
Discipline Summary

Dr. Jeffrey Swartz
No Current Practice Address

Hearing Date: March 4, 2021

Synopsis

A panel of the Inquiries, Complaints and Reports (ICR) Committee referred the following specified allegations of professional misconduct involving Dr. Jeffrey Swartz to the Discipline Committee for a hearing:

- Failed to keep records as required by the Regulations
- Treated without consent
- Charged excessive or unreasonable fees
- Contravened a standard of practice or failed to maintain the standards or practice of the profession
- Recommended or provided an unnecessary dental service
- Signed a certificate, report or similar document that contained a false, misleading or improper statement

As a result of these allegations, Dr. Swartz executed an undertaking to resign his certificate of registration with the College and cease the practise of dentistry in the province of Ontario. Dr. Swartz undertook:

- To resign his membership with the College, effective January 31, 2021, thus relinquishing his certificate of registration (licence to practise) as of that date;
- To never practice dentistry again in the province of Ontario;
- Not to apply to the College at any time for reinstatement of his certificate of registration;
- Not to apply to the College at any time for a new certificate of registration;
- To permit the College to monitor his practice by means of inspection(s), up to a maximum of two occasions between the date the undertaking was signed on July 30, 2020, and the resignation of his membership, on January 31, 2021, at his expense; and

- Pursuant the Health Professions Procedural Code and the College's by-laws, the Register of the College will include a notation of the terms set out above and a notation that he has agreed to resign to avoid a proceeding before the Discipline Committee.

In light of Dr. Swartz' undertaking the College and Dr. Swartz appeared before the panel requesting that the allegations be withdrawn.

In all of the circumstances, the panel acceded to the request of both parties and granted permission to withdraw the Notice of Hearing and the allegations contained therein.

Panel's reasoning

- The allegations involved the treatment of a single patient over the course of 15 years.
- If Dr. Swartz had not agreed to permanently resign from the College, there would have been a lengthy and complicated hearing with competing expert evidence.
- Together with the Undertaking, Dr. Swartz's resignation would, in the circumstances, amount to his permanent withdrawal from the practice of dentistry.
- The outcome achieved any public protection role that a successful prosecution would have achieved.
- The inclusion of a notation of the terms of the Undertaking, including that Dr. Swartz agreed to resign to avoid a proceeding before the Discipline Committee, ensured transparency to the public.
- There was a precedent for a similar decision of a panel of the Discipline Committee in which that panel agreed to the withdrawal of a Notice of Hearing.
- The panel noted that they may dispose of a matter without a hearing on consent of the parties pursuant to the Statutory Powers Procedure Act.