

**THE DISCIPLINE COMMITTEE OF THE
ROYAL COLLEGE OF DENTAL SURGEONS OF ONTARIO**

IN THE MATTER OF a Hearing of a panel of the Discipline Committee of the Royal College of Dental Surgeons of Ontario held pursuant to the provisions of the Health Professions Procedural Code which is Schedule 2 to the *Regulated Health Professions Act, 1991*, Statutes of Ontario, 1991, Chapter 18 (“Code”) respecting one Dr. Gabor Diosy of the Town of Pickering, in the Province of Ontario;

AND IN THE MATTER OF the *Dentistry Act* and Ontario Regulation 853, Regulations of Ontario, 1993, as amended (“Dentistry Act Regulation”).

Members in Attendance: Dr. Richard Hunter, Chair
 Dr. Ian Brockhouse
 Mr. Marc Trudell

BETWEEN:

ROYAL COLLEGE OF DENTAL SURGEONS OF ONTARIO) Appearances:)) Ms. Luisa Ritacca) Independent Counsel for the) Discipline Committee of the Royal) College of Dental Surgeons of Ontario
- and -) Marie Henein and Maya Borooh) For the Royal College of Dental) Surgeons of Ontario)
DR. GABOR DIOSY) Mr. Matthew Wilton) For the Member

Hearing held by way of teleconference

REASONS FOR DECISION

This matter came on for hearing before a panel of the Discipline Committee (the “Panel”) of the Royal College of Dental Surgeons of Ontario (the “College”) in Toronto on May 27, 2020. This matter was heard electronically.

At the outset of the hearing, the College sought an order banning the publication of the name of patient or any information that could be used to identify the patient. The Member consented to the request. The Panel granted the order, which extends to the exhibits filed, as well as to these reasons for decision.

THE ALLEGATIONS

The allegations against the Member were contained in the Notices of Hearing, dated September 27, 2012 and September 25, 2019 (Exhibits 1 and 2).

H120015

1. *Allegation Withdrawn.*

2. *Allegation Withdrawn.*

3. You committed an act or acts of professional misconduct as provided by s.51(1)(c) of the *Code*, in that, during the years 2009 and/or 2010, you engaged in conduct or performed an act or acts that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable, unprofessional or unethical relative to one of your patients, namely Patient A, contrary to paragraph 59 of Section 2 of the Dentistry Act Regulation.

Particulars:

- Patient A was a patient of your practice from approximately March 15, 1984, until November 18, 2010.
- On or about May 14, 2009 and/or July 30, 2009, you provided dental treatment to Patient A.
- During a dental appointment on or about July 30, 2009, you performed a clinical examination of Patient A and prescribed for her the prescription medication amitriptyline.
- You were arrested in September 2009.
- On or about September 13, 2010, in the Ontario Court of Justice, you

pleaded guilty and were found guilty of three counts of common assault, one count of assault causing bodily harm and one count of uttering a death threat. All charges were with respect to your conduct towards your patient, Patient A.

- The three counts of common assault and one count of causing bodily harm occurred in or about August 2009 to September 2009.
- The count of uttering a death threat occurred in or about May 2009 to August 2009.
- Patient A was your patient at the time of the assaults and at the time you uttered a death threat.
- The fact that you were found guilty of three counts of common assault, one count of assault causing bodily harm and one count of uttering a death threat with respect to Patient A, would reasonably be regarded by members as disgraceful, dishonourable, unprofessional or unethical.

H190007

1. *Allegation Withdrawn.*

2. You committed an act or acts of professional misconduct as provided by s.51(1)(c) of the Health Professions Procedural Code, being Schedule 2 of the *Regulated Health Professions Act, 1991*, Statutes of Ontario, 1991, Chapter 18 in that, during the years 2017 and/or 2018, you engaged in conduct or performed an act or acts that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable, unprofessional or unethical, contrary to paragraph 59 of Section 2 of Ontario Regulation 853, Regulations of Ontario, 1993, as amended.

Particulars:

- You have a long and troubling history of repeated instances of assault and assault-related charges, including assault of a patient, of which you were found guilty in the Ontario Court of Justice in 2010.
- You were found guilty of two additional counts of assault in or about the year 2017 in the province of Ontario. Further, on or about September 4, 2018, you were found guilty of Felony ██████ battery in Hillsborough County, Tampa, Florida, for which you were sentenced to 160 days in prison, plus probation.
- This troubling history of assault, coupled with the fact that you were found guilty of two additional counts of assault in or about the year

2017, as well as the Felony [REDACTED] battery in Tampa, Florida, in or about the year 2018, would reasonably be regarded as disgraceful, dishonourable, unprofessional or unethical conduct.

THE MEMBER'S PLEA

The Member admitted the allegations of professional misconduct as set out in the Notices of Hearing, marked as Exhibits 1 and 2, save for those particulars that the College sought to withdraw.

The Panel confirmed with the Member that he understood the effect of his plea and as such was satisfied that Member's admissions were voluntary, informed and unequivocal.

The Panel agreed to the withdrawal of allegations 1 and 2 in Exhibit 1 and allegation 1 in Exhibit 2, as set out above. This was done at the request of the College and with the Member's consent.

THE EVIDENCE

On consent of the parties, the College introduced into evidence an Agreed Statement of Facts (Exhibit 2) which substantiated the allegations. A summary of the Agreed Statement of Facts is set out below:

Allegations of Professional Misconduct

- a. On September 2, 2009, Dr. Diosy was charged with a number of criminal offences in relation to physical abuse against Patient A. On September 13, 2010, Dr. Diosy pled guilty to and was convicted of those criminal offences.
- b. On January 8, 2013, Dr. Diosy entered into an undertaking with the College to voluntarily withdraw from practice, as a result of significant health and mental health issues he was experiencing and continues to experience. Dr. Diosy has not practiced dentistry since that date.
- c. Since voluntarily withdrawing from practice, Dr. Diosy has been found guilty of a number of additional criminal offences in relation to ongoing abuse of Patient A, in both Ontario and Florida in 2017 and 2018.

Facts related to Matter No. H120015

- d. Patient A was a patient of Dr. Diosy's practice between 1984 and November 10, 2010. In 2009, Dr. Diosy saw Patient A as a patient on at least two occasions between May and October. Patient A also worked in Dr. Diosy's practice.
- e. On September 2, 2009, Dr. Diosy was criminally charged with three counts of assault, one count of uttering threats of bodily harm, and one count of assault causing bodily harm against Patient A for conduct between May and August, 2009. On September 13, 2010, Dr. Diosy pled guilty to, and was convicted of, all charges. In pleading guilty, Dr. Diosy admitted to a number of specific incidents of assault against Patient A, including pushing and choking Patient A in August 2009, threatening Patient A with bodily harm on multiple occasions, an incident of violent assault that lasted over 2 hours in which Patient A was tied to the stairs naked while Dr. Diosy whipped and kicked her, and an incident in [REDACTED] in September 2009 in which Dr. Diosy punched Patient A in the head and chest multiple times.
- f. For those convictions, Dr. Diosy received the equivalent of a 25-month custodial sentence, after spending approximately 12.5 months in pre-trial custody. In addition, Dr. Diosy was made subject to a 3-year probation order, a weapons prohibition order, and a DNA order. Dr. Diosy was ordered not to communicate with Patient A, except with Patient A's written revocable consent.

Facts related to Matter No. H190007

- g. On September 20, 2017, Dr. Diosy pled guilty and was sentenced to two counts of assault against Patient A in the Ontario Court of Justice. As part of that guilty plea, Dr. Diosy admitted to two incidents assault, one in which he punched Patient A numerous times on June 26, 2017, and to another that included punching, kicking, and threatening Patient A with a knife the following day.
- h. Dr. Diosy was sentenced the same day, and received a sentence of 6 months' custody minus credit for time served. In addition, he received a further order of 3 years' probation. Following the completion of his sentence for the Ontario charges, Dr. Diosy was held in custody pending extradition to Florida for outstanding [REDACTED] battery charges, also in relation to Patient A.
- i. With respect to the charges in Florida, in 2014, Dr. Diosy was charged for a felony [REDACTED] battery, which is the equivalent of aggravated assault in Canada. The facts underlying that charge relate to an incident in Florida in April 2014, in which Dr. Diosy

hit and kicked Patient A multiple times. Patient A suffered serious injury as a result of the assault, including three broken ribs.

- j. Dr. Diosy subsequently pled guilty to and was convicted of the charge in 2018. He was sentenced to 160 days in custody as a result.
- k. On October 10, 2018, was further charged with additional criminal charges in Ontario, also in relation to Patient A. On January 15, 2019, Dr. Diosy pled guilty to a charge of failure to comply with probation, and the remaining charges were withdrawn. Dr. Diosy received a further order of probation, to which he remains subject at this time.

Professional Misconduct Established

- l. Dr. Diosy acknowledges that the facts relevant to both matters, H120015 and H190007, amount to disgraceful, dishonourable, and unprofessional conduct as provided by s. 51(1)(c) of the *Health Professions Procedural Code*, being Schedule 2 of the *Regulated Health Professions Act, 1991*, SO 1991, c 18.

Revocation is Appropriate Penalty

- m. Dr. Diosy agrees that the appropriate penalty in the circumstances is the permanent revocation of his dentistry license.

DECISION

The Panel finds that the Member engaged in professional misconduct as admitted in the Agreed Statement of Facts. The Member's conduct would reasonably be regarded by other members of the College as disgraceful, dishonourable and unprofessional.

REASONS for DECISION

The public and members of this College cannot tolerate the physical abuse of a patient under any circumstances. The Panel finds it appalling that Dr. Diosy caused such serious physical and mental harm to Patient A for so many years.

The conduct in any circumstances would most certainly be regarded by members of this profession as disgraceful, dishonourable and unprofessional. Dr. Diosy's conduct was inexcusable and no doubt caused significant physical and emotional trauma to Patient A and those around them.

PENALTY SUBMISSIONS

The parties presented the Panel with a Joint Submission with respect to Penalty & Costs (Exhibit 4), which provides as follows.

1. The Royal College of Dental Surgeons of Ontario ("College") and Dr. Gabor Diosy ("the Member") jointly submit that this panel of the Discipline Committee, impose the following penalty on the Member as a result of the panel's finding that the Member is guilty of professional misconduct, namely, that it make an order:
 - (a) directing the Registrar to revoke the Member's certificate of registration permanently, such revocation to commence within thirty (30) days of this Order becoming final; and
 - (b) that the member pay costs to the College in the amount of \$2,000.00 in respect of this discipline hearing, such costs to be paid in full within six (6) months of this Order becoming final.
2. The College and the Member further submit that pursuant to the Code, as amended, the results of these proceedings must be recorded on the Register of the College and any publication of the Decision of the panel would therefore occur with the name and address of the Member included.
3. This joint submission on penalty and costs was reached as a result of a pre-hearing conference held with respect to these matters and it received the endorsement of the pre-hearing conference president.

PENALTY DECISION

The Panel agreed and accepted the Joint Submission on Penalty and so makes the following order:

1. The Registrar is directed to revoke the Member's certificate of registration permanently, such revocation to commence within thirty (30) days of this Order becoming final; and

2. The Member shall pay costs costs to the College in the amount of \$2,000.00 in respect of this discipline hearing, such costs to be paid in full within six (6) months of this Order becoming final.

REASONS FOR PENALTY DECISION

The Panel's primary concern when considering a Joint Submission on Penalty is public protection. While Dr. Diosy has not practiced dentistry since 2011 and has been the subject of an undertaking since 2013, revocation remains the only appropriate remedy in the circumstances. Revocation ensures that Dr. Diosy will not be in a position to practise dentistry in this province again and that public confidence in the profession can be maintained.

I, Richard Hunter, sign these Reasons for Decision as Chairperson of this Discipline Panel.



Richard Hunter

June 1, 2020

Date

Dr. Ian Brockhouse
Mr. Marc Trudell