
Discipline Summary

Dr. Maciek Zajac
17 Ray Lawson Blvd #3
Brampton, Ontario

Hearing Date: August 27, 2018

Allegation of professional misconduct

- Failed to keep records as required
- Signed documents that contained false, misleading or improper statements
- Charged excessive or unreasonable fees
- Submitted false or misleading accounts or charges
- Failed to make reasonable attempts to collect co-payment balances from patients without the consent of the third party payer

Brief synopsis of facts

This matter arose as a result of a Registrar's investigation.

Dr. Zajac admitted that:

- He failed to keep records as required by the Regulations involving 16 patients between the years 2011 and 2015.
- He performed dental services for which the fees charged were excessive and unreasonable. Treatment was either billed but not performed or inappropriate fee codes were used in respect of 7 patients between 2011 and 2015.
- He submitted accounts or charges for dental services that he knew or ought to have known were false or misleading in respect of 3 patients between 2012 and 2014. The insurance claims issued had dates that did not correspond with the actual treatment dates.
- He failed to make reasonable efforts to collect insurance co-payments in 14 incidents involving 4 patients between 2012 and 2015.

Decision

1. Finding

The College sought to withdraw the allegation related to signing a document that contained a false, misleading or improper statement, and 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
- Suspension of certificate of registration for a period of 4 months (*November 27, 2018 – March 26, 2019*)
- Course in recordkeeping, billing and co-payments, including the use of billing codes
- Practice to be monitored for 24 months following completion of course

3. Costs

- Member to pay costs to the College in the amount of \$5,000
- Member to pay monitoring costs

Panel's reasoning

- The penalty was a joint submission reached as a result of a pre-hearing conference.
- The panel was guided by the fact that it should not depart from a joint submission on penalty unless the penalty would bring the discipline process into disrepute or would otherwise be contrary to the public interest.
- Some panel members were initially concerned that the proposed joint submission on penalty was too lenient given that Dr. Zajac had previously appeared before the Discipline Committee for similar issues. The member's prior discipline history from 2012 involved actions that were knowingly and materially deceptive, whereas the in current case the panel accepted that his actions were due to lack of attention to detail and thus less serious. The panel reflected on the submissions of Counsel and was ultimately satisfied that the joint submission on penalty was within the appropriate range for professional misconduct of this nature and also appropriate given the specific facts before the panel.
- The panel was satisfied that all goals of penalty orders were met and that the public will be adequately protected. Specifically, the suspension is both a general deterrent to the membership and a specific deterrent to the member and the courses and monitoring will aid in the member's rehabilitation and protection of the public.