

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

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. SAHAR RAKHSHANFAR** of the City of Toronto, 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”).

Members in Attendance: Dr. Richard Hunter
 Dr. Nancy Di Santo
 Mr. Rod Stableforth

BETWEEN:

ROYAL COLLEGE OF DENTAL SURGEONS OF ONTARIO	)	Appearances:
)	
	)	Ms. Andrea Gonsalves
	)	Independent Counsel for the
	)	Discipline Committee of the Royal
	)	College of Dental Surgeons of Ontario
- and -)	
	)	Ms. Emily Lawrence
	)	For the Royal College of Dental
	)	Surgeons of Ontario
)	
DR. SARAH RAKHSHANFAR	)	Ms. Elyse Sunshine and
	)	Ms. Emma Gardiner for
	)	Dr. Sahar Rakhshanfan

Hearing held by way of video conference

REASONS FOR DECISION

This matter came on for hearing before a panel of the Discipline Committee (the “Panel”) of the Royal College of Dental Surgeons of Ontario (the “College”) in Toronto on June 12, 2020. This matter was heard electronically.

At the outset of the hearing, the College sought an order banning the publication of the names of patients or any information that could be used to identify the patients. The Member consented to the request. The Panel granted the order, which extends to the 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 February 3, 2020 (Exhibit 1). The Notice of Hearing provided as follows.

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 2018, you failed to abide by a written Undertaking given by you to the College or to carry out an arrangement entered into with the College, contrary to paragraph 54 of Section 2 of Ontario Regulation 853, Regulations of Ontario, 1993, as amended.

Particulars:

- You performed prosthodontic treatment for seven patients in breach of an undertaking you provided to the College on or about March 9, 2018, in which you agreed to restrict your practice such that you would not provide fixed prosthodontic treatment in the province of Ontario:
 - For patient [A.C.], on November 7, 2018, you removed his temporary bridge on “X-X-22”, treatment planned a more extensive bridge for teeth “13-X-X-21” and temporarily re-cemented his bridge.
 - For patient E.S., on April 23, 2018, you removed [E.S.]’s existing bridge and prepared and placed a new bridge using temporary cement on teeth 32-42. On May 7, 2018, you checked the contact, margins

and bite of the bridge, and then permanently placed it.

- For patient [M.K.], you prepared a bridge for teeth 44 to 47, submitted a pre-determination to the patient's insurance company with respect to this bridge, and a laboratory invoice for fabrication of the bridge was addressed to you.
 - For patients [J.S.], [A.S.], [R.M.], and [G.H.], you billed/claimed and/or completed four bridges after March 9, 2018.
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 year 2019, you used a name other than your name as set out in the register or the practice name, in the course of providing or offering to provide dental services, contrary to paragraph 40 of Section 2 of Ontario Regulation 853, Regulations of Ontario, 1993, as amended.

Particulars:

- You identified yourself only as “Dr. Sahar” on your professional business cards, which were displayed at the reception desk at Altima Dental on or about April 8, 2019; you omitted your surname “Rakhshanfar” from the business card, which is the name set out on the College's register. In doing so, you prevented members of the public from finding you on the College's register and thereby prevented the public access to important information about you, including the restrictions in place on your certificate of registration at that time.
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, during the year 2018, 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 your patients listed below, contrary to paragraph 59 of Section 2 of

Ontario Regulation 853, Regulations of Ontario, 1993, as amended.

Particulars:

- You initiated prosthodontic treatment for the seven patients listed below prior to completing a specified continuing education program required by a panel of the ICR Committee in a decision dated August 23, 2017. In the August 23, 2017, decision, the panel specified that you must complete a course in fixed prosthodontic treatment, as well as a mentorship by a specialist who was required to review and approve your diagnosis and treatment planning before initiating any fixed prosthetic treatment. However, you performed prosthodontic treatment for the following patients after August 23, 2017, in breach of that decision:

<u>Patients</u>	<u>Dates (as per patient records)</u>
[A.C.]	November 7, 2018
[E.S.]	April 23, 2018 May 7, 2018
[M.K.]	May 13, 2018 May 17, 2018 June 14, 2018

<u>Patients</u>	<u>Dates (as per production summaries)</u>
[J.S.]	June 1, 2018
[A.S.]	July 18, 2018
[R.M.]	August 27, 2018
[G.H.]	December 4, 2018

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 Member signed a written plea inquiry, which was marked as Exhibit 2. Based on the written plea inquiry, the Panel was satisfied that the 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 (Exhibit 3), which substantiated the allegations of professional misconduct against the Member set out in the Notice of Hearing. The Agreed Statement of Facts provided as follows.

Background

1. Dr. Sahar Rakhshanfar (or "the Member") received her dental degree from Shahid Beheshti University (Iran) in 2001 and from the University of Toronto in 2008. She has been registered with the College as a general dentist since June 2008. She currently owns and practises at Viva Dental Dryden in Dryden, Ontario.

The Notice of Hearing

2. The allegations of professional misconduct against the Member are set out in the Notice of Hearing dated February 3, 2020.
3. The College and the Member have agreed to resolve the allegations on the basis of the facts and admissions set out below.
4. The Member admits to particulars of professional misconduct, as detailed below.

Facts and Admissions

1. SCERP and Undertaking

5. Some of the allegations set out in the Notice of Hearing relate to a prior disposition of the College's Inquiries, Complaints and Reports Committee ("ICRC").
6. In May and August 2017, the ICRC reviewed an investigation

into a complaint made by a patient regarding Dr. Rakhshanfar's treatment and planning of a bridge for the patient.

7. The ICRC had concerns about the Member's diagnostic procedures, clinical skills relating to prosthodontics, informed consent practices, and documentation practices.
8. On August 23, 2017, the ICRC directed the Member to undertake a specified continuing education and remediation program. The ICRC ordered the course, mentoring and monitoring program set out above ("SCERP") as follows:
 - a. a course in dental recordkeeping;
 - b. a course on informed consent;
 - c. a course in fixed prosthodontics with an emphasis on work-ups and treatment planning, including the use of appropriate radiograph or other imaging tools ("prosthodontics course requirement");
 - d. a mentorship with a specialist approved by the College to review and approve her diagnosis and treatment planning in advance of her initiation of fixed prosthodontic treatment. This mentorship is to last until such time as the mentor advises that the mentorship is no longer necessary ("mentorship requirement"); and
 - e. twenty-four months of College monitoring to commence from the end of the mentorship.
9. Under the SCERP, Dr. Rakhshanfar was required to complete the courses, including the prosthodontics course requirement within 6 months of the date of the SCERP, and to retain a mentor to commence the mentorship requirement also within six months.
10. The SCERP is appended to this ASF as Appendix A. *[Appendix A is omitted from these Reasons]*
11. Dr. Rakhshanfar completed the recordkeeping and informed consent courses within six months of the date of the SCERP.

12. After the ICRC directed the SCERP in August 2017, Dr. Rakhshanfar advised the College that she had enrolled in a three-year Diploma in Prosthodontics Clinical Specialty Program at the University of British Columbia ("UBC Program"), to commence in August of 2018.
13. The successful completion of the UBC Program would satisfy the prosthodontic course requirement and the mentoring requirement of the SCERP.
14. As a result of Dr. Rakhshanfar's enrollment in the UBC Program, which would not be completed within six months of the date of the SCERP, on March 9, 2018, Dr. Rakhshanfar provided an Undertaking ("Undertaking") to the College in which she undertook to:
 - a. restrict her practice such that she will not provide any fixed prosthodontic treatment in the province of Ontario; and
 - b. such restriction would be in place until the College is satisfied that she had taken and successfully completed the UBC Program or such other program approved by the College that meets the requirements of the SCERP.
15. The Undertaking is appended as Appendix B. [*Appendix B is omitted from this Reasons*]
16. After Dr. Rakhshanfar provided the Undertaking to the College in March 2018, due to challenging personal circumstances and family obligations, she elected not to commence the UBC Program in August 2018 and to defer her start of the UBC Program to August 2019. Dr. Rakhshanfar has not yet started the UBC Program.
17. Dr. Rakhshanfar acknowledges and admits that the terms of the Undertaking remained in place and in force between August 2017 and November 2018.

2. The College's Investigation

18. The College commenced an investigation into Dr. Rakhshanfar after it received a report of concern from the

office of Dr. Laurie Cruise in November 2018. Dr. Cruise's office reported that Dr. Rakhshanfar worked as a locum in the office on November 7 and 8, 2018.

19. During its investigation, the College learned that Dr. Rakhshanfar had not commenced the UBC Program in August 2018, and that after August 2017, Dr. Rakhshanfar worked as a dentist at five locations:

- a. North Hill Dental, an office that Dr. Rakhshanfar previously owned and had sold, where she continued to work in 2018 and into 2019;
- b. King Dental, an office that Dr. Rakhshanfar previously owned and had sold, where she continued to work in 2018 and into 2019;
- c. the offices of Dr. Natalie Archer, where Dr. Rakhshanfar had worked from October 2018 to February 2019;
- d. the office of Dr. Laurie Cruise, where Dr. Rakhshanfar worked as a locum on November 7 and 8, 2018; and
- e. Altima Dental, where Dr. Rakhshanfar worked from January or February 2019 to October 2019.

20. Dr. Rakhshanfar had not advised any of the dental office owners where she worked of the SCERP, the Undertaking or her practice restrictions. Employer notification was not an express term of the SCERP or the Undertaking. If she were to testify, Dr. Rakhshanfar would state that she believed that some or all of the owners of the dental offices where she worked were aware of her restrictions. However, Dr. Rakhshanfar acknowledges that it would have been prudent to advise the offices where she worked of the SCERP and the Undertaking to assist her in her understanding of and compliance with the SCERP and Undertaking.

21. Dr. Rakhshanfar completed crown treatments during this time and acknowledges it would have been prudent to seek confirmation from the College regarding the scope of her practice restrictions.

22. The College's investigation revealed that Dr. Rakhshanfar performed and or billed/claimed for prosthodontic treatment for seven patients between August 2017 and December 2018:

- a. completed cementation and re-cementation of a bridge for [A.C.], a patient at Dr. Cruise's office on November 7, 2018, and planned treatment for a more extensive bridge;
- b. removed an existing bridge, and prepared and placed a new bridge using temporary cement on teeth 32-42 for [E.S.], a patient at North Hill Dental on April 23, 2018, and checked the contact, margins and bite of the bridge and permanently placed the bridge on May 7, 2018;
- c. prepared a bridge for teeth 44 to 47 for patient [M.K.], a patient at North Hill Dental, and submitted a predetermination to the patient's insurer and a laboratory invoice for the fabrication addressed to Dr. Rakhshanfar between May 13, 2018 and June 14, 2018, respectively. The bridge was subsequently placed by another dentist; and
- d. billed/claimed for four bridges for [J.S.] on June 1, 2018, for [A.S.] on July 18, 2018, for [R.M.] on August 27, 2018 and [G.H.] on December 4, 2018, all of whom were patients at North Hill Dental.

23. If Dr. Rakhshanfar were to testify, she would state that:

- a. she performed prosthodontic treatment on [A.C.] and [E.S.]. [A.C.] was seen on an emergency basis and she was the only dentist available to see him, although she acknowledges that she should not have put herself in the situation to practise without other dental support and to perform treatment she was not permitted to perform;
- b. she did not complete bridge work on [M.K.] but she did complete pre-treatment planning and her name was set out on the pre-determination form and the laboratory invoice related to prosthodontic treatment for this patient. Dr. Rakhshanfar acknowledges that it is her responsibility to ensure that any forms sent to third

parties such as laboratories and insurers accurately reflect work performed or to be performed, and that forms sent in her name to third parties were contrary to the spirit and terms of the Undertaking; and

- c. she has no recollection of whether she performed prosthodontic treatment on [J.S.], [A.S.], [R.M.], and [G.H.], and that the billing of such work in her name may have been in error. However, Dr. Rakhshanfar acknowledges that it is her responsibility to ensure that any billing her name accurately reflects work performed, and that being listed as the billing dentist was contrary to the spirit and terms of the Undertaking.

24. The College's investigation also revealed that Dr. Rakhshanfar was listed as "Dr. Sahar" (without her last name) on the website for the office of Dr. Archer.

3. The ICRC's Interim Review

25. Prior to the conclusion of the College's investigation, the ICRC reviewed the investigation file and formed the intention to impose interim terms, conditions and limitations on her certificate ("Interim TCLs"). In particular, the ICRC formed the intention to direct that Dr. Rakhshanfar not provide any treatment involving fixed prosthodontics (including bridges, crowns, veneers, inlays, onlays, and post and cores prepared by a laboratory) in Ontario ("interim practice TCLs"), that she inform owners of all practice locations of the interim practice TCLs ("employer notification TCLs"), and that she inform the Registrar of all of her practice locations within five days of starting at a practice location ("Registrar notification TCLs").

26. In response, on March 14, 2019, Dr. Rakhshanfar, through counsel, made submissions in respect of the intended Interim TCLs. Among other things, she acknowledged that she had provided prosthodontic treatment to [A.C.]. She also submitted that she had used the name "Dr. Sahar" on a website because her last name is long and not native to North America but that she introduced herself to patients using her full name. She further confirmed that she would use her full name on websites and advertisements going forward.

27. The ICRC imposed an interim order of the Interim TCLs, effective March 20, 2019 (the “Interim Order”). The Interim Order continues in force until the disposition of the matter by the ICRC or the Discipline Committee, and may be varied by the ICRC.

4. The College’s Subsequent Investigation

28. On April 8, 2019, the College’s investigator conducted an office visit at Altima Dental, where Dr. Rakhshanfar was working.

29. The investigator obtained the business card for Dr. Rakhshanfar at the reception desk of Altima Dental. The business card has the name “Dr. Sahar”.

30. If Dr. Rakhshanfar were to testify, she would state that she had not asked for the business cards in this name, and that she had discovered the business cards at reception the week before the office visit and intended to have them removed and corrected to include her full name. However, Dr. Rakhshanfar acknowledges that she had been reminded to use her full name by the ICRC the prior month, in March 2019, and that she should have been more diligent in ensuring that she was known and referred to as “Dr. Rakhshanfar” in all dealings at all times with patients and colleagues, and that she had failed to do so.

5. Variation of Interim Order and Dr. Rakhshanfar’s Compliance with the SCERP

31. In May 2019, Dr. Rakhshanfar successfully completed a College-approved individualized prosthodontics course with Dr. Peter McDermott, which included oral and written testing components, which satisfied the prosthodontic course requirement in the SCERP.

32. Dr. Rakhshanfar also retained a College-approved mentor, Dr. Leslie Laing-Gibbard.

33. Under the SCERP, all of Dr. Rakhshanfar's diagnosis and treatment plans involving prosthodontics require Dr. Laing-

Gibbard's review and approval prior to Dr. Rakhshanfar initiating any prosthodontic work.

34. On June 20, 2019, the ICRC varied the Interim Order to permit Dr. Rakhshanfar to perform prosthodontic treatment only under the direct supervision of a mentor.

35. On January 24, 2020, the ICRC referred specified allegations to the Discipline Committee, those being the allegations set out in the Notice of Hearing.

6. Dr. Rakhshanfar's Admissions

Allegation 1

36. Dr. Rakhshanfar admits that she failed to abide by the Undertaking in respect of the seven patients set out in the particulars of Allegation 1 of the Notice of Hearing and thus engaged in allegations set out in Allegation 1 contrary to paragraph 54 of Section 2 of the Dentistry Act Regulation.

Allegation 2

37. Dr. Rakhshanfar admits that she used a name other than the name set out in the College's register when she was identified in business cards at Altima Dental as "Dr. Sahar" on April 8, 2019, contrary to paragraph 40 of Section 2 of the Dentistry Act Regulation, as set out in Allegation 2 of the Notice of Hearing. She also admits that the failure to identify herself by her full name on the business cards would reduce the ability of members of the public from finding her on the College's register and informing themselves of the practice restrictions set out in the SCERP and Undertaking, although this was not her intent.

Allegation 3

38. Dr. Rakhshanfar 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 when she performed or billed/claimed for prosthodontic treatment for seven patients prior to completing the prosthodontic

course requirement and mentoring requirement of the SCERP, contrary to paragraph 59 of Section 2 of the Dentistry Act Regulation, as set out in Allegation 3 of the Notice of Hearing.

General

39. The College and Dr. Rakhshanfar attended a pre-hearing conference and the presider recommended the proposed resolution of this matter as fair and reasonable and in the public interest.

40. Dr. Rakhshanfar has received independent legal advice with respect to her admissions and the consequences of those admissions, and has reviewed a written plea inquiry with her counsel and executed it.

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

42. Dr. Rakhshanfar's admissions in this agreement and her plea to the allegations in the Notice of Hearing are voluntary, informed and unequivocal.

DECISION

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

REASONS FOR DECISION

The Member admitted to the allegations set out in the Notice of Hearing and she accepted the facts presented in the Agreed Statement of Facts.

Dr. Rakhshanfar admitted that:

- she failed to abide by a written Undertaking that she had given to the College not to provide any fixed prosthodontic treatment in the province of Ontario until the College was satisfied that she had

taken and successfully completed an approved program meeting the requirements of the SCERP,

- in the year 2019, she used a name other than her name as set out in the register or practice name, in the course of providing or offering to provide dental services, and
- 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 and unethical relative to her patients.

The Panel was satisfied that the evidence contained in the Agreed Statement of Facts substantiates each of the allegations on a balance of probabilities. Further, the Member's course of conduct as set out in the Agreed Statement of Facts demonstrated the Member's disregard for her patients and the profession as a whole.

PENALTY SUBMISSIONS

The parties presented the Panel with a Joint Submission on Penalty (Exhibit 4), which set out, in paragraph 1, their joint submission that the Panel make an order as follows.

- (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 eight (8) months, to be served consecutively, such suspension to commence within thirty (30) days of this Order becoming final;
- (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 immediately inform the following people about the suspension:
 - a. staff in the offices or practices in which the Member works, including other regulated professionals and administrative staff;
 - b. dentists with whom the Member works, whether the Member is a principal in the practice or otherwise associated with the practice
 - c. dentists or other individuals who routinely refer patients to the Member;
 - d. faculty members at Faculties of Dentistry, if the Member is affiliated with the Faculty in an academic or professional capacity;
 - e. owners of a practice or office in which the Member works; and
 - f. patients who ask to book an appointment during the suspension, or whose previously booked appointment has been rescheduled due to the suspension. The Member may assign administrative staff to inform patients about the suspension. All communications with patients must be truthful and honest;

- (ii) while suspended, the Member must not engage in the practice of dentistry, including but not limited to:
 - a. acting in any manner that suggests the Member is entitled to practice dentistry. This includes communicating diagnoses or offering clinical advice in social settings. The Member must ensure that administrative or office staff do not suggest to patients in any way that the Member is entitled to engage in the practice of dentistry;
 - b. giving orders or standing orders to dental hygienists;
 - c. supervising work performed by others;

- d. working in the capacity of a dental assistant or performing laboratory work; or
 - e. acting as a clinical instructor;
- (iii) while suspended, the Member must not be present in offices or practices where the Member works when patients are present, except for emergencies that do not involve patients. The Member must immediately advise the Registrar in writing about any such emergencies;
- (iv) while suspended, the Member must not benefit or profit, directly or indirectly from the practice of dentistry.
- a. The Member may arrange for another dentist to take over their practice during the suspension period. If another dentist assumes the practice, all of the billings of the practice during the suspension period belong to that dentist. The Member may be reimbursed for actual out-of-pocket expenses incurred in respect of the practice during the suspension period.
 - b. The Member is permitted to sign and/or submit insurance claims for work that was completed prior to the suspension.
 - c. The Member must not sign insurance claims for work that has been completed by others during the suspension period;
- (v) the Member shall cooperate with any office monitoring which the Registrar feels is needed to ensure that the Member has complied with the Suspension Conditions. The Member must provide the College with access to any records associated with the practice that the College may require to verify that the Member has not engaged in the practice of dentistry or profited during the suspension; and
- (vi) the Suspension Conditions imposed by virtue of subparagraphs 1(c)(i)-(v) above shall be removed at

the end of the period that 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, a one-on-one course in ethics, to be successfully completed within six (6) months of this Order becoming final;
 - (ii) within thirty (30) days of the Member's return to practice following suspension, requiring the Member to retain a mentor, being a senior member of the College, approved by the College (the "Mentor"), at her own cost, to provide Mentoring on prosthodontics, specifically bridges, which includes the following Mentoring Requirements:
 - a. the Member and the Mentor will meet at least once every two (2) months for a Mentoring Session, the first of which will commence after the Member's return to practice. During the Mentoring Session, the Member will present and the Mentor will review, assess and approve the adequacy of the Member's prosthodontics, specifically bridges, prior to the Member initiating prosthodontics treatment, and discuss the treatment after it occurs. The Member will not engage in any prosthodontics treatment except and unless the Mentor has reviewed and approved the treatment in advance;
 - b. the Member will abide by and follow all of the recommendations of her Mentor;
 - c. the Member will ensure that the Mentor files with the Inquiries Complaints and Reports Committee of the College a report within thirty (30) days of each Mentoring Session, which shall include the date(s) and length of the Mentoring Session, the cases reviewed, the recommendations made to the

Member pre-treatment, assessment of the Member's treatment post-treatment, and comments regarding the Member's progress, cooperation, ability to meet standards of practice, and concerns, if any; and

- d. the Mentoring shall last until such time as the Inquiries Complaints and Reports Committee is satisfied that concerns about the Member's prosthodontic work have been addressed and the Committee relieves the Member in writing of the Mentoring Requirements.
- (iii) 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 finalization of this Order and ending forty-eight (48) months from the College receiving confirmation of the Member's successful completion of the mentorship referred to above, or until the Inquiries, Complaints and Reports Committee is satisfied that the Member has successfully completed the monitoring program, whichever date is later;
 - (iv) that the Member shall cooperate with the College during the office visit(s) and further, shall pay to the College in respect of the costs of monitoring, the amount of \$1,000.00 per office visit, to a maximum of \$4,000 regardless of the number of visits conducted, such amount to be paid immediately after completion of each of the office visit(s);
 - (v) that the representative or representatives of the College shall report the results of those 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;

- (vi) the Practice Condition imposed by virtue of subparagraph (1)(d)(i) 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 course described in subparagraph (1)(d)(i) above has been completed successfully;
 - (vii) the Practice Conditions imposed by virtue of subparagraphs (1)(d)(ii)(a)-(d) 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 subparagraphs (1)(d)(ii)(a)-(d) above have been completed successfully, or upon receipt of written confirmation from the Inquiries, Complaints and Reports Committee that the Member has successfully completed the mentorship program, whichever date is later;
 - (viii) the Practice Condition imposed by virtue of subparagraph (1)(d)(iii)-(v) 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)(iii)-(v) above have 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 \$10,000.00 in respect of this discipline hearing, such costs to be paid in full within six (6) months of this Order becoming final.

PENALTY DECISION

Having considered the submissions of counsel for both parties, the Panel agreed and accepted the Joint Submission on Penalty and ordered that:

1. The Member shall 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.
2. The Registrar is directed to suspend the Member's certificate of registration for a period of eight (8) months, to be served consecutively, such suspension to commence within thirty (30) days of this Order becoming final.
3. 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 paragraph 2 above has been fully served, namely:
 - (i) while the Member's certificate of registration is under suspension, the Member shall immediately inform the following people about the suspension:
 - a. staff in the offices or practices in which the Member works, including other regulated professionals and administrative staff;
 - b. dentists with whom the Member works, whether the Member is a principal in the practice or otherwise associated with the practice
 - c. dentists or other individuals who routinely refer patients to the Member;
 - d. faculty members at Faculties of Dentistry, if the Member is affiliated with the Faculty in an academic or professional capacity;
 - e. owners of a practice or office in which the Member works; and
 - f. patients who ask to book an appointment during the suspension, or whose previously booked appointment has been rescheduled due to the suspension. The Member may

assign administrative staff to inform patients about the suspension. All communications with patients must be truthful and honest;

- (ii) while suspended, the Member must not engage in the practice of dentistry, including but not limited to:
 - a. acting in any manner that suggests the Member is entitled to practice dentistry. This includes communicating diagnoses or offering clinical advice in social settings. The Member must ensure that administrative or office staff do not suggest to patients in any way that the Member is entitled to engage in the practice of dentistry;
 - b. giving orders or standing orders to dental hygienists;
 - c. supervising work performed by others;
 - d. working in the capacity of a dental assistant or performing laboratory work; or
 - e. acting as a clinical instructor;
- (iii) while suspended, the Member must not be present in offices or practices where the Member works when patients are present, except for emergencies that do not involve patients. The Member must immediately advise the Registrar in writing about any such emergencies;
- (iv) while suspended, the Member must not benefit or profit, directly or indirectly from the practice of dentistry.
 - a. The Member may arrange for another dentist to take over their practice during the suspension period. If another dentist assumes the practice, all of the billings of the practice during the suspension period belong to that dentist. The Member may be reimbursed for actual out-of-pocket expenses incurred in respect of the practice during the suspension period.
 - b. The Member is permitted to sign and/or submit insurance claims for work that was completed prior to the suspension.

- c. The Member must not sign insurance claims for work that has been completed by others during the suspension period;
 - (v) the Member shall cooperate with any office monitoring which the Registrar feels is needed to ensure that the Member has complied with the Suspension Conditions. The Member must provide the College with access to any records associated with the practice that the College may require to verify that the Member has not engaged in the practice of dentistry or profited during the suspension; and
 - (vi) the Suspension Conditions imposed by virtue of subparagraphs 3(i)-(v) above shall be removed at the end of the period that the Member's certificate of registration is suspended.
- 4. The Registrar is directed to also impose the following additional terms, conditions and limitations on the Member's Certificate of Registration (the "Practice Conditions"), namely:
 - (i) the Member shall successfully complete, at her own expense, a one-on-one course in ethics, to be successfully completed within six (6) months of this Order becoming final;
 - (ii) within thirty (30) days of the Member's return to practice following suspension, the Member shall retain a mentor, being a senior member of the College, approved by the College (the "Mentor"), at her own cost, to provide Mentoring on prosthodontics, specifically bridges, which includes the following Mentoring Requirements:
 - a. the Member and the Mentor will meet at least once every two (2) months for a Mentoring Session, the first of which will commence after the Member's return to practice. During the Mentoring Session, the Member will present and the Mentor will review, assess and approve the adequacy of the Member's prosthodontics, specifically bridges, prior to the Member initiating prosthodontics treatment, and discuss the treatment after it occurs. The Member will not engage in any prosthodontics treatment except and unless the Mentor has reviewed and approved the treatment in advance;

- b. the Member will abide by and follow all of the recommendations of her Mentor;
 - c. the Member will ensure that the Mentor files with the Inquiries Complaints and Reports Committee of the College a report within thirty (30) days of each Mentoring Session, which shall include the date(s) and length of the Mentoring Session, the cases reviewed, the recommendations made to the Member pre-treatment, assessment of the Member's treatment post-treatment, and comments regarding the Member's progress, cooperation, ability to meet standards of practice, and concerns, if any; and
 - d. the Mentoring shall last until such time as the Inquiries Complaints and Reports Committee is satisfied that concerns about the Member's prosthodontic work have been addressed and the Committee relieves the Member in writing of the Mentoring Requirements.
- (iii) 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 finalization of this Order and ending forty-eight (48) months from the College receiving confirmation of the Member's successful completion of the mentorship referred to above, or until the Inquiries, Complaints and Reports Committee is satisfied that the Member has successfully completed the monitoring program, whichever date is later;
- (iv) that the Member shall cooperate with the College during the office visit(s) and further, shall pay to the College in respect of the costs of monitoring, the amount of \$1,000.00 per office visit, to a maximum of \$4,000 regardless of the number of visits conducted, such amount to be paid immediately after completion of each of the office visit(s);
- (v) the representative or representatives of the College shall report the results of those 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;

- (vi) the Practice Condition imposed by virtue of subparagraph 4(i) 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 course described in subparagraph 4(i) above has been completed successfully;
- (vii) the Practice Conditions imposed by virtue of subparagraphs 4(ii)(a)-(d) 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 subparagraphs 4(ii)(a)-(d) above have been completed successfully, or upon receipt of written confirmation from the Inquiries, Complaints and Reports Committee that the Member has successfully completed the mentorship program, whichever date is later;
- (viii) the Practice Condition imposed by virtue of subparagraph 4(iii)-(v) 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 4(iii)-(v) above have 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.

5. The Member shall pay costs to the College in the amount of \$10,000.00 in respect of this discipline hearing, such costs to be paid in full within six (6) months of this Order becoming final.

Pursuant to the *Regulated Health Professions Act, 1991*, the results of these proceedings must be recorded on the Register of the College and publication of the Decision of the panel will therefore occur with the name and address of the Member included.

REASONS FOR PENALTY DECISION

The Panel considered the Joint Submission on Penalty and Costs and concluded that the proposed penalty was appropriate in all the circumstances of this case.

The Panel is aware that joint submissions should be accepted unless they fall so far outside the range of an appropriate sanction that they would bring the administration of justice at the College into disrepute or would otherwise be contrary to the public interest. The Panel concluded that the jointly proposed penalty was appropriate in all circumstances of this case. It therefore accepted the Joint Submission and made an order in accordance with its terms.

The Panel was satisfied that an eight (8) month suspension, a reprimand and the publication of the results of these proceedings on the College register will provide adequate specific and general deterrence. Those terms can be expected to deter the Member from engaging in similar misconduct again and they send a clear message to the other members of the profession that the College will not tolerate professional misconduct of this nature.

The terms, conditions and limitations imposed on the Member's certificate of registration will serve to protect the public by helping the Member remediate her practice. Dr. Rakhshanfar is required to take a one on one course in ethics, which will help her gain insight and improve her practice in the future. Public protection will also be afforded by the requirement that the Member undergo a mentoring program in prosthodontics which will be completed only when the concerns of the ICRC have been met. A 48-month period of practice monitoring by the College will also facilitate public protection and assist with remediation. The Member will pay the cost of these measures.

The Panel considered the seriousness of the misconduct as an aggravating factor. Dr. Rakhshanfar did not fulfill her professional obligations, which are critical for the College to meet its mandate of public protection. She failed to meet public expectation by not abiding by a SCERP and an Undertaking that she previously had given to with the College. She identified herself on business cards by a name not registered with the College. Doing so created a situation where patients would be prevented from finding her on the College register.

Dr. Rakhshanfar accepts responsibility and admits to her misconduct as outlined in the Agreed Statement of Facts. She agreed to an uncontested hearing which saved time, costs and prevented having to call witnesses. These are important mitigating factors.

THE REPRIMAND

At the conclusion of the discipline hearing, the panel delivered the reprimand to the Member. A copy of the reprimand is attached as Appendix "A" to these Reasons.

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



Richard Hunter

June 17, 2020

Date

Appendix "A"

RCDSO v. Dr. Sahar Rakhshanfar

Dr. Rakhshanfar, 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 abide by the requirements of the SCERP and the undertaking you gave to the College, and using a name other than your name listed in the College register, which would have prevented patients from obtaining information about your professional status with the College from the College register. 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 occurred in the context of a lengthy history with the ICRC, involving prior cautions and directions from the ICRC.

The panel expects that through successful completion of the remediation measures imposed through the panel's order, you will re-establish a strong professional standing as a member of the College.

Thank you for attending today. We are adjourned.

