

DECISION 6

Dr. Aura Hidalgo  
639 Southdale Rd East  
London, Ontario

ALLEGATIONS OF PROFESSIONAL MISCONDUCT

Notice of Hearing #1

- Signed or issued a certificate, report or similar document that she knew or ought to have known contained a false, misleading or improper statement (para. 28).
- Charged an excessive or unreasonable fee (para. 31).
- Submitted an account or charge for dental services that she knew or ought to have known was false or misleading (para. 33).

Notice of Hearing #2

- Contravened a standard of practice or failed to maintain the standards of practice of the profession (para. 1).
- Recommended and/or provided an unnecessary dental service (para. 6).
- Failed to keep records as required by the regulations (para. 25).
- Signed or issued a certificate, report or similar document that she knew or ought to have known contained a false, misleading or improper statement (para. 28).
- Charged an excessive or unreasonable fee (para. 31).
- Submitted an account or charge for dental services that she knew or ought to have known was false or misleading (para. 33).

Notice of Hearing #3

- Contravened a standard of practice or failed to maintain the standards of practice of the profession (para. 1).
- Signed or issued a certificate, report or similar document that she knew or ought to have known contained a false, misleading or improper statement (para. 28).
- Charged an excessive or unreasonable fee (para. 31).
- Submitted an account or charge for dental services that she knew or ought to have known was false or misleading (para. 33).
- Disgraceful, dishonourable, unprofessional or unethical conduct (para. 59).

Notice of Hearing #4

- Contravened a standard of practice or failed to maintain the standards of practice of the profession (para. 1).
- Signed or issued a certificate, report or similar document that she knew or ought to have known contained a false, misleading or improper statement (para. 28).
- Charged an excessive or unreasonable fee (para. 31).
- Submitted an account or charge for dental services that she knew or ought to have known was false or misleading (para. 33).
- Disgraceful, dishonourable, unprofessional or unethical conduct (para. 59).

BRIEF SYNOPSIS OF FACTS

- The allegations set out in the four Notices of Hearing, resulting from three separate complaints and one Registrar’s investigation, were dealt with in one proceeding.
- The allegations in the first complaint related to the member’s submission of false claims and charging of excessive or unreasonable fees in relation to claims that she submitted for services she did not provide to one patient.
- The allegations in the other two complaints related to her failure to maintain the standards of practice of the profession by using SNOOP as a caries detecting dye; submitting a false claim; charging excessive or unreasonable fees; and disgraceful, dishonourable, unprofessional or unethical conduct with respect to making a false statement to an insurer. These two complaints, one from a patient’s mother and the other from an insurer, related to the same patient and the same set of facts.
- The allegations arising from the Registrar’s investigation related to: (1) inadequate composite resin restorations and/or porcelain bonding performed by the member; (2) recommending and/or providing unnecessary radiographs and restorative treatments; (3) failing to keep adequate records including failing to document the results of clinical examinations, measurements associated with proposed periodontal treatments, treatment plans and diagnoses; (4) issuing false documents in relation to services that she did not provide; (5) charging excessive or unreasonable fees in relation to

unnecessary or unjustified services provided; and (6) submitting false or misleading accounts or charges in relation to services that she did not provide. These allegations related to several patients during the years 2006 through 2009.

### 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 six consecutive months (July 15, 2011 – January 14, 2012)
- Course in jurisprudence and ethics
- Course in recordkeeping
- Course in restorative dentistry, including diagnosis, treatment planning and the placement of composite resin restorations
- She shall accept no further assignment of insurance benefits, with the exception of government-sponsored dental plans for which assignment of benefits is mandatory, for as long as she remains in practice

- Practice to be monitored for 48 months following completion of course

#### 3. Costs/Publication

- Costs to the College in the amount of \$8,000
- 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 as a result of a pre-hearing conference.
- The panel considered both aggravating and mitigating factors.
- Aggravating factors included:
  - the seriousness of her misconduct which exhibited a pattern of dishonest behaviour for her own financial benefit, giving rise to concerns about governability;
  - the repeated conduct occurred while her practice was being actively monitored pursuant to a voluntary undertaking/agreement given by her to the College;
  - she abused her position of trust with the insurer and with the patient.

- Mitigating factors included:
  - she had no disciplinary history with the College;
  - she accepted full responsibility for her misconduct by pleading guilty to every allegation.
- Penalty provides specific deterrence to the member with a significant suspension of six months, as well as publication with the member's name.
- Penalty provides general deterrence to the membership at large through publication. Members of the profession will know that such egregious conduct will not be tolerated.
- Public interest is addressed by the penalty, including her permanent restriction from accepting assignment of insurance benefits.
- She is being given the opportunity to rehabilitate herself through courses and monitoring.
- Penalty demonstrates the ability of the profession to deal with such transgressions and to govern itself.



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