

Decision Two

Dr. Ross Chiamonte
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Owen Sound, Ontario

ALLEGATIONS OF PROFESSIONAL MISCONDUCT

Notice of Hearing #1

- Failed to comply with Section 4 respecting payment in advance for treatment provided on a fee for service basis (para. 21).
- Charged a fee that was excessive or unreasonable in relation to the service performed (para. 31).

Notice of Hearing #2

- 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).
- Signed or issued a certificate, report or similar document that he knew or ought to have known contained a false, misleading or otherwise improper statement (para. 28).
- Charged a fee that was excessive or unreasonable in relation to the service performed (para. 31).
- Submitted an account or charge for dental services that he knew or ought to have known was false or misleading (para. 33).
- Disgraceful, dishonourable, unprofessional or unethical conduct (para. 59).

Notice of Hearing #3

- Failed to provide a statement of account to a patient upon the completion of a dental service or failed to state in the statement of account the service provided and the fee charged for it (para. 22).
- Falsified a record relating to his practice (para. 26).
- Submitted an account or charge for dental services that he knew or ought to have known was false or misleading (para. 33).

BRIEF SYNOPSIS OF FACTS

Notice of Hearing #1

- Complaint made by a patient to the College in respect of incomplete treatment, paying in full for services not rendered and charging excessive fees.
- Member initiated root canal treatment on two of the patient's teeth and despite the fact the patient paid for these services in full, treatment was never completed nor was any attempt made to return a portion of the fees paid.
- In addition, the member charged an additional fee for re-filing a canal on one of these teeth, which is part of the root canal procedure and should not have been charged separately.

Notice of Hearing #2

- Investigation of member's practice revealed excessive insurance billings, inappropriate billings for emergency examinations and root canals during the time period of 2000 to 2003.
- An examination of the member's computer hard drive revealed more than a thousand deleted submissions to insurance companies over four years: billings for emergency and specific examinations which exceeded that expected for the average practitioner, and improper billings in relation to root canal therapy and pulpectomy/pulpotomy procedures.
- It was approximated that over a four-year period, the member submitted false and/or misleading billings and claims to insurers seeking reimbursement for a total value of approximately \$300,000.
- The member billed insurers for procedures that had not been performed and then deleted the procedures from the patient history on the computer.
- The member admitted that he engaged in this conduct in order to cover copayment amounts left outstanding, to settle overdue/outstanding accounts, and to cover the cost of treatment not normally covered by patients' insurance carriers.
- Member also delayed submitting claims for coverage in a year where the patient had exhausted coverage until the new coverage year commenced.
- Member breached the standards of practice of the profession by failing to utilize a rubber dam during the endodontic treatment of eight patients.
- Member failed to keep records as required in respect of 23 patients. In each case, the member billed for dental procedures that were not supported by any chart entry in the patient chart.
- Procedures billed and not recorded in patient chart are deemed not to have been performed and thus the related charges are excessive and/or unreasonable.
- Member charged a full fee for the performance of both root canal therapy and a pulpectomy/pulpotomy on the same tooth within a 90-day period for several patients. The pulpectomy/pulpotomy is a procedure that should have been included in the amount charged in these circumstances.
- Member admitted that he committed acts which would be regarded as disgraceful, dishonourable, unprofessional or unethical in the circumstances.

SUMMARIES OF RECENT DISCIPLINE COMMITTEE HEARINGS

Notice of Hearing #3

- Complaint made by a patient to the College regarding the member's billings for treatment of the patient, her husband, and her daughter.
- Significant discrepancies existed between the submission the member made to the patients' insurance company for services he claimed to have performed and the report provided to the College by an expert.
- A review of the patients charts revealed that certain procedures billed to the insurance company had not been documented in the patients' chart.

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 eight consecutive months (July 7, 2006 to March 6, 2007).
- Course in ethics.
- Mentoring, at the member's expense, for 36 months following completion of suspension.
- Member shall not take assignment for 36 months following completion of suspension, or such shorter period as recommended by the mentor, but not before six months have expired.
- Practice to be monitored during the period of March 7, 2007 to March 7, 2010.

3. Costs/Publication

- Costs to the College in the amount of \$50,000.
- 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 a joint submission reached as a result of a pre-hearing conference.
- Panel noted co-operativeness of member and that it was his first appearance before the Discipline Committee.
- Panel considered his acknowledgement of full responsibility for his actions and his expression of guilt which saved the College a long and costly hearing.
- Panel was satisfied that penalty was sufficiently significant to act as a deterrent to both the profession and the member himself, and that the conditions imposed protect the public and encourage rehabilitation of the member.

