

**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. RAYMOND Y. LIU**, of the City of Oakville, 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.

Members in Attendance: Dr. Sandy Venditti, Chair
Dr. Paul Jackson
Manohar Kanagamany

BETWEEN:

**ROYAL COLLEGE OF DENTAL
SURGEONS OF ONTARIO**

) Appearances:
)
) Ms. Andrea Gonsalves
) Independent Counsel for the
) Discipline Committee of the Royal
) College of Dental Surgeons of Ontario

- and -

)
) Ms. Dayna Simon
) For the Royal College of Dental
) Surgeons of Ontario

DR. RAYMOND Y. LIU

)
) Mr. Matthew Wilton
) For Dr. Raymond Y. Liu

Hearing held March 29, 2019

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 March 29, 2019.

PUBLICATION BAN

On the request of the College and with the consent of the Member, the Panel made an order that no person shall publish, broadcast or in any manner disclose the identity of, or any facts or information that could identify, the patients referred to orally at the hearing or in the exhibits filed at the hearing.

THE ALLEGATIONS

The allegations against Dr. Raymond Liu (the “Member”) were set out in a Notice of Hearing dated December 20, 2017, which contains the following allegations against the Member.

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 year 2012-2016, you failed to keep records as required by the Regulations relative to the following patients, contrary to paragraph 25 of Section 2 of Ontario Regulation 853, Regulations of Ontario, 1993, as amended

<u>Patients</u>	<u>Years</u>
[JB]	2012, 2015
[HS]	2014, 2015
[RM]	2014, 2015
[RH]	2014, 2015
[EL]	2014
[WS]	2015
[MO]	2012-2015
[TS]	2013-2015
[JR]	2014, 2015
[BC]	2012-2015
[WM]	2013-2015

[MT]	2014, 2015
[LM]	2014, 2015
[CM]	2015, 2016
[LV]	2014
[RS]	2012-2015
[RT]	2014, 2015
[MS]	2015
[HN]	2014, 2015
[GC]	2013
[SF]	2013-2015
[LP]	2013-2015
[KR]	2014, 2015
[MY]	2016

Particulars:

- You contravened the College’s Guidelines on “Dental Recordkeeping” in that
 - You crossed out recordkeeping entries, including treatment plans, such that they were illegible for
 - [JB]
 - [HS]
 - [RM]
 - [RH]
 - [MO]
 - [TS]
 - [JR]
 - [BC]
 - [WM]
 - [LM]
 - [CM]
 - [LV]
 - [RS]
 - [MS]
 - [HN]
 - [SF]
 - [LP]
 - [KR]
 - [MY]
 - Your financial documentation was written in pencil for
 - [JB]
 - [HS]
 - [EL]
 - [LV]

[RS]

[GC]

[LP]

[KR]

- “White-Out” was used in your patient records for

[MT]

[RT]

- You did not retain insurance claims for the length of time set out in the College’s Guidelines on “Dental Recordkeeping” for

[HS]

[WS]

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 2014-2015, you signed or issued a certificate, report or similar document that you knew or ought to have known contained a false, misleading or improper statement relative to the following patients, contrary to paragraph 28 of Section 2 of Ontario Regulation 853, Regulations of Ontario, 1993, as amended.

<u>Patients</u>	<u>Years</u>
[BC]	2014-2015
[LC]	2014-2015
[MT]	2014-2015
[LM]	2014-2015
[CM]	2015
[DV]	2014-2015
[RT]	2015

Particulars:

- You issued claims for dates other than those on which you performed the treatment in question for
 - [BC]. You placed a restoration on tooth 23 (upper left cuspid) on May 28, 2014. You issued a claim for this treatment on February 12, 2015, documenting that the date of service was February 12, 2015.
 - [LC]. You placed a restoration on tooth 43 (lower right cuspid) on December 4, 2014. You issued a claim for this treatment on February 12, 2015, documenting that the date of service was February 12, 2015.
 - [MT]. You placed restorations on teeth 11 (upper right central incisor), 21 (upper left central incisor), 32 (lower left lateral

- incisor), 31 (lower left central incisor) and 41 (lower right central incisor) on December 11, 2014. You issued claims for the restorations on teeth 32 (lower left lateral incisor), 31 (lower left central incisor) and 41 (lower right central incisor) on January 8, 2015, documenting that the date of service was January 8, 2015.
- [LM]. You provided scaling and an examination on January 7, 2015. You issued claims for this treatment on January 15, 2015, documenting that the date of service was January 15, 2015.
 - [CM]. You provided restorations for teeth 26 (upper left 1st molar), 23 (upper left cuspid), 32 (lower left lateral incisor), 31 (lower left central incisor) and 41 (lower right central incisor) on January 5, 2015. You issued claims for the restorations of teeth 23, 32, 31, and 41 on January 7, 2015, documenting that the date of service was January 7, 2015. You issued claims for the restoration of tooth 26 on March 2, 2015, documenting that the date of service was March 2, 2015.
 - [DV]. You provided restorations for teeth 36 (lower left 1st molar) and 37 (lower left 2nd molar) and placed a pin for tooth 36 on November 1, 2014. You issued claims for this treatment on February 4, 2015, documenting that the date of service was February 4, 2015.
 - The claim you issued for a bridge for [RT] on August 13, 2014, was inappropriate, as you had provided implant 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 2014-2015, you submitted an account or charge for dental services that you knew or ought to have known was false or misleading relative to the following patients, contrary to paragraph 33 of Section 2 of Ontario Regulation 853, Regulations of Ontario, 1993, as amended.

<u>Patients</u>	<u>Years</u>
[BC]	2014-2015
[LC]	2014-2015
[MT]	2014-2015
[LM]	2014-2015
[CM]	2015
[DV]	2014-2015
[RT]	2014-2015

Particulars:

- You charged fees for dates other than those on which you performed the treatment in question for
 - [BC]. You placed a restoration on tooth 23 (upper left cuspid) on May 28, 2014. You charged a fee for this treatment on February 12, 2015, documenting that the date of service was February 12, 2015.
 - [LC]. You placed a restoration on tooth 43 (lower right cuspid) on December 4, 2014. You charged a fee for this treatment on February 12, 2015, documenting that the date of service was February 12, 2015.
 - [MT]. You placed restorations on teeth 11 (upper right central incisor), 21 (upper left central incisor), 32 (lower left lateral incisor), 31 (lower left central incisor) and 41 (lower right central incisor) on December 11, 2014. You charged fees for the restorations on teeth 32 (lower left lateral incisor), 31 (lower left central incisor) and 41 (lower right central incisor) on January 8, 2015, documenting that the date of service was January 8, 2015.
 - [LM]. You provided scaling and an examination on January 7, 2015. You charged fees for this treatment on January 15, 2015, documenting that the date of service was January 15, 2015.
 - [CM]. You provided restorations for teeth 26 (upper left 1st molar), 23 (upper left cuspid), 32 (lower left lateral incisor), 31 (lower left central incisor) and 41 (lower right central incisor) on January 5, 2015. You charged fees for the restorations of teeth 23, 32, 31, and 41 on January 7, 2015, documenting that the date of service was January 7, 2015. You issued claims for the restoration of tooth 26 on March 2, 2015, documenting that the date of service was March 2, 2015.
 - [DV]. You provided restorations for teeth 36 (lower left 1st molar) and 37 (lower left 2nd molar) and placed a pin for tooth 36 on November 1, 2014. You charged fees for this treatment on February 4, 2015, documenting that the date of service was February 4, 2015.
- The fees you charged for a bridge for [RT] on August 13, 2014, were inappropriate, as you had provided implant treatment.

THE MEMBER'S PLEA

The Member admitted to the allegations of professional misconduct in the Notice of Hearing. The Member also made admissions in writing in an Agreed Statement of Facts, which he signed.

The Member answered a written plea inquiry and signed it. The plea inquiry was entered as an exhibit at the hearing. He confirmed at the hearing that he understood the contents of that document. The Panel was satisfied that the Member's admissions of professional misconduct 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 in the Notice of Hearing. The Agreed Statement of Facts provides as follows.

Background

1. Dr. Raymond Liu is a general practitioner and has been a member of the College since 1996.
2. The allegations of professional misconduct against Dr. Liu are set out in a Notice of Hearing, dated December 20, 2017.
3. The Notice of Hearing particularizes three allegations of professional misconduct against Dr. Raymond Y. Liu, which in summary are that he:
 - Failed to keep records as required in respect of 24 patients
 - Signed or Issued a false/misleading certificate or report in respect of 7 patients
 - Submitted a false/misleading account or charge for dental services relative to the same 7 patients
4. The College and the Member have agreed to resolve the allegations on the basis of the facts and admissions set out below.
5. Dr. Liu has not previously appeared before a panel of the Discipline Committee and he has no prior conduct history with the College.

Facts and Admissions

6. In an email received by the College on February 19, 2015, Ms. M [REDACTED] N [REDACTED], a Registered Dental Hygienist [REDACTED], wrote to the College filing a formal complaint about inadequate sterilization and billings which she claimed were fraudulent. Ms. N [REDACTED] provided more details in a subsequent email sent on March 2, 2015.
7. In summary, the essence of Ms. N [REDACTED]'s complaint was, among other things that:
 - Dr. Liu disposes of sharps in regular waste
 - Dr. Liu bills insurance companies for bridge work when he performs implants
 - All patients are advised that they need sealants
 - Dr. Liu bills "pcrs" (preventative composite resin) as composites
 - He asks for insurance information so he can maximize claims
 - Dr. Liu asked a hygienist to bill for a perio exam when he was not present
8. Based on the information provided in the complaint, the Registrar decided that he had reasonable and probable grounds to believe that Dr. Liu had committed an act or acts of professional misconduct and on March 11, 2015 appointed Dr. L [REDACTED] N [REDACTED] under s. 75(1)(c) to conduct an investigation in respect of the infection control practices in Dr. Liu's offices, which she did.
9. A College investigator spoke to Ms. N [REDACTED] on the telephone on March 19, 2015 and she provided some patient names and specific dates for what she alleged were improper billings.
10. Based on the further information provided by Ms. N [REDACTED], the Registrar again decided that he had reasonable and probable grounds to believe that Dr. Liu had committed an act or acts of professional misconduct and on March 25, 2015 appointed Dr. N [REDACTED] to conduct an investigation and collect charts and records for 11 specifically named patients, which she did on April 2, 2015.
11. Ms. N [REDACTED] provided a further letter, which was received by the College on March 31, 2015, that elaborated on her earlier billing, treatment and hygiene-related concerns and provided three patient names where she raised concerns about unnecessary treatment. Accordingly, on April 29, 2015, the Registrar appointed Dr. N [REDACTED] to investigate and collect the patient charts and records for three additional named patients, which she did on May 21, 2015.

12. As set out above, during the course of the investigation, College staff received piecemeal additional information from Ms. N [REDACTED] each time resulting in additional Appointment of Investigator to address the new issues identified. Accordingly, Dr. N [REDACTED] attended at Dr. Liu's dental practice(s) on March 12, 2015, April 2, 2015, and May 21, 2015.
13. When a panel of the Inquiries, Complaints and Reports Committee met on September 19, 2016 and again considered Ms. N [REDACTED]'s letter of March 31, 2015 and the attached records, the panel determined that patient records should be obtained for an additional 24 patients whose names appear in records that Ms. N [REDACTED] submitted to the College. The panel requested that the Registrar make an addendum to the third Appointment of Investigator in order to obtain the patient charts and records for these additional 24 patients.
14. On September 19, 2016, through an Addendum to the third s. 75(1)(c) appointment, the Registrar appointed Dr. N [REDACTED] to obtain the records for the additional patients, which she did, including radiographs and financial ledgers.
15. In total, in respect of this complaint, three Appointments of Investigator were issued, and one addendum to the third Appointment. Some 39 original patient records were provided to the College for patients Dr. Liu treated during a five year time period spanning from 2012 to 2015. Dr. N [REDACTED] also interviewed Dr. Liu and 12 staff persons employed by Dr. Liu. Dr. N [REDACTED] prepared a detailed analysis of the patient records she collected and she set out her findings in a Section 75(1)(c) report dated February 22, 2017.
16. In summary, the report is categorized into several broad headings:
 - Infection Prevention and Control Concerns
 - No allegations about infection control are included in the Notice of Hearing as the panel of the ICR Committee was satisfied that there were no serious concerns and any deficiencies that existed were proactively and voluntarily addressed by Dr. Liu
 - Unnecessary Treatment
 - No allegations about performing unnecessary treatment are included in the Notice of Hearing
 - Billing irregularities

- Allegations of professional misconduct are included in the Notice of Hearing in respect of:
- Delayed billing to the insurer for dates of service in order for patients to have insurance coverage for a new calendar year (6 instances)
- Billing the insurer for treatment which was not rendered in order to incur benefits for a covered service (1 instance)
- Recordkeeping
 - Allegations of professional misconduct in respect of recordkeeping are included in the Notice of Hearing in respect of 24 patients and include:
 - Crossing out recordkeeping entries, including treatment plans, rendering them illegible (17 patients)
 - Writing financial documentation in pencil (8 patients)
 - Using “white out” in patient records (2 patients)
 - Not retaining insurance claims for the amount of time set out in the College’s Guidelines on Dental Recordkeeping (2 patients)

17. For the billing irregularities set out above, the College’s investigation found:

- Dr. Liu issued claims for dates other than those on which he performed the treatment in question for:
 - Patient [BC] he placed a restoration on May 28, 2014. He issued a claim for this treatment on February 12, 2015, documenting that the date of service was that day
 - Patient [LC] he placed a restoration on December 4, 2014. He issued a claim for this treatment on February 12, 2015, documenting that the date of service was that day
 - Patient [MT] he placed restorations on December 11, 2014. He issued claims for the restorations on January 8, 2015, documenting that the date of service was that day
 - Patient [LM] he provided scaling and an examination on January 7, 2015. He issued claims for this treatment on January 15, 2015, documenting that the date of service was that day
 - Patient [CM] he provided restorations on January 5, 2015. He issued claims for all but one of the restorations on January 7, 2015, documenting that the date of service

as that day. The last restoration was claimed on March 2, 2015, documenting that date as the date of service

- Patient [DV] he provided restorations and placed a pin for a tooth on November 1, 2014. He issued claims for this treatment on February 4, 2015, documenting that as the date of service
- The claim he issued for a bridge for [RT] on August 13, 2014, was inappropriate, as he had provided implant treatment and not a bridge

18. Dr. Liu was provided with a copy of the Record of Investigation, and the section 75(1)(c) Report and given an opportunity to respond in writing. Dr. Liu provided a response through his lawyer, Mr. Matthew Wilton by letter dated May 4, 2017.

19. In summary, in his response, Dr. Liu:

- Points out that many allegations made by Ms. N [REDACTED] were not borne out in the investigative report
- Admits that there were some deficiencies with respect to infection prevention which have been addressed by new protocols
- Says there is a lack of consensus in the profession about preventative composite restorations. Going forward, he will follow the guidance obtained by the ODA about how to bill for these
- Admits it is improper to perform treatment at the end of one calendar year and bill the insurance company for it the next year and undertakes not to do this any more
- Advises that he has refunded fees to the insurance companies for the “delayed” billings identified in the Registrar’s Report and submits proof of restitution paid to four different insurance companies where he apologizes for the erroneous submissions
- Admits to some recordkeeping deficiencies
- Advises that he is registered for the ODA’s half-day recordkeeping course and for an online ethics course. He says he completed an ODA course on billings and a course in infection prevention and control and submitted proof of completion
- Offers to enter into a Remedial Agreement to submit to practice monitoring for 24 months to address his recordkeeping and billing practices and infection control practices at his own expense

- Advises Dr. Liu has taken “significant steps” to address the concerns identified in the section 75 Report
20. When a panel of the Inquiries, Complaints and Reports (“ICR”) Committee met on November 1, 2017 to review the case, it expressed serious concerns about Dr. Liu’s conduct, in particular:
- Dr. Liu issued improper claims for treatment in that he issued claims for dates other than those on which he performed the treatment in question. He also issued a claim for a bridge after providing implant treatment
 - Inadequate recordkeeping. Specifically, Dr. Liu’s records were inadequate. Treatment plans were crossed out such that they were illegible; financial documentation (for which the member is responsible) was written in pencil; and white out was used. In addition, Dr. Liu did not retain copies of prescriptions and insurance claims for the length of time set out in the College’s Guidelines on Dental Recordkeeping
21. Given its concerns related to Dr. Liu’s conduct, the Committee formed an intention to refer specified allegations of professional misconduct to the Discipline Committee.
22. Dr. Liu was advised of the intention of the Committee and as per the College’s protocol at the time; he was invited to attend at its next meeting to make submissions before the Committee made its final decision.
23. On December 6, 2017, Dr. Liu and Mr. Wilton attended before a panel of the ICR Committee and made oral submissions. While they made some admissions with respect to the recordkeeping and billing irregularities (seven instances) that were noted by the panel as concerns, they urged the panel to exercise its discretion to impose remediation other than discipline due to Dr. Liu’s proactive remediation and insight, including refunding money to the insurance companies for all cases noted as concerns by the panel and successful completion of remedial courses. Dr. Liu told the panel that he accepts full responsibility for his actions, that he is embarrassed and has corrected the procedures in his office respecting recordkeeping and billings.
24. After considering the oral submissions made on December 6, 2017, the panel of the ICR Committee decided to confirm its intention and finalized its decision to proceed with a referral of specified allegations of professional misconduct to the Discipline Committee.

Summary

25. Dr. Liu admits that he committed the acts of professional misconduct as set out in the allegations and particulars of the Notice of Hearing, to which he has pleaded guilty, and he admits the facts as set out above.

DECISION

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

REASONS FOR DECISION

The Member admitted to the allegations as set out in the Notices of Hearing and did not dispute the facts presented in the Agreed Statement of Facts.

The Panel accepted the Member's admissions and found on the basis of the facts set out in the Agreed Statement of Facts that, on a balance of probabilities, the Member failed to keep records as required in respect of 24 patients, signed or issued a false/misleading certificate or report in respect of 7 patients, and submitted a false/misleading account or charge for dental services relative to those same 7 patients, as alleged in the Notice of Hearing.

PENALTY SUBMISSIONS

The parties presented the Panel with a Joint Submission with respect to Penalty and Costs, which provides in part as follows.

- a. The Member shall 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.
- b. The Registrar shall impose the following additional terms, conditions and limitations on the Member's Certificate of Registration (the "Conditions"), namely:

- i. requiring that the Member successfully complete, at his own expense, a one on one course in billings and financial recordkeeping, approved by the College within nine (9) months of this Order becoming final;
- ii. requiring that the Member successfully complete, at his own expense, the College's full day course in recordkeeping, approved by the College, and provide proof of successful completion in writing to the Registrar within six (6) months of this Order becoming final;
- iii. requiring that the Member successfully complete, at his own expense, the ProBe Program on Professional/Problem-Based Ethics, to be completed with an "unconditional pass" within twelve (12) months of this Order becoming final;
- iv. the Member's practice shall be monitored by the College, by means of office visit(s) by a representative or representatives of the College at such time or times as the College may determine with advance notice to the Member, during the period commencing with the date of finalization of this Order and ending twenty-four (24) months from the College receiving proof of the Member's successful completion of all of the courses;
- v. that the Member shall cooperate with the College during the office visit(s) and further, shall pay to the College in respect of the costs of monitoring, the amount of \$1000.00 per office visit, such amount to be paid immediately after completion of each of the office visit(s); and
- vi. that the representative or representatives of the College shall report the results of those office visit(s) to the Inquiries, Complaints and Reports Committee of the College and the Inquiries, Complaints and Reports Committee may, if deemed warranted, take such action as it considers appropriate;
- vii. the Practice Conditions imposed by virtue of subparagraphs (b)(i) – (iii) above shall be removed from the Member's certificate of registration upon receipt by the College of confirmation in writing acceptable to the Registrar that the courses described above have been completed successfully;

- viii. the Practice Condition imposed by virtue of subparagraph (b)(iv) – (vi) above shall be removed from the Member's certificate of registration twenty-four (24) months following receipt by the College of confirmation in writing acceptable to the Registrar that the requirements set out in subparagraphs (b)(i) – (iii) above have been completed successfully.
- c. that the member shall pay costs to the College in the amount of \$5000.00 in respect of this discipline hearing, such costs to be paid in full within six (6) months of this Order becoming final or on a date to be fixed by the Registrar.

Both parties submitted that the proposed penalty should be accepted by the Panel. Both counsel made submissions on the approach the Panel must take when considering a joint submission on penalty.

College counsel outlined the process that the College followed in arriving at the decision to enter into the Joint Submission with respect to Penalty and Costs. The decision was made based on analysis and recommendations from the Director of the Professional Conduct and Regulatory Affairs department, the Registrar, and the Executive Committee. College counsel explained that the Joint Submission was endorsed by the prehearing conference presider.

College counsel submitted that the jointly proposed penalty meets the goal of public protection. In addition to completing the required courses, the Member will need to undergo practice monitoring for 24 months and the Panel's decision be published in the Dispatch and also posted on the College's website. The ProBe course requirement serves the function of rehabilitation. College counsel described Dr. Liu as a member who "gets it". He has gone through the discipline process and has agreed to a reprimand, and terms, conditions and limitations on his certificate of registration. Publication of the Panel's decision and findings is significant and shameful for the Member. There are no aggravating circumstances but there are some mitigating circumstances. The Member admitted to the misconduct saving the College the time, expense and burden of having to prove its case. He took responsibility early on and demonstrated a willingness to improve. He proactively took a number of courses and voluntarily reimbursed the insurance companies for the inappropriate billings. The proposed penalty is fair and reasonable, and consistent with the goal of public protection.

The Member's counsel emphasized the benefits of a joint submission, saving all participants the time and expense of a contested hearing. Because of Dr. Liu's admissions of misconduct and the Joint Submission, no patients, insurance

company representatives, or College personnel are required to testify. Counsel noted that the Member has no prior discipline history. There are significant mitigating circumstances in this case, namely Dr. Liu's remorse and remediation, even before the referral to discipline. The Member acknowledged the impropriety of his conduct, apologized and made restitution to the insurance companies, and apologized to the ICR Committee. The Member proactively took an insurance billings course and a jurisprudence and ethics course. The fact that the Panel's decision will be published in Dispatch serves the goal of general deterrence. It is professionally embarrassing and sends a message to the entire profession. The one-on-one recordkeeping course and the ProBe course will serve as a specific deterrence, as will as practice monitoring.

PENALTY DECISION

The Panel accepted the Joint Submission with respect to Penalty and Costs and ordered that:

1. The Member shall 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.
2. The Registrar shall impose the following additional terms, conditions and limitations on the Member's Certificate of Registration (the "Conditions"), namely:
 - a. requiring that the Member successfully complete, at his own expense, a one on one course in billings and financial recordkeeping, approved by the College within nine (9) months of this Order becoming final;
 - b. requiring that the Member successfully complete, at his own expense, the College's full day course in recordkeeping, approved by the College, and provide proof of successful completion in writing to the Registrar within six (6) months of this Order becoming final;
 - c. requiring that the Member successfully complete, at his own expense, the ProBe Program on Professional/Problem-Based Ethics, to be completed with an "unconditional pass" within twelve (12) months of this Order becoming final;

- d. the Member's practice shall be monitored by the College, by means of office visit(s) by a representative or representatives of the College at such time or times as the College may determine with advance notice to the Member, during the period commencing with the date of finalization of this Order and ending twenty-four (24) months from the College receiving proof of the Member's successful completion of all of the courses;
 - e. that the Member shall cooperate with the College during the office visit(s) and further, shall pay to the College in respect of the costs of monitoring, the amount of \$1000.00 per office visit, such amount to be paid immediately after completion of each of the office visit(s); and
 - f. that the representative or representatives of the College shall report the results of those office visit(s) to the Inquiries, Complaints and Reports Committee of the College and the Inquiries, Complaints and Reports Committee may, if deemed warranted, take such action as it considers appropriate;
 - g. the Practice Conditions imposed by virtue of subparagraphs 2(a) – (c) above shall be removed from the Member's certificate of registration upon receipt by the College of confirmation in writing acceptable to the Registrar that the courses described above have been completed successfully;
 - h. the Practice Condition imposed by virtue of subparagraph 2(d) – (f) above shall be removed from the Member's certificate of registration twenty-four (24) months following receipt by the College of confirmation in writing acceptable to the Registrar that the requirements set out in subparagraphs 2(a) – (c) above have been completed successfully.
3. that the member shall pay costs to the College in the amount of \$5000.00 in respect of this discipline hearing, such costs to be paid in full within six (6) months of this Order becoming final or on a date to be fixed by the Registrar.

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 concluded that the jointly proposed penalty was appropriate in all circumstances of this case. It therefore accepted the Joint Submission and made an order in accordance with its terms.

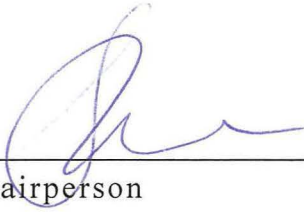
The Panel accepted the Joint Submission with respect to Penalty and Costs, and was satisfied that it meets the goal of public protection. The objective of general deterrence is to send a message to other members of the profession that Dr. Liu's conduct is unacceptable, to deter them from engaging in similar professional misconduct. The posting of these proceedings on the College's website and the publication of the Panel's decision, along with the Member's name and address, will have a deterrent effect on other members. Publication will also specifically deter Dr. Liu. In addition, the reprimand and the experience of having gone through the discipline process itself will discourage the Member from engaging in misconduct in the future. The terms, limits and conditions imposed on the Member's certificate of registration in the form of required courses and practice monitoring will serve to rehabilitate the member. The public is most protected if the Member is provided with tools and education so he does not engage in misconduct again. The required courses on recordkeeping, billing, and the ProBe (ethics) course are tailored to address the noted deficiencies in this Member's practice and serve to rehabilitate the Member. Practice monitoring will provide further assurances towards public protection and ensure he clearly understands the high standards expected of him in this profession. The reprimand he received will serve as a reminder to Dr. Liu to practise with professionalism and integrity.

As mitigating factors, the Panel took into account the Member's guilty plea, remorse, apologies, proactive actions to rectify the situation (including reimbursing the insurance companies), and the fact that this was the Member's first appearance before the Discipline Committee.

In summary, the Panel was satisfied that the joint submission meets the goals of penalty and that its acceptance would not bring the administration of justice at the College into disrepute or otherwise be contrary to the public interest.

At the conclusion of the discipline hearing on March 29, 2019, the Panel administered a public, oral reprimand to the Member in accordance with paragraph 1 of the Panel's order. A copy of the reprimand is attached to these Reasons for Decision.

I, Dr. Sandy Venditti, sign these Reasons for Decision as Chairperson of this Discipline Panel.



Chairperson

Apr. 5, 2019.

Date

RCDSO v. Dr. Raymond Liu

Dr. Raymond Liu, as you know, this Discipline panel has ordered you be given an oral reprimand as part of the sanction imposed upon you. The reprimand should impress upon you the seriousness of your misconduct.

The fact that you have received this reprimand will be part of the public portion of the Register and, as such, part of your record with the College.

You will be given an opportunity to make a statement at the end of the reprimand if you wish.

The panel has found that you have engaged in an act of professional misconduct. The misconduct related to:

- billing irregularities, and
- record keeping.

Of special concern to us is the fact that the professional misconduct in which you engaged has involved:

- Delayed billing to the insurer for dates of services in order for patients to have insurance coverage for a new calendar year (6 instances)
- Billing the insurer for treatment which was not rendered in order to incur benefits for a covered service (1 instance)
- Crossing out recordkeeping entries, including treatment plans, rendering them illegible (17 patients)
- Writing financial documentation in pencil (8 patients)
- Using “white out” in patient records (2 instances)
- Not retaining insurance claims for the amount of time set out in the College’s Guidelines on Dental Recordkeeping (2 patients)

Your professional misconduct is a matter of concern. It is unacceptable to your fellow dentists and to the public. You have brought discredit to the entire profession and to yourself. Public confidence in this profession has been put in jeopardy.

Trust is an essential component of the patient-dentist relationship. Your actions have compromised that trust not only for your patients but also for insurance companies, your colleagues, and the College.

The Panel commends you for taking full responsibility for your actions and for taking proactive steps to rectify the situation.

We trust that you have learned from your mistakes and understand the seriousness of your actions and their impact on the profession, the College and yourself.

It is our expectation that you will not find yourself in front of a Discipline Panel in the future. If you do, the penalty you could face might be more serious than the one the Panel has imposed today.

We expect you will govern yourself accordingly.

As I advised earlier, you will now be given an opportunity to make a comment if you wish to do so. This is **not** an opportunity for you to debate the merits or the correctness of the decisions we have made.

Do you have any questions or do you wish to make any comments? *[none]*