

SUMMARIES OF RECENT DISCIPLINE COMMITTEE HEARINGS

Decision One

Dr. Karl Lederman
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Toronto, Ontario

ALLEGATIONS OF PROFESSIONAL MISCONDUCT

- Contravened a standard of practice or failed to maintain the standards of practice of the profession (para. 1).
- Ordered, delegated or assigned a non-qualified person to perform an intraoral procedure (para. 4).
- Failed to keep records as required by the Regulations (para. 25).

BRIEF SYNOPSIS OF FACTS

- This matter was brought to the College's attention by one of the member's staff.
- The member's emergency drug kit contained expired drugs and did not contain nitroglycerin and did not have oxygen.
- The member's amalgam separator was not installed nor plumbed to the suction line.
- Once the emergency kit and amalgam separator deficiencies were raised by the College, they were immediately remedied by the member.
- In 45 instances over an eight-month period, the member, a prosthodontist, permitted a Level II dental assistant to provide scaling to patients in his office under his direct supervision, despite the fact that scaling is a controlled act that a dentist may not delegate to a Level II dental assistant.
- Before he allowed the assistant to perform scaling, the member had her scale his own teeth in order to assess her safety and performance.
- When it came to the member's attention that the Level II dental assistant's diploma did not entitle her to perform scaling, he immediately told the dental assistant that she was not qualified to do scaling and that she must stop performing the procedure.
- In addition, another Level II dental assistant in his office provided scaling without his consent or direction over a three-week period. The assistant was immediately dismissed.
- A review of 55 patient records revealed a number of recordkeeping deficiencies including: failure to make a chart entry in a patient file, charting in pencil and on sticky notes that were stuck or stapled to the chart.

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 two consecutive months (April 8, 2009 – June 7, 2009).
- Course in jurisprudence.
- Practice to be monitored for 24 months following completion of course.

3. Costs/Publication

- Costs to the College in the amount of \$5,000.
- 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 panel considered both aggravating and mitigating factors in this case.
- Aggravating factors that included: the member had previously been cautioned with respect to inappropriate delegation in 1989, the large number of patients who received unauthorized scaling, and the emergency drug deficiencies that put the public at risk.
- Mitigating factors included that when the member learned of the breaches in his practice, he took immediate corrective action. In addition, on his own initiative, the member sought assistance from a mentor on recordkeeping practices and arranged for the mentor to monitor him over the next year. The member's lawyer pointed out that the member's clinical skills were not at issue.
- The panel considered the aggravating and mitigating factors along with the rationales of penalty, including specific and general deterrence, rehabilitation and protection of the public, and felt that the penalty satisfied these objectives.