

DECISION 1

Dr. Halina Buchalska
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ALLEGATIONS OF PROFESSIONAL MISCONDUCT

- Failed to maintain the standards of practice of the profession (para. 1)
- Failed to keep records as required (para.25)
- Charged excessive or unreasonable fees (para. 31)
- Signed or issued documents that contained a false, misleading or improper statement (para. 28)
- Submitted false or misleading accounts or charges for dental services (para. 33)
- Accepted an amount in full payment of an account or charge that was less than the full amount of the account or charge submitted by the member to a third party payer, without making reasonable efforts to collect the balance from the patient or to obtain the written consent of the third party (para. 34)

BRIEF SYNOPSIS OF FACTS

- Information came to the College’s attention from an insurance company regarding concerns regarding the lack of radiographs taken based on services provided and the overall state of the member’s records. The Registrar ordered an investigation during which the records of 12 patients were examined;
- For the 12 named patients, the member performed restorative treatment without appropriate pre-operative radiographs to diagnose and formulate a treatment plan;

- For some of these patients extractions and endodontic re-treatment was performed without appropriate radiographs;
- The member did not keep appropriate records for the same 12 patients;
- Between the years 2008 and 2011, for six of these patients, the member signed or issued documents and submitted accounts for dental services that she knew or ought to have known contained false or misleading information;
- The member also failed to make reasonable efforts to collect the co-payments for the 12 patients between 2008 and 2011.

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 3 months (November 22, 2013 – February 21, 2014)
- Course in recordkeeping
- Practice to be monitored for 24 months following completion of course

3. Costs/Publication

- Costs awarded to the College in the amount of \$3,500
- 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 as a result of a pre-hearing conference;
- The penalty was within the appropriate range of penalty for professional misconduct of this nature as the panel believed it was fair and achieved an appropriate balance of specific and general deterrence, rehabilitation of the member and protection of the public;
- By pleading guilty and entering into an agreed statement of facts and a joint submission on penalty, the member saved the College the time, expense and resources of a lengthy hearing;
- Mitigating factors included that this was the member’s first time before a discipline committee and she demonstrated a willingness to be rehabilitated;
- The repeated acts of misconduct evident for a number of patients with regard to claim inaccuracies and poor recordkeeping was of concern to the panel and the panel considered this to be an aggravating factor.