

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

Bruce Selinger, Acting Chair)	
Lileath Claire)	THURSDAY,
Keith Collins)	THE 21 ST DAY OF
Robert Gaspar)	MAY, 2020
Gordon White)	

B E T W E E N:

COLLEGE OF DENTURISTS OF ONTARIO

- and -

Z A U R A G I V A E V

ORDER

THIS HEARING was held in writing on May 21, 2020.

ON READING the Notice of Hearing dated July 2, 2019 and the Notice of Hearing dated April 7, 2020, the Agreed Statement of Facts and Admission of Professional Misconduct, and the Joint Submission on Penalty and Costs, and on reading the submissions of counsel for the College of Denturists of Ontario (the “College”) and Zaur Agivaev (the “Member”):

- A. THE DISCIPLINE COMMITTEE ORDERS**, on consent, that the proceedings arising from the Notice of Hearing dated July 2, 2019 and the Notice of Hearing dated April 7, 2020 be combined.
- B. THE DISCIPLINE COMMITTEE FINDS** that the Member has committed acts of professional misconduct pursuant to:
 - 1. Subsection 51(1)(c) of the *Health Professions Procedural Code*, being Schedule 2 to the *Regulated Health Professions Act, 1991* and as defined in the following paragraphs of section 1 of Ontario Regulation 854/93 made under the *Denturism Act, 1991*:

- a. paragraph 1 (failing to abide by any term, condition or limitation imposed on the member's certificate of registration);
- b. paragraph 33 (contravening by act or omission the Act, the Regulated Health Professions Act, 1991 or the regulations under either of those Acts, namely sections 4 and 8 of the *Denturism Act, 1991*);
- c. paragraph 36 (directly or indirectly benefiting from the practice of denturism while the member's certificate of registration is suspended unless full disclosure is made by the member to the College of the nature of the benefit to be obtained and prior approval is obtained from the Executive Committee); and
- d. paragraph 47 (engaging in conduct or performing an act, relevant to the practice of denturism that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable, unethical or unprofessional).

C. THE DISCIPLINE COMMITTEE ORDERS THE FOLLOWING PENALTY AND COSTS:

1. The Member is required to be reprimanded by the Discipline Committee following the hearing.
2. The Registrar is directed to suspend the Member's Certificate of Registration for a period of four (4) months, to retroactively commence on March 20, 2020, the date after which Ontario's Chief Medical Officer of Health directed all healthcare providers, including denturists, to cease all non-essential and elective services in response to COVID-19.
3. The Registrar is directed to immediately impose the following specified terms, conditions or limitations on the Member's Certificate of Registration:
 - a. Requiring the Member to comply with the outstanding and ongoing terms, conditions and limitations on his Certificate of Registration, as contained in the order of the Discipline Committee of the College dated April 23, 2019, including that the Member must unconditionally pass the PROBE course in ethics;
 - b. Requiring the Member to successfully complete, to the satisfaction of the Registrar and at his own expense, a pre-approved ethics course, within four (4) months of the date of this Order;

- c. Requiring the Member to successfully complete, at his own expense, the College's Jurisprudence Program, within two (2) months of the date of this Order;
 - d. Requiring the Member to attend one (1) meeting, at his own expense, with a regulatory expert, approved by the Registrar, to review the Member's past issues of non-compliance, within four (4) months of the date of this Order;
 - e. Requiring the member to successfully complete, to the satisfaction of the Registrar, an essay to the Registrar setting out what the Member has learned from the investigation, hearing, ethics course, jurisprudence course and meeting with the regulatory expert, within six (6) months of the date of this Order;
 - f. Requiring the Member to respond to all College communication within fifteen days of delivery (deemed or otherwise); and
 - g. Requiring the Member to advise the College of any change to any contact information within fifteen days of the date of change.
4. The Member is required to pay to the College costs in the amount of \$3,000.00, payable in accordance with the following installment plan: \$1,000.00 to be paid on or before October 30, 2020, \$1,000.00 to be paid on or before February 26, 2021, and \$1,000.00 to be paid on or before July 30, 2021.

May 21, 2020


Bruce Selinger, Acting Chair

DISCIPLINE COMMITTEE OF THE COLLEGE OF
DENTURISTS OF ONTARIO

ORDER

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