

Decision 4

Dr. Luciano Timperio
142 Linwell Rd
St. Catharines, Ontario

ALLEGATIONS OF PROFESSIONAL MISCONDUCT

- ◆ Contravened a standard of practice in relation to inducing general anesthesia or conscious sedation (para. 1)
- ◆ Disgraceful, dishonourable, unprofessional or unethical conduct (para. 59)

BRIEF SYNOPSIS OF FACTS

- ◆ Dr. Timperio held a facility permit for parental conscious sedation – single sedative only.
- ◆ Despite being advised by the College on multiple occasions that he was authorized to administer only a single sedative agent, and despite his assertion that he did not intentionally administer multiple sedative agents, he continued to administer multiple sedative agents in some instances.

DECISION

Finding

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

Penalty

- ◆ Reprimand
- ◆ Suspension of certificate of registration for 1 month (specific dates of suspension not determined at time of publication)

- ◆ In the event of any future breach of the Standard, the Registrar shall immediately rescind the member’s facility permit and/or authorization to administer sedation and/or anesthesia
- ◆ Course in Sedation and Anesthesia Standards
- ◆ Practice to be monitored for 36 months

Costs/Publication

- ◆ Costs awarded to 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

PANEL’S REASONING

- ◆ The penalty was a joint submission reached as a result of a pre-hearing conference.
- ◆ The joint submission satisfied the purposes of specific and general deterrence, rehabilitation of the member and protection of the public and was appropriate in all of the circumstances of this case and of the member.
- ◆ Dr. Timperio was remorseful and forthright in his communications to the College.
- ◆ It was the member’s responsibility to be fully aware of and to follow the Standard of Practice for the Use of Sedation and General Anesthesia in Dental Practice, and failing to do so even after being advised by the College of the limitations of his facility permit was considered to be an aggravating factor.

- ◆ However, at the time of the misconduct, Dr. Timperio had a terminally ill child who passed away after several months, which the panel considered to be a compelling mitigating factor.
- ◆ The panel recognized that the one month suspension of the member’s certificate of registration was less than usual, but given Dr. Timperio’s personal circumstances, the panel agreed that it was appropriate.
- ◆ The one-on-one course and practice monitoring will aid in the rehabilitation of the member and will serve to protect the public interest.
- ◆ Directing the Registrar to immediately rescind the member’s facility permit, should there be any further breach of the sedation standards, ensures that the public is protected.
- ◆ The reprimand, suspension, publication and costs payable to the College will serve as a specific deterrent to Dr. Timperio not to repeat his conduct and will act as a general deterrent to the profession.