
Discipline Summary

Dr. Steven Mascarin
510 Taunton Rd E
Oshawa, Ontario

Hearing Dates: January 18, 2018 and May 1, 2018

Allegations of professional misconduct

- Charged excessive or unreasonable fees
- Contravened a standard of practice or failed to maintain the standards of practice of the profession
- Treated without consent
- Disgraceful, dishonourable, unprofessional or unethical conduct

Synopsis

This matter arose as a result of a patient complaint. In providing crowns to this patient, Dr. Mascarin failed to meet the standards of practice expected of a general dentist. Specifically, he over-prepared teeth more than necessary in a manner that weakened the teeth and made them susceptible to breakage. As a result, three teeth broke at the gumline.

Dr. Mascarin also failed to inform the patient that he was not a good candidate for the treatment he recommended. He did not take the necessary steps to obtain the patient's informed consent to the treatment that he performed or ensure that the patient understood and agreed to the treatment. The numerous references to veneers and crowns in the treatment plan and financial documents left the patient with the reasonable conclusion that the member intended to and did place veneers, which was not accurate.

In addition, Dr. Mascarin charged excessive fees for the crowns and did not discuss with the patient the reasons why his fees were higher than the Ontario Dental Association recommended fee. Dr. Mascarin also admitted that during the course of the College's investigation, he was not honest and forthcoming with the College.

Decision

1. Finding

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

2. Penalty

- Reprimand
- Suspension of certificate of registration for a period of 18 months (May 1, 2018 – November 1, 2019)
- Upon return to practice, shall not provide any prosthodontic treatment, including crowns, bridges and veneers, until successful completion of course and mentoring program in prosthodontics
- One-on-one course in informed consent
- Ethics course
- Practice to be monitored for 60 months following completion of courses and mentoring

3. Costs

- Member to pay costs to the College in the amount \$22,000
- Member to pay for courses and monitoring

Panel's reasoning

- The penalty was a joint submission reached as a result of a pre-hearing conference and the panel felt the penalty was appropriate in all of the circumstances of the case.
- The penalty is a relatively complex and carefully negotiated agreement that is fair to the member, does not bring the administration of justice into disrepute and satisfies the ultimate goal of public interest protection.
- The penalty meets the goals of general and specific deterrence. The lengthy suspension provides specific deterrence to the member and tells the profession

that the conduct that occurred in this case will not be tolerated by the College or the profession. The panel opined that Dr. Mascarin needs significant time away from practice to engage in rehabilitation and education.

- The penalty contains significant remediation provisions, including a careful selection of courses to address the issues raised in this case, and also deals with monitoring requirements that are already in place for Dr. Mascarin arising from other College matters.
- The panel considered aggravating and mitigating circumstances in this case.
- Dr. Mascarin's cooperation with the College and willingness to enter into voluntary agreements with the College, including a withdrawal from practice in June 2017, was evidence of his governability and a significant mitigating factor.
- The aggravating factors included that the conduct involved serious standards of practice issues, lack of informed consent and failure to accurately communicate with the College. The panel also considered Dr. Mascarin's prior complaints, reports and discipline history, which are relevant because the prior matters involved similar issues. He has previously been the subject of cautions from the Inquiries, Complaints and Reports Committee, practice restrictions and undertakings along with two prior Discipline Committee orders about informed consent that resulted in suspensions.
- In that Dr. Mascarin demonstrated his willingness to be governed, the proposed joint submission with a lengthy suspension was agreed to instead of revocation.