

DECISION 1

Dr. Maciek Zajac
17 Ray Lawson Blvd #3
Brampton, Ontario

ALLEGATIONS OF PROFESSIONAL MISCONDUCT

- Signed or issued a certificate, report or similar document that contained a false, misleading or improper statement (para. 28).
- Submitted a false or misleading account or charge (para. 33).
- Charged a fee that was excessive or unreasonable (para. 31).
- Recommended or provided an unnecessary dental service (para. 6).
- Charged to a patient a lab fee that was more than the actual commercial lab fee incurred by the dentist (para. 35).
- Failed to keep records as required by the Regulations (para. 25).
- Accepted an amount in full payment of an account or charge that was less than the full amount of the account or charge submitted to a third-party payer, without making reasonable efforts to collect the balance from the patient or to obtain the written consent of the third party payer (para. 34).

BRIEF SYNOPSIS OF FACTS

- The member engaged in fraudulent billing to an insurance company and overbilling laboratory charges to patients. The acts of professional misconduct were systemic and occurred over a sustained period of time with a large number of patients.

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 four months (July 18, 2011 to November 17, 2011)
- Course in ethics
- Course in recordkeeping
- Practice to be monitored for 24 months following completion of courses at member's expense

3. Costs/Publication

- Costs awarded to the College in the amount of \$5,000.
- 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 a joint submission resulting from a pre-hearing conference.
- Length of suspension was appropriately severe given the seriousness and nature of the acts of professional misconduct.
- Penalty satisfies the rationales of punishment, deterrence, rehabilitation and public interest protection.
- Panel considered both mitigating and aggravating factors of the case in weighing the provisions of the penalty and costs.