

## DECISION 1

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Dr. Mark Albus  
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Marathon, Ontario

### ALLEGATIONS OF PROFESSIONAL MISCONDUCT

- 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).

### BRIEF SYNOPSIS OF FACTS

- Patient attended at member's office for a routine cleaning by the dental hygienist.
- Member was not present in the office and did not examine the patient.
- In addition to submitting a claim to the insurer for scaling, polishing and fluoride treatment, the member's claim included a complete examination and diagnosis: a service that was not provided to the patient.

### DECISION

#### 1. Finding

- The member pleaded guilty and was found guilty with respect to the above allegation.

#### 2. Penalty

- Reprimand
- Suspension of certificate of registration for three months (July 7, 2010 – October 6, 2010)
- Course in ethics
- Practice to be monitored for 36 months

#### 3. Costs/Publication

- Costs to the College in the amount of \$10,000
- Pursuant to the legislation, publication of this matter includes the member's name and address.

#### 4. Panel's Reasoning

- The penalty reflected a joint submission from both the College and the member, reached as a result of a pre-hearing conference.
- The panel considered mitigating factors which indicated that the member was operating two offices in remote communities and did not have actual knowledge that the improper billing had occurred; accepted full responsibility for the improper charge and did not deny that he should have known this to have been the case; took immediate action when he became aware of the complaint and severed the employment of one of his staff; issued a revised invoice to the patient, minus the charge for a complete examination and diagnosis, when he became aware of the complaint; and the member seemed sincere and apologetic for the administrative oversight.
- The panel considered aggravating factors which included two previous findings of professional misconduct against the member in 2001.
- The panel believed that the public will be protected by the member's suspension and the extended period of office monitoring and that general deterrence is provided by the publishing of these proceedings.