

**DISCIPLINE COMMITTEE OF THE COLLEGE
OF DENTURISTS OF ONTARIO**

B E T W E E N:

THE COLLEGE OF DENTURISTS OF ONTARIO

- and -

MOHAMED ABDELRAHMAN, DD

PANEL MEMBERS:

**MR. BARRY SOLWAY(CHAIR)
MS. ANGELA SMITH
MR. PATRICK McCABE, DD
MR. CARLO DiNARDO, DD**

COUNSEL FOR THE COLLEGE OF DENTURISTS OF ONTARIO:

MR. PIERRE CHAMPAGNE

COUNSEL FOR MOHAMED ABDELRAHMAN:

MR. ROBERT De TONI

INDEPENDENT COUNSEL FOR THE DISCIPLINE COMMITTEE:

MR. ROBERT COSMAN

Publication Ban

The Committee ordered that no person shall publish the names of patients disclosed at the hearing or information that may identify them, and that the names of patients disclosed in the exhibits shall be redacted before access to the exhibits is provided to persons requesting such access, to protect the privacy and confidentiality of patients.

3. Mr. Abdelrahman thereby engaged in professional misconduct within the meaning of paragraphs 2 (failing to maintain the standards of practice of the profession), 10 (misrepresentation to a patient including a remedy, treatment, device or procedure), 11 (performing a controlled act), 12 (having dental instruments or equipment, other than instruments or equipment appropriate to the practice of denturism), 14 failing to refer to a dental surgeon or physician that the member recognizes or ought to recognize is outside the scope of the practice of denturism), 33 (contravening by act or omission the Act, the *Regulated Health Professions Act, 1991*, or the regulations), 47 (engaging in conduct or performing an act regarded by members as disgraceful, dishonourable, unethical or unprofessional) of section 1 of Ontario Regulation 854/93 – Professional Misconduct, a regulation under the *Denturism Act, 1991*, S.O. 1991, Chapter 25; and within the meaning of sections 27(1) (no person shall perform a controlled act set out in subsection (2), 27(2) 2 (performing a procedure on tissue below the dermis, below the surfaces of the teeth, including the scaling of teeth), and 27(2) 5 (administering a substance by injection) of the *Regulated Health Professions Act, 1991*, S.O. 1991, Chapter 18.
4. Mr. Abdelrahman provided dental services in the form of crowns which is outside the scope of practice for denturists to A■■■■ D■■■ on October 14, 2009, October 21, 2009, and December 2, 2009; as well as for J■■■ S■■■■ in November 2010 which he then placed over implants on December 2010.
5. Mr. Abdelrahman thereby engaged in professional misconduct within the meaning of paragraphs 2 (failing to maintain the standards of practice of the profession), 10 (misrepresentation to a patient including a remedy, treatment, device or procedure), 11 (performing a controlled act), 12 (having dental instruments or equipment, other than instruments or equipment appropriate to the practice of denturism), 14 (failing to refer to

a dental surgeon or physician that the member recognizes or ought to recognize is outside the scope of the practice of denturism), 33 (contravening by act or omission the Act, the *Regulated Health Professions Act, 1991*, or the regulations), 47 (engaging in conduct or performing an act regarded by members as disgraceful, dishonourable, unethical or unprofessional) of section 1 of the Ontario Regulation 854/93 – Professional Misconduct, a regulation under the *Denturism Act, 1991*, S.O. 1991, Chapter 25; and within the meaning of sections 27(1) (no person shall perform a controlled act set out in subsection (2)), and 32(1) (no person shall design, construct, repair or alter a dental prosthetic, restorative or orthodontic device unless a member of the College of Dental Technologists of Ontario and the Royal College of Dental Surgeons of Ontario) of the *Regulated Health Professions Act, 1991*, S.O. 1991, Chapter 18.

6. In 2010, Mr. Abdelrahman charged Manulife Financial, an insurance provider, for dental services (filling, teeth cleaning and x-ray) in the guise of denture services (oral hygiene exam and bleach whitening tray) performed on a patient.
7. Mr. Abdelrahman thereby engaged in professional misconduct within the meaning of paragraphs 2 (failing to maintain the standards of the practice of the profession), 20 (falsifying a record of the examination or treatment of a patient), 22 (signing or issuing a document that the member knows or ought to know is false or misleading), 24 (submitting an account or charge for services that the member knows or ought to know is false or misleading), 33 (contravening by act or omission the Act, the *Regulated health Professions Act, 1991*, or the regulations, and 47 (engaging in conduct of performing an act regarded by members as disgraceful, dishonourable, unethical or unprofessional) of section 1 of the Ontario Regulation 854/93 – Professional Misconduct, a regulation under the *Denturism Act, 1991*, S.O. 1991, Chapter 25.

8. Mr. Abdelrahman had equipment in his denture clinic which was not used in the denturism profession such as X-ray equipment, X-ray viewing boxes, ceramic furnace for crowns, forceps, syringes, matrix clamps, elevators, contra angles, mouth gags, silicate filing material, high-speed hand instruments on unit, hypodermic needles and anaesthetic.
9. Mr. Abdelrahman thereby engaged in professional misconduct within the meaning of paragraphs 2 (failing to maintain the standards of the profession), and 12 (dental instruments or equipment other than appropriate for practice of denturism) of section 1 of the Ontario Regulation 854/93 – Professional Misconduct, a regulation under the *Denturism Act, 1991*, S.O. 1991, Chapter 25.
10. Further, Mr. Abdelrahman altered three different files concerning Ms. R█: the intake form, the clinical notes as well as the insurance claim dated August 19, 2010. With regards to the intake form, the words “need wittings” was original “need fillings”. As for the clinical notes, the words “Teeth Whitening” and “deposting “ were written over other words, which were too obliterated to accurately read. Also, the following words were added, sometime after August 19, 2010, to the insurance claim form dated August 19, 2010: “Teeth Whitteing July 14 10 upper Bleaching Tray Required” and “Delivery of Bleaching tray total amount paid \$276”.
11. Mr. Abdelrahman thereby engaged in professional misconduct within the meaning of paragraphs 2 (failing to maintain the standards of the practice of the profession), 20 (falsifying a record of the examination or treatment of a patient), 22 (singing or issuing a document that the member knows or ought to know is false and misleading), 33 (contravening by act or omission the Act, the *Regulated Health Professions Act, 1991*, or the regulations), 43 (failing to take all reasonable steps to ensure that any information provided by or on behalf of the member to the College is accurate) and 47 (engaging in conduct of performing an act regarded by

members as disgraceful, dishonourable, unethical or unprofessional) of section 1 of the Ontario Regulation 854/93 – Professional Misconduct, a regulation under the *Denturism Act, 1991*, S.O. 1991, Chapter 25.

RESPONSE TO THE ALLEGATIONS

The member admitted the allegations of professional misconduct in the Notice of Hearing.

THE FACTS

The panel accepted the facts set out in an Agreed Statement of Facts filed as Exhibit 3 with the Committee, as follows [document citations not included]:

1. Mohamed Abdelrahman [hereinafter referred to as “Mr. Abdelrahman”] was at all material times a denturist registered to practice denturism in the Province of Ontario;
2. Mr. Abdelrahman practised denturism at his own clinic, named Bank Implant and Denture Clinic, located at 1209 Evans Boulevard, Ottawa, Ontario [hereinafter referred to as “Mr. Abdelrahman’s clinic”];
3. On July 14, 2010, Ms. C [REDACTED] R [REDACTED] [hereinafter referred to as “Ms. R [REDACTED]”] attended Mr. Abdelrahman’s clinic for the filling of a cavity previously diagnosed by a dentist in Timmins, Ontario. Ms. R [REDACTED] was referred to Mr. Abdelrahman by her friend, A [REDACTED] P [REDACTED] [hereinafter referred to as “Ms. P [REDACTED]”], who was also Mr. Abdelrahman’s assistant at Mr. Abdelrahman’s clinic;
4. When Ms. R [REDACTED] arrived at Mr. Abdelrahman’s clinic, she noticed the sign advertising a denturist clinic. She asked Ms. P [REDACTED] and Mr. Abdelrahman if he was able to provide dental work and Mr. Abdelrahman assured her he could. Ms. R [REDACTED] relied on Ms. P [REDACTED]’s recommendation as well as Mr. Abdelrahman’s assurances and was under the impression that Mr. Abdelrahman was a dentist;

5. It was Ms. P [REDACTED]'s belief at that time that Mr. Abdelrahman was a dentist, was able to provide fillings and did not realize he could only provide dentures;
6. During the appointment of July 14, 2010, at Mr. Abdelrahman's clinic, the X-ray provided by Ms. R [REDACTED] through her dentist in Timmins was viewed by Mr. Abdelrahman. Mr. Abdelrahman examined her teeth and then placed a filling in one cavity. Ms. R [REDACTED] stated Mr. Abdelrahman froze her mouth, drilled the tooth, placed the filling and then used a laser to set the filling;
7. Ms. R [REDACTED] scheduled a second appointment with Mr. Abdelrahman for August 19, 2010, to have her teeth cleaned and for a re-examination of her tooth, as she was still experiencing pain. During that appointment held at Mr. Abdelrahman's clinic, Mr. Abdelrahman took an X-ray, but did not find any additional cavities;
8. Ms. R [REDACTED] then submitted insurance claims to Manulife for the reimbursement of the treatments received during the course of her two appointments with Mr. Abdelrahman at Mr. Abdelrahman's clinic. Both claims indicated that she had received oral hygiene instruction and one of the claims also indicated that she received an examination. These claims were filled out by Ms. P [REDACTED], who assisted Ms. R [REDACTED] in the completion of her insurance forms as Ms. R [REDACTED] had never filled out such claims before;
9. The two insurance claims were later rejected by Manulife on the basis that the services had been rendered by a dentist. This was the first time Ms. R [REDACTED] realized Mr. Abdelrahman was a denturist and not a dentist;
10. On January 10, 2011, Ms. R [REDACTED] submitted a written complaint to the College of Denturists of Ontario concerning the services rendered by Mr. Abdelrahman during her two appointments at Mr. Abdelrahman's clinic;

11. Following up on Ms. R■■■■'s complaint, the College appointed two investigators Ms. Sarah Marceau and Mr. William J. Rennie, in order to investigate the complaint;
12. On August 24, 2010, during the investigative process of Ms. R■■■■'s complaint to the College of Denturists of Ontario, Ms. Marceau, the lead investigator, called Ms. Abdelrahman's clinic using the pretense of requesting an appointment for a dental cleaning and filling. The receptionist confirmed that dentist "Mohamed" was available and could do both the cleaning and the filling at the same time;
13. On the same day, Ms. Marceau and Mr. Rennie entered Mr. Abdelrahman's clinic and observed on site various dental equipment such as X-ray equipment, X-ray viewing boxes, ceramic furnace for crowns, as well as dental instrumentation and materials such as forceps, syringes, matrix clamps, elevators, contra angles, mouth gags, silicate filling material, high speed hand instruments on unit, hypodermic needles and anaesthetic;
14. Furthermore, on the same day, there was no evidence of equipment specific to a denturist's use at the Bank Implant and Denture Clinic, such as articulators, reline jigs, polishing lathes, processing tanks or boil-out units, as well as no evidence of an onsite laboratory;
15. While at Mr. Abdelrahman's clinic, the investigators took possession of Mr. Abdelrahman's 2010 appointment book as well as thirteen (13) random patient files, including Ms. R■■■■'s patient file;
16. Mr. Abdelrahman was not able to provide the invoices and receipts corresponding to the sample patient files obtained, as he usually only issued hand-written receipts when patients requested them and did not keep electronic financial records or account statements. Mr. Abdelrahman kept track of payments received from patients in a handwritten log book,

listing the date, the patient's name, the sum remitted and the method of payment. The services performed by Mr. Abdelrahman for each patient were not listed in the log book;

17. Upon review of these patient files, the investigator identified patients who received dental services from Mr. Abdelrahman at Mr. Abdelrahman's clinic;
18. One of these identified patients is A■■■■ D■■■, who had three (3) appointments with Mr. Abdelrahman at Mr. Abdelrahman's clinic on October 14, 2009, October 21, 2009, and December 2, 2009. During these appointments at Mr. Abdelrahman's clinic, Mr. Abdelrahman placed crowns over implants previously provided to Mr. D■■■ by a dentist;
19. The other identified patient is J■■ S■■■, who attended Mr. Abdelrahman's clinic over the course of Fall 2010. In November 2010, Mr. Abdelrahman provided dental services to Mr. S■■■ at Mr. Abdelrahman's clinic in the form of crowns which he then placed over Mr. S■■■'s implants approximately a month later, in December 2010;
20. After having reviewed Mr. Abdelrahman's appointment book for the year 2010, including Ms. R■■■'s patient file, the investigators believed that Ms. R■■■'s patient file had been altered as the notes describing her appointments appeared scratched out and rewritten. They sent Ms. R■■■'s original patient file to the Government of Ontario's Center of Forensic Sciences for an investigation into whether Ms. R■■■'s patient file had been altered;
21. The Center of Forensic Sciences conclusions were that Mr. Abdelrahman altered three different records; Ms. R■■■'s intake form, clinical notes and insurance claim form dated August 19, 2010. Their findings were as follows:

- (a) With respect to the intake form, the words “need Wittings” were originally inscribed as “need fillings”;
- (b) As for the clinical notes, the original entry under “deposting” was “cleaning” and the words “teeth Whitteing” were written over other words, which were too obliterated to accurately read; [and]
- (c) With respect to the insurance claim form, references to the bleaching tray were added sometimes after August 19, 2010, date of Ms. R■■■■’s second appointment at Mr. Abdelrahman’s clinic: “July 14 10 Teeth Whitteing + 96 upper Bleaching Tray Required +70308 oral hygin inst”.

FINDING

The Committee accepted the facts set out in the Agreed Statement of Facts and found that Mr. Abdelrahman engaged in acts of professional misconduct as alleged in the Notice of Hearing. In particular, the Committee found that:

Mr. Abdelrahman’s conduct and actions constituted professional misconduct as Mr. Abdelrahman:

1. Failed to maintain the standards of practice of the profession;
2. Made misrepresentations to a patient;
3. Acted outside the scope of his practice of denturism;
4. Falsified a record of the examination or treatment of a patient;
5. Signed, issued a document and submitted an account or charged for services that he knew or ought to have known was false or misleading;
6. Failed to take all reasonable steps to ensure that any information provided by him or on his behalf to the College was accurate; and,

7. Engaged in a conduct relevant to the practice of denturism that would be reasonably regarded by members as disgraceful, dishonourable, unethical or unprofessional.

As a result, Mr. Abdelrahman infringed the following paragraphs of section 1 of Ontario Regulation 854/93 - Professional Misconduct, adopted pursuant to the *Denturism Act, 1991*, S.O. 1991, Chapter 25;

- Paragraph 2: Failing to maintain the standards of practice of the profession;
- Paragraph 10: Making a misrepresentation to a patient including a misrepresentation respecting a remedy, treatment, device, or procedure;
- Paragraph 11: Performing a controlled act;
- Paragraph 12: Having dental instruments or equipment, other than instruments or equipment appropriate to the practice of denturism;
- Paragraph 14: Failing to refer to a dental surgeon or physician that the member recognize or ought to recognize is outside the scope of the practice of denturism;
- Paragraph 20: Falsifying a record of the examination or treatment of a patient;
- Paragraph 22: Signing or issuing a document that the member knows or ought to know is false or misleading;
- Paragraph 24: Submitting an account or charge for services that the member knows or ought to know is false or misleading;
- Paragraph 33: Contravening by act or omission the Act, the *Regulated Health Professions Act, 1991*, or regulations;

- Paragraph 43: Failing to take all reasonable steps to ensure that any information provided by or on behalf of the member to the College is accurate;
- Paragraph 47: Engaging in conduct relevant to the practice of denturism that, having regard to all of the circumstances would reasonably be regarded by members as disgraceful, dishonourable, unethical or unprofessional;

As well, Mr. Abdelrahman infringed the following paragraphs of the Regulated Health Profession Act, 1991, S.O. 1991, Chapter 18:

- Paragraph 27(1): No person shall perform a controlled act set out in subsections (2);
- Paragraph 27(2) 2: Performing a procedure on tissue below the dermis, below the surface of the teeth, including the scaling of teeth;
- Paragraph 27(2) 5: Administering a substance by injection; and,
- Paragraph 32(1): No person shall design, construct, repair or alter a dental prosthetic, restorative or orthodontic device unless a member of the College of Dental Technologists of Ontario and the Royal College of Dental Surgeons of Ontario.

The Committee determined that the facts admitted in the Agreed Statement of Facts establish and support the finding of professional misconduct.

PENALTY AND COSTS ORDER

The College and Mr. Abdelrahman made a joint submission as to an appropriate penalty and costs order. The penalty proposed was included in a draft order presented to the Committee. It provided for a significant suspension, the requirement to complete an ethics course, and costs.

The findings of professional misconduct in this case are very serious. Mr. Abdelrahman performed acts not within the scope of practise of a denturist. He performed controlled acts within the scope of practice of dentistry, when he was not qualified or registered as a dentist in Ontario. The fact that he was qualified as a dentist in another jurisdiction is not a defence to his actions. Furthermore, he misrepresented his credentials to members of the public. The public has a right to be treated honestly by health professionals, and Mr. Abdelrahman was not honest in his dealings with patients he treated, as set out in the Agreed Statement of Facts. By his conduct Mr. Abdelrahman has breached the trust the public has a right to expect from a denturist and he has brought dishonour to the profession. In the acts he admitted to performing he exposed patients to the risks of radiation, the risks of drug exposure and the risks of surgical procedures. He also exposed his patients to the risk of infection and potential loss of teeth. It is the potential for such injury that we must be concerned about, even if the record does not establish that such injuries were actually suffered by his patients.

Furthermore, Mr. Abdelrahman was not honest in his dealings with the insurer involved in one case. In that case he submitted claims for dental services, and he fraudulently altered the intake form, the clinical notes as well as the insurance claim itself. In so doing he acted unethically and his conduct was disgraceful, dishonourable and unprofessional. Patients and their insurance providers have a right to expect honest and professional treatment from denturists. Mr. Abdelrahman failed to live up to those expectations and the standards of the profession. He demonstrated a serious disregard for his professional obligations.

The panel considered as a mitigating factor that this was a first discipline finding against Mr. Abdelrahman. There was no record of a prior disciplinary offence. The panel also considered as mitigating factors and took into account that he admitted his wrongdoing, co-operated with the College in its investigation, and accepted responsibility for his actions. Counsel for the College filed a brief of cases in support of the proposed penalty as being reasonable and within the range of penalties imposed in similar cases of the College of Denturists, as well as other regulated health colleges.

After deliberation the panel raised concerns about the jointly proposed penalty in the circumstances of this case. The panel was not prepared to accept the proposed penalty without amendments to the proposal. Firstly, the panel had concern about the dental equipment in Mr. Abdelrahman's clinic that he used improperly, not being registered as a dentist; and secondly, the panel considered that for public protection there should be a requirement of unannounced inspections of the member's practice in the future as a condition of the member's certificate of registration.

After hearing the concerns of the panel, counsel for the parties thereafter put forward an amended proposed penalty.

The panel was advised by its independent legal counsel that the law requires them to accept a joint submission from the parties, unless the panel considered it was contrary to the public interest to do so, and that it would bring the administration of justice into disrepute. Taking into account the aggravating and mitigating factors described above, the panel accepted the joint submission as amended. In the absence of the mitigating factors, the Order would have been even more serious.

The panel therefore ordered:

1. Mr. Abdelrahman's Certificate of Registration be suspended for a period of six (6) months, commencing on a date to be chosen by Mr. Abdelrahman within forty-five (45) days of the date of this Order;
2. Two (2) months of the suspension referred to in paragraph 1 above shall be suspended if Mr. Abdelrahman complies with paragraphs 3 and 6 of this Order;
3. Mr. Abdelrahman will have to complete, at his costs, an ethics course as specified by, and satisfactory to, the College of Denturists of Ontario;
4. Mr. Abdelrahman will provide to the College of Denturists of Ontario within thirty (30) days of the date of this Order a sworn undertaking before a Commissioner of Oaths that he has removed from his office premises,

and that he will no longer have in his office premises, any dental equipment and materials, including X-ray equipment viewing boxes, ceramic furnace for crowns, forceps, syringes, matrix clams, elevators, contra angles, mouth gags, silicate filling material, high-speed hand instruments on unit, hypodermic needles and anaesthetic;

5. The Registrar is ordered to impose terms, conditions and limitations on the member's Certificate of Registration requiring the member within one (1) year of the end of the suspension to undergo two (2) unannounced practice assessments at his own expense, not to exceed \$1,000 per inspection. The results from this assessment will be reported to the Inquiries, Complaints and Reports Committee (ICRC) for any further action, if appropriate;
6. Mr. Abdelrahman is also required to pay to the College of Denturists of Ontario its costs in the matter in the amount of \$8,500, all inclusive, within thirty (30) days of the date of this Order.

The panel considered that the amended order will protect the public, will satisfy the requirements of general and specific deterrence, and will serve to rehabilitate the member.

This panel is of the view that any such future transgression could result in the imposition of the most serious penalty of revocation of Mr. Abdelrahman's Certificate of Registration, although it is recognized that that will be a matter for a subsequent discipline panel to decide. We truly hope that Mr. Abdelrahman has learned from this

experience and that he will act in the future in a manner that is consistent with his professional responsibilities.

Dated this 25th day of September, 2012.


BARRY SOLWAY (CHAIR)

ANGELA SMITH

PATRICK McCABE, DD

CARLO DiNARDO, DD

experience and that he will act in the future in a manner that is consistent with his professional responsibilities.

Dated this 25th day of September, 2012.

BARRY SOLWAY (CHAIR)



ANGELA SMITH

PATRICK McCABE, DD


CARLO DiNARDO, DD

experience and that he will act in the future in a manner that is consistent with his professional responsibilities.

Dated this 25th day of September, 2012.

BARRY SOLWAY (CHAIR)

ANGELA SMITH



PATRICK McCABE, DD

CARLO DiNARDO, DD

experience and that he will act in the future in a manner that is consistent with his professional responsibilities.

Dated this 25th day of September, 2012.

BARRY SOLWAY (CHAIR)

ANGELA SMITH

PATRICK McCABE, DD


CARLO DiNARDO, DD