

Decision 3

Dr. Kevin Bacchus
1208 Michigan Ave
Sarnia, Ontario

ALLEGATIONS OF PROFESSIONAL MISCONDUCT

- ◆ Contravened a standard of practice or failed to maintain the standards of practice of the profession (para. 1).
- ◆ Recommended and/or provided an unnecessary dental service (para. 6).
- ◆ Delegated an act set out in Section 4 of the Act except as permitted by the Regulations (para. 3).
- ◆ Ordered a person to perform an intra-oral procedure or delegated or assigned such a procedure without first ensuring that the person is qualified to perform the procedure safely and competently (para. 4).
- ◆ Signed or issued a certificate, report or similar document that he knew or ought to have known contained a false, misleading or improper statement (para. 28).
- ◆ Charged a fee that was excessive or unreasonable in relation to the service performed (para. 31).
- ◆ Disgraceful, dishonourable, unprofessional or unethical conduct (para. 59).

BRIEF SYNOPSIS OF FACTS

- ◆ Dr. Bacchus placed inter-proximal restorations for 25 patients (49 teeth) when no decay was evident on pre-operative radiographs and his patient records did not contain any written or radiographic substantiation for extending these restorations to these inter-proximal surfaces.

- ◆ Dr. Bacchus knowingly permitted a person, who was an international dentist and a dentistry student in Ontario but was not licensed or authorized to practise dentistry in Ontario, to provide orthodontic treatment, a controlled act, to patients in his office. Furthermore, for one patient, he billed for and submitted claims for services that were not recorded in the patient records as having been provided, and for a number of patients, submitted claims for services on dates that were different from when they actually occurred.

DECISION**Finding**

The member made admissions of professional misconduct, as reflected in an Agreed Statement of Facts. The panel accepted the member's admissions and found that he had committed professional misconduct as described above.

Penalty

- ◆ Reprimand
- ◆ Suspension of certificate of registration for 6 months (January 1, 2014 – June 30, 2014)
- ◆ Course in professional ethics
- ◆ Course in restorative dentistry, including diagnosis and treatment planning
- ◆ Practice to be monitored for 24 months following completion of courses

Costs/Publication

- ◆ Costs awarded to the College in the amount of \$5,000.
- ◆ Pursuant to the legislation, publication of this matter includes the member's name and address.

Panel's Reasoning

- ◆ The penalty was a joint submission.
- ◆ The panel accepted that the joint submission was within the appropriate range for misconduct of this nature, taking into consideration the aggravating and mitigating factors of the case.
- ◆ The aggravating factors that the panel took into account were:
 - More than one type of professional misconduct was involved. Dr. Bacchus contravened the standards of practice, he performed unnecessary and improper treatments, delegated controlled acts and treatment to a non-dentist and he misleadingly and inappropriately billed insurance companies.
 - Multiple patients were involved.
 - This pattern of misconduct was prolonged, occurring over a number of years.
- ◆ The mitigating factors that the panel took into consideration were:
 - Dr. Bacchus had no prior discipline findings.
 - He admitted freely to his misconduct.
 - He saved the College a lengthy and expensive hearing and owned up to his responsibilities.

- ◆ The courses to be completed by the member, followed by practice monitoring, will aid in his rehabilitation and ensure that the public is protected.
- ◆ The suspension of the member's certificate of registration for six months, which is a significant financial penalty, in addition to the reprimand and the payments for the courses, practice monitoring and costs cumulatively, act as a specific deterrent to Dr. Bacchus, making it unlikely that his conduct will be repeated.
- ◆ The general deterrence to the profession is the knowledge that this behaviour is taken very seriously by the Discipline Committee and that it carries a significant financial penalty.
- ◆ Publishing the results of the hearing in Dispatch and on the College's website acts as a deterrent to the member, to the profession at large and also ensures protection of the public.