

DECISION 8

Dr. Matthew Orzech
 505 Eglinton Ave W #103
 Toronto, Ontario

ALLEGATIONS OF PROFESSIONAL MISCONDUCT

- Prescribed a drug for an improper purpose or otherwise used improperly, the authority to prescribe drugs (para. 10).
- Failed to keep records as required (para. 25).

BRIEF SYNOPSIS OF FACTS

- This matter arose as a result of a Registrar's investigation where information was brought to the College by a pharmacist and involved the prescription of narcotic drugs to three patients.
- Dr. Orzech prescribed more than 5,800 Oxycontin (80mg) tablets to one patient over a two year period which was inappropriate for the dental procedures performed and at the hearing the member and the College agreed that there is no clinical reason for a dentist to prescribe this quantity of this potent and addictive opioid to one patient under any circumstances.
- For another patient, he prescribed 560 Percocet (5mg) tablets over a two year period, which was inappropriate for the dental procedures performed.
- For a third patient, the member prescribed 60 Oxycontin (20mg) tablets on one date for two implants, which was inappropriate.
- With respect to the patient for whom Dr. Orzech prescribed 5,800 tablets of Oxycontin, he failed to record a number of the prescriptions provided.
- As part of the facts, the panel accepted an expert opinion with respect to the prescriptions and the expected standard of care of the profession.

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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 3 months (June 1 – August 31, 2013).
- Course in recordkeeping.
- Course in pharmacology, specifically, appropriate pain management and contraindications for the use of narcotics and controlled drugs.
- Member cannot prescribe narcotics and controlled drugs until successful completion of the course in pharmacology.
- Practice to be monitored for 24 months following completion of courses.

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, with the exception of two standard terms proposed by the College which would apply during the member's suspension.
- With respect to the two disputed terms, the panel found that they were appropriate and justified in the circumstances.
- The penalty met the objectives of protecting the public, serving as a specific deterrent for the member and a general deterrent for the profession, rehabilitating the member and maintaining public confidence in the profession.
- The panel considered the following as mitigating factors:
 - ◆ The member fully participated in a pre-hearing conference leading to the resolution of most of this matter.
 - ◆ This was the Member's first appearance before the Discipline Committee.
 - ◆ The member sent a letter of apology to the College regarding one of the patients and provided other records to the College during the investigation.
 - ◆ The member pleaded guilty and took responsibility for his actions.
 - ◆ The panel felt that the following were aggravating factors:
 - ◆ The seriousness of the misconduct, especially in respect of one of the patients.

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- ◆ The duration of the misconduct which extended from 2009 to 2011 and the quantity of drug that was dispensed over this period.
- ◆ The panel disagreed with the submissions of counsel for the Member that there was an absence of aggravating factors and that this case was simply the result of poor judgment or getting in over one's head.
- ◆ The panel was convinced that any practicing dentist should have known that the prescription of narcotic drugs for the duration and in the amounts prescribed carry real and serious risks of harm to the patient and potentially to the public.
- ◆ 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 and protection of the public interest.



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