

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

B E T W E E N :

COLLEGE OF DENTURISTS OF ONTARIO

- and -

SALVATORE (SAM) LIMA

NOTICE OF HEARING

THE INQUIRIES, COMPLAINTS AND REPORTS COMMITTEE OF THE COLLEGE OF DENTURISTS OF ONTARIO (the “College”) has referred specified allegations against you to the Discipline Committee of the College. The allegations were referred in accordance with section 26(1)1 of the *Health Professions Procedural Code* (the “Code”) which is Schedule II to the *Regulated Health Professions Act, 1991*. The statement of specified allegations is attached to this Notice of Hearing as Schedule “A”. A discipline panel will hold a hearing under the authority of sections 38 to 56 of the *Code* for the purposes of deciding whether the allegations are true.

The hearing will be held before a panel of the Discipline Committee (the “Panel”) **at a place, date and time to be determined by the Registrar of the College**. You may have a representative appear on your behalf.

SUBSECTION 51(2) OF THE CODE PROVIDES THAT if the Panel makes a finding of professional misconduct, it may make an order, doing one or more of the following:

1. Directing the Registrar to revoke your Certificate of Registration.
2. Directing the Registrar to suspend your Certificate of Registration, for a specified period of time.
3. Directing the Registrar to impose specified terms, conditions and limitations on your Certificate of Registration, for a specified or indefinite period of time.
4. Requiring you to appear before the Panel to be reprimanded.

5. Requiring you to pay a fine, of not more than \$35,000.00, to the Minister of Finance.
6. If the act of professional misconduct was the sexual abuse of a patient, require you to reimburse the College for funding provided for that patient under the program required under section 85.7 of the Health Professions Procedural Code.
7. If the panel makes an order under paragraph 6, require you to post security acceptable to the College to guarantee the payment of any amounts the member may be required to reimburse under the order under paragraph 6.

PURSUANT TO SECTION 53.1 OF THE CODE, in an appropriate case, if the Panel finds that you committed professional misconduct or finds you to be incompetent, the Panel may make an order requiring you to pay all or part of the following costs and expenses:

1. the College's legal costs and expenses;
2. the College's costs and expenses incurred in investigating the matter; and
3. the College's costs and expenses incurred in conducting the hearing.

You are entitled to know what evidence against you the College has or knows about. The disclosure of the evidence obtained thus far is accompanied with this Notice of Hearing. You or your representative may communicate with the solicitors for the College. They are:

Rebecca Durcan
Steinecke Maciura LeBlanc
Barristers & Solicitors

401 Bay Street
Suite 2308, P.O. Box 23
Toronto, ON M5H 2Y4
Direct: (416) 644-4783
Fax: (416) 593-7867

If you prefer to communicate with the College in French or would like the hearing of your case to be conducted in French, then you must notify the College as soon as possible so that it can make reasonable attempts to accommodate your request.

IF YOU DO NOT ATTEND THE HEARING in person or if you are not represented by someone, the Panel may proceed in your absence and you will not be entitled to any further notice of the proceedings.

Date:

April 7, 2020



Glenn Pettifer
Registrar
College of Denturists of Ontario

**TO: SALVATORE (SAM) LIMA
3 Beckwith Street East
Perth, ON K7H 1B2**

Schedule "A"

STATEMENT OF SPECIFIED ALLEGATIONS

The Member

1. Salvatore (Sam) Lima (the "Member") has been a denturist in Ontario since approximately September 2, 1984.

The Client

2. On or about January 29, 2019, the Client had her initial appointment with the Member, where he took impressions for an upper partial denture. At the appointment the Client told the Member that she was happy with her current bridge work and did not want a big change.
3. During the initial appointment, the Member did not take a bite registration.
4. On or about February 26, 2019, the upper partial denture was provided to the Client for her oral surgery on or about February 27, 2019.
5. During the surgery, the upper partial denture could not be sealed.
6. On or about February 28, 2019, the Client contacted the Member but was told that he could not see the Client for at least one week. The Patient left information with the Member's clinic that:
 - a. The denture was not sitting against her palate
 - b. She could not eat with the denture in place
 - c. Her lower jaw was constantly hitting her acrylic teeth; and/or
 - d. She had no range of motion
7. On or about March 5, 2019, the Client returned to the clinic. The Member made a slight adjustment to the denture. During the appointment the Client also informed the Member that she was unhappy with how the teeth were tilted inward. The Member replied "Your teeth were sticking out so I thought I would change that." This response upset the Client. The Client asked the Member to make a new denture with a proper bite registration and placement of teeth. The Member agreed to make a new denture and requested an appointment be scheduled.
8. Subsequent to the Member's offer to make a new denture, the Client advised the Member's clinic that the partial was still not fitting. The Client became frustrated with the Member's staff.

9. On or about March 18, 2019 the Client called the Member's clinic to apologize and asked for a meeting with the Member and office manager.
10. On March 19, 2019, the Client was contacted by the receptionist at the clinic and informed that she would not receive a reimbursement and that the Member would no longer see her.
11. The Member did not remake the new denture.

Acts of Professional Misconduct

12. As a result of the above, it is alleged that the Member engaged in professional misconduct pursuant to s. 51(1)(c) of the Health Professions Procedural Code, which is Schedule II to the Regulated Health Professions Act, as set out in one or more of the following paragraphs of section 1 of Ontario Regulation 854/93:
 - a. Failing to maintain the standards of practice of the profession (paragraph 2); and/or
 - b. Discontinuing denturist services to a patient without adequate reason unless,
 - i. the member has entered into an agreement to provide denturist services and the period specified in the agreement has expired, or the member has given the patient five working days' notice of the member's intention to discontinue the services agreed upon,
 - ii. the services are no longer required,
 - iii. the patient requests the discontinuation,
 - iv. the patient has had a reasonable opportunity to arrange for the services of another member, or
 - v. alternative services are arranged (paragraph 6); and/or
 - c. 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 (paragraph 47).

APPENDIX

1. The documents to be tendered in evidence at the hearing have been sent with this Notice of Hearing.
2. The *Rules of Procedure of the Discipline Committee* have been sent with this Notice of Hearing.
3. Take notice that the documents that have been and may later be disclosed to you will be tendered as business documents pursuant to the *Evidence Act* of Ontario.
4. All documents that are disclosed to you in this matter are disclosed on the basis that they are to be used solely for the purpose of this proceeding and for no other purpose.

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COLLEGE OF DENTURISTS
OF ONTARIO

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of Ontario