

DECISION 2

Dr. Khaled Hashem
NO CURRENT PRACTICE ADDRESS

ALLEGATIONS OF PROFESSIONAL MISCONDUCT

Notice of Hearing #1:

- Failed to maintain the standards of practice of the profession (para. 1).
- Recommended or provided an unnecessary dental service (para. 6).
- Treated a patient without consent (para. 7).
- Failed to keep records as required (para. 25).
- Charged an excessive or unreasonable fee (para. 31).
- Submitted a false or misleading account or charge (para. 33).
- Disgraceful, dishonourable, unprofessional, unethical conduct (para. 59).

Notice of Hearing #2:

- Failed to maintain the standards of practice of the profession (para. 1).
- Disgraceful, dishonourable, unprofessional, unethical conduct (para. 59).

Notice of Hearing #3:

- Signed or issued a document that contained a false, misleading or improper statement (para. 28).
- Submitted a false or misleading account or charge (para. 33).
- Charged an excessive or unreasonable fee (para. 31).

- Recommended or provided an unnecessary dental service (para. 6).
- Failed to reply to a written enquiry made by the College (para. 58).
- Failed to keep records as required (para. 25).

BRIEF SYNOPSIS OF FACTS

Notice of Hearing #1:

- This matter arose as a result of a patient complaint.
- Dr. Hashem completed a partial root canal without obtaining the patient's informed consent and failed to maintain appropriate infection control and radiation protection protocols.
- The pulpotomy performed was substandard and was against the patient's wishes. The need for the pulpotomy and the need for the surgical curettage and incision and draining were not justified by his records.
- In that the treatment performed was not needed, the fees charged for such treatment were excessive or unreasonable.
- The member attempted to mislead the College by providing a periapical radiograph in the patient's records that belonged to another person.

DECISION 2

*Continued***Notice of Hearing #2:**

- This matter arose as a result of a Registrar's investigation into Dr. Hashem's infection control procedures.
- The investigation identified serious concerns with Dr. Hashem's infection prevention and control practices despite already being informed of the College's concerns with respect to these practices and already taking a course in infection control.

Notice of Hearing #3:

- This matter arose as a result of a Registrar's investigation into Dr. Hashem's billing practices and financial and general recordkeeping.
- For more than 20 patients over a three year period, the member billed for services where there were no chart entries to indicate that the services were provided.
- Dr. Hashem billed several patients on several occasions for sedative dressings with no indication as to why the dressings were placed, and these procedures appear to have been billed for monetary gain.
- In respect of nine patients, the member failed to provide the College with information it requested, including lab invoices and financial ledger entries.
- Numerous recordkeeping deficiencies were noted for multiple patients.

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 5 months (June 25 – November 24, 2013).
- Course in periodontics, specifically, the diagnosis and management of periodontal disease.
- Course in ethics.
- Practice to be monitored for 24 months following completion of courses.

3. Costs/Publication

- Costs awarded to the College in the amount of \$1,500.
- 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 following a pre-hearing conference.
- 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 aggravating factors:
 - ◆ The member has been the subject of previous complaints and investigations.

- ◆ The member demonstrated blatant disregard for proper infection control practices even after receiving a prior decision by the College that required him to undergo assessment and complete an infection control course.
- ◆ Initially, the member did not cooperate with the College's investigations.
- ◆ The member admitted to a total of 15 charges of unprofessional and fraudulent acts including a failure to obtain consent, providing unnecessary treatment, failing to maintain adequate records, failing to maintain acceptable standards of infection control, exposing a patient to unnecessary radiation and submitting false or misleading fees and providing false or misleading information to the College.
- The panel considered the following as mitigating factors:
 - ◆ The member ultimately did accept responsibility for his actions and by pleading guilty he eliminated the need for a lengthy hearing which likely would have inconvenienced and negatively impacted former patients and staff.
 - ◆ By entering into an agreed statement of facts and joint submission on penalty, the member reduced the time and costs associated with a full hearing.
 - ◆ The panel considered each aspect of the penalty and found 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.