

**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. PAUL SCLODNICK**, of the City of Vaughn 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)
Dr. Sandy Venditti
Dr. William Coyne
Ms. Susan Davis
Mr. Derek Walter

BETWEEN:

ROYAL COLLEGE OF DENTAL SURGEONS	)	Appearances:
OF ONTARIO)	
	)	Ms. Johanna Braden
	)	Independent Counsel for the
	)	Discipline Committee of the
	)	Royal College of Dental
- and -	)	Surgeons of Ontario
)	
	)	Ms. Christine Mainville
	)	For the Royal College of Dental
	)	Surgeons of Ontario
)	
DR. PAUL SCLODNICK	)	Mr. Matthew Wilton
	)	For Dr. Paul Sclodnick

Hearing held on April 24, 2017.

REASONS FOR DECISION

This matter came on for hearing before a panel of the Discipline Committee (the “Panel”) at the Royal College of Dental Surgeons of Ontario (the “College”) in Toronto on April 24, 2017.

PUBLICATION BAN

On the request of the parties, the Panel made an order banning the publication or broadcasting of the names of any patients referred to in the hearing, including in the Notices of Hearing and/or the Agreed Statement of Facts and/or any of the exhibits, as well as an order banning the publication or broadcasting of any information that would identify those patients.

THE ALLEGATIONS

The allegations against Dr. Paul Sclodnick (the “Member”) were contained in a Notice of Hearing dated July 22, 2016. The College asked for leave to withdraw certain allegations, which the Panel permitted. The remaining allegations against the Member were as follows.

1. You committed an act or acts of professional misconduct as provided by s.51(1)(b.1) and s.51(1)(c) of the *Code* and paragraph 8 of Section 2 of the Dentistry Act Regulation, in that, during the following years, you sexually abused the following patients:

<u>Patients</u>	<u>Years</u>
M.D.	2008, 2009, 2010, 2011, 2012, 2013, 2014 and/or 2015
I.H.	2014 and/or 2015

Particulars:

M.D.:

- M.D. has been your patient since March 20, 2008.
- You had an ongoing intimate relationship with M.D. while she was your patient such that you engaged in sexual intercourse and/or other forms of sexual relations with her.
- During this time, you also engaged in touching of a sexual nature with your patient, M.D.
- Further, during this time, you exhibited behaviour or made remarks of a sexual nature towards your patient, M.D.

I.H.:

- I.H. was your patient from November 4, 2014 to May 14, 2015, and was your employee from September 2014 to March 2015.
- During this time, you acted in a predatory manner to sexually abuse this vulnerable patient.
- In or about November and/or December 2014, you made comments to I.H. about her physical appearance.
- In or about January, February and/or March 2015, you:
 - invaded I.H.'s personal space and touched her toe, her leg and/or her knee;
 - imitated a sex act in front of I.H.;
 - pulled back I.H.'s scrub pants, put your fingers and/or hand down the waistband of her pants, touched the skin around her waist/buttocks area and made a comment to her about her skin.
 - told I.H. that you loved how she smelled;
 - commented to I.H. about her buttocks.
- In or about January, February and/or March 2015, you placed your hand on your patient, I.H.'s, thigh and told her that you had a "boner."
- In or about January, February and/or March 2015, you kissed your patient, I.H.
- In or about January, February and/or March 2015, you asked I.H. about her vaginal area and put your hand on your penis and asked her to touch your penis.

2. You committed an act or acts of professional misconduct as provided by s.51(1)(c) of the *Code* in that, during the following years, 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 the following patients, contrary to paragraph 59 of Section 2 of the Dentistry Act Regulation.

<u>Patients</u>	<u>Years</u>
M.B.	1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004 and/or 2005
M.D.	2008, 2009, 2010, 2011, 2012, 2013, 2014 and/or 2015
I.H.	2014 and/or 2015

Particulars:M.B.:

- M.B. was your patient from May 5, 1993 to June 15, 2005, and was your employee from 1993 to 2005.
- In or about the years 1994 to 2005, you touched the hip of your patient,

M.B.

M.D.:

- M.D. has been your patient since March 20, 2008.
- You had an ongoing intimate relationship with M.D. while she was your patient such that you engaged in sexual intercourse and/or other forms of sexual relations with her.
- During this time, you also engaged in touching of a sexual nature with your patient, M.D.
- Further, during this time, you exhibited behaviour or made remarks of a sexual nature towards your patient, M.D.

I.H.:

- I.H. was your patient from November 4, 2014 to May 14, 2015, and was your employee from September 2014 to March 2015.
- During this time, you acted in a predatory manner to sexually abuse this vulnerable patient.
- In or about November and/or December 2014, you made comments to I.H. about her physical appearance.
- In or about January, February and/or March 2015, you:
 - invaded I.H.'s personal space and touched her toe, her leg and/or her knee;
 - imitated a sex act in front of I.H.;
 - pulled back I.H.'s scrub pants, put your fingers and/or hand down the waistband of her pants, touched the skin around her waist/buttocks area and made a comment to her about her skin.
 - told I.H. that you loved how she smelled;
 - commented to I.H. about her buttocks.
- In or about January, February and/or March 2015, you placed your hand on your patient, I.H.'s thigh and told her that you had a "boner."
- In or about January, February and/or March 2015, you kissed your patient, I.H.
- In or about January, February and/or March 2015, you asked I.H. about her vaginal area and put your hand on your penis and asked her to touch your penis.

THE MEMBER'S PLEA

The Member admitted the allegations of professional misconduct. He also made admissions in writing in the Agreed Statement of Facts, which was signed by the Member. The Panel conducted a plea inquiry at the hearing, and was satisfied that the Member's admissions were voluntary, informed and unequivocal.

THE EVIDENCE

On consent of the parties, College Counsel introduced into evidence an Agreed Statement of Facts which substantiated the allegations. The Agreed Statement of Facts provides as follows.

BACKGROUND

1. Dr. Paul Sclodnick (the “Member”) registered with the Royal College of Dental Surgeons of Ontario (the “College”) in 1979 as a general practitioner. He is the principal of Maple Dental Health in Vaughan, Ontario.
2. In April 2015, the College received a complaint that Dr. Sclodnick engaged in professional misconduct because of sexually inappropriate behavior towards former employees and patients. The Registrar appointed Ms. Wendy Waterhouse and Dr. Helene Goldberg to investigate the Member under section 75(1)(a) of the Health Professions Procedural Code of the Regulated Health Professions Act, 1991.
3. On July 22, 2016, the Inquiries, Complaints and Reports Committee referred some of the specific allegations outlined in the section 75(1)(a) Report to the Discipline Committee, as set out in the Notice of Hearing dated July 25, 2016.

THE FACTS

- a) I.H.
4. Ms. H. was a patient of Dr. Sclodnick’s between September 2014 and May 2015, and was employed as dental assistant to Dr. Sclodnick between November 2014 and March 2015. During this time and as further detailed below, Dr. Sclodnick acted in a predatory and sexually abusive manner towards Ms. H., made comments of a sexual nature, and engaged in inappropriate sexual conduct towards Ms. H.
5. On or around November or December 2014, Dr. Sclodnick made comments about Ms. H’s physical appearance. He told her that he liked her skin tone, freckles and teeth.
6. In or around January or February 2015, Dr. Sclodnick and Ms. H. were in the office together. Ms. H. was cleaning dental instruments. Dr. Sclodnick reached over, pulled back Ms. H.’s scrub pants, and pulled at the waistband

of Ms. H.'s underwear. Ms. H. was startled and asked Dr. Sclodnick what he was doing. Dr. Sclodnick responded that he wanted to see the colour of Ms. H.'s underwear.

7. In or around February 2015, Dr. Sclodnick and Ms. H. were alone in an elevator at work. Dr. Sclodnick moved towards Ms. H. and said, "we have eight seconds alone together". Ms. H. says that Dr. Sclodnick then kissed her without her consent. Dr. Sclodnick does not have a specific recollection of that, but does not contest Ms. H.'s allegation that this occurred.
8. In or around March 2015, Dr. Sclodnick asked Ms. H. for a ride home. Ms. H. agreed to drive him. During the drive, Dr. Sclodnick inappropriately put his hand on her leg. According to Ms. H., as Dr. Sclodnick was getting out of the car he told her that he did not know how he would be able to work because he had a boner. Dr. Sclodnick does not recall saying those specific words, but does acknowledge that he made an inappropriate comment. He does not contest the comment attributed to him by Ms. H.
9. Ms. H. recalls Dr. Sclodnick making other sexually inappropriate comments and gestures in her presence on other occasions.
10. Dr. Sclodnick admits to having assaulted Ms. H., as described above.

b) M.D.

11. Ms. D. has been Dr. Sclodnick's patient since March 20, 2008. Dr. Sclodnick has also had an ongoing intimate relationship with Ms. D. during this time.
12. Dr. Sclodnick and Ms. D. have been engaged in a sexual and intimate relationship for approximately eight years. This has included sexual intercourse. Dr. Sclodnick sometimes resides at Ms. D.'s house.
13. Dr. Sclodnick engaged in this sexual conduct with Ms. D. while he was treating her as his patient, contrary to s. 51(1)(b.1) of the Health Professions Procedural Code.

c) M.B.

14. Ms. B. was Dr. Sclodnick's patient and bookkeeper from 1993 to 2005. Until 2001, Ms. B. and Dr. Sclodnick shared an office. On one occasion

prior to 2001, Ms. B. was in the office with Dr. Sclodnick and felt something on her hip when she was reaching for a binder above her desk. She continued to reach for the binder, and felt something touch her hip again. Ms. B. looked back and saw Dr. Sclodnick touching her. Ms. B. said "don't" to Dr. Sclodnick, and he stopped.

ADMISSIONS

15. The Member acknowledges and admits the facts as set out above are true.
16. The Member acknowledges and admits that he committed acts of professional misconduct in that his actions in respect of I.H. and M.D., as set out in allegations 1 and 2 of the Notice of Hearing, constitute sexual abuse and conduct that, having regard to all the circumstances, would be regarded by members as disgraceful, dishonourable, unprofessional or unethical; and in respect of M.B., as set out in allegation 2 of the Notice of Hearing, constitutes conduct that, having regard to all circumstances, would be regarded by members as disgraceful, dishonourable, unprofessional or unethical.

DECISION

Having considered the evidence and submissions of the parties, the Panel found that the Member committed professional misconduct as alleged in the Notice of Hearing.

REASONS FOR DECISION

The Member admitted the allegations, and the Panel was satisfied that his admissions were informed, voluntary and unequivocal.

The Panel found that the evidence contained in the Agreed Statement of Facts clearly supports the allegations and demonstrated Dr. Sclodnick's habitual and predatory sexual abuse of patients and employees. The Member admittedly made comments of a sexual nature and engaged in inappropriate sexual conduct with employees over a number of years. He committed sexual abuse by having an intimate and sexual relationship with a patient. These facts would be regarded by members of the profession as disgraceful, dishonourable, unprofessional and unethical.

PENALTY SUBMISSIONS

The parties presented the Panel with a joint submission with respect to penalty and costs, which requested that the Panel make an order as follows.

1. Requiring the Member to appear before the panel of the Discipline Committee to be reprimanded within ninety (90) days of this Order becoming final or on a date fixed by the Registrar; and
2. Revoking the Member's certificate of registration effective April 25, 2017.

The parties proposed that no costs should be paid by either the Member or the College. The joint submission recognized that pursuant to the Regulated Health Professions Act, 1991, as amended, the results of these proceedings must be recorded on the Register of the College and publication of the Decision of the panel would therefore occur with the name and address of the Member included.

Both parties submitted that the proposed penalty should be accepted by the Panel. Because of the nature of the finding of sexual abuse, the Panel was required to order revocation and a reprimand. Although the Panel had discretion to order additional terms (such as costs), the parties submitted that it would not be appropriate to deviate from the agreed-upon resolution in this case.

PENALTY DECISION

The Panel ordered that:

1. The Member shall appear before the Panel to be reprimanded, within ninety days of the Order becoming final or on a date fixed by the Registrar;
2. The Registrar is directed to revoke the Member's certificate of registration effective April 25, 2017.

REASONS FOR PENALTY DECISION

The Panel is aware that joint submissions should be respected unless they fall so far outside the range of an appropriate sanction that they would bring the administration of justice at the College into disrepute, or are otherwise contrary to the public interest. The Panel accepted the joint submission proposed in this case.

The terms of the joint submission complied with the mandatory requirements of the legislation, which provide that members of this College who commit sexual abuse of patients that includes sexual intercourse must have their certificates of registration revoked, and must be reprimanded. Revocation serves as both a general and specific deterrent and maintains public confidence in the profession.

No costs were ordered. The Panel found this was warranted due to the agreement of the parties and the fact that the Member admitted his misconduct, which prevented a much more lengthy hearing.

The Member waived his right of appeal and received a reprimand at the conclusion of the hearing.

I, Richard Hunter, sign these Reasons for Decision as Chairperson of this Discipline Panel.



Chairperson



Date