

DECISION 7

Dr. Jonathan Shainhouse
343 Wilson Ave #200
Toronto, Ontario

ALLEGATIONS OF PROFESSIONAL MISCONDUCT

- Submitted an account or charge for dental services that he knew or ought to have known was false or misleading (para. 33).
- Disgraceful, dishonourable, unprofessional, unethical conduct (para. 59).

BRIEF SYNOPSIS OF FACTS

- This matter arose as a result of a patient complaint.
- Dr. Shainhouse's office had billed the patient's insurer and had accepted payment for extracting the patient's wisdom teeth, but the procedure was never performed.
- Approximately three years later, when the patient sought to have the wisdom teeth extracted by a dentist in another province and insurance coverage was denied, the patient, the new dentist and the insurer made a number of unsuccessful attempts to correct the issue with the member.

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 1 month (July 1-31, 2013).
- Course in ethics.
- Practice to be monitored for 24 months following completion of course.

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 reached following a pre-hearing conference.
- The panel accepted that the proposed penalty was within the appropriate range for misconduct of this nature.
- The proposed penalty was fair and achieved an appropriate balance in specific and general deterrence, rehabilitation of the member and protection of the public.
- The misconduct involved one patient and one case.
- Dr. Shainhouse saved the College the time and expense of a lengthy hearing by pleading guilty and entering into an agreed statement of facts and joint submission on penalty.

- Dr. Shainhouse acknowledged that his office had submitted the bill to the insurance company incorrectly, it was noted by the panel that this was not a deliberate wrongdoing on the member's part.
- Although the member agreed to pay back the insurance company before being asked to do so, the panel noted that he did not respond to the insurance company for some time nor did he repay the money when he was initially made aware of the error in billing, which raised questions regarding his professionalism.
- This is the member's first finding of professional misconduct.
- The panel considered each aspect of the penalty and was satisfied that the penalty satisfied the rationales of rehabilitation, deterrence of similar conduct by this member in the future and general deterrence of the profession at large.