



# DECISION 2

**Dr. Claudette Prager**  
1849 Yonge St #501  
Toronto, 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)
- Contravened s.76 of the Act, by failing to cooperate with an investigator appointed under s. 75 of the Act (para. 48)
- Failed to reply appropriately or within a reasonable time to a written enquiry made by the College (para. 58)
- Disgraceful, dishonourable, unprofessional or unethical conduct (para. 59)

### Notice of Hearing #2:

- Failed to keep records as required by the Regulations (para. 25)
- Contravened s.76 of the Act, by failing to cooperate with an investigator appointed under s. 75 of the Act (para. 48)
- Failed to provide accurate information to the College (para. 57)
- Failed to reply appropriately or within a reasonable time to a written enquiry made by the College (para. 58)
- Disgraceful, dishonourable, unprofessional or unethical conduct (para. 59)

## BRIEF SYNOPSIS OF FACTS

### Notice of Hearing #1:

- This matter resulted from a patient complaint.
- The patient complained that, among other things, Dr. Prager failed to transfer the patient's dental records in a timely manner after the patient switched to another dentist and these records were required for ongoing dental work.
- Dr. Prager did not maintain a complete chart for this patient and stored the chart

at her home and not in the dental office.

- She did not cooperate fully with the College's investigator who was attempting to meet with Dr. Prager and obtain the patient chart.
- Despite numerous requests from the investigator for the records and several assurances from Dr. Prager that she would provide them to the College, she failed to provide the College with the patient's complete patient records.
- Dr. Prager acknowledged that she has struggled at times to respond appropriately to College inquiries and requests, but maintains that she is governable and is committed to being a responsible member of the College.

### Notice of Hearing #2:

- This matter resulted from a Registrar's investigation, flowing from the facts of the complaint detailed in Notice of Hearing #1, concerning Dr. Prager's file management, recordkeeping practices and her governability.
- In this investigation, 26 patient records were obtained by the investigator and reviewed, revealing numerous recordkeeping inadequacies.
- Dr. Prager did not cooperate fully with the College's investigator who was attempting to meet with Dr. Prager and obtain the patient chart.
- Despite numerous requests from the investigator for the records and several assurances from Dr. Prager that she would provide them to the College, she failed to provide the College with the patient's complete patient record.
- Dr. Prager advised the College investigator that she would bring patient records stored offsite at her home into her dental office for storage.
- Despite the fact that Dr. Prager wrote to the investigator that she was confirming

that the charts were in the office, approximately one week later when the investigator attended at her office, the investigator found that approximately 50-60 patient records were still being stored at her home and not in her dental office.

- Dr. Prager denies that she is ungovernable.

## DECISION Finding

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

## Penalty

- Reprimand
- Course in recordkeeping
- Member must comply with College's Practice Advisory on Release and Transfer of Records, maintain records securely and privately and respond appropriately to all requests for copies and/or transfer of patient records
- Member must continue treatment with her physician, who will report to College
- Member must complete a mentoring program for a minimum period of five years
- Practice to be monitored for a minimum period of five years
- Suspension of certificate of registration in the event of a breach of any of the order of the Discipline Committee, until the member can satisfy the College that she is in compliance

## Costs/Publication

- Member to pay monitoring and mentoring costs
- Pursuant to the legislation, publication of this matter includes the member's name and address

*continued*



### **PANEL'S REASONING**

- The penalty was a joint submission reached following a pre-hearing conference.
  - The panel accepted that the proposed penalty was appropriate in the unique circumstances of the case and both acted as a deterrent and ensured the protection of the public.
  - The individually tailored penalty, with a focus on remediation, supervision and the member's ongoing treatment with her physician gave Dr. Prager the best chance to address the issues in her practice and continue to serve her patients.
  - The panel took into account Dr. Prager's expressed commitment to improving her recordkeeping standards and the fact that some rehabilitative steps had already been taken.
  - Dr. Prager's discipline history, though extensive, did not contain any evidence of poor dentistry causing harm to patients.
  - The panel noted that the penalty involved intensive monitoring and reporting requirements which would be in place for a significant period of time, as well as a mechanism by which any non-compliance with the penalty would be immediately addressed, which protected the public.
-