

**DISCIPLINE COMMITTEE OF THE ROYAL COLLEGE OF DENTAL SURGEONS OF
ONTARIO**

Citation: Royal College of Dental Surgeons of Ontario v. Saatian, 2020 ONRCDSO 2

Date: 2020-02-19

File No.: H190005

IN THE MATTER OF: A Hearing 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”)

AND IN THE MATTER OF: the *Dentistry Act* and Ontario Regulation 853, Regulations of Ontario, 1993, as amended (“Dentistry Act Regulation”)

BETWEEN:

Royal College of Dental Surgeons of Ontario

-and-

Dr. Maryam Saatian

FINDING AND PENALTY REASONS

RESTRICTION ON PUBLICATION

In the matter of the Royal College of Dental Surgeons of Ontario and Dr. Maryam Saatian the Discipline Panel ordered, under ss 45(3) of the Health Professions Procedural Code, that no person shall publish or broadcast the identity of any patients of the Registrant, or any information that could disclose the identity of any patients who are named in the Notice of Hearing and/or the Agreed Statement of Facts in this matter.

PANEL MEMBERS:

Dr. Richard Hunter, Professional Member (Chair)

Dr. Paul Jackson, Professional Member

Mr. Rod Stableforth, Public Member

APPEARANCES:

Ms. Megan Shortreed, for the College

Mr. Earl Heiber, for Dr. Maryam Saatian

Ms. Luisa Ritacca, Independent Legal Counsel

Heard: February 19, 2020, in person

Decision Date: February 19, 2020

Release of Written Reasons: February 24, 2020

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 February 19, 2020.

At the outset of the hearing, the College sought an order banning the publication of the name of any patient or information that could be used to identify any patient. The Member consented to the request. The Panel granted the order, which extends to the Notice of Hearing, exhibits filed, as well as to these reasons for decision.

THE ALLEGATIONS

The allegations against the Member were contained in the Notice of Hearing, dated July 22, 2019 (Exhibit 1), which provides as follows:

1. You committed an act or acts of professional misconduct as provided by s.5 1 (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 you failed to keep records as required by the Regulations relative to the following patient(s) during the year or one or more of the years specifically opposite that patient’s name, contrary to paragraph 25 of Section 2 of Ontario Regulation 853, Regulations of Ontario, as amended.

<u>Patient</u>	<u>Year(s)</u>
MA	2014, 2015, 2016
PSH	2014, 2015, 2016
SFH	2014, 2015, 2016
GL	2014, 2015
ARN	2015, 2016

Particulars:

- Your ledger for MA listed the fees reimbursed by Sun Life Financial, the patient's insurer, rather than the amount billed / claimed, for service dates on or about
 - January 25, 2014
 - December 27, 2014
 - December 30, 2014
 - July 11, 2015
 - December 18, 2015
 - January 15, 2016
- You failed to document in your ledger for MA the amount billed/claimed for a night guard in or about February 2014.

- Your ledger for PSH listed the fees reimbursed by Sun Life Financial, the patient's insurer, rather than the amount billed/claimed, for service dates on or about
 - January 25, 2014
 - December 27, 2014
 - December 31, 2014
 - December 18, 2015
 - January 15, 2016
 - Your ledger for SFH listed the fees reimbursed by Sun Life Financial, the patient's insurer, rather than the amount billed/claimed, for service dates on or about
 - December 27, 2014
 - December 18, 2015
 - January 15, 2016
 - Your ledger for GL listed the fees reimbursed by Sun Life Financial, the patient's insurer, rather than the amount billed/claimed, for service dates on or about
 - February 19, 2014
 - August 8, 2015
 - November 4, 2015
 - December 22, 2015
 - Your ledger for ARN did not list the fees reimbursed by Sun Life Financial, the patient's insurer, rather than the amount billed/claimed, for service dates on or about
 - May 5, 2015
 - June 2, 2015
 - April 30, 2016
 - May 20, 2016
 - Your ledger for ARN did not list the amount received in relation to amounts billed/claimed on or about April 25, 2015.
 - While you issued claims for night guards for the following patients in or about 2014, you did not document delivery of these night guards:
 - MA
 - PSH
 - SFH
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 you falsified a record relating to your practice relative to the following patient(s) during the year or one or more of the years specified opposite that patient's name, contrary to paragraph 26 of Section 2 of Ontario Regulation 853, Regulations of Ontario, 1993, as amended.

<u>Patient</u>	<u>Year(s)</u>
MA	2014, 2015, 2016
PSH	2014, 2015, 2016
SFH	2014, 2015, 2016

Particulars:

- You provided copies of your records for the patients listed below to Sun Life Financial on or about November 9, 2016. These copies of patient records did not match the copies of the same patient records you previously provided to Sun Life Financial on or about April 14, 2015.
 - MA
 - PSH
 - SFH
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 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 patient(s) during the year or one or more of the years specified opposite that patient's name, contrary to paragraph 28 of Section 2 of Ontario Regulation 853, Regulations of Ontario, 1993, as amended.

<u>Patient</u>	<u>Year(s)</u>
ARN	2015
GL	2015
MA	2014
PSH	2014
SFH	2014

Particulars:

- You provided hygiene treatment and an emergency examination to AFN on or about April 25, 2015, but issued a claim for this treatment dated on or about April 28, 2015. The patient's insurance became effective on or about April 26, 2015.
- You issued a claim for a mandibular free end cast partial dentist with clasps for GL on or about December 22, 2015, but you provided an acrylic partial denture.
- You issued claims in or about 2014 for night guards prior to delivery for:
 - MA

- PSH
 - SFH
- You issued claims for laboratory services in relation to night guards provided to the following patients in or about 2014, but you had no laboratory invoices for these services:
 - MA
 - PSH
 - SFH
4. 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 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 patient(s) during the year or one or more of the years specified opposite that patient's name, contrary to paragraph 33 of Section 2 of Ontario Regulation 853, Regulations of Ontario, 1993, as amended.

Particulars:

- You charged a fee for a mandibular free end cast partial denture with clasps for GL on or about December 22, 2015, but you provided an acrylic partial denture.
 - You charged fees in or about 2014 for night guards prior to delivery for
 - MA
 - PSH
 - SFH
 - You charged fees for laboratory services in relation to night guards provided to the following patients in or about 2014, but you had no laboratory invoices for these services:
 - MA
 - PSH
 - SFH
5. 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 you charged a laboratory fee for a dental appliance or device that was more than the commercial laboratory cost actually incurred by you relative to the following patient(s) during the year or one or more of the years specified opposite that patient's name, contrary to paragraph 35 of Section 2 of Ontario Regulation 853, Regulations of Ontario, 1993, as amended.

<u>Patient</u>	<u>Year(s)</u>
GL	2015
MA	2014
PSH	2014
SFH	2015

Particulars:

- You issued a claim/charged a fee for laboratory services in relation to a denture provided to GL in or about December 2015 that was for an amount greater than the amount indicated on the laboratory invoice dated on or about December 22, 2015.
 - You issued a claim/charged a fee for laboratory services in relation to night guards provided to the following patients in or about 2014, but you had no laboratory invoices for these services:
 - MA
 - PSH
 - SFH
6. 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 you engaged in conduct or performed an act or acts that, having regard to all the circumstances would reasonably be regarded by members as disgraceful, dishonourable, unprofessional or unethical relative to the following patient(s) during the year or one or more of the years specified opposite that patient's name, contrary to paragraph 59 of Section 2 of Ontario Regulation 853, Regulations of Ontario, 1993, as amended.

<u>Patient</u>	<u>Year(s)</u>
MA	2014, 2015, 2016
PSH	2014, 2015, 2016
SFH	2014, 2015, 2016

Particulars:

- You provided copies of your records for the patients listed below to Sun Life Financial on or about November 9, 2016. These copies of patient records did not match the copies of the same patient records you previously provided to Sun Life Financial on or about April 14, 2015.
 - MA

- PSH
- SFH

- For the patients listed below, you billed/claimed for hygiene treatment performed on or about January 15, 2016, approximately one month after hygiene treatment performed on or about December 18, 2015. In the January 15, 2016, progress notes, you documented that you completed “full mouth debridement” in light of “heavy buildup gen, supra and sub gingival”, but there was no explanation documented for this clinical presentation for any patient within one month of the previous hygiene treatment.
 - MA
 - PSH
 - SFH

THE MEMBER’S PLEA

The Member admitted the allegations of professional misconduct as set out in the Notice of Hearing, marked as Exhibit 1.

The parties provided the Panel with a written plea inquiry (Exhibit 2), which was signed by the Member. The Panel confirmed with the Member that she understood the plea inquiry and as such was satisfied that Member’s admissions were voluntary, informed and unequivocal.

THE EVIDENCE

On consent of the parties, the College introduced into evidence an Agreed Statement of Facts which substantiated the allegations. The Agreed Statement of Facts provides as follows:

Background

1. Dr. Maryam Saatian (or the “Member”) has been registered with the College as a general dentist since September 24, 2008.
2. Previously, including between 2014 and 2017, the Member’s practice consisted of operating Saatian Dentistry, a clinic in North York. She also had practice locations at Jane/Wilson in Toronto and in Brampton.
3. At the current time, the Member works exclusively as a dentist providing fly-in services to communities in Northern Ontario under a contract with Calian Group Ltd. (“Calian”). The Member is compensated by Calian on a per diem basis for these services, and she does not

bill patients or insurers directly for any services.

The Notice of Hearing

4. The allegations of professional misconduct against the Member are set out in the Notice of Hearing dated July 22, 2019 (attached at Tab A).
5. The College and the Member have agreed to resolve the allegations on the basis of the facts and admissions set out below.

Facts and Admissions

6. The facts giving rise to the allegations of professional misconduct came to the attention of the College from a complaint filed by Ms. Karen Da Silva of Sun Life Financial (“Sun Life”) regarding insurance billing issues and possible fraud.
7. In particular, Sun Life alleged that Dr. Saatian had altered medical records and misrepresented service dates in her responses to Sun Life’s claim audits for 5 patients. Sun Life also alleged that Dr. Saatian had used inappropriate procedure codes and inflated commercial laboratory fees for financial gain. Sun Life noted that the Member had made “financial reparations” to it in order to address the insurance company’s concerns. In fact, Dr. Saatian made full restitution to Sun Life.
8. The College’s investigator, Mark Edelstein, attended at Saatian Dentistry on June 7, 2017. However, Dr. Saatian was out of the country at the time of Mr. Edelstein’s attendance and could not be reached by phone. The receptionist provided the records of the 5 identified patients from Sun Life’s complaint, as well as appointment schedules relating to dental treatment received by these same patients.
9. Subsequent to his attendance, Mr. Edelstein obtained additional records from Dr. Saatian, including financial and insurance records, laboratory receipts, laboratory prescriptions, dated digital radiographs and digital photographs. Mr. Edelstein analyzed these records in respect of treatment provided from January 1, 2014 to June 7, 2017.

A. Allegation 1 – Failure to Keep Records As Required

10. The College’s investigation identified recordkeeping violations with respect to all 5 of the patient files it reviewed. In particular, Dr. Saatian admits that she failed to keep records as required in the following manner:

- a. Dr. Saatian's ledger listed fees reimbursed by Sun Life, the patient's insurer, rather than the amount she billed/claimed, for patients: M.A. (January 25, 2015, December 27, 2014, December 30, 2014, July 11, 2015, December 18, 2015, and January 15, 2016); P.S.H. (January 25, 2014, December 27, 2014, December 31, 2014, December 18, 2015, and January 15, 2016); S.F.H. (December 27, 2014, December 18, 2015, and January 15, 2016); G.L. (February 19, 2014, August 8, 2015, November 4, 2015, and December 22, 2015); and A.R.N. (May 5, 2015, June 2, 2015, April 30, 2016, and May 20, 2016).
 - b. Dr. Saatian failed to document in her ledger the amount billed/claimed for a night guard for patient M.A. (February 2014).
 - c. Dr. Saatian issued claims for night guards in 2014, but did not document delivery, with respect to patients M.A., P.S.H., and S.F.H.
11. Dr. Saatian acknowledges that she breached her professional, ethical and legal responsibilities that required her to maintain a complete record documenting all aspects of each patient's dental care, per the College's Dental Recordkeeping Guidelines, and s. 38 of Regulation 547.
12. Therefore, Dr. Saatian admits that she failed to keep records as required by the Regulations relative to the patients listed, contrary to paragraph 25 of Section 2 of the Dentistry Act Regulation, as set out in Allegation 1 of the Notice of Hearing.

B. Allegations 2 and 6 – Falsifying Records

13. The College's investigation revealed that Dr. Saatian had falsified records in respect of 3 patients. In particular, Dr. Saatian admits that she falsified records with respect to patients M.A., P.S.H., and S.F.H., when she provided copies of her records for these patients to Sun Life Financial on or about April 14, 2015 and subsequently provided different copies of her records for these patients to Sun Life Financial on November 9, 2016. The differences included the addition of more comprehensive descriptions of symptoms and also the deletion of one chart entry.
14. Therefore, Dr. Saatian admits that she:
 - a. falsified records relating to her practice relative to the patients listed, contrary to paragraph 26 of Section 2 of the Dentistry Act Regulation, as set out in Allegation

2 of the Notice of Hearing; and

- b. engaged in conduct or performed an act or acts that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable, unprofessional or unethical relative to the patients listed, contrary to paragraph 59 of Section 2 of the Dentistry Act Regulation, as set out in Allegation 6 of the Notice of Hearing.

C. Allegations 3, 4, and 5 – Billing/Insurance Claim Issues

15. The College's investigation identified issues of inappropriate insurance claims and billing by Dr. Saatian involving all 5 patients. In particular, Dr. Saatian admits that the following insurance claims made on behalf of patients in the identified circumstances were inappropriate:

- a. Dr. Saatian provided hygiene treatment and an emergency examination for patient A.R.N. on April 25, 2015, but issued a claim for this treatment dated on April 28, 2015, in circumstances where the patient's insurance became effective April 26, 2015;
- b. for patient G.L., Dr. Saatian issued a claim for a mandibular free end cast partial denture with clasps, but provided an acrylic partial denture, and she also issued a claim for laboratory services in respect of this patient that was for an amount greater than the amount on the laboratory invoice (December 22, 2015);
- c. Dr. Saatian issued claims for night guards prior to delivery, for patients M.A., P.S.H., and S.F.H. (2014); and
- d. Dr. Saatian issued claims for laboratory services in relation to night guards, without laboratory invoices for these services, for patients M.A., P.S.H., and S.F.H. (2014).

16. Therefore, Dr. Saatian admits that she:

- a. signed or issued a certificate, report or similar document that she knew or ought to have known contained a false, misleading or improper statement relative to the patients listed, contrary to paragraph 28 of Section 2 of the Dentistry Act Regulation, as set out in Allegation 3 of the Notice of Hearing;
- b. submitted an account or charge for dental services that she knew or ought to

have known was false or misleading relevant to the patients listed, contrary to paragraph 33 of Section 2 of the Dentistry Act Regulation, as set out in Allegation 4 of the Notice of Hearing; and

- c. charged a laboratory fee for a dental appliance or device that was more than the commercial laboratory cost actually incurred relative to the patients listed, contrary to paragraph 35 of Section 2 of the Dentistry Act Regulation, as set out in Allegation 5 of the Notice of Hearing;

D. Allegation 6 – Unjustified Treatment

17. The College's investigation identified instances in which Dr. Saatian performed treatment without justification. Specifically, Dr. Saatian admits that she did not provide justification for her treatment with respect to patients M.A., P.S.H., and S.F.H. Dr. Saatian performed dental cleaning for these patients on December 18, 2015. She then repeated the cleaning on January 15, 2016, without providing any justification for why the treatment was repeated so soon.
18. Therefore, Dr. Saatian admits that she engaged in conduct or performed an act or acts that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable, unprofessional or unethical relative to the patients listed, contrary to paragraph 59 of Section 2 of the Dentistry Act Regulation, as set out in Allegation 6 of the Notice of Hearing.

Past History

19. Dr. Saatian has no prior findings of professional misconduct by the Discipline Committee of the College.
20. However, she does have the following relevant history before the ICRC:
 - a. a 2011 ICRC decision setting out advice and recommendations regarding improper insurance claims submitted by Dr. Saatian; and
 - b. a 2018 ICRC decision stating that Dr. Saatian had exhibited unprofessional and unethical behavior by backdating a medical note, for which the ICRC ordered her to complete a SCERP in relation to dental recordkeeping, ethics and professionalism, as well as practice monitoring.

21. These ICRC decisions are attached at Tab B.

General

22. Dr. Saatian admits that the acts described above constitute professional misconduct and she now accepts responsibility for her actions and the resulting consequences.

23. Dr. Saatian has had the opportunity to take independent legal advice with respect to her admissions.

DECISION

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

REASONS FOR DECISION

The panel is satisfied that based on the Agreed Statement of Facts, the Member engaged in professional misconduct as alleged.

In particular, the Member admitted to failing to keep records as required, falsifying records, submitting inappropriate insurance claims and billings for five patients and performing treatment that was unjustifiable. This conduct clearly fell below the standards of practice and contravened the very clear prohibitions set out in Regulation 853.

Further, the panel finds that the Member's conduct with regard to falsifying records submitted to insurers is conduct that would be reasonably regarded by members of the profession as disgraceful, dishonourable, unprofessional and unethical conduct.

The Discipline Committee cannot condone behaviour which involves falsifying records and submitting inaccurate billings.

The Panel was particularly troubled by the fact that the Member had already been made aware of improper insurance claims in 2011 when she appeared before an ICRC panel.

PENALTY SUBMISSIONS

The parties presented the panel with a Joint Submission with respect to Penalty and Costs (Exhibit 4), which provides as follows.

1. The Royal College of Dental Surgeons of Ontario ("College") and Dr. Maryam Saatian ("Member") jointly submit that this panel of the Discipline Committee impose the following penalty on the Member as a result of the panel's finding that the Member is guilty of professional misconduct, namely, that it make an order:
 - a. requiring the Member to 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. directing the Registrar to suspend the Member's certificate of registration for a period of six (6) months, to be served consecutively, such suspension to commence on February 19, 2020;
 - c. that the Registrar impose the following terms, conditions and limitations on the Member's certificate of registration (the "Suspension Conditions"), which conditions shall continue until the suspension of the Member's certificate of registration as referred to in subparagraph 1(b) above has been fully served, namely:
 - i. while the Member's certificate of registration is under suspension, the Member shall not be present in any dental office(s) when patients are present, save and except for unforeseen non-patient related emergencies. Where the Member is required to attend for a non-patient related emergency, the Member shall immediately advise the Registrar of that fact including details of the nature of the emergency;
 - ii. upon commencement of the suspension, the Member shall advise all of the Member's staff as well as any other dentist in the office(s) that the Member engages in practice with, whether that Member is a principal in the practice or otherwise associated with the practice, of the fact that the Member's certificate of registration is under suspension;
 - iii. during the suspension, the Member shall not do anything that would suggest to patients that the Member is entitled to engage in the practice of dentistry and shall ensure that the Member's staff is instructed not to do anything that would suggest to patients that the Member is entitled to engage in the practice of dentistry during the suspension;
 - iv. the Member shall permit and co-operate with any office monitoring which the Registrar feels is appropriate in order to ensure that the Member has complied with this Order, and in that connection, the Member shall provide

access to any records associated with her practice in order that the College can verify that the Member has not engaged in the practice of dentistry during the suspension; and

- v. the Suspension Conditions imposed by virtue of subparagraphs 1(c)(i)-(iv) above shall be removed at the end of the period the Member's certificate of registration is suspended.
- d. directing that the Registrar also impose the following additional terms, conditions and limitations on the Member's Certificate of Registration (the "Practice Conditions"), namely:
- i. requiring that the Member successfully complete, at her own expense, the College's course in Recordkeeping, and provide proof of successful completion in writing to the Registrar within twelve (12) months of this Order becoming final;
 - ii. requiring that the Member successfully complete, at her own expense, a one-on-one course in Ethics, approved by the College, and provide proof of successful completion in writing to the Registrar within twelve (12) months of this Order becoming final;
 - iii. requiring that the Member notify the Registrar of any change in her employment, including a return to any form of private practice other than her current contractual relationship with Calian Group Ltd., or any change in her compensation structure from per diem to a different payment basis, including billing patients or insurers on a fee-for-service basis (a "Reportable Change"), in advance of such change occurring;
 - iv. in the event there is a Reportable Change, requiring that the Member successfully complete, at her own expense, a one-on-one course in Financial Recordkeeping and Billing, including the use of billing codes, approved by the College, and provide proof of successful completion in writing to the Registrar prior to the Reportable Change taking effect;
 - v. the Member's practice shall be monitored by the College by means of a periodic chart review by a representative or representatives of the College at such frequency as the College may determine, during the period commencing on the date she returns to practice following the suspension in paragraph 1(b) and ending after twenty-four (24) months;

- vi. in the event there is a Reportable Change, 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 the Reportable Change and ending after twenty-four (24) months;
 - vii. the Member shall cooperate with the College during the chart review(s) and/or office visit(s) and further, shall pay to the College in respect of the costs of monitoring, the amount of \$1,000.00 per chart review or office visit, such amount to be paid immediately after completion of each review or visit;
 - viii. the representative or representatives of the College shall report the results of the chart review(s) and/or 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;
 - ix. the Practice Conditions imposed by virtue of subparagraph (1)(d)(i), (ii) and (iv) 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 in subparagraph (1)(d)(i), (ii) and (iv) above have been completed successfully;
 - x. the Practice Conditions imposed by virtue of subparagraph (1)(d)(v) and (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 subparagraph (1)(d)(v) and (vi) above has been completed successfully, or upon receipt of written confirmation from the Inquiries, Complaints and Reports Committee that the Member has successfully completed the monitoring program, whichever date is later.
 - e. directing that the member pay costs to the College in the amount of \$5,000 in respect of this discipline hearing, such costs to be paid in full within 120 days of this Order becoming final.
2. The College and the Member further submit that pursuant to the Code, as amended, the results of these proceedings must be recorded on the Register of the College and

any publication of the Decision of the panel would therefore occur with the name and address of the Member included.

3. This joint submission on penalty and costs was reached as a result of a pre-hearing conference held with respect to these matters and it received the endorsement of the pre-hearing conference president.

PENALTY DECISION

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

- a. the Member is required to 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 is directed to suspend the Member's certificate of registration for a period of six (6) months, to be served consecutively, such suspension to commence on February 19, 2020;
- c. the Registrar is directed to impose the following terms, conditions and limitations on the Member's certificate of registration (the "Suspension Conditions"), which conditions shall continue until the suspension of the Member's certificate of registration as referred to in subparagraph 1(b) above has been fully served, namely:
 - i. while the Member's certificate of registration is under suspension, the Member shall not be present in any dental office(s) when patients are present, save and except for unforeseen non-patient related emergencies. Where the Member is required to attend for a non-patient related emergency, the Member shall immediately advise the Registrar of that fact including details of the nature of the emergency;
 - ii. upon commencement of the suspension, the Member shall advise all of the Member's staff as well as any other dentist in the office(s) that the Member engages in practice with, whether that Member is a principal in the practice or otherwise associated with the practice, of the fact that the Member's certificate of registration is under suspension;

- iii. during the suspension, the Member shall not do anything that would suggest to patients that the Member is entitled to engage in the practice of dentistry and shall ensure that the Member's staff is instructed not to do anything that would suggest to patients that the Member is entitled to engage in the practice of dentistry during the suspension;
 - iv. the Member shall permit and co-operate with any office monitoring which the Registrar feels is appropriate in order to ensure that the Member has complied with this Order, and in that connection, the Member shall provide access to any records associated with her practice in order that the College can verify that the Member has not engaged in the practice of dentistry during the suspension; and
 - v. the Suspension Conditions imposed by virtue of subparagraphs 1(c)(i)-(iv) above shall be removed at the end of the period the Member's certificate of registration is suspended.
- d. the Registrar is directed to impose the following additional terms, conditions and limitations on the Member's Certificate of Registration (the "Practice Conditions"), namely:
- i. requiring that the Member successfully complete, at her own expense, the College's course in Recordkeeping, and provide proof of successful completion in writing to the Registrar within twelve (12) months of this Order becoming final;
 - ii. requiring that the Member successfully complete, at her own expense, a one-on-one course in Ethics, approved by the College, and provide proof of successful completion in writing to the Registrar within twelve (12) months of this Order becoming final;
 - iii. requiring that the Member notify the Registrar of any change in her employment, including a return to any form of private practice other than her current contractual relationship with Calian Group Ltd., or any change in her compensation structure from per diem to a different payment basis, including billing patients or insurers on a fee-for-service basis (a "Reportable Change"), in advance of such change occurring;
 - iv. in the event there is a Reportable Change, requiring that the Member successfully complete, at her own expense, a one-on-one course in Financial Recordkeeping and Billing, including the use of billing codes,

approved by the College, and provide proof of successful completion in writing to the Registrar prior to the Reportable Change taking effect;

- v. the Member's practice shall be monitored by the College by means of a periodic chart review by a representative or representatives of the College at such frequency as the College may determine, during the period commencing on the date she returns to practice following the suspension in paragraph 1(b) and ending after twenty-four (24) months;
- vi. in the event there is a Reportable Change, 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 the Reportable Change and ending after twenty-four (24) months;
- vii. the Member shall cooperate with the College during the chart review(s) and/or office visit(s) and further, shall pay to the College in respect of the costs of monitoring, the amount of \$1,000.00 per chart review or office visit, such amount to be paid immediately after completion of each review or visit;
- viii. the representative or representatives of the College shall report the results of the chart review(s) and/or 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;
- ix. the Practice Conditions imposed by virtue of subparagraph (1)(d)(i), (ii) and (iv) 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 in subparagraph (1)(d)(i), (ii) and (iv) above have been completed successfully;
- x. the Practice Conditions imposed by virtue of subparagraph (1)(d)(v) and (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 subparagraph (1)(d)(v) and (vi) above has been completed successfully, or upon receipt of written confirmation from the Inquiries, Complaints and

Reports Committee that the Member has successfully completed the monitoring program, whichever date is later.

- e. the Member is directed to pay costs to the College in the amount of \$5,000 in respect of this discipline hearing, such costs to be paid in full within 120 days of this Order becoming final.

The results of these proceedings must be recorded on the Register of the College and any publication of the Decision of the panel would therefore occur with the name and address of the Member included.

REASONS FOR PENALTY DECISION

In considering the Joint Submission on Penalty and Costs, the panel was aware of its obligations when reviewing joint submissions. The panel understands that it ought to accept a joint submission unless doing so would bring the administration of justice into disrepute or otherwise be contrary to the public interest. The panel was satisfied that the penalty and costs order proposed was appropriate in all the circumstances of this case.

The Panel believes the goal of public protection is achieved by the following conditions, in particular.

Specific and general deterrence is accomplished by suspending the Member's certificate of registration for a six (6) month period, publishing the proceedings on the College website including the Member's name and requiring the Member to be reprimanded before a panel of the Discipline Committee. The fact of the reprimand and the reprimand itself will be recorded.

Remediation and public protection are accomplished by practice monitoring. The College will review office records and/or charts following the Member's return to work. The Member must complete a course in Recordkeeping and a one-on-one course in Ethics.

The panel was advised that the Member is currently employed on a *per diem* basis. Any change to this financial arrangement must be reported to the College in advance. Additional Terms and Conditions would apply. The Member must take a one-on-one course in Financial Recordkeeping and Billing. Practice monitoring and chart review at the Member's expense will be ongoing for a 24- month period.

In addition to the goals of sentencing, the panel considered the aggravating and mitigating factors present in this case. The aggravating factors include the seriousness of the allegations

pertaining to falsifying records and issuing documents that were false and misleading. All 5 charts reviewed had recordkeeping and billing irregularities. All 5 charges occurred after the Member received advice and recommendations from the ICRC in 2011.

Mitigating factors include the fact that the Member has no previous history of appearing before the Discipline Committee and that she co-operated with the College throughout this process. The Member entered a plea preventing a lengthy and costly hearing, which also shows this panel that the Member has a willingness and desire to be remediated.

I, Dr. Richard Hunter, sign these Reasons for Decision as Chairperson of this Discipline Panel.

RCDSO v. Dr. Maryam Saatian

Dr. Saatian, 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 multiple acts of professional misconduct. The misconduct related to failing to keep records as required, falsifying records, billing/insurance claim issues and unjustified treatment. The cumulative effect of your conduct would reasonably be regarded by members as disgraceful, dishonourable, unprofessional and unethical.

Your professional misconduct is a matter of profound concern. It is completely 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.

Of special concern to us is the fact that the professional misconduct in which you engaged has involved a similar pattern of behavior that the College addressed in 2011 and 2018. The imposed penalty is appropriate in all circumstances. We trust that through remediation you will change your behavior and not appear before a Discipline Panel again. I caution you that should you not change your ways a more severe penalty would likely be imposed.

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?

Thank you for attending today. We are adjourned.