

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. WALTER PERACCHIA**, of the City of St. Catharines, 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.

NOTICE OF PUBLICATION BAN

This is formal notice that on October 28, 2021, the panel of the Discipline Committee of the Royal College of Dental Surgeons of Ontario made an Order directing that no person shall publish or broadcast the identity of any patients of the Member, 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.

This Order is made pursuant to subsection 45(3) of the *Code*.

Subsection 93(1) of the *Code* reads:

93(1) Every person who contravenes an order made under subsection 7(3) or Section 45 or 47, or who contravenes subsection 76(3), 82(2) or (3), 85.2(1), 85.5(1) or (2) or 85.14(2) or Section 92.1 is guilty of an offence and on conviction is liable,

- (a) in the case of an individual to a fine of not more than \$25,000 for a first offence and not more than \$50,000 for a second or subsequent offence; or

(b) in the case of a corporation to a fine of not more than \$50,000 for a first offence and not more than \$200,000 for a second or subsequent offence.



Dr. Richard Hunter, Chair
Discipline Panel

October 28, 2021

Date

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. WALTER PERACCHIA**, of the City of St. Catharines, 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.

Members in Attendance: Dr. Richard Hunter, Chair
 Dr. Osama Soliman
 Mr. Marc Trudell

BETWEEN:

ROYAL COLLEGE OF DENTAL SURGEONS OF ONTARIO	)	Appearances:
)	
	)	Ms. Luisa Ritacca
	)	Independent Counsel for the
	)	Discipline Committee of the Royal
	)	College of Dental Surgeons of Ontario
- and -)	
	)	Emily Lawrence and Dr. Helene
	)	Goldberg For the Royal College of
	)	Dental Sugeons of Ontario
DR. WALTER PERACCHIA)	
	)	Neil Abramson for the
	)	Member

Hearing held by way of videoconference

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 October 28, 2021. This matter was heard by way of videoconference.

At the outset of the hearing, the College sought an order banning the publication of the names or any identifying information of patients mentioned during the proceedings. 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 (Exhibit 1), dated June 15, 2020.

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 2013, 2014, 2015, 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 following patients, contrary to paragraph 28 of Section 2 of Ontario Regulation 853, Regulations of Ontario, 1993, as amended.

<u>Patient</u>	<u>Year(s)</u>
M. A	2013, 2014, 2015
S. A ¹	2014, 2015
A. A	2013, 2015
K. A	2014
S. A ²	2013
J. A	2015
L. A	2013, 2014, 2015
S. B	2013, 2014

A. B	2013, 2014, 2015
T. C	2014, 2015
P. C	2014, 2015
D. C ¹	2013, 2014, 2015, 2017
B. C	2015
C. C	2015, 2017
S. C	2013, 2014, 2015, 2017
D. C ²	2014, 2015
D. D	2013, 2014, 2015
T. D	2013, 2014, 2015
A. F	2015
S. F	2013, 2014, 2015
D. G	2014, 2015, 2017
W. G	2013, 2014, 2015
J. H	2013, 2014
C. H	2013, 2014, 2015
B. H	2014
M. J	2013, 2014, 2015
D. J	2014, 2015
M. K ¹	2014, 2015
M. K ²	2013, 2014, 2015
D. K	2013, 2014, 2015
C. L	2013
R. L	2013, 2014, 2015
J. L	2013, 2014
V. L	2014
A. L	2014, 2015, 2017
T. L	2013, 2014, 2015
J. M	2015
S. M	2013, 2014, 2015
D. M	2013, 2014, 2015
R. N	2013, 2014, 2015
E. O	2013, 2014, 2017
P. O	2015
A. O	2013, 2014, 2015
S. P	2015
D. R	2013, 2015
S. S	2017
J. S	2014, 2015
G. T	2013, 2014, 2015, 2017
J. T	2015
C. V	2013, 2014, 2015

Particulars

- For the period of July 1, 2013 to June 30, 2015:
 - 259 claims for an emergency examination (code 01205) were not justified.
 - 392 claims for management of oral manifestations of systemic disease or complications of medical therapy (code 41233) were not justified.
 - 56 claims for periodontal surgery, miscellaneous procedures (code 42831/2) were not justified.
 - 75 claims for chemotherapeutic and/or antimicrobial agents, topical application (code 43511) were not justified.

- For the period of January 2, 2017 to April 3, 2017:
 - In three cases, no notes were found indicating that a claim for emergency examination was appropriate (i.e., no infection or discomfort noted), or performed (i.e., no findings/diagnoses noted) (S. S – Feb 23/17), and in two of these cases, the pathology and/or treatment plan for the teeth treated was/were noted at a previous appointment when a recall examination had been claimed (A. L – Feb 2/17 and E. O – Mar 23/17).
 - In five cases, no notes were found indicating that a claim for emergency examination was appropriate (i.e., no infection or discomfort noted), (D. G – Mar 7/17; A. L – Feb 27/17; G. T – Mar 28/17), and in two of these cases, “no pain” is documented (S. C – Jan 30/17; A. O – Jan 18/17).
 - In two claims involving two patients for code 42831, no diagnosis of a periodontal abscess or pericoronitis was noted/found and no procedure that would have taken 1 unit of time and that may have been related to code 42831 was noted/found (C. C – Mar 22/17 and S. S – Feb 23/17).
 - In one claim for code 43511, the records indicate the patient was given a pre-procedural rinse of Listerine during the hygiene appointment, but the use of a chemotherapeutic agent in conjunction with the hygiene treatment performed at the appointment is considered included in the dental procedure (i.e. not billable as a separate code/fee), as indicated in the fee guides from 2015 onward (D. C¹ – Feb 1/17).

- 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 following years, 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 patients, contrary to paragraph 33 of Section 2 of Ontario Regulation 853, Regulations of Ontario, 1993, as amended.

<u>Patient</u>	<u>Year(s)</u>
M. A	2013, 2014, 2015
S. A ¹	2014, 2015
A. A	2013, 2015
K. A	2014
S. A ²	2013
J. A	2015
L. A	2013, 2014, 2015
S. B	2013, 2014
A. B	2013, 2014, 2015
T. C	2014, 2015
P. C	2014, 2015
D. C ¹	2013, 2014, 2015, 2017
B. C	2015
C. C	2015, 2017
S. C	2013, 2014, 2015, 2017
D. C ²	2014, 2015
D. D	2013, 2014, 2015
T. D	2013, 2014, 2015
A. F	2015
S. F	2013, 2014, 2015
D. G	2014, 2015, 2017
W. G	2013, 2014, 2015
J. H	2013, 2014
C. H	2013, 2014, 2015
B. H	2014
M. J	2013, 2014, 2015
D. J	2014, 2015
M. K ¹	2014, 2015
M. K ²	2013, 2014, 2015
D. K	2013, 2014, 2015
C. L	2013
R. L	2013, 2014, 2015
J. L	2013, 2014
V. L	2014
A. L	2014, 2015, 2017

T. L	2013, 2014, 2015
J. M	2015
S. M	2013, 2014, 2015
D. M	2013, 2014, 2015
R. N	2013, 2014, 2015
E. O	2013, 2014, 2017
P. O	2015
A. O	2013, 2014, 2015
S. P	2015
D. R	2013, 2015
S. S	2017
J. S	2014, 2015
G. T	2013, 2014, 2015, 2017
J. T	2015
C. V	2013, 2014, 2015

Particulars

- For the period of July 1, 2013 to June 30, 2015:
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 - 75 claims for chemotherapeutic and/or antimicrobial agents, topical application (code 43511) were not justified.

- For the period of January 2, 2017 to April 3, 2017:
 - In three cases, no notes were found indicating that a claim for emergency examination was appropriate (i.e., no infection or discomfort noted), or performed (i.e., no findings/diagnoses noted) (S. S – Feb 23/17), and in two of these cases, the pathology and/or treatment plan for the teeth treated was/were noted at a previous appointment when a recall examination had been claimed (A. L – Feb 2/17 and E. O – Mar 23/17).
 - In five cases, no notes were found indicating that a claim for emergency examination was appropriate (i.e., no infection or discomfort noted), (D. G – Mar 7/17; A. L – Feb 27/17; G. T – Mar 28/17), and in two of these cases, “no pain” is documented (S. C – Jan 30/17; A. O – Jan 18/17).

- In two claims involving two patients for code 42831, no diagnosis of a periodontal abscess or pericoronitis was noted/found and no procedure that would have taken 1 unit of time and that may have been related to code 42831 was noted/found (C. C – Mar 22/17 and S. S – Feb 23/17).
- In one claim for code 43511, the records indicate the patient was given a pre-procedural rinse of Listerine during the hygiene appointment, but the use of a chemotherapeutic agent in conjunction with the hygiene treatment performed at the appointment is considered included in the dental procedure (i.e. not billable as a separate code/fee), as indicated in the fee guides from 2015 onward (D. C – Feb 1/17).

THE MEMBER'S PLEA

The Member pleaded guilty to the allegations set out in the Notice of Hearing. The Panel confirmed with the Member that he had executed a written plea inquiry prior to the hearing and that he understood the contents of the document.

In the circumstances, the Panel was satisfied that the Member's plea was 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. The Agreed Statement of Facts provides as follows:

Background

1. Dr. Walter Peracchia completed his dental education at the University of Toronto in 1990.
2. Dr. Peracchia was registered with the College as a general dentist on May 29, 1990. Dr. Peracchia operates Peracchia Dentistry at 427 Niagara Street in St. Catharines, Ontario.

Events Giving Rise to Allegations

3. On November 9, 2016, Accerta, the administrator of a public dental benefits plan, submitted a complaint to the College regarding Dr. Peracchia's billing practices. Accerta asserted that Dr. Peracchia's

billing practices relating to four billing codes were suspicious. Accerta's internal investigation had concluded that Dr. Perrachia used these billing codes at rates significantly higher than average practitioners in Ontario. For example, Dr. Peracchia accounted for 87.22% of all billings submitted to Accerta using the Periodontal Services (management of oral manifestations of systemic disease or complications of medical therapy) billing code (Code 41231/2/3) in the province of Ontario, billing this service 2650 times, whereas the average practitioner in Ontario performed the same service 6.36 times during the same time period; and Dr. Peracchia performed 1988 emergency examinations on 571 patients (Emergency Examination (Code 01205)). This would result in 4 emergency exams per working day, which was 95 times more emergency examinations than the average practitioner in the province.

4. Accerta had estimated that Dr. Peracchia had wrongly billed Accerta approximately \$295,870.90 using procedure codes 41231, 41232 and 41233 alone.
5. Dr. Peracchia had made reparations to Accerta in the amount of \$104,355.00 in June 2016.
6. The College reviewed 51 patient records in the time period from July 1, 2013 to June 30, 2015 and in the time period from January 2, 2017 to April 3, 2017, with respect to billing and recordkeeping involving certain procedure codes. All but one of the patients received government-funded dental benefits.
7. Dr. Peracchia admits and acknowledges that between from July 1, 2013 to June 30, 2015, and in respect of the 51 patients listed in the Notice of Hearing:
 - a. He made 259 claims for 45 patients using the Emergency Examination (Code 01205) which were not justified because:
 - i. in 28 of the 259 claims, the patient did not attend an appointment for an exam and diagnosis, for example because the patient was walking in, picking up, or calling about a prescription; and

- ii. in 231 of the 259 claims, his chart notations did not suggest an emergency situation and/or did not indicate an emergency examination was performed).
- b. He made 392 claims for 45 patients using the Periodontal Services (management of oral manifestations of systemic disease or complications of medical therapy) (Code 41233, representing three units of time), which were not justified because:
 - i. in 5 of the 392 claims, no chart entry was found;
 - ii. in 22 out of the 392 claims, the patient did not attend for an appointment. Rather, a telephone call was made for a prescription; and
 - iii. in 365 out of the 392 claims, no procedures were noted or found that may relate to code 41233, or no procedure was noted that would have involved three units of time.
- c. He made 56 claims for 42 patients using the Periodontal Surgery (periodontal abscess or pericoronitis) (Code 42831/2), which were not justified because:
 - i. in one of the 56 claims, the patient did not attend for an appointment, but rather her husband called in for a prescription;
 - ii. in 14 of the 56 claims for Code 42832 (two units of time), although antibiotics were prescribed or the patient was advised to continue antibiotics, no diagnosis of periodontal abscess or pericoronitis was documented and no procedure that would have taken two units of time was recorded; and
 - iii. in 41 of the 56 claims for Code 42832 (two units of time), no antibiotics were prescribed and no diagnosis of periodontal abscess or pericoronitis was documented and no procedure that would have taken two units of time was recorded.

- d. He made 75 claims for 39 patients using the Chemotherapeutic and/or Antimicrobial Agents (Code 43511), which were not justified because:
 - i. in three of the 75 unjustified claims there was no notation by the hygienist relating to a chemotherapeutic agent or a pre-procedural rinse;and
 - ii. in 72 of the 75 claims, the hygienists noted providing a pre-procedural rinse was given to the patients; however the rinses were provided in conjunction with a surgical or operative dental procedure and cannot be separately billed.
8. Dr. Peracchia made all of the above claims before Accerta advised him in July 2015 of their position that his billing practices were not justified and before he made reparations to Accerta.
9. If he were to testify, Dr. Peracchia would state that until July 2015, he was under the impression that the codes used were sufficient for the treatment rendered, and that he repaid Accerta in June 2016, and stopped using the codes.
10. Between from January 2, 2017 to April 3, 2017, Dr. Peracchia did not use the billing codes noted above for 41 of the 51 patients the College audited.
11. Between from January 2, 2017 to April 3, 2017, Dr. Peracchia admits and acknowledges that he made 15 unjustified claims involving 10 patients:
 - a. 8 claims for code 01205 (Emergency Examination) where Dr. Peracchia's notes did not indicate that an emergency examination was performed and/or did not indicate that there was any emergency that required examination;
 - b. 2 claims for code 42831 (one unit of time related to periodontal abscess or pericoronitis) in which no diagnosis of a periodontal abscess or pericoronitis was noted or found, and no procedure that would have required one unit of time and that may have related to this code was noted or found;and

- c. one claim for code 43511 (chemotherapeutic and/or antimicrobial agents), where the pre-procedural rinse of Listerine was performed in conjunction with the hygiene treatment and is considered included in the dental procedure (i.e., not billable as a separate code).
12. Dr. Peracchia admits and acknowledges that he submitted accounts for the patients listed in the Notice of Hearing in the years listed in the Notice of Hearing that he knew or ought to have known were false and misleading, and that he issued accounts that he knew or ought to have known contained false, misleading and improper statements.
13. If Dr. Peracchia were to testify, he would state that he had an untreated substance use disorder when he committed the above acts and that his judgment was, as a result, impaired. If he were to testify, he would state that he is now receiving treatment for his substance use disorder. He admits and acknowledges that despite his substance use disorder, he was obliged to ensure that his billing were accurate, which he failed to do.
14. Dr. Peracchia admits that he committed acts of professional misconduct contrary to paragraph 28 of Section 2 of the Dentistry Act Regulation, as set out in Allegation 1 of the Notice of Hearing, and section 33 of Section 2 of the Dentistry Act Regulation as set out in Allegation 2 of the Notice of Hearing.

General

15. Dr. Peracchia admits that the acts described above constitute professional misconduct and he now accepts responsibility for his actions and the resulting consequences.
16. Dr. Perrachia has no discipline history before this Committee.
17. Dr. Peracchia has had the opportunity to obtain independent legal advice with respect to his admissions.

DECISION

Having considered the facts set out in Exhibit 3 and the Member's admissions of misconduct, the Panel finds that the Member engaged in professional misconduct as alleged in the Notice of Hearing filed as Exhibit 1.

REASONS for DECISION

The Panel recognized that the College bears the onus of proving the allegations against the Member on the balance of probabilities, using clear, cogent and convincing evidence.

Here, the Member pleaded guilty to the two allegations set out in the Notice of Hearing. Further, together with the College, he submitted facts contained in the Agreed Statement of Facts, which clearly demonstrated misconduct.

In particular, the Member admitted to having engaged in misconduct involving the falsification of reports and billing records in connection with several patients. Dr. Peracchia admitted to:

- Signing or issuing a document that he knew or ought to have known contained a false, misleading or improper statement; and
- Submitting an account or charge for dental services that he knew or ought to have known was false or misleading.

This conduct is in clear violation of Ontario Regulation 853, the College's Professional Misconduct Regulation. Health professionals have an obligation to ensure that the records they generate accurately reflect the services they have provided for each patient. The Member failed to meet this obligation.

In the Agreed Statement of Facts, the Member indicated that if he were to have testified before this Panel he would have stated that at the time of his misconduct he was suffering from a substance use disorder. However, he also fully acknowledged that the conduct amounted to misconduct and for which he took full responsibility.

PENALTY SUBMISSIONS

The parties presented the Panel with a Joint Submission on Penalty and Costs (Exhibit 4), which proposed the following sanctions:

1. The Royal College of Dental Surgeons of Ontario ("College") and Dr. Walter Peracchia (the "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 four (4) months, to be served consecutively, to commence on or before November 28, 2021;
- 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 his 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 the connection, the Member shall provide access to any records associated with the 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 his own expense, a course in dental practice billing, including the use of billing codes, approved by the College, and provide proof of successful completion in writing to the Registrar within twelve (12) months of this Order becoming final;
 - ii. 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 this Order and ending twenty-four (24) months from the College receiving proof of the Member's successful completion of the course(s) referred to above;
 - iii. 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, such amount to be paid immediately after completion of each of the office visit(s);

- iv. 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;
 - v. the Practice Conditions 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 courses described in subparagraph (1)(d)(i) above have been completed successfully;
 - vi. the Practice Condition imposed by virtue of subparagraph (1)(d)(ii) 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)(i) 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. 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 90 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.

PENALTY DECISION

The Panel accepts the Joint Submission on Penalty and Costs and orders that:

- a. the Member 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. that the Registrar is directed to suspend the Member's certificate of registration for a period of four (4) months, to be served consecutively, to commence on or before November 28, 2021;
- c. that 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 his 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 the connection, the Member shall provide access to any records associated with the 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 his own expense, a course in dental practice billing, including the use of billing codes, approved by the College, and provide proof of successful completion in writing to the Registrar within twelve (12) months of this Order becoming final;
 - ii. 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 this Order and ending twenty-four (24) months from the College receiving proof of the Member's successful completion of the course(s) referred to above;
 - iii. 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, such amount to be paid immediately after completion of each of the office visit(s);
 - iv. 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;
 - v. the Practice Conditions 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 courses described in subparagraph (1)(d)(i) above have been completed successfully;

- vi. the Practice Condition imposed by virtue of subparagraph (1)(d)(ii) 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)(i) 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. 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 90 days of this Order becoming final.

REASONS FOR PENALTY and COSTS DECISION

The Panel considered the Joint Submission on Penalty and Costs and concluded that the proposed penalty and costs are appropriate in all the circumstances of this case. It therefore accepted the Joint Submission and ordered that its terms be implemented.

The Panel's primary concern when considering the adequacy of a penalty decision is public protection. The Panel was satisfied that public protection is met through the terms of the Joint Submission on Penalty and Costs as filed.

The Panel was satisfied that a four (4) month suspension, a reprimand and the recording of the results of these proceedings on the College register will act to deter the Member from behaving in this manner again. These elements of the penalty will also send a clear message to the members of the profession that professional misconduct of this nature will not be tolerated by the College.

The additional terms, conditions and limitations, including course work and monitoring further ensure public protection. Dr. Peracchia is required to complete at his own expense, a course in dental practice billing, including the use of billing codes, approved by the College, and provide proof of successful completion in writing to the Registrar within twelve (12) months of this Order

becoming final. In addition, the Member's practice shall be monitored by the College for a period of 24 months at his expense. These terms and conditions help to minimize the chance of the Member ever engaging in the misconduct found here again.

The Panel considered the seriousness of the misconduct, the length of time that the misconduct was perpetrated and the number of cases that contained billing irregularities as aggravating factors.

The Member co-operated with the College and pleaded guilty to the misconduct. By doing so, he avoided a potentially costly and time-consuming hearing. Dr. Peracchia has never appeared before a Discipline Panel before and refunded the insurance company the money in dispute. The Panel considered these mitigating factors in reviewing the proposed penalty as well.

Finally, the Panel received information in the Agreed Statement of Facts that had the Member testified, he would have told the Panel that at the time he engaged in the misconduct in this case, he was suffering from a substance use disorder. Through submissions, counsel advised that the Member was addressing this health issue so that he would not find himself in the position he was in at the time of the misconduct. The Panel considered this information and was satisfied that that penalty proposed was appropriate and reasonable in the circumstances.

The Panel determined that costs in the amount of \$5000.00 was appropriate in this case and ordered it to be paid within 90 days of this Order becoming final.

At the conclusion of the hearing, the Member confirmed that he waived his right to appeal and so the Panel delivered its reprimand, a copy of which is found at Appendix A of these reasons for decision.

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



Dr. Richard Hunter

November 9, 2021

Date

Dr. Osama Soliman
Mr. Marc Trudell

Appendix A
RCDSO re: Dr. Walter Peracchia

Dr. Peracchia, 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 included submitting accounts for patients which you knew or ought to have known were false and misleading, and that you made unjustified or improperly documented claims for a number of your patients.

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 deceiving third party payors by submitting false or misleading information for your own financial gain. You admitted to engaging in this conduct over a 4-year period. Irregularities were found in the 51 patient files reviewed. And in several instances, the billing codes were inconsistent with the treatment rendered, if any at all.

We understand that if you were to have testified before us, you would have advised that you had an untreated substance use disorder when you committed the acts of misconduct and that your judgment was, as a result, impaired. Further, we understand that if you were to have testified, you would have stated that you are now receiving treatment for your substance use disorder. We trust that you

will continue on the road to recovery and professionally serve the people of Ontario once you have served your full penalty.