



DECISION 1

Dr. Morley Rubenstein

1 Young St #602
Hamilton, Ontario

ALLEGATIONS OF PROFESSIONAL MISCONDUCT

- Contravened a standard of practice or failed to maintain the standards of practice of the profession (para. 1)
- Prescribed, dispensed or sold a drug for an improper purpose, or otherwise used improperly, the authority to prescribe, dispense or sell drugs (para. 10)
- Failed to keep records as required by the Regulations (para. 25)
- Disgraceful, dishonourable, unprofessional or unethical conduct (para. 59)

BRIEF SYNOPSIS OF FACTS

- Dr. Rubenstein prescribed excessive quantities of narcotic medications for multiple patients at appointments where no dental treatment or only routine dental procedures were performed.
- He did not document the prescriptions for narcotics in the patients' clinical records nor any reason for issuing said prescriptions.
- He prescribed an anticholinergic drug (usually used to treat bladder problems) for one patient on four occasions and failed to document any justification for issuing those prescriptions for the drug, which has no known dental use.
- Dr. Rubenstein prescribed drugs for an improper purpose by providing prescriptions for potent narcotics to patients who attended without appointments and were verbally abusive and demanded narcotics.
- All of the patient records obtained during the course of the investigation showed significant inadequacies in his recordkeeping.

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 six months (July 6, 2015 – January 5, 2016)
- Course in professional ethics
- Course in recordkeeping
- Course in appropriate prescribing for dental pain management
- Practice to be monitored for 24 months following completion of courses
- Restricted permanently from prescribing narcotic drugs and preparations, controlled drugs and preparations, and benzodiazepines and other targeted substances

Costs/Publication

- Costs awarded to College in the amount \$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 that was reached following a prehearing conference.
- The panel unanimously agreed that the joint submission met the objectives of protecting the public, serving as a deterrent and rehabilitating the member.
- The panel recognized that six months was a significant length of suspension and considered the Narcotics Safety and Awareness Act, 2010, which illustrated how serious the misuse

and abuse of narcotic drugs and controlled substances is seen to be by the Province. For this reason, and due to the aggravating factors of the case, including the extensive nature in terms of number of patients and prescriptions and the extended time period over which the conduct took place, the panel agreed that a six month suspension was warranted.

- The panel considered the member's full cooperation, expression of remorse and long history of practice without any previous appearances before the Discipline Committee as mitigating factors.
- There is no contradiction in requiring the member to be educated about the appropriate use of narcotic and controlled drugs even though he will have a permanent restriction which prevents him from prescribing those substances. The course will assist the member in recognizing cases where narcotic drugs are required, allowing him to refer to another practitioner and will improve his knowledge with respect to prescribing non-narcotics, which he is still permitted to do.