

Decision 1

Dr. Daniel Bolshin
858 Brock St N
Whitby, Ontario

ALLEGATIONS OF PROFESSIONAL MISCONDUCT

- ◆ submitted an account or charge for dental services that you knew or ought to have known was false or misleading (para. 33)
- ◆ charged a fee that was excessive or unreasonable in relation to the service performed (para. 31)
- ◆ accepted an amount in full payment of an account or charge that was less than the full amount of the account or charge submitted by the member to a third party payer without making reasonable efforts to collect the balance from the patient or to obtain the written consent of the third party payer (para. 34)
- ◆ recommended and/or provided an unnecessary dental service (para. 6)
- ◆ failed to keep records as required by the Regulations (para. 25)
- ◆ disgraceful, dishonourable, unprofessional or unethical conduct (para. 59)

BRIEF SYNOPSIS OF FACTS

- ◆ For seven patients, the member submitted claims for services that were not performed.
- ◆ For two patients, the member billed/claimed services at dates later than actual date services were rendered.
- ◆ For 13 patients, the member billed/claimed for specific or emergency examinations at the maximum rate with inadequate or questionable justification.
- ◆ For three patients, the member billed/claimed for specific examinations when he actually performed complete or recall examinations.
- ◆ For four patients, the member billed/claimed for complete examinations with incomplete documentation.
- ◆ For one patient, the member billed/claimed the maximum fee for a specific examination when he had recently performed an examination of the same area.
- ◆ For 12 patients, the member failed to collect the full insurance co-payments and deductible.
- ◆ For 11 patients, the member billed/claimed for restorative treatment that was not justified by the clinical record.
- ◆ An examination of 30 patient records revealed recordkeeping inadequacies in all 30 files.

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 6 months (August 29, 2014 – February 28, 2015)
- ◆ Course in recordkeeping
- ◆ Course in treatment planning and diagnosis
- ◆ Practice to be monitored for 24 months following completion of courses

Costs/Publication

- ◆ Costs awarded to College in the amount of \$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

- ◆ Penalty was a joint submission reached as a result of a pre-hearing conference.
- ◆ Penalty was reasonable and in the public interest and clearly demonstrates to the public that the profession has no tolerance for a dentist who fails to maintain the standards of the profession and is found to have committed serious acts of professional misconduct.
- ◆ Penalty met the objectives of protecting the public, serving as a specific deterrent for the member and a general deterrent for the profession, serving to rehabilitate the member and maintaining public confidence in the profession.
- ◆ The panel considered the following as aggravating factors in this case:
 - The member had previously been cautioned by the Complaints Committee in 2005 and entered into a voluntary undertaking to complete courses including recordkeeping. The panel was very concerned that the evidence at the hearing demonstrated that Dr. Bolshin had either not learned or had refused to implement appropriate standards related to patient recordkeeping.
 - A 30 chart audit found deficiencies in all 30 charts over an extended period of time. The panel was convinced that this demonstrated a blatant, systemic disregard related to fees and recordkeeping.
- The panel was particularly concerned about the cases where the member failed to record the clinical justification for treatment delivered.
- ◆ The panel considered the following as mitigating factors in this case:
 - The member cooperated with the College in this matter.
 - Dr. Bolshin's admission of guilt indicated that he accepted responsibility for his actions and showed remorse for his misconduct.