

SUMMARIES OF RECENT DISCIPLINE COMMITTEE HEARINGS

Decision Two

Dr. Amir Shad
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ALLEGATIONS OF PROFESSIONAL MISCONDUCT

- Recommended and/or provided an unnecessary dental service (para. 6).
- Signed or issued a certificate, report or similar document that he knew or ought to have known contained a false, misleading or 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).

BRIEF SYNOPSIS OF FACTS

- In four instances involving three patients, member recommended a posterior restoration that was unnecessary.
- In 28 instances involving 18 patients, member provided a posterior restoration that was unnecessary.
- In 122 instances involving 23 patients, member provided an anterior restoration involving the incisal surface that was unnecessary.
- In 11 instances involving nine patients, member placed two or more posts in an endodontically treating tooth, which were unnecessary.
- In 20 instances involving 12 patients, member provided endodontic therapy that was unnecessary.
- In providing unnecessary services, member agreed that he needlessly damaged teeth and exposed patients to future risks, which might otherwise have been avoided.

- As the above-noted services were unnecessary, it follows that the fees the member charged for providing these same services were excessive or unreasonable.
- In 67 instances involving 43 patients, member charged a fee for providing a gingivectomy in conjunction with a restorative service when the ODA fee guide for general practitioners indicates that all restorative services include soft tissue management provided at the same appointment. Accordingly, the fees charged were excessive or unreasonable.
- In three instances involving three patients, member claimed for a surface of a composite resin restoration that he did not restore.
- In 23 instances involving eight patients, member claimed for the complicated extraction of a tooth when pre-surgical radiographs demonstrated that the condition of the tooth did not justify the procedure code used and/or the fee charged for the extraction.

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 five consecutive months (January 12, 2007 to June 11, 2007).
- Comprehensive course in oral diagnosis and treatment planning, including indications and contraindications for restorative and endodontic therapies.
- Course in ethics.
- Practice to be monitored for 36 months following completion of courses.

3. Costs/Publication

- Costs to the College in the amount of \$3,000.
- 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.
- Penalty was appropriate for both general and specific deterrence, was rehabilitative, and struck a balance between fairness to the member and protection of the public.
- Conditions imposed will allow member to improve his clinical skills and assure the College that he has raised the level of his practice.
- There were mitigating factors considered in determining the length of suspension.
- Member co-operated fully, was remorseful and acknowledged his conduct from the outset.
- Before the hearing, member had engaged a mentor to review his treatment plans.
- This was the member's first appearance before the Discipline Committee.