
Discipline Summary

Dr. Nicholas Bekesch
150 Yellow Avens Blvd, #4
Brampton, Ontario

Hearing Date: August 25, 2020

Allegations of professional misconduct

- Contravened a standard of practice or failed to maintain the standards of practice of the profession
- Disgraceful, dishonourable, unprofessional or unethical conduct
- Failed to keep records as required by the Regulations
- Prescribed, dispensed or sold a drug for an improper purpose, or inappropriately used authority to prescribe

Synopsis

- A Registrar's investigation was commenced after the College received information from a pharmacist about Dr. Bekesch's prescribing practices in respect of one patient. The College examined seven patient records from Dr. Bekesch between 2017 and 2019, and found improper prescribing practices in respect of all seven patients.
- At the time of the hearing, Dr. Bekesch was subject to an Interim Order made by a panel of the Inquiries, Complaints and Reports Committee that imposed terms, conditions or limitations on Dr. Bekesch's certificate of registration such that he could not prescribe narcotics and/or controlled substances, pending the outcome of this matter.
- Dr. Bekesch admitted to the following improper prescribing practices:
 - He prescribed opioids without documenting an appropriate diagnosis or assessment, or that he had tried a non-opioid medication first.
 - He did not limit the number of tablets, or document why the recommended maximum or frequency was exceeded as set out in the College's Guidelines on The Role of Opioids in the Management of Acute and Chronic Pain in the Dental Practice. These Guidelines require dentists to exercise reasonable professional judgment to determine whether prescribing an opioid is the most appropriate choice for a patient, including consideration of the high susceptibility of these drugs to misuse, abuse, and/or diversion, and the possibility of harm.
 - He prescribed opioids when it was not indicated based on the treatment or condition, or where treatment was not rendered.
 - He prescribed, dispensed or sold a drug for an improper purpose, or otherwise used improperly, the authority to prescribe, dispense or sell drugs.
- Dr. Bekesch admitted that he failed to keep records:
 - He failed to document a prescription, or retain a copy in the patient record.
 - He did not date the prescriptions and/or did not document a justification for the prescription, his diagnosis, a notation that he considered non-opioid medication first, and/or instructions for the medication prescribed.
- With respect to one patient, Dr. Bekesch admitted that he did not demonstrate reasonable professional judgment with respect to the potential harm that the over-prescribing of opioid medication can have on a patient, and did not assume the responsibility of limiting the potential for drug misuse, abuse and/or diversion, based on the number and frequency of narcotic medication prescribed to this patient.

Decision

1. Finding

Dr. Bekesch pleaded guilty and was found guilty with respect to all four allegations

2. Penalty

- Reprimand
- Suspension for 4 months (September 1, 2020 – December 31, 2020)
- Imposed Practice Restriction – Restricted permanently from prescribing narcotic drugs and preparations or controlled drugs and preparations
- Course on appropriate prescribing, including narcotics or other controlled substances as well as analgesics, for dental pain management
- Course on professional/problem-based ethics
- Course on Recordkeeping for Ontario Dentists
- Practice to be monitored for 24 months following completion of suspension

3. Costs

- Dr. Bekesch to pay costs to the College in the amount of \$10,000
- Dr. Bekesch to pay monitoring costs

Panel's reasoning

- The penalty was within the appropriate range for misconduct of this nature.
- The reprimand, suspension, and restriction on Dr. Bekesch's certificate of registration from prescribing any narcotic medication, and publication on the College register will provide specific and general deterrence.
- The penalty sends a message to the profession that the College will not tolerate misconduct of this nature.
- The monitoring and courses will assist with Dr. Bekesch's remediation.
- Mitigating factors included Dr. Bekesch's plea agreement with the College and the fact that this is his first appearance before the Discipline Committee.
- Aggravating factors included Dr. Bekesch's apparent lack of remorse and the serious nature of the misconduct as aggravating factors. Seven patients were prescribed large quantities of narcotics with little to no documentation of why these drugs were prescribed. The number of tablets prescribed were excessive and far too frequent. The risk of addiction and overdose cannot be understated.