

*Decision 2*

**Dr. Khaled Hashem**  
**NO CURRENT PRACTICE ADDRESS**  
**Ottawa, Ontario**

### ALLEGATIONS OF PROFESSIONAL MISCONDUCT

- ◆ Contravened a standard of practice or failed to maintain the standards of practice of the profession (para. 1)
- ◆ Treated without consent (para. 7)
- ◆ Made a misrepresentation about a remedy, treatment, device or procedure or failed to reveal the exact nature of a remedy, treatment, device or procedure (para. 12)
- ◆ Failed to keep records as required by the regulations (para. 25)
- ◆ Charged a fee that was excessive or unreasonable in relation to the service performed (para. 32)
- ◆ Submitted an account or charge for dental services that he knew or ought to have known was false or misleading (para. 33)
- ◆ Charged a laboratory fee for a dental appliance or device that was more than the commercial laboratory cost actually incurred by the member (para. 35)
- ◆ Disgraceful, dishonourable, unprofessional, or unethical conduct (para. 59)

### BRIEF SYNOPSIS OF FACTS

- ◆ The College alleged that in March 2012, Dr. Hashem cemented two human teeth from someone else into the mouth of one of his patients. The allegations included breaching the standards of practice by failing to maintain proper infection control protocols, failure to obtain informed consent, failure to keep records, misrepresentation, charging fees that were unreasonable, submitting a false account and charging a laboratory fee that is greater than the commercial laboratory cost.

### DECISION

#### Finding

- ◆ The member was found guilty with respect to the above allegations of professional misconduct. The member was given notice of the hearing but did not attend either in person or through legal representation. The panel proceeded in the member's absence on the basis that the member denied the allegations.

#### Penalty

- ◆ Revocation of the member's certificate of registration

#### Publication

- ◆ Pursuant to the legislation, publication of this matter includes the member's name and address

### PANEL'S REASONING

#### Finding

- ◆ The College called five witnesses to testify at the hearing, including the patient, the patient's subsequent treating dentist, two College investigators and an expert witness in oral pathology and oral medicine.
- ◆ As the member did not participate in the hearing, the evidence of the witnesses was unchallenged. The patient testified that Dr. Hashem told her he would use "glued crowns" which she expected would be false teeth and she was never told that he intended to use human teeth as replacement crowns, nor would she ever consent to that. She also testified that no other options, risks or benefits of treatment were discussed.
- ◆ In summary, based on the testimony of the patient's dentist and the College's expert witness, the panel concluded that the member did, in fact, cement human teeth obtained from an unknown source into the mouth of the patient who filed a complaint with the College. In addition to the expert's opinion that the two items sent to her for examination by the College were fragments of human teeth, the panel accepted the patient's dentist's testimony that during a telephone conversation with Dr. Hashem he admitted that he had cemented teeth that he had extracted from someone else into the patient's mouth.

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- ◆ The expert opined that in doing so, the member failed to meet the standards of practice as this act is “completely unacceptable” and pointed to risks of infection, aspiration or swallowing and patient distress. Unsurprisingly, the expert testified that she had never heard of this procedure being taught anywhere.
  - ◆ Having considered the evidence, the submissions advanced on behalf of the College and the advice of its independent legal counsel, the panel found that the member committed professional misconduct as set out in each of the allegations contained in the Notice of Hearing based on the requisite burden of proof.
- Penalty**
- ◆ Based on factors set out in other regulatory hearings, in the determination of a member’s governability, Dr. Hashem has failed on every point.
  - ◆ The nature of the member’s history is significant. Repeated concerns related to infection control, recordkeeping and billing practices have been demonstrated before and were at issue in this hearing as well, such that the panel concluded that they were systemic in his practice. The evidence presented to the panel demonstrated a prolonged and repetitive nature of misconduct without any evidence that he has learned from the past or attempted to remediate his conduct.
  - ◆ He has already been found guilty of professional misconduct twice.
- ◆ There was no mitigating character evidence and Dr. Hashem himself failed to appear before the panel to explain his actions or provide mitigating factors.
  - ◆ The member’s failure to participate in the hearing, the difficulty caused in the service of documents related to this complaint and the defiant, uncooperative message sent in a letter to legal counsel for the College are clear indications of the member’s lack of remorse or desire to remediate and change his unacceptable and unsafe practice of dentistry.
  - ◆ Accordingly, the panel has concluded that the member is no longer willing to be governed by the College.
  - ◆ The panel heard no evidence that would explain the member’s actions related to the complaint or his unwillingness to conform to current standards of practice of infection control and recordkeeping or his decision not to cooperate with the College and participate in the hearing.
  - ◆ The member’s past unwillingness to participate in practice monitoring, which the panel believes is essential in the remediation of a member, his failure to cooperate with the College in this hearing, and his defiant tone expressed in correspondence to the College indicate to the panel that the member has no interest or desire to change and will almost certainly engage in misconduct in the future.
- ◆ For all of these reasons the panel concluded that the member is ungovernable.
  - ◆ The panel has concluded that if Dr. Hashem is allowed to continue to practice dentistry, members of the public will be put at risk related to poor infection control, lack of informed consent and irregularities in charging of fees.
  - ◆ Protecting the public and maintaining public confidence in the profession’s ability to responsibly uphold the duties involved in self-regulation are at the core of what it is to be a part of the profession of dentistry. The panel determined that allowing Dr. Hashem to continue to practise dentistry will place the public at risk. When a member decides not to participate in the processes of the College that are in place to protect the public – remediate the member and deter the member from repeating professional misconduct – the discipline panel has but one choice and that is to revoke the member’s certificate of registration.