

DECISION #1

Dr. Marek Gasiorowski
280 Wharncliffe Road South
London, Ontario

ALLEGATIONS OF PROFESSIONAL MISCONDUCT

- Signed or issued 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).
- Charged fees that were excessive or unreasonable in relation to the services performed (para. 31).
- Accepted amounts 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 patients or to obtain the written consent of the third party payer (para. 34).
- 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).

BRIEF SYNOPSIS OF FACTS

- For seven patients, the member falsely split claims for crown and bridge work over two calendar years in order to maximize insurance coverage for patients and, in some cases, he claimed for more work than was provided.
- For 27 patients, the member charged an excessive or unreasonable fee for specific or emergency or complete examinations where there was no indication in his records that the service rendered entitled him to charge the maximum fee under the ODA suggested fee guide.
- He also charged a fee for four patients for apexification procedures that were in addition to root canal fees when these services were either not warranted or not performed.
- Additionally, for 35 patients over several years, the member split the copayment balances owed by the patients so that a portion of the outstanding balances were paid by the patients and the remainder was written off.
- For six patients, the member used a dental laboratory without a Registered Dental Technician supervising it for the fabrication of crowns, bridges and dentures, which does not meet the standards of practice of the profession.

- For 57 patients, the member's recordkeeping fell below the standards of practice in that there were many examples of extensive and serious deficiencies, including, among other things, missing entries regarding treatment; no details of clinical examination findings and diagnoses; blank medical and dental histories and odontograms; no or incomplete examination findings; no PSR charting; no local anaesthetic entries and no ledger entries for cash payments.

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 (May 14, 2006 to November 13, 2006).
- Course in dental ethics.
- Course in dental recordkeeping.
- Practice to be monitored for 24 months following suspension.

3. Costs/Publication

- Costs to the College in the amount of \$7,500.
- 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

- Panel satisfied penalty protected the public interest by addressing general and specific deterrence and rehabilitation of the member.
- Member was co-operative and remorseful and had already undertaken some measures to rehabilitate himself.
- Penalty was a joint submission reached as a result of a pre-hearing conference.