
Discipline Summary

Dr. Ryan Kirschner
50 Marketplace Avenue, #11
Ottawa, Ontario

Hearing Date: February 7, 2020

Allegations of professional misconduct

- Contravened the standards of practice in relation to inducing general anesthesia or conscious sedation
- Disgraceful, dishonourable, unprofessional or unethical conduct
- Treated without consent

- Permitting the patient to sign a consent document after she had taken the oral sedative;
- Treating the patient for a therapeutic purpose, without consent, in a situation in which consent was required.
- Dr. Kirschner admitted that he relied upon an American reference text about sedation that does not reflect the College's sedation standard.

Synopsis

- This matter arose as the result of a patient complaint about Dr. Kirschner's sedation and informed consent protocols. The patient was prescribed Triazolam as an oral sedative, but had understood that she would be receiving Ativan.
- Dr. Kirschner admitted that he failed to meet the standard of practice relating to sedation by performing inadequate root canal therapies and inadequate restorative treatments for these two patients;
 - Prescribing oral sedation medication that resulted in moderate sedation, for which he did not have authorization;
 - Failing to follow the clinical monitoring processes for moderate sedation;
 - Failing to ensure that the patient was oriented, ambulatory, had stable vital signs, and showed increased alertness prior to discharging her;
 - Failing to advise the patient of pre- and post-operative instructions
- Dr. Kirschner admitted that he failed to obtain the patient's informed consent by:
 - Failing to discuss the types of oral sedation available or their associated risks;
 - Completing the crown procedure without discussing the procedure and oral sedation with the patient in advance of her taking the oral sedation;

Decision

1. Finding

Dr. Kirschner pleaded guilty and was found guilty with respect to the above allegations of professional misconduct.

2. Penalty

- Reprimand
- Suspension of certificate of registration for one month (February 8 - March 7, 2020)
- Dr. Kirschner prohibited from administering any form of sedation, except minimal sedation using nitrous oxide, specifically, nitrous oxide and oxygen sedation
- Course on Informed Consent
- Course on Recordkeeping
- Practice to be monitored for 24 months following completion of courses

3. Costs

- Dr. Kirschner to pay costs to the College in the amount of \$2,500

Panel's reasoning

- The penalty was reached as the result of a joint submission, and was appropriate in the circumstances of this case.
- This was Dr. Kirschner's first time before the Discipline Committee and he has no prior record of complaints.
- Dr. Kirschner was regretful and cooperative with the College.
- Dr. Kirschner volunteered to only provide nitrous oxide minimal sedation going forward. This demonstrated a willingness to learn from these circumstances and ensure that the public was protected.
- The publication of this decision will act as a general deterrent to all Ontario dentists.
- The reprimand and one-month suspension of Dr. Kirschner's certificate of registration (licence) will act as a specific deterrent that conduct of this nature will not be tolerated.
- Dr. Kirschner took a one-day anesthesia course on his own initiative. The courses in recordkeeping and informed consent, and practice monitoring, will contribute to his rehabilitation.
- The penalty will maintain public confidence in the profession and serve to protect the public.