
Discipline Summary

Dr. Julian D'Souza
324 Hwy #7 E #103
Richmond Hill, Ontario

Hearing Date: July 31, 2018

Allegation of professional misconduct

- Recommended or provided unnecessary dental services
- Charged excessive or unreasonable fees
- Failed to keep records as required
- Submitted an account or charge for dental services that he knew or ought to have known was false or misleading
- Signed or issued a document that contained a false, misleading or improper statement

Brief synopsis of facts

- A representative from an insurance company complained that Dr. D'Souza failed to provide sufficient supporting information with his billings submissions. During the College's investigation, Dr. D'Souza admitted that he performed unnecessary dental services and charged an excessive or unreasonable fee without justification by:
 - > taking unnecessary radiographs for two patients on six separate occasions during 2006-2014;
 - > performing unnecessary "touch ups," with no diagnosis or documentation for two patients in 2011; and
 - > completed an unnecessary restoration on a tooth that was planned to be extracted for one patient in 2010.
- Dr. D'Souza admitted that he signed or issued a certificate, report, or similar document that he knew or ought to have known contained false, misleading or improper statements in relation to inappropriate insurance claims involving 15 patients.
- Dr. D'Souza admitted that he failed to keep records as required by the Regulations for 12 patients.

Decision

1. Finding

The College sought to withdraw the allegation related to signing a document that contained a false, misleading or improper statement, as the particulars with respect to that allegation were duplicative. The College was satisfied by

Dr. D'Souza's admission to those particulars in relation to submitting a false or misleading account or charge. 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 2 months (*August 1, 2018 – September 30, 2018*)
- Course in recordkeeping and billing, 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 for courses and monitoring

Panel's reasoning

- The penalty was a joint submission reached as a result of a pre-hearing conference. 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 into disrepute or are otherwise contrary to the public interest. While the panel initially had some concerns with the joint submission on penalty, it received further submissions from both counsel and was satisfied.
- The reprimand, suspension and recording on the College register will provide specific deterrence to the member and will provide general deterrence to the membership.
- The terms, conditions and limitations set out in the penalty will protect the public and rehabilitate the member.

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- The number of patients involved and the member's delay in sending complete records to the College were aggravating factors.
 - The panel placed little weight on the member's previous discipline history because the misconduct was not similar in nature and there was a long interval (26 years) between the hearings.
 - The member's completion of continuing education courses prior to the hearing was a mitigating factor, as was the member's admission of guilt and willingness to enter into a joint submission, which the panel believed demonstrated remorse.