

DECISION 1

Dr. Monir Mina
5 Fairview Mall Drive #350
Toronto, Ontario

ALLEGATIONS OF PROFESSIONAL MISCONDUCT

- Failed to maintain the standards of practice of the profession (para. 1).
- Recommended or provided an unnecessary dental service (para. 6).
- Charging a fee that was excessive or unreasonable (para. 31).
- Submitting 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 case arose from a complaint made by an insurance company regarding the member's billings for a specifically named patient.
- The member admitted to failing to maintain the standards of practice of the profession in relation to his provision of periodontal treatment for a patient, including diagnosing chronic localized periodontitis without conducting a complete periodontal examination, initiating periodontal surgery without conducting an initial sanative phase of treatment, and placing bone grafts without adequately preparing the operative sites, and in locations where they would be of limited, if any, benefit.

- The member admitted to providing unnecessary dental services, including osteoplasty/ostectomy, periodontal procedures, and radiographs.
- The member admitted to charging a fee that was excessive or unreasonable and submitting charges that he knew or ought to have known were false or misleading in relation to various periodontal procedural codes.
- The member admitted to engaging in disgraceful, dishonourable, unprofessional or unethical conduct, in that he took unnecessary radiographs thereby repeatedly and unnecessarily exposing the patient to radiation, and by billing more than \$30,000 for aggressive periodontal surgery that was not justified and done for his own financial gain.
- The panel considered the opinions of an expert in a report obtained by the College.

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 three consecutive months
- Course in ethics
- Course in periodontics
- Practice to be monitored for 24 months following courses, at member's expense

3. Costs/Publication

- Costs awarded to the College in the amount of \$1,000.
- 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 and negotiation by experienced counsel and presided over by an experienced chairman.
- Although the agreed-upon penalty was on the lenient side of the range normally applicable, it was within the acceptable range of penalty for professional misconduct of this nature.
- The principle of general deterrence was served by the process of complaint, investigation and subsequent allegations of professional misconduct with admission of guilt, the publication of the member's name and address along with the allegations, pleas and penalties, and the permanent public record of the member's misconduct.
- The principle of specific deterrence was served by the suspension of the member's certificate of registration, the reprimand, and the costs of monitoring and remedial course work.
- The penalty addressed the issue of rehabilitation through the imposition of terms, conditions and limitations on the member's certificate of registration, remedial courses and practice monitoring.
- The penalty balanced the aggravating and mitigating factors in this case.
- In the panel's view, the agreed upon penalty demonstrated that the College was executing its duty and that protection of the public was its top priority.