

**THE DISCIPLINE COMMITTEE OF THE
ROYAL COLLEGE OF DENTAL SURGEONS OF ONTARIO**

IN THE MATTER OF a Hearing of a panel of the Discipline Committee of the Royal College of Dental Surgeons of Ontario held pursuant to the provisions of the Health Professions Procedural Code which is Schedule 2 to the *Regulated Health Professions Act, 1991*, Statutes of Ontario, 1991, Chapter 18 ("*Code*") respecting one **DR. DAVID STYLES**, of the City of Shelburne in the Province of Ontario;

AND IN THE MATTER OF the *Dentistry Act* and Ontario Regulation 853, Regulations of Ontario, 1993, as amended ("Dentistry Act Regulation").

AND IN THE MATTER OF the *Statutory Powers Procedure Act*, Revised Statutes of Ontario, 1990, Chapter S.22, as amended; 1993, Chapter 27; 1994, Chapter 27.

Members in Attendance: Dr. Richard Hunter (Chair)
Dr. William Coyne
Dr. David Mock
Mr. Derek Walter
Mr. Manohar Kanagamany

BETWEEN:

ROYAL COLLEGE OF DENTAL SURGEONS OF ONTARIO	)	Appearances:
	)	Ms. Megan Shortreed
	)	For the Royal College of Dental
	)	Surgeons of Ontario
- and -)	
)	
)	
DR. DAVID STYLES	)	Mr. Neil Abramson
	)	For Dr. David Styles
)	
)	
	)	Ms. Julie Maciura
	)	Independent Counsel for the
	)	Discipline Committee of the
	)	Royal College of Dental

Hearing held on December 7, 2015.

DECISION AND REASONS FOR DECISION

FINDING

Dr. David Styles (the “Member”) pled guilty and was found guilty with respect to the following specified allegations of professional misconduct as set out in the six Notices of Hearing:

Notice of Hearing #1 dated February 12, 2014 (File No. H140003)

1. You committed an act or acts of professional misconduct as provided by s.51(1)(c) of the *Code*, in that, you recommended and/or provided an unnecessary dental service, relative to one or more of the following patients during the year and/or one or more of the years specified opposite that patient’s name, contrary to paragraph 6 of Section 2 of the Dentistry Act Regulation.

<u>Patients</u>	<u>Year(s)</u>
C., B.	2010, 2011
L., D.	2012 ¹
M., D.	2010, 2011 ²
S., E.	2011 ³
M., F.	2011 ⁴
J., G.	2011, 2012 ⁵
D., H.	2010, 2012 ⁶
P., H.	2010, 2012 ⁷
T., H.	2010, 2012 ⁸
T., H.	2011
J., I.	2012 ⁹
L., M.	2010, 2011, 2012 ¹⁰
J., M.	2010, 2011 ¹¹
L., M.	2010, 2011
B., S.	2010, 2012 ¹²
T., S.	2010, 2012 ¹³
P., S.	2010, 2012
B., T.	2011, 2012 ¹⁴
M., T.	2010, 2011 ¹⁵
J., T.	2011 ¹⁶

2. you committed an act or acts of professional misconduct as provided by s.51(1)(c) of the *Code*, in that, you charged a fee that was excessive or unreasonable in relation to the service performed, relative to one or more of the following patients during the year and/or one or more of the years specified opposite that patient's name, contrary to paragraph 31 of Section 2 of the Dentistry Act Regulation.

<u>Patients</u>	<u>Years(s)</u>
C., B.	2010, 2011, 2012
L., D.	2012 ¹⁷
M., D.	2010, 2011 ¹⁸
S., E.	2011 ¹⁹
M., F.	2010, 2011 ²⁰
J., G.	2010, 2011, 2012 ²¹
D., H.	2010, 2012 ²²
P., H.	2010, 2012 ²³
T., H.	2010, 2012 ²⁴
T., H.	2011
J., I.	2012 ²⁵
G., L.	2012 ²⁶
L., M.	2010, 2011, 2012 ²⁷
J., M.	2010, 2011 ²⁸
L., M.	2010, 2011
B., S.	2010, 2011, 2012 ²⁹
T., S.	2010, 2012 ³⁰
P., S.	2010, 2012
B., T.	2010, 2011, 2012 ³¹
M., T.	2010, 2011, 2012 ³²
J., T.	2011 ³³
C., W.	2010, 2012 ³⁴

3. You committed an act or acts of professional misconduct as provided by s.51(1)(c) of the *Code*, in that, you signed or issued a certificate, report or similar document that you knew or ought to have known contained a false, misleading or improper statement, relative to one or more of the following patients during the year and/or one or more of the years specified opposite that patient's name, contrary to paragraph 28 of Section 2 of the Dentistry Act Regulation.

<u>Patients</u>	<u>Year(s)</u>
C., B.	2010
M., D.	2010, 2011 ³⁵
S., E.	2011

J., G.	2011 ³⁶
D., H.	2012 ³⁷
P., H.	2010
T., H.	2010, 2012
J., M.	2010, 2011
L., M.	2010, 2011
P., S.	2010 ³⁸
B., T.	2011 ³⁹
M., T.	2010
J., T.	2011

4. You committed an act or acts of professional misconduct as provided by s.51(1)(c) of the *Code*, in that, you submitted an account or charge for dental services that you knew or ought to have known was false or misleading relative to one or more of the following patients during the year and/or one or more of the years specified opposite that patient's name, contrary to paragraph 33 of Section 2 of the Dentistry Act Regulation.

<u>Patients</u>	<u>Year(s)</u>
C., B.	2010
M., D.	2010, 2011 ⁴⁰
S., E.	2011
J., G.	2011 ⁴¹
D., H.	2012 ⁴²
P., H.	2010
T., H.	2010, 2012
J., M.	2010, 2011
L., M.	2010, 2011
P., S.	2010 ⁴³
B., T.	2011 ⁴⁴
M., T.	2010
J., T.	2011

5. You committed an act or acts of professional misconduct as provided by s.51(1)(c) of the *Code*, in that, during the year(s) or one or more of the year(s) 2010 and/or 2011 and/or 2012, you failed to keep records as required by the Regulations relative to one or more of the following patients, contrary to paragraph 25 of Section 2 of the Dentistry Act Regulation.

Patients

R., B.
C., B.

L., D.
M., D.
S., E.
F., E.
A., F.
M., F.
J., G.
D., H.
P., H.
T., H.
T., H.
J., I.
G., L.
J., M.
L., M.
J., M.
L. M.
B., S.
T., S.
P., S.
B., T.
M., T.
J., T.
C., W.

Notice of Hearing #2 dated January 19, 2015 (File No. H140032)

1. You committed an act or acts of professional misconduct as provided by s.51(1)(c) of the *Code*, in that, during the years 2009, 2010, 2011, 2012 and/or 2013, you contravened a standard of practice or failed to maintain the standards of practice of the profession relative to three of your patients, namely C.V., J.M. and N.M., contrary to paragraph 1 of Section 2 of the Dentistry Act Regulation.
2. You committed an act or acts of professional misconduct as provided by s.51(1)(c) of the *Code*, in that, during the years 2009, 2010, 2011 2012 and/or 2013, you treated a patient for a therapeutic, preventative, palliative, diagnostic, cosmetic or other health-related purpose in a situation in which a consent is required by law, without such a consent relative to two of your patients, namely C.V. and J.M, contrary to paragraph 7 of Section 2 of the Dentistry Act Regulation.
3. You committed an act or acts of professional misconduct as provided by s.51(1)(c) of the *Code*, in that, during the years 2009, 2010, 2011, 2012 and/or 2013, you failed to keep records as required by the regulations relative to three of your

patients, C.V., N.M. and J.M., contrary to paragraph 25 of Section 2 of the Dentistry Act Regulation.

4. You committed an act or acts of professional misconduct as provided by s.51(1)(c) of the *Code*, in that, during the years 2010, 2011, 2012 and/or 2013, you signed or issued a certificate, report or similar document that you knew or ought to have known contained a false, misleading or improper statement relative to three of your patients, namely C.V., J. M. and N.M., contrary to paragraph 28 of Section 2 of the Dentistry Act Regulation.
5. You committed an act or acts of professional misconduct as provided by s.51(1)(c) of the *Code*, in that, during the years 2010, 2011, 2012 and/or 2013, you charged a fee that was excessive or unreasonable in relation to the service performed relative to three of your patients, namely C.V., J.M. and N.M., contrary to paragraph 31 of Section 2 of the Dentistry Act Regulation.
6. You committed an act or acts of professional misconduct as provided by s.51(1)(c) of the *Code*, in that, during the years 2010, 2011, 2012 and/or 2013, you submitted an account or charge for dental services that you knew or ought to have known was false or misleading relative to three of your patients, namely C.V., J.M. and N.M., contrary to paragraph 33 of Section 2 of the Dentistry Act Regulation.
7. You committed an act or acts of professional misconduct as provided by s.51(1)(c) of the *Code*, in that, during the years 2009, 2010, 2011, 2012 and/or 2013, you engaged in conduct or performed an act or acts that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable, unprofessional or unethical relative to one of your patients, namely C.V., J.M. and N.M., contrary to paragraph 59 of Section 2 of the Dentistry Act Regulation.

Notice of Hearing #3 dated January 16, 2015 (File No. H140033)

1. You committed an act or acts of professional misconduct as provided by s.51(1)(c) of the *Code*, in that, during the years 2009, 2010, 2011, 2012 and/or 2013, you contravened a standard of practice or failed to maintain the standards of practice of the profession relative to one of your patients, namely A.M., contrary to paragraph 1 of Section 2 of the Dentistry Act Regulation.
2. You committed an act or acts of professional misconduct as provided by s.51(1)(c) of the *Code*, in that, during the years 2009, 2010, 2011, and/or 2012, you treated a patient for a therapeutic, preventative, palliative, diagnostic, cosmetic or other health-related purpose in a situation in which a consent is required by law, without such a consent relative to one of your patients, namely A.M., contrary to

paragraph 7 of Section 2 of the Dentistry Act Regulation.

3. You committed an act or acts of professional misconduct as provided by s.51(1)(c) of the *Code*, in that, during the years 2009, 2010, 2011 and/or 2012, you failed to keep records as required by the regulations relative to one of your patients, namely A.M., contrary to paragraph 25 of Section 2 of the Dentistry Act Regulation.
4. You committed an act or acts of professional misconduct as provided by s.51(1)(c) of the *Code*, in that, during the years 2010 and/or 2012, you signed or issued a certificate, report or similar document that you knew or ought to have known contained a false, misleading or improper statement relative to one of your patients, namely A.M., contrary to paragraph 28 of Section 2 of the Dentistry Act Regulation.
5. You committed an act or acts of professional misconduct as provided by s.51(1)(c) of the *Code*, in that, during the years 2010 and/or 2012, you charged a fee that was excessive or unreasonable in relation to the service performed relative to one of your patients, namely A.M., contrary to paragraph 31 of Section 2 of the Dentistry Act Regulation.
6. You committed an act or acts of professional misconduct as provided by s.51(1)(c) of the *Code*, in that, during the years 2010 and/or 2012, you submitted an account or charge for dental services that you knew or ought to have known was false or misleading relative to one of your patients, namely A.M., contrary to paragraph 33 of Section 2 of the Dentistry Act Regulation.
7. You committed an act or acts of professional misconduct as provided by s.51(1)(c) of the *Code*, in that, during the years 2009, 2010, 2011 and/or 2012, you engaged in conduct or performed an act or acts that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable, unprofessional or unethical relative to one of your patients, namely A.M., contrary to paragraph 59 of Section 2 of the Dentistry Act Regulation.

Notice of Hearing #4 dated January 21, 2015 (File No. H150003)

1. You committed an act or acts of professional misconduct as provided by subsection 26(1) of the *Code*, in that, during the years 2009 to 2011, you contravened a standard of practice or failed to maintain the standards of practice of the profession relative to one of your patients, namely N.E., contrary to paragraph 1 of Section 2 of the Dentistry Act Regulation.
3. You committed an act or acts of professional misconduct as provided by s.51(1)(c) of the *Code*, in that, during the year 2011, you treated a patient,

namely N.E., for a therapeutic, preventative, palliative, diagnostic, cosmetic or other health-related purpose in a situation in which a consent is required by law, without such a consent and, contrary to paragraph 7 of Section 2 of the Dentistry Act Regulation.

4. You committed an act or acts of professional misconduct as provided by s.51(1)(c) of the *Code*, in that, during the years 2009 to 2011, you failed to keep records as required by the regulations, relative to one of your patients, namely N.E., contrary to paragraph 25 of Section 2 of the Dentistry Act Regulation.
5. You committed an act or acts of professional misconduct as provided by s.51(1)(c) of the *Code*, in that, during the years 2009 to 2011, you engaged in conduct or performed an act or acts that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable, unprofessional or unethical relative to one of your patients, namely N.E., contrary to paragraph 59 of Section 2 of the Dentistry Act Regulation.

Notice of Hearing #5 dated June 10, 2015 (File No. H150009)

1. You committed an act or acts of professional misconduct as provided by s.51(1)(c) of the *Code*, in that, during the year 2011, you contravened a standard of practice or failed to maintain the standards of practice of the profession relative your patient, R.B., contrary to paragraph 1 of Section 2 of the Dentistry Act Regulation.
2. You committed an act or acts of professional misconduct as provided by s.51(1)(c) of the *Code*, in that, during the year 2011, you treated a patient for a therapeutic, preventative, palliative, diagnostic, cosmetic or other health-related purpose in a situation in which a consent is required by law, without such a consent relative to your patient, R.B., contrary to paragraph 7 of Section 2 of the Dentistry Act Regulation.
3. You committed an act or acts of professional misconduct as provided by s.51(1)(c) of the *Code*, in that, during the year 2011, you misrepresented a remedy, treatment, or procedure to your patient, R.B., contrary to paragraph 12 of Section 2 of the Dentistry Act Regulation.
4. You committed an act or acts of professional misconduct as provided by s.51(1)(c) of the *Code*, in that, during the year 2011, you failed to keep records as required by the regulations relative to your patient, R.B., contrary to paragraph 25 of Section 2 of the Dentistry Act Regulation.
5. You committed an act or acts of professional misconduct as provided by s.51(1)(c)

of the *Code*, in that, during the year 2011, you recommended or provided unnecessary dental treatment, contrary to paragraph 6 of Section 2 of the Dentistry Act Regulation.

6. You committed an act or acts of professional misconduct as provided by s.51(1)(c) of the *Code*, in that, during the year 2011, you engaged in conduct or performed an act or acts that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable, unprofessional or unethical relative your patient, R.B., contrary to paragraph 59 of Section 2 of the Dentistry Act Regulation.

Notice of Hearing #6 dated June 10, 2015 (File No. H150010)

1. You committed an act or acts of professional misconduct as provided by s.51(1)(c) of the *Code*, in that, during the years 2011, 2012 and/or 2013, you contravened a standard of practice or failed to maintain the standards of practice of the profession relative your patient, K.E., contrary to paragraph 1 of Section 2 of the Dentistry Act Regulation.
2. You committed an act or acts of professional misconduct as provided by s.51(1)(c) of the *Code*, in that, during the years 2012 and/or 2013, you treated a patient for a therapeutic, preventative, palliative, diagnostic, cosmetic or other health-related purpose in a situation in which a consent is required by law, without such a consent relative to your patient, K.E., contrary to paragraph 7 of Section 2 of the Dentistry Act Regulation.
3. You committed an act or acts of professional misconduct as provided by s.51(1)(c) of the *Code*, in that, during the years 2011, 2012 and/or 2013, you failed to keep records as required by the regulations relative to your patient, K.E., contrary to paragraph 25 of Section 2 of the Dentistry Act Regulation.
6. You committed an act or acts of professional misconduct as provided by s.51(1)(c) of the *Code*, in that, during the years 2011, 2012 and/or 2013, you engaged in conduct or performed an act or acts that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable, unprofessional or unethical relative to your patient, K.E., contrary to paragraph 59 of Section 2 of the Dentistry Act Regulation.

The following allegations of professional misconduct as set out in the Notices of Hearing in relation to Files H150003 and H150010 were withdrawn in their entirety:

Notice of Hearing #4 dated January 21, 2015 (File No. H150003)

2. You committed an act or acts of professional misconduct as provided by subsection 26(1) of the *Code*, in that, during the years 2009 to 2011, you treated or attempted to treat a disease, disorder or dysfunction of the oral-facial complex that you knew or ought to have known was beyond your expertise or competence relative to one of your patients, namely N.E., contrary to paragraph 5 of Section 2 of the Dentistry Act Regulation.

Notice of Hearing #6 dated June 10, 2015 (File No. H150010)

4. You committed an act or acts of professional misconduct as provided by s.51(1)(c) of the *Code*, in that, during the years 2012 and/or 2013, you treated or attempted to treat a disease, disorder or dysfunction of the oral-facial complex that you knew or ought to know was beyond your expertise or competence, contrary to paragraph 5 of Section 2 of the Dentistry Act Regulation.
5. You committed an act or acts of professional misconduct as provided by s.51(1)(c) of the *Code*, in that, during the years 2012 and/or 2013, you recommended or provided unnecessary dental treatment, contrary to paragraph 6 of Section 2 of the Dentistry Act Regulation.

Reasons for Finding

The Member pled guilty. He did not dispute the allegations, particulars or facts presented in the Agreed Statement of Facts submitted by College Counsel.

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 and the profession as a whole.

Dr. Styles admits to:

- Recommending and/or providing unnecessary dental services;
- Charging excessive or unreasonable fees in relation to the services performed;
- Signing or issuing a document that he knew or ought to have known contained a false, misleading or improper statement;
- Submitting an account or charge for dental services that he knew or ought to have known was false or misleading;
- Failing to keep records as required;
- Contravening a standard of practice of the profession;
- Treating a patient without appropriate consent;
- Misrepresenting a remedy, treatment or procedure; and
- Engaging in disgraceful, dishonourable, unprofessional or unethical conduct.

The Members of the Discipline Panel unanimously found the member Dr. David Styles guilty of Professional Misconduct as set out in the 6 Notices of Hearings.

PENALTY

The panel of the Discipline Committee (the “Panel”) accepted a joint submission from the parties and imposed the following penalty upon the Member, namely:

1. that the Member to appear before the Panel to be reprimanded within ninety (90) days of this Order becoming final or on a date fixed by the Registrar;
2. that the Registrar revoke the Member’s certificate of registration effective immediately; and
3. that there shall be no costs.

Pursuant to the *Code*, the College’s publication of this matter will include the Member’s name and address.

Reasons for Penalty

The Panel heard submissions from Counsel for the College and from counsel for the Member in support of the Joint Submission on Penalty.

College counsel submitted that the proposed penalty appropriately met the principles of general deterrence, specific deterrence and public protection. College counsel suggested that remediation was not of paramount importance in this case, given Dr. Styles’ previous discipline history.

The Panel notes that Dr. Styles has appeared before the Discipline Committee on two previous occasions.

In 1997, a finding of professional misconduct was made against him for conduct which included keeping inadequate records, falsifying records, issuing false statements, charging unreasonable fees, failure to collect co-payments and breach of standards.

In 2004, the Discipline Committee made a finding of professional misconduct against Dr. Styles for excessive fees, unnecessary treatment and a breach of standards.

On the first occasion the member was suspended and required to take courses in Ethics and Record Keeping. The second appearance resulted in a suspension and he was ordered to take courses in various didactic disciplines.

At this third hearing, an all too familiar pattern of professional misconduct has become evident. Among other things, Dr. Styles charged for work not performed, performed procedures that were not required, falsified

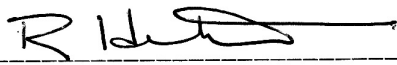
insurance claims, did not obtain proper Informed Consent and consistently demonstrated poor recordkeeping skills. It is obvious that past remediation has not resulted in rehabilitation.

As a result, this Discipline Panel finds Dr. Styles to be ungovernable and accepts the Joint Submission on Penalty. It is the Panel's opinion that revocation of the member is the only penalty that, in the circumstances of this case, would meet the principles of general and specific deterrence and maintains public confidence in the profession.

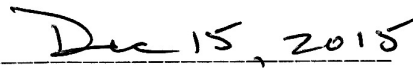
PUBLICATION BAN

The Panel also made an Order that there shall be a ban on the publication or broadcasting of the identity of any patients of the Member, or any information that could disclose the identity of any patients that are named in the Notice of Hearing and/or the Agreed Statement of Facts and/or any of the exhibits in this matter.

I, DR. RICHARD HUNTER, sign these reasons for Decision as Chairperson of this Discipline Panel.



Chairperson



Date

¹⁻¹⁶ The College did not proceed in relation to these patient particulars insofar as it alleged that the Member provided unnecessary dental service; consequently, the Member's plea of guilty and the Panel's finding of professional misconduct is limited to the remaining patient particulars.

¹⁷⁻³⁴ The College did not proceed in relation to these patient particulars insofar as it alleged that the Member charged a fee that was excessive or unreasonable in relation to services performed; consequently, the Member's plea of guilty and the Panel's finding of professional misconduct is limited to the remaining patient particulars.

³⁵⁻³⁹ The College did not proceed in relation to these patient particulars insofar as it alleged that the Member signed or issued a certificate, report or similar document that was known or ought to have been known to contain a false misleading or improper statement; consequently, the Member's plea of guilty and the Panel's finding of professional misconduct is limited to the remaining patient particulars.

⁴⁰⁻⁴⁴ The College did not proceed in relation to these patient particulars insofar as it alleged that the Member submitted an account or charge for dental services that were known or ought to have been known to be false or misleading; consequently, the Member's plea of guilty and the Panel's finding of professional misconduct is limited to the remaining patient particulars.