

DECISION 2

Dr. David Halpin
134 Sparks Street
Ottawa, Ontario

ALLEGATIONS OF PROFESSIONAL MISCONDUCT

Notice of Hearing #1

- Delegated duties to unqualified persons (para. 4).
- Recommended and/or provided unnecessary dental services (para. 6).

Notice of Hearing #2

- Made a misrepresentation about a procedure or failed to reveal the exact nature of the procedure (para. 12).
- Charged an excessive or unreasonable fee (para. 31).
- Submitted a false or misleading account or charge (para. 33).

BRIEF SYNOPSIS OF FACTS

Notice of Hearing #1

- This matter arose from a Registrar’s investigation based on information provided to the College.
- With respect to 11 patients, the member delegated dental hygienists who do not hold specialty certificates to add, remove or adjust material to/from patients’ teeth. Those procedures are controlled acts and a dentist may not order, delegate or assign this procedure to dental hygienists who hold general certificates.
- With respect to one patient, the member delegated the cutting of a patient’s tooth structure to a dental hygienist, which is not permissible.

- The member routinely allowed his dental assistants to perform orthodontic procedures such as placement or removal of wires, placement of power chains, placement of ligature wires and removal of open coils and springs from patients’ mouths, which are procedures that may not be delegated or assigned to dental assistants.
- With respect to 27 patients, the member took multiple panoramic x-rays unnecessarily.

Notice of Hearing #2

- This matter arose from a patient complaint filed with the College.
- The member placed an advertisement that inaccurately stated that he could provide a “3-D” imaging option and inaccurately suggested that he would interpret the images, which was not the case.
- The member sent the “scan” for interpretation to an unregulated person in the United States.
- The member charged the patient an excessive or unreasonable fee of \$150 for “Radiographic Interpretation”, for which service was not provided.
- The member charged the patient an excessive or unreasonable fee of \$120 for “Specific Area Exam and Diag”, when the member did not provide a diagnosis.
- In that the services above were not provided, the fees charged were also found to be false and misleading.

DECISION

1. Finding

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

2. Penalty

- Reprimand
- Suspension of certificate of registration for three months to be served in two equal periods (March 20 – April 30, 2012 and July 23 – September 3, 2012)
- Course in jurisprudence and ethics
- Course in recordkeeping
- Course in interpersonal skills/relationships in the workplace
- Practice to be monitored for 24 months, at the member’s expense, following completion of courses

3. Costs/Publication

- Costs awarded to the College in the amount of \$7,500.
- Member to pay monitoring costs.
- Pursuant to the legislation, publication of this matter includes the member’s name and address.

4. Panel’s Reasoning

- The penalty was the result of a joint submission reached following a pre-hearing conference.
- In accepting the joint submission, the panel expressed some reservations about it, specifically serving the suspension in two portions and the lack of a course in radiography. However, the panel accepted that the suspension was to be served in that

manner to accommodate the member's adult orthodontic patients and overall, the panel thought the penalty was within the acceptable range of penalty for professional misconduct of this nature.

- The penalty demonstrated that protection of the public interest was top priority and was fair to the member.
- The penalty also satisfied the rationales of general and specific deterrence as well as rehabilitation of the member.
- The panel weighed the aggravating and mitigating factors of the case.
- Aggravating factors included a range of misconduct including improper delegation of procedures, false or misleading charges, excessive or unreasonable fees and exposing patients to unnecessary radiation. Together, these admissions represent a general disregard for the authority of the regulatory body and its regulations and requirements under the legislation.
- Mitigating factors included the member's cooperation with the College and his admissions of professional misconduct. This avoided a contested hearing with the associated costs, calling of witnesses and other procedural requirements.