
Discipline Summary

Dr. Adam Burton
1295 Highbury Ave N #C4
London, Ontario

Hearing Date: February 15, 2018

Allegations of professional misconduct

- Contravened a standard of practice or failed to maintain the standards of practice of the profession
- Failed to keep records as required by the Regulations
- Treated without consent
- Disgraceful, dishonourable, unprofessional or unethical conduct
- Signed a document that contained a false, misleading or improper statement
- Submitted a false or misleading account or charge

Synopsis

A patient complained that the treatment provided by Dr. Burton and another member of the College in relation to her temporomandibular joint (TMJ) caused her to lose 10 teeth and that the treatment performed by Dr. Burton was inadequate.

Dr. Burton failed to meet the standards of practice of the profession in that he extracted several teeth without justification and/or without investigating less invasive treatment options. He failed to consider referrals to appropriate specialists at an earlier juncture given the complexity of the treatment required for this patient.

Dr. Burton failed to obtain informed consent in that he did not have a fulsome discussion with the patient about the extraction of her teeth or the option to investigate alternatives to this irreversible treatment.

Dr. Burton failed to keep adequate records for this patient, including failure to record clinical findings, a diagnosis and treatment plan, notations regarding informed consent and discussions with the patient, and other required elements.

Dr. Burton demonstrated disgraceful, dishonourable, unprofessional or unethical conduct by his overall disregard for the irreversible, life-altering treatment he performed on this patient who came to the office for temporomandibular joint disorder treatment but ended up with multiple extractions.

Decision

1. Finding

The College sought to withdraw the allegations related to signing a document that contained a false, misleading or improper statement and submitting a false or misleading account or charge as it was satisfied that any billing issues were attributable to poor recordkeeping or not attributable to Dr. Burton¹. The panel agreed to the withdrawal.

The member pleaded guilty and was found guilty with respect to the remaining allegations of professional misconduct.

2. Penalty

- Reprimand
- Member shall not alter any patient's vertical dimension of occlusion until successful completion of courses
- Member shall not perform temporomandibular disorder (TMD) treatment until successful completion of education requirements and courses
- Informed consent course
- One-on-one course on occlusion, including but not limited to crown and bridge cases
- Recordkeeping course, including financial recordkeeping
- Practice to be monitored for 36 months following completion of courses

¹ While not required, the complainant was consulted by the prosecutor about the withdrawal and was amenable.

3. Costs

- Member to pay costs to the College in the amount of \$2,500
- Member to pay for courses and monitoring

Panel's reasoning

- The penalty was reached as a result of a joint submission following a pre-hearing conference.
- The reprimand and the terms, conditions and limitations imposed on the member's certificate of registration will serve as both a specific deterrent to the member and a general deterrent to the membership at large that this behaviour will not be tolerated.
- The public is adequately protected by the terms of the penalty order, which include restrictions on his practice until successful completion of remedial courses, followed by three years of practice monitoring by the College.