

## DECISION 2

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**Dr. Anoushirvan Andy Baghaei**  
301 Lakeshore Rd E  
Oakville, Ontario

### ALLEGATIONS OF PROFESSIONAL MISCONDUCT

- Submitted an account or charge that the member knew or ought to have known was false or misleading (para. 33).

### BRIEF SYNOPSIS OF FACTS

- The member pleaded guilty to false billings in relation to 123 patients, which included billing for services, additional units of scaling and additional surfaces of restoration that were not provided, and billing for specific, emergency or complete examinations when recall examinations were performed and billing for services not rendered in order to cover the costs of teeth whitening procedures.
- Two former employees of the member were charged criminally and found guilty of fraud in relation to improper insurance claims and forging cheques from the member's account to themselves, among other things. One of the staff had previously been convicted of fraudulent billing activities while working in another dental office.

- The member acknowledged his failure to supervise his staff and ensure that billings submitted by his office to insurers were accurate. The member admits he ought to have known that the claims were false/misleading and would have discovered this if he had exercised requisite due diligence over his patient records, billing records and staff conduct.
- The member paid restitution to the insurance companies as a result of the fraudulent claims.
- The member admitted that he did not keep accurate patient records and charts.

### 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 3 consecutive months (August 17, 2012 – November 16, 2012)
- Must notify College of intention to resume practising dentistry in Ontario
- Course in recordkeeping prior to return to practice
- Practice to be monitored for 12 months upon return, at the 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

- Penalty was a joint submission reached following a pre-hearing conference with an experienced president.
- Penalty was within the appropriate range for the type of conduct, giving consideration to all of the factors of the case.
- The member self-reported and was cooperative with the College and proactive in dealing with the problems in his office.
- It was unique that the member employed two staff members who were guilty of criminal activity in respect of insurance companies and the member.
- Aspects of the penalty address the penalty rationales of rehabilitation and specific and general deterrence.
- The penalty protects the public interest.