

**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. ABRAHAM ABERBACK**, of the City of Toronto, 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*").

Members in Attendance: Dr. Richard Hunter (Chair)
Mr. Ram Chopra
Dr. Sandy Venditti

BETWEEN:

ROYAL COLLEGE OF DENTAL SURGEONS OF ONTARIO) Appearances:)) Mr. Paul Le Vay) Independent Counsel for the) Discipline Committee of the) Royal College of Dental) Surgeons of Ontario)) Ms. Christine Mainville) For the Royal College of Dental) Surgeons of Ontario))
- and -) Dr. Raj Arya) For Dr. Abraham Aberback
DR. ABRAHAM ABERBACK	

Hearing held on September 20, 2017.

ENDORSEMENT

This matter was brought before a panel of the Discipline Committee (the “Panel”) at the Royal College of Dental Surgeons of Ontario (the “College”) in Toronto September 20, 2017.

PUBLICATION BAN

On the request of the parties, the Panel made an order banning the publication or broadcasting of the names of the patient referred to in the Notice of Hearing, as well as an order banning the publication or broadcasting of any information that would identify that patient.

THE ALLEGATIONS

The allegations against Dr. Abraham Aberback (the “Member”) were contained in a Notice of Hearing dated March 22, 2016, which was presented to the Panel as Exhibit 1. Three allegations were made, all in relation to the same patient:

1. Failing to provide a statement of account and failing to state the service provided and the fee;
2. Failure to keep records; and
3. Conduct that would be regarded as disgraceful, dishonourable, unprofessional or unethical.

The particulars of the allegations covered conduct between 2008-2014.

THE DISPOSITION

After the Notice of Hearing was tendered, counsel for the College filed an Undertaking signed by Dr. Aberback on September 19, 2017 as Exhibit 2. In the Undertaking, the Member undertook and agreed as follows:

1. To resign his membership in the College effective immediately thus relinquishing his certificate of registration;
2. To never practice dentistry again in the Province of Ontario;
3. Not to apply to the College at any time for reinstatement of his certificate of registration;
4. Not to apply to the College at any time for a new certificate of registration; and
5. That the first four terms of the Undertaking will be on the College’s Register and thus available to the public.

Following the filing of these documents, counsel for the College asked for the panel's agreement to allow the College to withdraw the allegations in the Notice of Hearing. She advised that the patient in issue in the allegations was ill and not mobile, which would make testifying at the hearing very difficult. She advised that the patient/complainant had been advised of the proposed disposition and was satisfied given that the Member would no longer practice.

Counsel for the Member joined in the submission. In response to a question from the panel, he advised that Dr. Aberback had graduated in dentistry in 1975 and was 66 years old.

After carefully considering these submissions and after receiving advice from its independent legal counsel, the panel acceded to the request and agreed to the withdrawal of the Notice of Hearing and the allegations therein.

The panel noted that, pursuant to section 4.1 of the *Statutory Powers Procedure Act* R.S.O. 1990 c. S22, the panel may dispose of a matter without a hearing on consent of the parties.

The panel considered the age of the Member. The panel also noted that it had not been advised of any previous disciplinary record. Given the illness and consequent mobility issues for the patient-witness, the hearing would have been extremely difficult for that person and there was merit in a solution that avoided the need for that testimony, as long as the public interest could be protected. While noting that there are no findings against the Member and that the allegations will remain unproven, the Member's resignation and removal from practice would achieve any public protection goal that may have been required had a hearing resulted in findings of professional misconduct. In addition, the public interest goal of transparency is served by the fact that the resolution will be reflected on the Register per the terms of the Undertaking.

I, Dr. Richard Hunter, sign this Endorsement as Chairperson of this Discipline Panel.



Chairperson



Date