

## *Decision 1*

**Dr. Oksana Yachimetz**  
**2118A Bloor St W #203**  
**Toronto, Ontario**

### **ALLEGATIONS OF PROFESSIONAL MISCONDUCT**

- ◆ Failed to maintain the standards of practice of the profession (para. 1)
- ◆ Failed to keep records as required by the Regulations (para. 25)
- ◆ Signed or issued a document that the member knew, or ought to have known, contained a false, misleading or improper statement (para. 28)
- ◆ Charged excessive or unreasonable fees (para. 31)
- ◆ Obstructed a College investigator/ failed to cooperate fully with the College investigator, in contravention of the Health Professions Procedural Code (para. 48)
- ◆ Disgraceful, dishonourable, unprofessional or unethical conduct (para. 59)

### **BRIEF SYNOPSIS OF FACTS**

- ◆ False claims were provided to an insurer from Dr. Yachimetz's clinic for dental treatment purportedly provided by other dentists at her clinic.
  - ◆ Claim forms for the claims were completed by clinic staff who would indicate that treated was performed by one of two named dentists (not Dr. Yachimetz) when this was not the case and neither of the two named dentists signed the forms.
  - ◆ Payments for the claims bearing one of these dentist's names were provided by the insurer to the patients. Payments for the claims bearing the other dentist's name were provided by the insurer to the clinic and deposited into the clinic's account.
  - ◆ With respect to one of these dentists, Dr. Yachimetz's staff documented in patient charts that he had provided certain dental services which he denied providing. With respect to the other dentist, he did not provide the dental services at issue in the claims.
  - ◆ Dr. Yachimetz is ultimately responsible for the claims.
- ◆ Dr. Yachimetz did not cooperate with the College investigator when he visited her office to conduct an investigation. She initially refused to provide him with access to patient records and then, after several hours, when she did provide access, she took a page out of a patient file and refused to give it to the College investigator.
  - ◆ Despite many requests from the College, Dr. Yachimetz did not provide her appointment books for 2009 and 2010 and did not make appropriate efforts to obtain the appointment books.
  - ◆ Dr. Yachimetz did not respond appropriately to correspondence from the College Registrar, and in particular, did not advise him where the patient records were for 22 patients as requested by the College investigator, and also did not make appropriate efforts to locate the 22 records he requested.

**DECISION**

**Finding**

The member pleaded guilty and was found guilty with respect to the above allegations.

**Penalty**

- ◆ Reprimand
- ◆ Suspension of certificate of registration for 8 months (April 1, 2014 – November 30, 2014)
- ◆ Member to retain a certified accountant to provide accounting services for the dental practice and to provide information to the College upon request
- ◆ Member to respond appropriately and timely to all College correspondence and to all College enquiries
- ◆ Course in recordkeeping
- ◆ Course in ethics
- ◆ Practice to be monitored for 36 months following completion of suspension

**Costs/Publication**

- ◆ Costs awarded to the College in the amount of \$10,000
- ◆ Member to pay monitoring costs
- ◆ Pursuant to the legislation, publication of this matter includes the member's name and address

**Panel's Reasoning**

- ◆ The penalty was a joint submission reached following a pre-hearing conference.
- ◆ Some members of the panel were concerned that the penalty was too lenient given the nature of the conduct in the current case and the fact that the member had previously been found guilty of professional misconduct in 2005 which involved financial billings. However, the panel reflected on the submissions of the lawyers and accepted that the penalty was within the appropriate range for professional misconduct of this nature.
- ◆ In determining that the penalty was within the appropriate range, the panel took a number of considerations into account.
- ◆ The suspension was for 8 months which, along with her voluntary undertaking to withdraw from practice which had been in effect for four months, effectively meant that Dr. Yachimetz would be out of practice for almost a full year.
- ◆ Although the agreed statement of facts did not include an acknowledgement that she was directly involved in fraudulent practices, the member agreed that she was responsible for the claims.
- ◆ By agreeing to the agreed statement of facts and the joint submission, a long and costly hearing was avoided which likely would have involved witnesses who might not have cooperated with the College.
- ◆ The terms, conditions and limitations imposed on Dr. Yachimetz's certificate will serve to ensure compliance with the requirement that she not practice dentistry during the suspension.
- ◆ Requiring the member to retain an accountant who will provide information to the College allows for rigorous monitoring and will serve to protect the public interest.
- ◆ The recordkeeping and ethics courses in addition to the practice monitoring period of 36 months will aid in the member's rehabilitation and protect the public.
- ◆ The suspension of the member's certificate of registration for 8 months represents a significant financial penalty in that there will be a loss of dental practice income.
- ◆ The costs order of \$10,000 is substantial, yet reasonable in the circumstances and will serve as a deterrent to further misconduct.
- ◆ The reprimand is a humiliating experience and also serves as a deterrent to the member.
- ◆ The results of the proceedings will be published as a permanent deterrent to Dr. Yachimetz and to the general membership of the profession which ensures protection of the public.