



DECISION 1

Dr. Mark Shankman

4 Ogilvie Street
Dundas, Ontario

ALLEGATIONS OF PROFESSIONAL MISCONDUCT

- Contravened a standard of practice in relation to inducing general anesthesia or conscious sedation (para. 11)
- Failed to keep records as required by the regulations (para. 25)
- Disgraceful, dishonourable, unprofessional or unethical conduct (para. 59)

BRIEF SYNOPSIS OF FACTS

- Dr. Shankman failed to keep a drug log book in respect of in-office supplies of triazolam and midazolam.
- He failed to keep information required by the College's Guidelines and Standard of Practice on the Use of Sedation and General Anesthesia in Dental Practice with respect to patients identified as receiving sedation/anesthesia services in his office.
- He failed to keep clinical progress notes or anesthesia/sedation records in respect of nine patients.

DECISION**1. Finding**

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

2. Penalty

- Reprimand
- Suspension of certificate of registration for two months (June 5, 2016 – August 4, 2016)

- Course in general anesthesia and conscious sedation to be successfully completed as a precondition to any application for authorization to administer oral sedation, or any application for a facility permit to provide sedation services.
- Practice to be monitored for 36 months following completion of suspension

3. Costs/Publication

- Costs awarded to College in the amount \$7,500
- Member to pay monitoring costs
- Pursuant to the legislation, publication of this matter includes the member's name and address

PANEL'S REASONING

- The panel was of the view that the evidence contained in the Agreed Statement of Facts clearly substantiates the allegations and demonstrated the member's disregard for his patients well-being and the College's Guidelines and Standard of Practice on the Use of Sedation and General Anesthesia in Dental Practice.
- The proposed penalty was a joint submission reached as a result of a prehearing conference and was appropriate in all of the circumstances of this case.
- The panel was satisfied that the reprimand, suspension and costs will act as a specific deterrent to the member and as a general deterrent to the membership, reaffirming that the College's published standards are meant for public protection and when they are not adhered to, patients and public are subjected to significant risk.

- The terms, conditions and limitations on the member's certificate of registration, include completing a course in general anesthesia and conscious sedation followed by practice monitoring will remediate the member's conduct and protect the public.
- The panel considered information about the member's pre-existing medical condition and found the condition and his cooperation throughout the hearing to be mitigating factors.
- The panel was satisfied that the provisions in the penalty adequately protect the public when they are combined with the undertaking the member had already given the College relating to his health condition. The undertaking was a key consideration in the panel's decision to accept the joint submission.



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