

SUMMARIES OF RECENT DISCIPLINE COMMITTEE HEARINGS

Decision Three

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ALLEGATIONS OF PROFESSIONAL MISCONDUCT

- Both notices of hearing arose following formal complaints made to the College on behalf of child patients against the member who holds a specialty certificate in paediatric dentistry.

Notice of Hearing #1

- Engaged in conduct or performed an act or acts that, having regard to all circumstances, would reasonably be regarded by members as disgraceful, dishonourable, unprofessional or unethical (para. 59).

Notice of Hearing #2

- Engaged in conduct or performed an act or acts that, having regard to all circumstances, would reasonably be regarded by members as disgraceful, dishonourable, unprofessional or unethical (para. 59).

BRIEF SYNOPSIS OF FACTS

Notice of Hearing #1

- The member showed a lack of respect for an eight-year-old patient by addressing him as “kid,” raised his voice to the child during treatment, pushed the patient’s hand away in anger, and roughly moved a “gas mask” from the patient’s nose to his mouth.

Notice of Hearing #2

- Member placed a 22-month-old patient in danger by treating this very young, sedated, uncooperative patient without ancillary staff present.
- He dropped dental instruments on the operatory floor and would have placed them back in the patient’s mouth if the parents had not prevented him from doing so.

- He traumatized this patient at his very first dental appointment by treating him roughly and shouting and swearing at the patient’s parents in his presence.
- He administered an excessive dose of chloral hydrate to this patient and did not provide the parents with adequate oral or written post-operative instructions.
- When asked for a bill at the end of the appointment, he failed to provide one and told the parents that he did not know how to “run one off.”
- The member, or someone under his supervision, forged the parents’ signature on two documents in the patient record, specifically, a general consent document and a chloral hydrate consent form.

DECISION

1. Finding

- The member pleaded guilty and was found guilty of professional misconduct with respect to the above allegations.

2. Penalty

- Member shall cease treating all patients under the age of 16 years, with the exception of patients 12 years of age or over who are orthodontic patients only. This restriction shall continue for a minimum of one year and until the member provides a report from a psychiatrist, approved by the College, who has done an assessment of the member’s current health condition, governability and suitability for engaging in the practice of dentistry, and confirms that he may safely treat patients under the age of 16.
- Reprimand.
- Course in anger management.
- Course in dental recordkeeping.
- Course in dental jurisprudence.
- Mentoring, at the member’s expense, for 24 months following completion of courses.

3. Costs/Publication

- Costs to the College in the amount of \$3,000.
- Monitoring costs of \$500 per visit.
- Pursuant to the legislation, publication of this matter includes the member's name and address.

4. Panel's Reasoning

- The penalty agreement was a joint submission reached as a result of two pre-hearing conferences, one in respect of each notice of hearing.
- Committee agreed that a restriction on the member's certificate of registration in respect of child patients would ultimately protect the public interest better than a suspension.
- The restriction would have the effect of reducing the member's patients by half and adding a suspension to that would be overly punitive.
- The restriction constitutes a substantial deterrent to the member reoffending.
- Penalty sends a strong message to the profession concerning the treatment of and respect for patients, particularly the youngest patients who are most vulnerable.
- Restriction on his practice is potentially lifelong, which protects the public interest.
- Penalty allows for and encourages the member's rehabilitation.