
Decision Five

Dr. Steven Mascarin
44 Trent Street South
PO Box 610
Frankford, Ontario

ALLEGATIONS OF PROFESSIONAL MISCONDUCT

- Treated a patient for a therapeutic, preventative, palliative, diagnostic, cosmetic or other health-related purpose in a situation in which a consent is required by law, without such a consent (para. 7).
- Charged a fee that was excessive or unreasonable in relation to the service performed (para. 31).
- Submitted an account or charge for dental services that he knew or ought to have known was false or misleading (para. 33).

BRIEF SYNOPSIS OF FACTS

- Patient filed complaint about the member's conduct on behalf of himself and his wife.
- Member proceeded with treatment that was not covered by patient's insurance company, despite the patient's instructions only to complete treatment covered by insurance.
- Chart notations do not indicate any discussions with the patient or his wife regarding the treatment plan, risks/benefits of treatment or possible complications related to treatment related to treatment of them both.
- Member charged the patient's insurance provider fees for surgical extraction of four teeth (husband) and three teeth (wife) when radiographic findings and chart notations did not indicate that these were complicated extractions.
- College obtained an expert report supporting the assertion that all but possibly one of the teeth should not have been complicated extractions.

DECISION

1. Finding

- The member pleaded guilty and was found guilty of professional misconduct with respect to the above allegations.

2. Penalty

- Reprimand.
- Certificate of registration suspended for two consecutive months (dates of suspension not known at time of publication).
- Course in ethics.
- Practice to be monitored for 24 months following completion of courses.

3. Costs/Publication

- Costs to the College in the amount of \$2,000.
- Monitoring costs of \$600 per visit.
- Pursuant to the legislation, publication of this matter includes the member's name and address.

4. Panel's Reasoning

- Penalty was a joint submission reached as a result of a pre-hearing conference.
- Member was previously found guilty of professional misconduct by a panel of the Discipline Committee in 2005 for treating two patients without consent, failing to keep records as required by the regulations (one patient), falsifying a record (one patient), and failing without reasonable cause to provide access to a patient record within a reasonable amount of time (three patients). By way of a joint submission, the member's penalty was a reprimand, a suspension of two months, practice monitoring by the College for two years, a course in recordkeeping, and costs were imposed.
- The time period of the conduct in the current matter took place at the same time as the conduct that gave rise to the 2005 discipline hearing. It was not a case of repeated conduct following a discipline hearing.

SUMMARIES OF RECENT DISCIPLINE COMMITTEE HEARINGS

- Monitoring of the member's practice from the previous discipline matter satisfied the College that the member has improved his practice and recordkeeping since that time and is making every effort to ensure that matters of this nature will not reoccur.
- In current case, member was remorseful and quick to co-operate with the College.
- Penalty was sufficiently significant to act as a deterrent to both the member and the profession, in addition to rehabilitating the member and protecting the public interest.
- Had this conduct been a repeat of the same or similar conduct that had taken place after the member had already been disciplined, the penalty would have been significantly greater.

