

**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. SALEH AL-BARGASH**, of the City of Scarborough, 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. Ian Brockhouse  
  Mr. Marc Trudell

**BETWEEN:**

**ROYAL COLLEGE OF DENTAL  
SURGEONS OF ONTARIO**

) Appearances:  
)  
) Luisa Ritacca  
) Independent Counsel for the  
) Discipline Committee of the Royal  
) College of Dental Surgeons of Ontario  
)  
) Emily Lawrence  
) For the Royal College of Dental  
) Surgeons of Ontario

- and -

**DR. SALEH AL-BARGASH** ) No one appearing for the Member  
 )  
 Also appearing: Ms. Naziha  
 Mahmoud, interpreter

Hearing held by way of teleconference

### **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 January 6, 2021. This matter was heard electronically.

### **THE ALLEGATIONS**

The allegations against the Member were contained in the Notice of Hearing, dated September 2, 2020 (Exhibit 1):

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 years 2019 and 2020, 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, contrary to paragraph 59 of Section 2 of Ontario Regulation 853, Regulations of Ontario, 1993, as amended.

#### **Particulars:**

- You failed to complete a Specified Continuing Education and Remediation Program (SCERP) required by a decision of the Inquiries, Complaints and Reports Committee dated November 7, 2017 (the “Decision”). The SCERP included courses in diagnosis and treatment planning, recordkeeping and informed consent, followed by a 24 month period of practice monitoring. You have not completed those requirements.
  - You appealed the Decision to the Health Professions Appeal and Review Board (HPARB). HPARB confirmed the Decision on November 13, 2018. You were given until May 13, 2019,

to complete the courses specified in the SCERP. You did not complete the courses by that date.

- On May 13, 2019, you informed a College staff member that you would not be taking the remedial courses and would instead be resigning. You did not resign your membership with the College.
- On June 7, 2019, a College staff member sent you an email regarding your breach of the Decision and reminded you of your obligation to complete the SCERP. You were also given an extension to September 1, 2019, to make arrangements for the courses. You did not complete the courses by that date.
- On November 11, 2019, your wife informed the College on your behalf by telephone that you would be resigning your membership.
- To date, you still have not completed the required courses, and nor have you submitted your resignation to the College.
- You are ungovernable in that you have not completed a specified continuing education program required by the ICR Committee, despite the Decision being upheld at HPARB, and despite being granted an extension to complete the SCERP. On several occasions you have expressed an intention to resign your membership with the College rather than complete the SCERP. You have also not resigned.

### **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 Panel confirmed with the Member that he understood his admissions and as such was satisfied that Member's admissions were voluntary, informed and unequivocal.

### **THE EVIDENCE**

On consent of the parties, the College introduced into evidence an Agreed Statement of Facts (Exhibit 2) which substantiated the allegations. The Agreed Statement of Facts provides as follows:

## **Allegations of Professional Misconduct**

### **Background**

1. Dr. Saleh Al-Bargash received his dental education at University of Baghdad, Iraq, in 1971. He has been registered with the College as a general dentist from 1997 until he was administratively suspended for non-payment of fees in February 2020.

### **Events Giving Rise to Allegations**

2. On November 7, 2017, a panel of the Inquiries, Complaints and Reports Committee (“ICRC”) issued a decision, in response to a complaint against Dr. Al-Bargash filed by a patient. The patient complained that Dr. Al-Bargash was “careless” in his treatment, failed to diagnose and treat pain in a tooth and told him to find another dentist to treat him.
3. The ICRC had concerns that Dr. Al-Bargash had treated the patient without a coherent treatment plan, without clearly supportable diagnostic examination and that Dr. Al-Bargash’s clinical records lacked important details.
4. The ICRC directed Dr. Al-Bargash to complete a specified continuing education or remediation program (“SCERP”) that consisted of:
  - a. A course in Diagnosis and Treatment Planning;
  - b. A course in Dental Recordkeeping;
  - c. A course in Informed Consent; and
  - d. Monitoring for 24 months following completion of the above-listed courses.
5. All three courses were to be completed within six months, by May 7, 2018.
6. If Dr. Al-Bargash were to testify, he would state that the patient’s complaint did not have merit and he did not agree with the ICRC’s assessment or its conclusions. Dr. Al-Bargash sought a review of the ICRC’s decision to the Health Professions Appeal and Review Board (“HPARB”). The College did not require the completion of the SCERP pending the decision of HPARB.
7. On November 13, 2018, HPARB confirmed the ICRC’s decision.
8. On November 15, 2018, the College wrote to Dr. Al-Bargash to advise him that he had six months from the date of its letter to complete the courses set out in the SCERP, being May 13, 2019.

9. Dr. Al-Bargash did not complete any component of the SCERP by May 13, 2019.
10. On May 13, 2019, Dr. Al-Bargash advised the College in a telephone call that he intended to resign his membership. However, he took no steps to provide a resignation in writing, which is required to finalize a member's resignation.
11. On June 7, 2019, the College contacted Dr. Al-Bargash by email to confirm that he was still a current member of the College and was in breach of the ICRC's Decision by not completing the SCERP. It provided Dr. Al-Bargash until September 1, 2019 to complete the SCERP, failing which it would seek direction from the ICRC.
12. Dr. Al-Bargash did not respond, resign or complete the SCERP by September 1, 2019.
13. The College commenced an investigation into Dr. Al-Bargash's conduct, specifically his breach of the ICRC's Decision to require the SCERP, in October 2019.
14. In November 2019, Dr. Al-Bargash again advised the College in a telephone call that he intended to resign but took no steps to do so in writing.
15. Dr. Al-Bargash did not pay his registration fees during the 2020 renewal period and was administratively suspended on February 1, 2020. He did not complete the requirements of the SCERP at any time nor provide a response in respect of the College's investigation regarding his failure to complete the SCERP.
16. On August 24, 2020, the ICRC referred allegations of professional misconduct against Dr. Al-Bargash that he had engaged in disgraceful, dishonourable, and unprofessional conduct when he failed to complete the SCERP and was therefore ungovernable.
17. Dr. Al-Bargash has not practised dentistry since February 2019.
18. Dr. Al-Bargash now intends to formally resign in writing.

### **Allegations Relating to Disgraceful, Dishonourable, and Unprofessional Conduct**

19. Dr. Al-Bargash admits and acknowledges he was required to complete the terms of the SCERP by September 1, 2019 at the latest, and that he failed to do so. He also acknowledges that although he expressed his intention to retire and resign his membership with the College, he took no steps to formally resign

from the College or otherwise communicate with the College and that his conduct demonstrates that he was not willing to be governed by the College. He admits and agrees that this conduct would be reasonably regarded by members of the profession as disgraceful, dishonourable, or unprofessional.

20. Therefore, Dr. Al-Bargash admits that he committed acts of professional misconduct contrary to paragraph 59 of Section 2 of the Dentistry Act Regulation, as set out in Allegation 1 of the Notice of Hearing.

### **General**

21. Dr. Al-Bargash admits that the acts described above constitute professional misconduct and he now accepts responsibility for his actions and the resulting consequences.
22. Dr. Al-Bargash has had the opportunity to take independent legal advice with respect to his admissions.

## **DECISION AND REASONS FOR DECISION**

The Panel finds that the Member engaged in professional misconduct as set out in the Notice of Hearing and Agreed Statement of Facts.

The Member pled guilty to the allegation as set out in the Notice of Hearing and did not dispute the facts presented in the Agreed Statement of Facts.

The Panel was satisfied that the facts established that Dr. Al-Bargash failed to follow the ICRC's directive that he should complete a SCERP within six (6) months and submit to office monitoring for twenty-four (24) months. A subsequent appeal to HPARB confirmed the ICRC's decision.

The Panel also considered that the Agreed Statement of Facts substantiated that on multiple occasions the Member advised the College that he intended to resign, but he never did so.

## **PENALTY SUBMISSIONS**

The parties presented the Panel with a Joint Submission on Penalty (Exhibit 3), which provides as follows.

1. The Royal College of Dental Surgeons of Ontario ("College") and Dr. Saleh Al-Bargash ("the Member") jointly submit that, as a result of the panel's finding that the Member is guilty of professional

misconduct and the Member's resignation and his signed Undertaking for permanent resignation (Appendix "A"), this panel of the Discipline Committee impose the following penalty on the Member, 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; and
  - (b) that the Member pay costs to the College in the amount of \$3,000.00 in respect of this discipline hearing, such costs to be paid in full within three (3) months 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 indefinitely and any publication of the Decision of the panel would therefore occur with the name and address of the Member included.
  3. The Member has not previously appeared before the Discipline Committee of the College.

### **PENALTY DECISION**

In light of the Member's signed Undertaking, the Panel agreed and accepted the Joint Submission on Penalty and ordered that:

- (a) The Member is required to appear before the panel of the Discipline Committee to be reprimanded within ninety (90) days of this Order becoming final or on a date fixed by the Registrar; and
- (b) The Member pay costs to the College in the amount of \$3,000.00 in respect of this discipline hearing, such costs to be paid in full within three (3) months of this Order becoming final.

### **REASONS FOR PENALTY DECISION**

The Panel was satisfied that based on the Member's undertaking permanently resigning from the College, the reprimand and the publication of these proceedings on the College Register serve to both protect the public and warn the profession that conduct of this nature will not be tolerated by their regulatory body.

Professional regulation requires compliance and cooperation by all members. Furthermore, professional and ethical standards require members to comply with College Orders. Failure to do so is unprofessional. This conduct is evidence that the member is not willing to be governed.

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

A handwritten signature in black ink, appearing to read "R Hunter", written over a horizontal line.

February 18, 2021

Date



**RCDSO v. Dr. Saleh Al-Bargash**

Dr. Al-Bargash, 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 professional misconduct in failing to complete the SCERP as required by the ICRC. Your failure to abide by the ICRC's direction and to complete the education and monitoring requirements would reasonably be regarded by members as disgraceful, dishonourable and unprofessional.

Your professional misconduct is a matter of profound concern. It is completely unacceptable to your fellow dentists and to the public for you to have simply ignored the SCERP requirements. You have brought discredit to the entire profession and to yourself. Public confidence in this profession has been put in jeopardy.

As I advised earlier, you will now be given an opportunity to make a comment if you wish to do so. This is **not** an opportunity for you to debate the merits or the correctness of the decisions we have made.

Do you have any questions or do you wish to make any comments?

Thank you for attending today. We are adjourned.