
Discipline Summary

Dr. Ricardo Solis
2089 Thompson St
Innisfil, Ontario

Hearing Dates:
July 20, 21, 24, 25, 27, 31, 2017
August 1, 2017
October 30, 2017
December 11, 12, 18, 19, 2017
April 17, 18, 19, 20, 28, 2018
May 12, 2018
May 23, 2019

Allegations of professional misconduct

- Contravened a standard of practice or failed to meet the standards of practice of the profession by taking unnecessary radiographs
- Recommended and/or provided unnecessary dental services (dental x-rays)
- Signed or issued a document that the dentist knew or ought to have known contained a false, misleading or otherwise improper statement
- Charged excessive or unreasonable fees for various services
- Submitted accounts or charges that the dentist knew or ought to have known was false or misleading
- Failed to make attempts to collect co-payment balances
- Disgraceful, dishonourable, unprofessional or unethical conduct by failing to provide complete patient records to the College when requested

Synopsis

The panel of the Discipline Committee concluded that, on the balance of probabilities, (which is the legal test) Dr. Solis improperly accessed his patients' insurance coverage for his and his patients' benefit. He took unnecessary x-rays, submitted false and misleading claims to insurers, billed for services not performed, billed for different services than provided, and billed insurers for one patient when the work was performed on another. Dr. Solis allegedly committed these acts intentionally, and he and his staff destroyed or altered records during the College's investigation.

Dr. Solis denied the allegations, but made limited admissions, acknowledging that there may have been accounting errors and misfilings made by his staff.

At the hearing, the panel heard testimony from 11 witnesses, including a number of former employees, the College investigator, the dentist, his wife, the current office manager, and two current patients. In addition, the panel was provided with a number of patient records, x-ray and other documents.

Decision

1. Finding

The dentist pleaded not guilty to the allegations, but was found guilty.

2. Penalty

- Reprimand
- Suspension of certificate of registration for 12 months to be served consecutively (June 22, 2019–June 21, 2020)
- One-on-one course in dental recordkeeping, financial recordkeeping, the Healing Arts Radiation Protection Act and the ALARA principle and the justification for prescribing radiographs and interpretation
- Course in professional/problem-based ethics (ProBe course)
- Practice to be monitored for 24 months following completion of courses

3. Costs

- Dentist to pay costs to the College in the amount of \$200,000
- Dentist to pay monitoring costs

Panel's reasoning for findings

- The College established, on a balance of probabilities, that the dentist engaged in professional misconduct.
- The dentist did not conduct an individual assessment of the appropriateness of taking x-rays on a patient-by-patient basis. There was no or insufficient information in the clinical notes to support the x-rays taken.
- The dentist's records reveal a pattern of problematic and false billing. The dentist knew or ought to have known that the records contained false and misleading information.
- The dentist is ultimately responsible for the conduct of his staff. Even if he was not aware of the billing irregularities, he should have taken greater care to ensure that his staff were billing appropriately. Given the serious deficiencies in the records reviewed, the panel finds it difficult to accept that Dr. Solis had no idea about the billing errors, missing x-rays or other deficiencies in the records.
- The dentist either orchestrated or at least knew that treatment not performed had been billed or billed incorrectly. The dentist was the primary beneficiary of the billing discrepancies, which occurred for a number of years and during a number of staff changes at the clinic.
- The number of missing records, including x-rays which had been billed, could not be the result of misfiling. It appears that Dr. Solis directed his staff to bill for x-rays not performed or to bill for x-rays in order maximize his recovery from patient's insurers.
- The aggravating factors included the misconduct occurring over several years in a deliberate pattern for the dentist's financial benefit. There was substantial dishonesty and the misconduct strongly related to inadequate and possibly harmful patient care.
- The fact that this was the dentist's first appearance before the Discipline Committee and that he agreed to the proposed penalty by way of a joint submissions were mitigating factors.
- The College's costs were substantial due to the length of the hearing, the large volume of documentary evidence, and the number of witnesses. The costs ordered were significantly less than those actually incurred by the College.

Panel's reasoning for penalty

- The penalty was reached as the result of a joint submission, and was appropriate in all the circumstances of this case.
- A reprimand and 12-month suspension will act as both a specific and general deterrent. It sends a message to the profession that the College will not tolerate this conduct.
- The terms, limits and conditions will protect the public, as well as remediate the dentist. The courses in radiation protection, recordkeeping and ethics he is required to take, and the practice monitoring when he returns to practice, will ensure that he is meeting professional standards.
- The penalty is fair and reasonable considering penalties ordered from previous disciplinary hearings and both the aggravating and mitigating factors.