
SUMMARIES OF RECENT DISCIPLINE COMMITTEE HEARINGS

Decision Four

Dr. Mendal McEwen
41 Main St
Westport, Ontario

ALLEGATIONS OF PROFESSIONAL MISCONDUCT

Notice of Hearing #1

- Contravened a standard of practice or failed to maintain the standards of practice of the profession (para. 1).
- Provided treatment that he knew or ought to have known was beyond his expertise or competence (para. 5).
- Failed to keep records as required by the Regulations (para. 25).
- Failed to comply with an order of a panel of the Discipline Committee (para. 52).

Notice of Hearing #2

- Contravened a standard of practice or failed to maintain the standards of practice of the profession (para. 1).
- Provided treatment that he knew or ought to have known was beyond his expertise or competence (para. 5).
- Failed to keep records as required by the Regulations (para. 25).
- Failed to comply with an order of a panel of the Discipline Committee (para. 52).

Notice of Hearing #3

- Contravened a standard of practice or failed to maintain the standards of practice of the profession (para. 1).
- Provided treatment that he knew or ought to have known was beyond his expertise or competence (para. 5).
- Failed to keep records as required by the Regulations (para. 25).
- Failed to comply with an order of a panel of the Discipline Committee (para. 52).

BRIEF SYNOPSIS OF FACTS

- The allegations of professional misconduct relate to implant dentistry that the member performed on various patients, including two that filed formal complaints with the College, and others that came to light as a result of a Registrar's investigation of the member's practice conducted pursuant to the legislation.
- The member had previously been found guilty of professional misconduct in 1998 for improper placement of implants in two patients, leading to parasthesia. Prior to that hearing, the member had given an undertaking to the College that he would not provide any implant treatment until the allegations of professional misconduct had been resolved.
- At that hearing, the member pleaded guilty to failing to maintain the standards of the profession and failing to keep records as required.
- Part of the penalty imposed in the 1998 Discipline Committee hearing was that the member was ordered not to perform implant dentistry until the College was notified that he had successfully completed specific programs of training, review and certification as stipulated by the Committee.
- In January 1999, the member informed the Registrar that he had not taken the specified course program as he no longer performed implant dentistry.
- Based upon the College's investigation into the two complaints and the Registrar's investigation that formed the basis of the allegations of professional misconduct of this current discipline matter, it was apparent that the member provided implant treatment on numerous occasions during the time that he was prohibited from doing so, in direct violation of the undertaking the member provided in 1996 and the 1998 order of the Discipline Committee.

SUMMARIES OF RECENT DISCIPLINE COMMITTEE HEARINGS

- The College retained an expert in implant dentistry who concluded in a report and “willsay” statement that the member’s implant dentistry with respect to the two complainants and the patients named in the investigation failed to meet the standards of practice of the profession.
- In particular, the member did not obtain and/or update medical histories for most patients; showed no evidence that he performed proper intraoral examinations; did not record any observations or diagnostic statements before treatment; recorded a treatment plan for some patients and none for others; failed to conduct adequate radiographic work ups for the placement of implants and did not utilize radiographic or surgical stents in carrying out the procedures.
- As a result, the location and angulation of the implants were substandard for at least some of the patients, including the two complainants. In addition, the member failed to take suitable precautions when placing implants in anatomically sensitive locations, such as those in close proximity to major nerves.
- The expert’s evidence was included in the Agreed Statement of Facts presented to the Discipline Committee.

DECISION

1. Finding

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

2. Penalty

- Reprimand.
- Suspension of Certificate of Registration for four consecutive months (September 10, 2009 – January 9, 2010).
- Member restricted permanently from performing implant dentistry.
- Course in jurisprudence and ethics.
- Course in recordkeeping.
- Practice to be monitored for at least 36 months following completion of courses.

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

- The penalty was a joint submission resulting from a pre-hearing conference.
- The penalty recognizes the serious nature of the offences.
- The penalty acts as a deterrent to this member and to the profession by making a statement that the conduct exhibited by the member will not be tolerated.
- The public is protected by the permanent restriction on the member from performing implant dentistry.
- The penalty allows for rehabilitation of the member through courses and practice monitoring.