



DECISION 1

Dr. Karen Logan

879 Waterloo Street
London, Ontario

ALLEGATIONS OF PROFESSIONAL MISCONDUCT**Notice of Hearing #1:**

- Contravened a standard of practice or failed to maintain the standards of practice of the profession (para. 1)
- Failed to keep records as required by the regulations (para. 25)
- Recommended or provided unnecessary dental services (para. 6)
- Treated without consent (para. 7)
- Unprofessional conduct (para. 59)

Notice of Hearing #2:

- False or misleading advertising (para. 60)
- Submitted a false or misleading account or charge (para. 33)
- Unprofessional conduct (para. 59)

BRIEF SYNOPSIS OF FACTS**Notice of Hearing #1:**

- Performed unnecessary dental service in relation to the placement of interproximal restorations:
 - > Dr. Logan performed unnecessary dental services by restoring nine surfaces of teeth on seven patients without justification.
 - > In these instances where she took only panoramic x-rays, images were not sufficient to properly diagnose caries
- Treated patients without informed consent:
 - > For five patients, Dr. Logan's records do not contain any notation of specific informed consent associated with the material of choice for crown and bridge therapy.

- > Dr. Logan had an obligation to discuss metal restorative options with patients even though they were aware that she ran a "metal free" practice and did not provide those services.
- Contravened the standards of practice
 - > For one patient, Dr. Logan performed a root canal and failed to take post-operative endodontic periapical radiographs before she proceeded to place a post, core and crown on the tooth, which is necessary to assess if the root canal(s) was filled to an optimal level or if it was under or over filled.
- Failure to keep records as required:
 - > Dr. Logan charged two patients for complete examinations and new patient examinations but no extra-oral or intra-oral findings or odontograms were recorded in their charts. There were no entries in either chart that indicated that any aspect of a new patient examination took place.
 - > She charged one patient for an emergency examination but there is no entry in the patient chart that identifies or describes the appointment.
 - > The chart entries, in respect of these three patients, were not in accordance with the recordkeeping standards of practice for the profession.
- Unprofessional conduct:
 - > Dr. Logan failed to ensure that she or her staff properly documented prescriptions for x-rays.

- > For nine patients, she failed to properly document recall examinations where the chart entries appear to have been written by a dental hygienist and were not signed, initialed to otherwise attributable to Dr. Logan.
- > For three patients, Dr. Logan permitted her dental hygienists to perform orthodontic procedures without any documentation of a client-specific order in the patient record.

Notice of Hearing #2:

- Submitted a false or misleading account or charge:
 - > For 12 patients, Dr. Logan used an Ontario Dental Association (ODA) procedure code for charting of periodontal probing by a dental hygienist and/or in conjunction with another examination procedure code. However, this code is properly used for evaluation of ongoing periodontal treatment or post-surgical re-evaluation, which was not the case for these patients. For five of the patients, she charged for a recall exam at the same visit
 - > For four patients, Dr. Logan charged a fee for restoration of an additional surface where post-operative x-rays do not show the surfaces were restored in a conventional manner.
 - > For one patient, she charged for a complicated extraction where the use of the code was not justified.
 - > For four patients, Dr. Logan used an ODA code for periodontal surgery when only laser treatment was provided by a dental hygienist.



- > For one patient, Dr. Logan used a periodontal surgery code when the patient record did not indicate that such a procedure was performed.
- False or misleading advertising:
 - > College investigators obtained one business card from Dr. Logan which identified her as a “Neuromuscular Dentist” and one which identified her as a “Holistic Dentist”.
 - > Despite signing an Undertaking in 2009 not to do so, Dr. Logan continued to describe herself in advertising using the title “Neuromuscular Dentist”.
 - > Dr. Logan had testimonials on her website that are not verifiable by facts
 - > Despite the 2009 Undertaking and statements made in a published letter of apology, Dr. Logan continued to refer to her LVI courses and designations on her website, which are not recognized in Ontario.
 - > Dr. Logan used an oral screening consent form which conveyed uniqueness, superiority and/or made claims that may be false, confusing or misleading to the public.
- Unprofessional conduct:
 - > Dr. Logan breached her Undertaking to the College to cease advertising in an unprofessional manner.

DECISION

1. Finding

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

2. Penalty

- Reprimand
- Suspension of certificate of registration for four months (September 19, 2016 – January 18, 2017)
- Course in professional ethics

- Comprehensive hands-on course regarding recordkeeping, documenting orders, informed consent and restorative dentistry recordkeeping
- Practice to be monitored for 24 months following completion of suspension and courses

3. Costs/Publication

- Costs awarded to College in the amount \$20,000.00
- Member to pay monitoring costs
- Pursuant to the legislation, publication of this matter includes the member’s name and address

PANEL’S REASONING

In considering the proposed penalty, the hearing panel was split on the outcome. Three panel members (two dentists and one public member) supported the joint submission on penalty and issued majority reasons and two panel members (one dentist and one public member) issued a minority dissent.

Majority Reasons on Penalty

- The penalty set out in the joint submission was reasonable and in the public interest.
- The penalty meets the objectives of public protection, specific deterrence for the member and general deterrence for the profession, and it will serve to rehabilitate the member and maintain public confidence in the profession.
- The length and terms of the suspension are significant and the courses and monitoring by the College will serve to rehabilitate the member.
- The majority was satisfied that the penalty demonstrates to the public that the profession has no tolerance for a dentist who is found to have committed serious acts of professional misconduct and who breached the trust that her employees and patients placed in her.
- The majority considered as aggravating

factors the fact that the conduct involved a breach of trust, the number of patients affected and that the member provided treatment that was deemed unnecessary to some patients. In addition, Dr. Logan did not heed previous cautions and undertakings resulting from decisions of the Inquiries, Complaints and Reports Committee in years prior.

- The majority considered as mitigating factors, the member’s cooperation, the fact that this is the member’s first appearance before the Discipline Committee and that she has taken responsibility for her actions by pleading guilty.

Minority Reasons on Penalty

- As the overarching mandate of the College is public protection, the minority believes that the principles of specific deterrence and general deterrence were not appropriately addressed by the penalty that was set out in the joint submission and accepted by the majority.
- Given the fact that the member received cautions and/or monitoring from the College in 2008, 2009 and 2011 with respect to some of the same behaviour at issue in the hearing, it should not be considered a mitigating factor that she has not previously appeared before the Discipline Committee.
- As recidivism is apparent, the minority was concerned that a four-month suspension was inadequate to serve the principle of deterrence.
- The minority is of the view that no member of the profession should believe that receiving cautions and monitoring but ultimately disregarding or failing to learn from them over time will only result in a modest penalty of four months suspension and moreover this has the potential to undermine the public’s confidence in the discipline process.