

**DISCIPLINE COMMITTEE  
OF THE COLLEGE OF DENTAL TECHNOLOGISTS OF ONTARIO**

**PANEL:** Terence Price, Chairperson, Public Member  
Michael Karrandjas, Professional Member  
Sarah Cheah, Professional Member

**BETWEEN:**

COLLEGE OF DENTAL TECHNOLOGISTS )	Jordan Glick for College
OF ONTARIO )	of Dental Technologists of Ontario
)	
- and - )	
)	
ABDUL KILANI )	Abdul Kilani, self-represented
)	
)	
)	
)	Andrea Gonsalves
)	Independent Legal Counsel
)	
)	Heard: March 17, 2020

**DECISION AND REASONS**

[1] This matter came on for hearing before a panel of the Discipline Committee (the “**Panel**”) of the College of Dental Technologists of Ontario (the “**College**”) on March 17, 2020, by teleconference.

[2] At the outset of the hearing, the parties confirmed to the Panel their consent to proceeding with an electronic hearing and that they waived all procedural requirements in connection with the electronic hearing, including the requirement for a notice of electronic hearing.

**The Allegations**

[3] The allegations against Abdul Kilani (the “**Member**”) as set out in the Statement of Allegations appended to the Notice of Hearing dated September 3, 2019, are as follows.

**IT IS ALLEGED THAT:**

1. Mr. Abdul Kilani (the “**Member**”) committed an act or acts of professional misconduct as provided by subsection 51(1)(c) of the *Health Professions Procedural Code* of the *Dental Technology Act, 1991*, as amended, and subsection 1(2) of *Ontario Regulation 798/93*, as amended, in that, while

engaged in the practice of dental technology as the Registered Dental Technologist (“**RDT**”) responsible for supervising Just Accurate Services (the “**Lab**”) in Sudbury, Ontario, beginning in or about March of 2019, he failed to maintain a standard of practice of the profession when he:

- a. failed to update his member profile to reflect that he was acting as the RDT responsible for supervising the Lab;
- b. directed and/or permitted the Lab to photocopy his RDT stamp and affix it to invoices and/or release cases that he did not review for conformity with the prescription and/or the dental, prosthetic, restorative or orthodontic device;
- c. directed and/or permitted the Lab to use his stamp and/or a photocopy of his stamp on a day(s) in which he was not at the Lab;
- d. failed to review and stamp both the client and laboratory copy of the invoice or other document authorizing the release of each case for a majority, if not all cases processed at the Lab;
- e. failed to review all records necessary to the design, fabrication, repair or alteration of prescriptions and examine each case for conformity to the prescription before release;
- f. failed to maintain accurate records of the days worked at the Lab; and/or,
- g. failed to supervise, oversee and/or review the design, construction, repair and/or alteration of each dental prosthetic, restorative or orthodontic device that was processed in the Lab.

2. [Withdrawn]

3. The Member committed an act or acts of professional misconduct as provided by subsection 51(1)(c) of the *Health Professions Procedural Code of the Dental Technology Act, 1991*, as amended, in that while engaged in the practice of dental technology as the RDT responsible for supervising the Lab, beginning in or about March of 2019, he contravened subsection 1(21) of *Ontario Regulation 798/93*, as amended by failing to keep records as required.

4. [Withdrawn]

5. [Withdrawn]

6. The Member committed an act or acts of professional misconduct as provided by subsection 51(1)(c) of the *Health Professions Procedural Code of the Dental Technology Act, 1991*, as amended, in that while engaged in the practice of dental technology as the RDT responsible for supervising the Lab, beginning in or

about March of 2019, he contravened subsection 1(34) of *Ontario Regulation 798/93*, as amended by engaging in conduct or performing an act, in the course of practicing the profession that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional when he:

- a. failed to update his member profile to reflect that he was acting as the RDT responsible for supervising the Lab;
- b. directed and/or permitted the Lab to photocopy his RDT stamp and affix it to invoices and/or release cases that he did not review for conformity with the prescription and/or the dental, prosthetic, restorative or orthodontic device;
- c. directed and/or permitted the Lab to use his stamp and/or a photocopy of his stamp on a day(s) in which he was not at the Lab;
- d. failed to review and stamp both the client and laboratory copy of the invoice or other document authorizing the release of each case for a majority, if not all cases processed at the Lab;
- e. failed to review all records necessary to the design, fabrication, repair or alteration of prescriptions and examine each case for conformity to the prescription before release;
- f. failed to maintain accurate records of the days worked at the Lab; and/or,
- g. failed to supervise, oversee and/or review the design, construction, repair and/or alteration of each dental prosthetic, restorative or orthodontic device that was processed in the Lab.

### **Member's Plea**

[4] The College sought leave to withdraw allegations 2, 4 and 5 in the Statement of Allegations. The Panel granted leave to withdraw those allegations. The Member then admitted the remaining in the Statement of Allegations (allegations 1, 3 and 6) in their entirety. The Panel conducted an oral plea inquiry and was satisfied that the Member's admissions were voluntary, informed and unequivocal.

### **Agreed Statement of Facts**

[5] Counsel for the College advised the Panel that the parties had reached an agreement on the facts. An Agreed Statement of Facts was presented to the Panel, which provided in relevant part as follows.

1. At all times relevant, Mr. Abdul Kilani (“**Mr. Kilani**” or the “**Member**”) was a registered member of the College of Dental Technologists of Ontario (the “**College**”).
2. In March of 2019, the Member was retained to act as the Registered Dental Technologist (“**RDT**”) responsible for supervising Just Accurate Services (the “**Lab**”) in Sudbury, Ontario. When he was retained by the Lab, the Member was employed as an RDT at a lab in Toronto, Ontario.
3. The Member did not update his member profile with the College to reflect that he was changing employment from a lab in Toronto to the Lab.
4. Between March and June of 2019 (the “**Relevant Period**”), the Member travelled back and forth between Toronto and Sudbury and maintained a residence in both cities.
5. The Member was not present in the Lab for several days each month during the Relevant Period as he was travelling back and forth between Sudbury and Toronto. During the Relevant Period, the Member:
  - A. did not maintain accurate records of the days that he worked at the lab;
  - B. permitted the owner of the Lab to photocopy an invoice with an imprint of his stamp (the “**Imprinted Invoice**”). The Lab used the Imprinted Invoice to release cases (the quantity of which is unknown). For these cases, the Member did not stamp either the client or the laboratory copy of the invoice or other document authorizing the release of the case; and,
  - C. did not maintain any records regarding the Lab. He was not involved in the billing or financial record-keeping process, nor did he oversee it. He was often not in the Lab when his cases were invoiced and sent out during the Relevant Period.
6. In July of 2003, the College introduced its “Laboratory Supervision Standard” (the “**Supervision Standard**”). The Member acknowledges that the Supervision Standard reflects the standard of practice as it relates to laboratory supervision during the Relevant Time.
7. If the Member were to testify, he would state that he endeavoured to supervise, oversee and/or review the design, construction, repair and/or alteration of each dental prosthetic, restorative or orthodontic device that was processed in the Lab. However, based on the admissions in paragraph 5(A)-(C), the Member acknowledges that the Lab may have released cases that he did not supervise, oversee or review and that as a result, he did not meet the requirements of the Supervision Standard.

8. In July of 2019, the Member moved to Sudbury. He has assumed the role of Supervising RDT at the Lab on a full-time basis.

### ADMISSIONS

9. By virtue of the above conduct, the Member admits to having committed professional misconduct as provided by subsection 51(1)(c) of the *Health Profession Procedural Code* by contravening the following sections of *Ontario Regulation 798/93* of the *Dental Technology Act, 1991*:

A. subsection 1(2) of *Ontario Regulation 798/93*, as amended, in that, while engaged in the practice of dental technology as the Registered Dental Technologist (“RDT”) responsible for supervising Just Accurate Services (the “Lab”) in Sudbury, Ontario, beginning in or about March of 2019, he failed to maintain a standard of practice of the profession when he:

- a. failed to update his member profile to reflect that he was acting as the RDT responsible for supervising the Lab;
- b. directed and/or permitted the Lab to photocopy his RDT stamp and affix it to invoices and/or release cases that he did not review for conformity with the prescription and/or the dental, prosthetic, restorative or orthodontic device;
- c. directed and/or permitted the Lab to use his stamp and/or a photocopy of his stamp on a day(s) in which he was not at the Lab;
- d. failed to review and stamp both the client and laboratory copy of the invoice or other document authorizing the release of each case for a majority, if not all cases processed at the Lab;
- e. failed to review all records necessary to the design, fabrication, repair or alteration of prescriptions and examine each case for conformity to the prescription before release;
- f. failed to maintain accurate records of the days worked at the Lab; and/or,
- g. failed to supervise, oversee and/or review the design, construction, repair and/or alteration of each dental prosthetic, restorative or orthodontic device that was processed in the Lab.

B. Omitted

- C. Subsection 1(21) of *Ontario Regulation 798/93*, as amended by failing to keep records as required.
- D. Omitted
- E. Omitted
- F. Subsection 1(34) of *Ontario Regulation 798/93*, as amended by engaging in conduct or performing an act, in the course of practicing the profession that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional when he:
  - a. failed to update his member profile to reflect that he was acting as the RDT responsible for supervising the Lab;
  - b. directed and/or permitted the Lab to photocopy his RDT stamp and affix it to invoices and/or release cases that he did not review for conformity with the prescription and/or the dental, prosthetic, restorative or orthodontic device;
  - c. directed and/or permitted the Lab to use his stamp and/or a photocopy of his stamp on a day(s) in which he was not at the Lab;
  - d. failed to review and stamp both the client and laboratory copy of the invoice or other document authorizing the release of each case for a majority, if not all cases processed at the Lab;
  - e. failed to review all records necessary to the design, fabrication, repair or alteration of prescriptions and examine each case for conformity to the prescription before release;
  - f. failed to maintain accurate records of the days worked at the Lab; and/or,
  - g. failed to supervise, oversee and/or review the design, construction, repair and/or alteration of each dental prosthetic, restorative or orthodontic device that was processed in the Lab.

### **Decision**

[6] The Panel found that the Member committed acts of professional misconduct as set out in allegations 1, 3, and 6 of the Statement of Allegations in the Notice of Hearing. With respect to

allegation 6, the Panel found that the Member engaged in conduct that would reasonably be regarded by members as dishonourable and unprofessional.

### **Reasons for Decision**

[7] The Panel considered the Agreed Statement of Facts and the Member's admissions and found that the evidence supports findings of professional misconduct as alleged in the Statement of Allegations.

[8] Allegation 1 in the Notice of Hearing is supported by paragraphs 2, 3, 4, 5, 6, 7, and 9 (A) in the Agreed Statement of Facts. According to the standards of practice of the profession as demonstrated by the College's Supervision Standard, the RDT responsible for supervising a laboratory must keep his/her member profile updated. A member's status as supervising RDT of a laboratory signifies that he/she is responsible for all aspects of the dental technology practice in that laboratory. The standard of practice requires that the RDT be present in the laboratory in order to oversee and keep detailed records of all work undertaken. This oversight is also accomplished by requiring that the RDT who supervises cases be the only person permitted to use his/her College-issued stamp on each invoice certifying that the case conforms to the prescription.

[9] The evidence satisfies the Panel that the Member failed to maintain those standards of practice. The Member did not update his member profile to indicate that he was the RDT responsible for supervising the Lab beginning in or about March 2019. For several days a month during the period of March to June 2019, the Member was not present in the Lab. He failed to supervise, review, and oversee some of the cases processed by the Lab. In addition, the Member failed to maintain accurate records of the days he worked in the Lab and permitted the owner of the Lab to use a photocopied image of his stamp to release an unknown quantity of cases.

[10] Allegation 3 in the Notice of Hearing is supported by paragraphs 5 (A), 6, and 9 (C) in the Agreed Statement of Facts. Subsection 1(21) of *Ontario Regulation 798/93*, as amended, makes it an act of professional misconduct for an RDT responsible for the supervision of laboratory to fail to keep records as required. Furthermore, the College's Laboratory Supervision Standards require a supervising RDT to ensure that all records of the laboratory are kept and stored in accordance with the College standards. With regard to this allegation, the Panel finds that while acting as the RDT responsible for supervising the Lab, the Member did not keep accurate records of the days that he worked, as was required by the College's Supervision Standard.

[11] With regard to Allegation 6, the Panel finds that the Member engaged in conduct that would reasonably be regarded by members as dishonourable and unprofessional. His actions demonstrate serious disregard for his professional responsibilities as an RDT, including as reflected in subsections 1(2) and 1(21) of *Ontario Regulation 798/93*. The requirement that members of the profession ensure that the design, construction, repair, and alteration of dental prosthetics, restorative and orthodontic devices be supervised by an RDT in accordance with the Supervision Standard is a fundamental principle of the profession and is necessary to protect the public. By allowing others to use his stamp or a photocopy of it and by not ensuring that accurate records were kept for all cases released by the Lab, the Member showed disregard for his

responsibilities as an RDT. In addition, he failed to update his member profile to reflect that he was acting as the RDT responsible for the Lab. He did not supervise or oversee any of the work processed by the Lab. The Member ought to have known that his actions and behaviour fall well below the standards of a Registered Dental Technologist. The Member's disregard for his professional obligations casts doubt on the Member's moral fitness as a member of this College.

### **Penalty Submissions**

[12] Counsel for the College presented the Panel with a Joint Submission as to Order that the parties had entered into. The Joint Submission requested that this Panel make an order as follows.

1. Directing the Member to appear before the panel to be reprimanded and the fact of the reprimand to be recorded on the Public Register of the College.
2. Directing the Registrar to suspend the Member's certificate of registration for a period of two months. The two months of suspension shall be remitted in the event that the Member complies with paragraph 3 of this Order.<sup>1</sup>
3. Directing the Registrar to impose a term, condition and limitation on the Member's certificate of registration:
  - a) requiring the Member to receive supervision of his practice for a period of nine (9) months on the following terms:
    - i. the supervisor shall be appointed by the Registrar and shall be a professional member of the College;
    - ii. the supervisor shall visit with the member on three (3) occasions at the Member's site(s) of practice. The first two site visits shall be announced while the third shall be unannounced;
    - iii. the supervisor shall determine the length of each visit;
    - iv. in conducting site visits, the supervisor shall review the Member's documentation relating to supervision including,

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<sup>1</sup> For clarity, one month will be remitted where the Member complies with paragraph 3(a) and one month will be remitted where the Member complies with paragraph 3(b) of this Order. In the event that the Member does not comply with paragraph 3(a), paragraph 3(b) or both within the time period prescribed and is therefore required to serve a period of suspension, the period of suspension will be served beginning 9 months after this Order is made.



but not limited to, supervisory logs and invoices to ensure compliance with the College's supervision standard;

- v. the supervisor shall prepare a report to the Registrar for every site visit that will be provided directly to the Registrar<sup>2</sup>; and,
  - vi. the Member shall pay the costs of the supervision and report (to a maximum of \$500 per site visit and report) and shall fully reimburse the College for these costs within twenty (20) days of receiving an invoice from the College for the supervision.
- b) Directing the Member to draft an essay of no less than 500 words explaining the requirements, expectations and obligations of a member under the Supervision Standard and to submit the essay to the Registrar within 3 months of the day of the oral hearing.<sup>3</sup>
4. Directing the Member to pay the College's costs fixed in the amount of \$2,500 to be paid by certified cheque according to the following schedule and provided that this Joint Submission as to Penalty is accepted in its entirety:
- (i) \$1,250 to be paid by certified cheque or equivalent on the day of the oral hearing; and,
  - (ii) \$1,250 to be paid within 90 days thereafter.

In the event that the Member does not pay \$1,250 on the date of hearing, the payment of the entire \$2,500 becomes immediately due and enforceable.

[13] College counsel made submissions in support of the Joint Submission as to Order and how it meets the goals of penalty. The Member supported the terms of the penalty by signing the Joint Submission of Penalty on February 13, 2020 and his agreement was confirmed at the hearing on March 17, 2020.

[14] College counsel submitted that the proposed penalty will serve the goal of specific deterrence for this Member through the reprimand, the suspension of the Member's certificate of

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<sup>2</sup> For clarity, in the event that the supervisor's reports suggest that the Member is continuing to engage in professional misconduct, the reports may be relied upon by the Registrar in considering whether to appoint an investigator pursuant to section 75(1)(a) of the *RHPA Procedural Code*.

<sup>3</sup> The essay obligation must be fulfilled in a professional manner. If the essay is not completed in a professional manner to the satisfaction of the Registrar, the Registrar may, at her discretion, provide a further opportunity for the Member to complete the essay before a suspension is imposed.

registration, and the requirement that the Member receive supervision of his practice. The requirement in s. 56 of the *Health Professions Procedural Code* that the College publish the Panel's decision and reasons, or a summary thereof, with the Member's name, will also serve as a deterrent to the Member.

[15] College counsel further argued that the objective of general deterrence would be met by the following features of the penalty: the suspension, the reprimand, and the supervision requirement. The mandatory publication of this decision along with the Member's name will also deter other members from engaging in similar misconduct.

[16] Finally, College counsel submitted that the suspension and the essay requirement will serve the goal of remediation and rehabilitation of the Member.

[17] College counsel noted that in this case the Member might not have been fully aware of his responsibilities according to the laboratory supervision standards. In addition the Panel was informed that the Member now lives in Sudbury and is the sole, full time RDT employed at the Lab and that this is one of the only laboratories serving this area of Ontario. These are relevant mitigating factors.

[18] College counsel relied on the one previous decision of this Discipline Committee and two decisions of other Ontario health regulatory colleges to demonstrate that the proposed penalty falls within the range of appropriate penalties ordered in similar cases. In *College of Dental Technologists of Ontario v Charlebois* (2016), a panel of this Discipline Committee found that the member had committed professional misconduct for failing to meet the College's Supervision Standard and for the improper use of his stamp. The panel ordered a suspension of the member's certificate of registration; terms, conditions and limitations on the member's certificate of registration requiring supervision of the member's practice for a period of time and that he complete an essay; an oral reprimand; and a fine. The member was also ordered to pay a portion of the College's costs. In *College of Psychologists of Ontario v. Baskakova*, 2019 ONCPD 1, the member had failed to adequately supervise a person who was under her professional responsibility, as required by that college. However, the panel found that the member's misconduct was mitigated by the fact that the member had thought appropriate supervision was being provided by another person. In *College of Pharmacists v. Kula and W.J. Gagne Drugs Limited (c.o.b. as Romana Pharmacy)*, 2018 ONCPDC 19, the panel found that the member had failed to fulfil his supervision obligations as required by that college. However, the panel accepted that the misconduct may not have been intentional. In each case the respective discipline committee ordered a reprimand and a suspension of the member's certificate of registration, and required that the members undergo a form of supervision similar to that ordered in this case.

### **Penalty Decision**

[19] The Panel accepted the Joint Submission and made the following order:

1. The Member shall appear before the Panel to be reprimanded and the fact of the reprimand will be recorded on the *Public Register* of the College.

2. The Registrar is directed to suspend the Member's certificate of registration for a period of two months. The two months of suspension shall be remitted in the event that the Member complies with paragraph 3 of this Order.<sup>4</sup>
3. The Registrar is directed to impose a term, condition and limitation on the Member's certificate of registration:
  - a) requiring the Member to receive supervision of his practice for a period of nine (9) months on the following terms:
    - i. the supervisor shall be appointed by the Registrar and shall be a professional member of the College;
    - ii. the supervisor shall visit with the member on three (3) occasions at the Member's site(s) of practice. The first two site visits shall be announced while the third shall be unannounced;
    - iii. the supervisor shall determine the length of each visit;
    - iv. in conducting site visits, the supervisor shall review the Member's documentation relating to supervision including, but not limited to, supervisory logs and invoices to ensure compliance with the College's supervision standard;
    - v. the supervisor shall prepare a report to the Registrar for every site visit that will be provided directly to the Registrar<sup>5</sup>; and,
    - vi. the Member shall pay the costs of the supervision and report (to a maximum of \$500 per site visit and report) and shall fully reimburse the College for these costs within twenty (20) days of receiving an invoice from the College for the supervision.
  - b) Directing the Member to draft an essay of no less than 500 words explaining the requirements, expectations and obligations of a member under the Supervision

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<sup>4</sup> For clarity, one month will be remitted where the Member complies with paragraph 3(a) and one month will be remitted where the Member complies with paragraph 3(b) of this Order. In the event that the Member does not comply with paragraph 3(a), paragraph 3(b) or both within the time period prescribed and is therefore required to serve a period of suspension, the period of suspension will be served beginning 9 months after this Order is made.

<sup>5</sup> For clarity, in the event that the supervisor's reports suggest that the Member is continuing to engage in professional misconduct, the reports may be relied upon by the Registrar in considering whether to appoint an investigator pursuant to section 75(1)(a) of the *RHPA Procedural Code*.

Standard and to submit the essay to the Registrar within 3 months of the day of the oral hearing.<sup>6</sup>

4. The Member is directed to pay the College's costs fixed in the amount of \$2,500 to be paid by certified cheque according to the following schedule:
  - (i) \$1,250 to be paid by certified cheque or equivalent on the day of the oral hearing; and,
  - (ii) \$1,250 to be paid within 90 days thereafter.

In the event that the Member does not pay \$1,250 on the date of hearing, the payment of the entire \$2,500 becomes immediately due and enforceable.

### **Reasons for Penalty Decision**

[20] The Panel understands that the penalty ordered should protect the public and enhance public confidence in the ability of the College to regulate dental technologists. This is achieved through a penalty that addresses specific deterrence, general deterrence and, where appropriate, rehabilitation and remediation. The Panel also considered the penalty in light of the principle that joint submissions should be respected unless they fall so far outside the range of an appropriate sanction that they would bring the administration of justice at the College into disrepute, or are otherwise contrary to the public interest.

[21] The Panel concludes that the proposed order is reasonable and in the public interest. The Member has co-operated with the College and, by agreeing to the facts and a proposed order, has accepted responsibility. The Panel also considered the fact that the Member may not have completely understood his responsibilities as they relate to the laboratory standards of practice of the College. These are relevant mitigating factors. While lack of complete understanding does not excuse the Member from complying with his professional obligations (as the Panel's findings of professional misconduct demonstrate), it is relevant when considering the appropriate penalty in this case. The Panel also accepted College counsel's argument that the fact that the Member is now the sole RDT responsible for a laboratory servicing Sudbury is a mitigating factor. A lengthy suspension in this case would deprive the public of necessary RDT services.

[22] The order meets the objectives of penalty. The penalty will serve as a general deterrent to the profession as it sends a clear message regarding the consequences of professional misconduct of this nature. A member can expect that they will be suspended from practising as a registered dental technologist in Ontario for a significant period of time and that their practice, after a suspension, must be monitored by another member of the College. These terms also have a specific deterrent effect.

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<sup>6</sup> The essay obligation must be fulfilled in a professional manner. If the essay is not completed in a professional manner to the satisfaction of the Registrar, the Registrar may, at her discretion, provide a further opportunity for the Member to complete the essay before a suspension is imposed.

[23] The penalty has remediation and rehabilitation aspects that will ensure the Member is aware of his responsibilities in the future. Those aspects include the oral reprimand, the supervision of the Member's practice, and the requirement that the Member submit an essay to the Registrar on the importance of adhering to the Standard of Supervision.

[24] An order requiring the Member to pay costs and the amount to which the parties agreed in the Joint Submission is appropriate in this case.

### **Reprimand**

[25] At the conclusion of the hearing, the Member indicated that he was prepared to receive the reprimand ordered by the Panel. The Member confirmed orally, on the record, that he waived his right of appeal. Accordingly, the Panel delivered the reprimand.

I, Terence Price, sign this decision and reasons for the decision as Chairperson of this Discipline Panel and on behalf of the members of the Discipline Panel as listed below:

*Terence Price*

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Terence Price, Chairperson  
Michael Karrandjas, Professional Member  
Sarah Cheah, Professional Member

*04/02/2020*

\_\_\_\_\_  
Date