

DECISION 1

Dr. David Wein

NO CURRENT PRACTICE ADDRESS

ALLEGATIONS OF PROFESSIONAL MISCONDUCT

Notice of Hearing #1:

- Failed to keep records as required (para. 25).
- Failed to abide by a written undertaking given to the College (para. 54).
- Engaged in the practice of dentistry while having a conflict of interest (para. 38).
- Signed or issued a document that contained a false, misleading or improper statement (para. 28).
- Submitted an account or charge for dental services that he knew or ought to have known was false or misleading (para. 33).

Notice of Hearing #2:

- Failed to maintain the standards of practice of the profession (para. 1).
- Sexually abused a patient (para. 8) [and subsection 51(1)(b.1) of the Code].
- Disgraceful, dishonourable, unprofessional, unethical conduct (para. 59).

BRIEF SYNOPSIS OF FACTS

- This hearing included allegations arising from two Notices of Hearing, one that originated from a Registrar's investigation and one from a patient complaint.
- The member pleaded guilty to the allegations set out above.
- Contrary to his written Undertaking to the College, Dr. Wein accepted barter arrangements with patients and failed to have his mentor review and approve billings to a patient.
- Dr. Wein acted in a conflict of interest by accepting money for a downpayment on a home from a patient from whom he was providing extensive dental treatment.
- Evidence established that Dr. Wein charged an insurance company for treatment but did not charge the patient, that he charged a fee for a service not rendered and that he billed three patients for examinations when he was not in the office.
- Dr. Wein failed to keep records as required by using "white out" in two patient charts, making chart entries in pencil and failing to make financial ledgers.

- Dr. Wein failed to maintain the standards of practice of the profession relative to one patient in providing extensive treatment, he failed to address the patient's bite collapse and create a proper occlusal foundation prior to fabricating new crowns; he allowed a laboratory technician to remove, insert or adjust crowns in the patient's mouth; and he inserted bisque-bake crowns in the patient's mouth and did not make arrangements to complete the crowns and insert them permanently.
- Dr. Wein sexually abused a patient within the meaning of the Code of the Regulated Health Professions Act in that he engaged in sexual intercourse and other forms of sexual relations with a patient, with whom he had an ongoing personal relationship at the time.
- Dr. Wein's prior discipline history with the College included three previous findings of professional misconduct by the Discipline Committee, two cautions and three undertakings.

DECISION

1. Finding

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

2. Penalty

- Reprimand.
- Revocation of certificate of registration.

3. Publication

- Pursuant to the legislation, publication of this matter includes the member's name and address.

4. Panel's Reasoning

- Penalty was a joint submission following a pre-hearing conference.
- The revocation of the member's certificate for a minimum of five years is mandated by the Code of the RHPA when a member has been found to have committed sexual abuse of a patient, as defined by the Code, if the conduct consisted, among other things, of sexual intercourse with the patient.
- The penalty protected the public from further misconduct by the member and demonstrates to the public that this type of behavior will not be accepted or tolerated by the regulatory body.
- The penalty satisfies the aspect of deterrence to the profession.
- In accepting the joint submission on penalty, the panel did not order costs as it recognized that by cooperating with the College and admitting his misconduct, Dr. Wein allowed the College to avoid the expenses involved in a protracted hearing.