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# Discipline Summary

Dr. Allan Etcovitch  
26 Main Street North  
P.O. Box 1260  
Alexandria, Ontario

Hearing Date: May 4, 2020

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## Allegations of professional misconduct

### Notice of Hearing #1

- Disgraceful, dishonourable, unprofessional or unethical conduct
- Abuse of a patient
- Treated without consent

### Notice of Hearing #2

- Disgraceful, dishonourable, unprofessional or unethical conduct
- Abuse of a patient (this allegation was withdrawn in relation to one of the four patients)

## Synopsis

### Notice of Hearing #1

- This matter arose by way of a patient complaint.
- The patient saw Dr. Etcovitch for an emergency appointment for concerns she had from a previous dentist's root canal, including experiencing soreness in her mouth, ear ache, and swelling in her face. During the appointment, Dr. Etcovitch told her that she needed transcutaneous electrical nerve stimulation (TENS) treatment in relation to the pain she was feeling. He did not provide the patient with adequate information about TENS treatment to enable her to provide informed consent before providing this treatment, and did not explain to the patient that TENS treatment would not address the chief complaint she presented with at her appointment that day.
- Dr. Etcovitch asked the patient to take her shirt off for the TENS treatment. Instead, the patient only took her arm out of her sleeve and exposed her right shoulder and right arm. He reached under her shirt for the stated purpose of checking to see if she had underwire in her bra. In the course of doing so, he touched the patient's breast.

### Notice of Hearing #2

- This matter arose from an investigation initiated by the College's Registrar after receiving information from another province that they were investigating a complaint about Dr. Etcovitch's conduct.
- For three patients, Dr. Etcovitch asked them to and/or had them remove their shirts and touched their breasts, which was not necessary in the context of the treatment he was providing (TENS). For two other patients, he asked them to and/or had them remove their shirts but did not touch their breasts.
- The College obtained an expert opinion in its investigation, which set out that TENS and/or ultrasound may be appropriate treatment for TMJ/TMD, but that at the time, it was required to be directed by a qualified physiotherapist. Regarding placement of the TENS electrodes, these would be placed around the face and jaw for this treatment, and possibly around the neck. However, TENS electrodes should not be placed on the chest, near the breasts or under the arm for management of TMJ/TMD. Regarding the issue of metal in a bra, the expert opinion stated that it would only be a problem if the electrode was placed directly on the metal (i.e., on the breast), which would not be the correct placement for treatment of TMJ/TMD. The expert opined that it is never appropriate for a general dentist to ask a female patient to remove all or part of her shirt, or for a dentist to touch a female patient's breasts at any time.
- The College Guideline on Diagnosis and Management of Temporomandibular Disorders in place at the time of the conduct, stated, in respect of the clinical examination, that it is generally inappropriate for the general dentist's physical examination to extend beyond the head and neck region.

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## Decision

### 1. Finding

Dr. Etcovitch pleaded guilty and was found guilty with respect to all three allegations in Notice of Hearing #1 in relation to one patient.

Dr. Etcovitch pleaded guilty and was found guilty with respect to the allegation of abuse of a patient, in relation to three patients in Notice of Hearing #2. The panel agreed to withdraw the allegation of abuse of a patient in relation to one patient in Notice of Hearing #2, as requested by the College.

Dr. Etcovitch pleaded guilty and was found guilty with respect to the allegation of disgraceful, dishonourable, unprofessional or unethical conduct in relation to all four patients in Notice of Hearing #2.

### 2. Penalty

- Reprimand

### 3. Terms, Conditions and Limitations in Effect

- Resigned his certificate of registration with the College on January 2, 2019
- Agreed, by way of an undertaking signed April 28, 2020, not to apply to the College at any time for reinstatement of his certificate of registration
- Agreed, by way of an undertaking signed April 28, 2020, not to apply to the College at any time for a new certificate of registration

### 4. Costs

- No costs ordered

## Panel's reasoning

- The panel considered the joint submission on penalty, together with the signed undertaking and concluded that the proposed penalty was appropriate in all the circumstances of this case.
- Dr. Etcovitch resigned his certificate of registration with the College on January 2, 2019. By way of an undertaking signed April 28, 2020, he offered assurance that he will never seek to practise dentistry in the province of Ontario. This will adequately protect the public and will send a clear message to the profession that the conduct at issue here will not be tolerated by the College.
- Remediation was not a penalty factor to consider in the circumstances as Dr. Etcovitch resigned his certificate of registration with the College and has undertaken never to seek reinstatement or to apply for a new certificate of registration.