

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. HELMUT RAGNITZ**, of the City of Kanata, 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.

TO: **DR. HELMUT RAGNITZ**
40 Ironside Court
Kanata ON K2K 3H5

NOTICE OF HEARING

TAKE NOTICE THAT IT IS ALLEGED THAT:

1. You committed an act or acts of professional misconduct as provided by s.51(1)(c) of the Health Professions Procedural Code, being Schedule 2 of the *Regulated Health Professions Act, 1991*, Statutes of Ontario, 1991, Chapter 18, in that, during the years 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 B. S. M., contrary to paragraph 1 of Section 2 of Ontario Regulation 853, Regulations of Ontario, 1993, as amended.

Particulars:

- In or about 2011, 2012 and/or 2013, you provided prosthodontic treatment for your patient, B. S. M., that was inadequate and failed to meet the standards of the profession resulting in complicated corrective treatment by another practitioner.
 - The prosthodontic treatment you provided in or about 2011, 2012 and/or 2013 resulted in a poor occlusal relationship with definitive occlusal contact on teeth 13-43, 11-42, 21-31/32, 22-32, 23-33 only, which led to fractured crowns and failed implants. The treatment you performed also caused the patient problems with her temporomandibular joint, including jaw pain and difficulties opening her mouth, requiring temporomandibular joint therapy and physiotherapy.
2. You committed an act or acts of professional misconduct as provided by s.51(1)(c) of the Health Professions Procedural Code, being Schedule 2 of the *Regulated Health Professions Act, 1991*, Statutes of Ontario, 1991, Chapter 18 in that, during the years 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 one of your patients, namely B. S. M., contrary to paragraph 7 of Section 2 of Ontario Regulation 853, Regulations of Ontario, 1993, as amended.

Particulars:

- In or about the years 2010, 2011, 2012 and/or 2013, you failed to obtain B. S. M.'s informed consent to the complex prosthodontic treatment you performed.
 - On or about March 16, 2010 and prior to commencing treatment, you failed to discuss with your patient the significant time her complex prosthodontics treatment would require.
 - There is no documentation in the patient record of any informed consent discussions with your patient with respect to the risks and benefits, options or fees prior to treatment.
3. You committed an act or acts of professional misconduct as provided by s.51(1)(c) of the Health Professions Procedural Code, being Schedule 2 of the *Regulated Health Professions Act, 1991*, Statutes of Ontario, 1991, Chapter 18 in that, during the year 2013, you discontinued, without reasonable cause, dental services that were needed,

- (i) without the patient requesting the discontinuation,
- (ii) without arranging for alternative services, or
- (iii) without providing the patient with a reasonable opportunity to arrange alternative services,

relative to one of your patients, namely B. S. M., contrary to paragraph 16 of Section 2 of Ontario Regulation 853, Regulations of Ontario, 1993, as amended.

Particulars:

- In or about September 2013 you abandoned your patient, B. S. M., when you were not available to meet her post-operative treatment needs, and did not refer her to another practitioner or make arrangements for alternatives services.
 - You abandoned your patient when you did not respond to her attempts to contact you by telephone on or about September 5, 9, and/or 10, 2013, with her urgent treatment needs and the patient was required to seek care from another practitioner. You or your office did not contact the patient until on or about September 29, 2013, at which time she received a form letter from your office indicating that the clinic had been relocated.
4. You committed an act or acts of professional misconduct as provided by s.51(1)(c) of the Health Professions Procedural Code, being Schedule 2 of the *Regulated Health Professions Act, 1991*, Statutes of Ontario, 1991, Chapter 18 in that, during the year 2013, you failed to make arrangements for emergency dental services for your patient, namely B. S. M., or to advise a patient, namely B. S. M., how to obtain emergency dental services, contrary to paragraph 18 of Section 2 of Ontario Regulation 853, Regulations of Ontario, 1993, as amended.

Particulars:

- In or about September 2013 you failed to make arrangements for emergency dental services for B. S. M. when your office relocated.
- You did not respond to the patient's repeated attempts to communicate with you regarding urgent post-operative care she required.

5. You committed an act or acts of professional misconduct as provided by s.51(1)(c) of the Health Professions Procedural Code, being Schedule 2 of the *Regulated Health Professions Act, 1991*, Statutes of Ontario, 1991, Chapter 18 in that, during the years 2010, 2011, you failed to keep records as required by the Regulations relative to one of your patients, namely B. S. M., contrary to paragraph 25 of Section 2 of Ontario Regulation 853, Regulations of Ontario, 1993, as amended.

Particulars:

- You failed to keep records as required by the profession in that:
 - On or about August 28, 2013, you failed to document chart notes for treatment provided to B. S. M.
 - Your models related to the complex prosthodontic treatment you provided in or about 2010, 2011, 2012 and/or 2013 were undated and disorganized and the sequence of treatment you performed could not be determined from the undated models.
 - You did not document informed consent discussions in the patient record.

Such further and other particulars will be provided from time to time, as they become known.

AND TAKE NOTICE THAT the said allegations respecting professional misconduct will be heard and determined by a panel of the Discipline Committee of the Royal College of Dental Surgeons of Ontario ("panel") on a date and time to be agreed upon by the parties, or on a date to be fixed by the Chair of the Discipline Committee, at the offices of the Royal College of Dental Surgeons of Ontario, 6 Crescent Road, Toronto, Ontario, M4W 1T1. You are required to appear in person or by a legal representative before the panel with your witnesses, if any, at the time and place aforesaid.

ONCE A DATE IS FIXED, IF YOU DO NOT ATTEND ON THE FIXED HEARING DATE, THE PANEL MAY PROCEED IN YOUR ABSENCE AND YOU WILL NOT BE ENTITLED TO ANY FURTHER NOTICE OF THE PROCEEDINGS.

The *Code* provides that if a panel finds that you have committed an act of professional misconduct, it may make an order doing any one or more of the following:

- (1) directing the Registrar to revoke your certificate of registration;
- (2) directing the Registrar to suspend your certificate of registration for a specified period of time;
- (3) directing the Registrar to impose specified terms, conditions and limitations on your certificate of registration for a specified or indefinite period of time;
- (4) requiring you to appear before the panel to be reprimanded;
- (5) requiring you to pay a fine of not more than \$35,000.00 to the Minister of Finance;

or any combination thereof.

Furthermore, the *Code* provides that if a panel is of the opinion that the commencement of these proceedings is unwarranted, it may make an order requiring the College to pay all or part of your legal costs.

The *Code* also provides that in an appropriate case, a panel may make an order requiring you, in the event the panel finds you have committed an act or acts of professional misconduct or finds you to be incompetent, to pay all or part of the following costs and expenses:

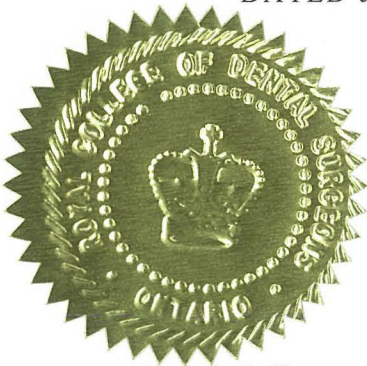
1. the College's legal costs and expenses;
2. the College's costs and expenses incurred in investigating the matter; and
3. the College's costs and expenses incurred in conducting the hearing.

If you have not done so already, you are entitled to and are well advised to retain legal representation to assist you in this matter.

You are entitled to disclosure of the evidence in this matter in accordance with section 42(1) of the *Code*. You or your representative may contact the solicitor for the College, _____, in this matter at:

You, or your legal representative, should familiarize yourself with your disclosure obligations under law, including section 42.1 of the *Code*.

DATED at Toronto, this 25 day of January, 2017.



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. HELMUT RAGNITZ**, of the City of Kanata, in the Province of Ontario;

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NOTICE OF HEARING

**ROYAL COLLEGE OF DENTAL SURGEONS
OF ONTARIO**

6 Crescent Road
Toronto ON M4W 1T1

Telephone: 416-961-6555
Fax: 416-961-5814

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. HELMUT RAGNITZ**, of the City of Kanata, in the Province of Ontario;

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Members in Attendance:

Dr. Richard Hunter, Chair
Dr. Sandy Venditti
Dr. William Coyne
Ms. Susan Davis
Mr. Derek Walter

Appearances:

Christine Mainville on behalf of the
Royal College of Dental Surgeons of Ontario

No one present for Dr. Helmut Ragnitz

Johanna Braden, Independent Legal Counsel
to the Discipline Committee of the Royal
College of Dental Surgeons of Ontario

Hearing held on April 24, 2017

ORDER AND REASONS FOR ORDER

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

There are two Notices of Hearing in respect of allegations of professional misconduct made against Helmut Ragnitz (the “Member”). This was a first attendance with

respect to both Notices of Hearing. Although properly served, the Member did not attend and was not represented by counsel.

The Member resigned from the College effective March 13, 2017. As of March 29, 2017, the Member's certificate of registration was revoked by order of a different panel of this Discipline Committee.

As the Member's certificate has been resigned and revoked, the College does not think it is in the public interest to proceed with a hearing on the outstanding allegations at this time. College Counsel has asked for the hearing to be adjourned *sine die*, that is, indefinitely.

Having considered the submissions of the College, and in the absence of any submissions from the Member, the Panel hereby orders that the hearings in respect of Notice of Hearing H170006 and H170001 be adjourned *sine die*.

The fact that allegations have been made against the Member will continue to be part of the public record. By adjourning the hearings *sine die*, this order will allow the allegations to be determined at some future date should circumstances change and the College decides that it wishes to proceed with a hearing.

This panel is not seized.

April 26, 2017



Dr. Richard Hunter, Chair
On behalf of the Panel:

Dr. Sandy Venditti
Dr. William Coyne
Ms. Susan Davis
Mr. Derek Walter