



DECISION 2

Dr. Jovanka Zizek

(NO CURRENT PRACTICE ADDRESS)

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)
- Contravened a provision of the Act in relation to the fabrication of dentures (para. 48)
- Disgraceful, dishonourable, unprofessional or unethical conduct (para. 59)

Notice of Hearing #2:

- 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)
- Charged an excessive or unreasonable fee (para. 31)
- Submitted a false or misleading account or charge (para. 33)
- Disgraceful, dishonourable, unprofessional or unethical conduct (para. 59)

BRIEF SYNOPSIS OF FACTS

- Each of the Notices of Hearing was the result of a patient complaint.
- The member was unrepresented and did not attend the hearing.
- With respect to one of these matters, Dr. Zizek employed/used an individual who was not a registered dental technologist, denturist or dentist to fabricate dentures for a patient, contrary to the legislation.
- With respect to the other matter, Dr. Zizek failed to provide proper dental care to a patient by failing to

diagnose and provide a proper referral for treatment of an impacted tooth with an associated cystic lesion. She also failed to diagnose and adequately treat decay on another tooth which led to its extraction.

- In addition, she charged a fee that was excessive or unreasonable by claiming for multiple units of scaling that were not supported by radiographic or clinical findings and for surgical curettage with no clinical or radiographic support and with no local anesthetic. The member submitted these accounts for services that she knew or ought to have known were false or misleading.
- With respect to both matters, the member failed to keep records as required. The treatment records were incomplete and likely altered. Medical history questionnaires were deficient and radiographs and financial records were absent.
- With respect to both matters, Dr. Zizek's conduct was disgraceful, dishonourable, unprofessional or unethical.

DECISION

1. Finding

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

2. Penalty

- Reprimand
- Suspension of certificate of registration for three months (to commence upon reinstatement or if/when member obtains a new certificate of registration).
- Course in diagnosis, treatment planning, sufficiency of radiographs, radiographic interpretation, and communication with patients

(to be completed within six months of any reinstatement).

- Course in recordkeeping (to be completed within six months of any reinstatement).
- Practice to be monitored for 24 months following completion of courses.

3. Costs/Publication

- Costs awarded to College in the amount \$5,000
- Member to pay monitoring costs
- Pursuant to the legislation, publication of this matter includes the member's name and address

PANEL'S REASONING

- The panel was satisfied that a reprimand, a three month suspension and the costs would act as specific and general deterrents.
- The panel noted that the member does not currently hold a certificate of registration due to her resignation from the College in January 2016.
- However, the terms, conditions and limitations shall be imposed if the member is reinstated or obtains a new certificate of registration. If the member resumes practising, she will be required to complete the courses and have her practice monitored, which would remediate the member and protect the public.
- The member's absence from the hearing and a lack of defence left the panel with no mitigating factors to consider, although the panel did recognize that the member had not previously appeared before the Discipline Committee.
- Overall the panel was satisfied that the provisions set out in this penalty adequately protect the public.