from supervising and/or monitoring the administration of nitrous oxide sedation.
- Treatment and counselling as recommended by therapist.
- Practice to be monitored for 24 months following completion of course.

3. Costs/Publication

- Costs to the College in the amount of \$10,000.
- 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 appropriate for deterrence of the member and the profession in general.
- Penalty had aspect of rehabilitation for the member.
- Restricted female contact, practice monitoring and continued therapy were vital in order to protect the public interest.
- Penalty was a joint submission reached following a pre-hearing conference.