

IN THE MATTER OF a Hearing of a panel of the Discipline Committee of the Royal College of Dental Surgeons of Ontario 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*") respecting one **DR. KEVIN F. M. BACCHUS**, of the City of Sarnia, in the Province of Ontario;

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

AND IN THE MATTER OF the *Statutory Powers Procedure Act*, Revised Statutes of Ontario, 1990, Chapter S.22, as amended; 1993, Chapter 27; 1994, Chapter 27.

TO: **DR. KEVIN F. M. BACCHUS**
1208 Michigan Ave
Sarnia ON N7S 6M7

NOTICE OF HEARING

TAKE NOTICE THAT IT IS ALLEGED THAT:

1. 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, during the year(s) 2016 and 2017, 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 patient [REDACTED] G [REDACTED] D [REDACTED], contrary to paragraph 28 of Section 2 of Ontario Regulation 853, Regulations of Ontario, 1993, as amended.

Particulars

- You submitted and/or arranged for the submission on your behalf of a claim for services rendered to this patient that were provided on a date or dates different from the date indicated on the claim. In particular:
 - You submitted and/or arranged for the submission on your behalf of a claim for services which indicated that the following services were rendered on January 13, 2017:
 - 01205 – Emergency exam and diagnosis;
 - 33131 – Root canal therapy, 3 canals; and
 - 22322 – Tooth coloured restoration, 2 surfaces.
 - These services were not provided on January 13, 2017. Rather, root canal therapy on the patient's tooth 16 was performed by you on September 7, 2016 as per the radiographs and treatment plan. Root canal therapy and a two-surface restoration on the patient's tooth 16 were noted in the patient's chart as having occurred on January 17, 2017.
 - You submitted and/or arranged for the submission on your behalf of claims for services rendered to this patient which were listed with the service provider being Dr. Ali Ahmed, when in fact it was you who was the service provider, in order to mislead the insurance company. In particular:
 - With respect to the above-noted claim for services for this patient indicating a treatment date of January 13, 2017, you submitted and/or arranged for the submission on your behalf of this claim with Dr. Ali Ahmed listed as the service provider rather than yourself, when in fact it was you who provided the services to the patient.
 - With respect to a claim for services rendered September 15, 2016 in relation to treatment for a three-unit bridge for teeth 11-13, you submitted and/or arranged for the submission on your behalf of this claim with Dr. Ali Ahmed listed as the service provider rather than yourself, when in fact it was you who provided the services to the patient.
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, during

the years 2016 and 2017, you submitted an account or charge for dental services that you knew or ought to have known was false or misleading relative to the patient ■■■ G■■■ D■■■■■, contrary to paragraph 33 of Section 2 of Ontario Regulation 853, Regulations of Ontario, 1993, as amended.

Particulars

- You submitted and/or arranged for the submission on your behalf of a claim for services rendered to this patient that were provided on a date or dates different from the date indicated on the claim. In particular:
 - You submitted and/or arranged for the submission on your behalf of a claim for services which indicated that the following services were rendered on January 13, 2017:
 - 01205 – Emergency exam and diagnosis;
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 - With respect to the above-noted claim for services for this patient indicating a treatment date of January 13, 2017, you submitted and/or arranged for the submission on your behalf of this claim with Dr. Ali Ahmed listed as the service provider rather than yourself, when in fact it was you who provided the services to the patient.
 - With respect to a claim for services rendered September 15, 2016 in relation to treatment for a three-unit bridge for teeth 11-13, you submitted and/or arranged for the submission on your behalf of this claim with Dr. Ali Ahmed listed as the service provider rather than yourself, when in fact it was you who provided the services to the patient.

Such further and other particulars will be provided from time to time, as they become known.

AND TAKE NOTICE THAT the said allegations respecting professional misconduct will be heard and determined by a panel of the Discipline Committee of the Royal College of Dental Surgeons of Ontario ("panel") on a date and time to be agreed upon by the parties, or on a date to be fixed by the Chair of the Discipline Committee, at the offices of the Royal College of Dental Surgeons of Ontario, 6 Crescent Road, Toronto, Ontario, M4W 1T1. You are required to appear in person or by a legal representative before the panel with your witnesses, if any, at the time and place aforesaid.

ONCE A DATE IS FIXED, IF YOU DO NOT ATTEND ON THE FIXED HEARING DATE, THE PANEL MAY PROCEED IN YOUR ABSENCE AND YOU WILL NOT BE ENTITLED TO ANY FURTHER NOTICE OF THE PROCEEDINGS.

The *Code* provides that if a panel finds that you have committed an act of professional misconduct, it may make an order doing any one or more of the following:

- (1) directing the Registrar to revoke your certificate of registration;
- (2) directing the Registrar to suspend your certificate of registration for a specified period of time;
- (3) directing the Registrar to impose specified terms, conditions and limitations on your certificate of registration for a specified or indefinite period of time;
- (4) requiring you to appear before the panel to be reprimanded;
- (5) requiring you to pay a fine of not more than \$35,000.00 to the Minister of Finance;

or any combination thereof.

Furthermore, the *Code* provides that if a panel is of the opinion that the commencement of these proceedings is unwarranted, it may make an order requiring the College to pay all or part of your legal costs.

The *Code* also provides that in an appropriate case, a panel may make an order requiring you, in the event the panel finds you have committed an act or acts of professional

misconduct or finds you to be incompetent, to pay all or part of the following costs and expenses:

1. the College's legal costs and expenses;
2. the College's costs and expenses incurred in investigating the matter; and
3. the College's costs and expenses incurred in conducting the hearing.

If you have not done so already, you are entitled to and are well advised to retain legal representation to assist you in this matter.

You are entitled to disclosure of the evidence in this matter in accordance with section 42(1) of the *Code*. You or your representative may contact the solicitor for the College, [REDACTED], in this matter at:

[REDACTED]
[REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

You, or your legal representative, should familiarize yourself with your disclosure obligations under law, including section 42.1 of the *Code*.

DATED at Toronto, this 11th day of December, 2019.



Royal College of Dental Surgeons of Ontario

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**ROYAL COLLEGE OF DENTAL SURGEONS
OF ONTARIO**

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