

**IN THE MATTER OF**

**The *Health Professions Act*, RSBC 1996 c. 183**

**Between:**

**THE COLLEGE OF DENTAL SURGEONS OF BRITISH COLUMBIA**

**And:**

**DR. ROKSHANA CHHERAWALA, A REGISTRANT**

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**CONSENT ORDER PROPOSAL TO INQUIRY COMMITTEE PURSUANT TO  
SECTION 37.1 OF THE HEALTH PROFESSIONS ACT**

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## **1.0 AUTHORITY and ACKNOWLEDGEMENTS**

- 1.1 As permitted under section 37.1(1) of the *Health Professions Act* (the "Act"), Dr. Rokshana Chherawala (the "Registrant") hereby provides this consent order proposal to the Inquiry Committee (the "Committee") of the College of Dental Surgeons of British Columbia (the "College") with respect to College discipline file D0013.
- 1.2 This proposal has been arrived at jointly by counsel for the Registrant and counsel for the College.
- 1.3 The Registrant and the College acknowledge that acceptance of this proposal would result in the Committee making an order consistent with the proposal, which would be considered an order of the Discipline Committee for all purposes.
- 1.4 The Registrant and the College acknowledge that rejection of this proposal (subject to any further proposal) would result in the hearing of this matter proceeding, and that the Discipline Committee in that hearing must not consider any admission, acknowledgement, or consent provided herein.

## **2.0 BACKGROUND and SUMMARY OF AGREED FACTS**

### The Registrant

- 2.1 The Registrant is a general dentist who has been licensed to practice dentistry in British Columbia since 1998.
- 2.2 At all times relevant to the matters complained of, the Registrant was practising at four dental clinics located in Coquitlam, Burnaby, and Pitt Meadows.

**The Complaint**

- 2.3 On 26 August 2013, the College received a complaint about the Registrant from an insurance company.
- 2.4 The Committee accepted the complaint and directed an investigation.
- 2.5 The investigation revealed concerns about the Registrant's billing practices, recordkeeping, and quality of care.
- 2.6 On 26 March 2015, the Committee considered the complaint and an investigation report prepared by a College inspector and resolved to direct the Registrar to issue a citation.
- 2.7 On 21 May 2015, the Registrant provided her undertaking that she would cease providing all endodontic and prosthodontics procedures, subject to limited exceptions. The College has not been advised of any issues relating to the undertaking.
- 2.8 On 13 January 2016, the Registrar issued the citation in this matter. An amended citation was issued on 17 March 2016.
- 2.9 The hearing of the citation is presently scheduled for 25 – 29 April 2016.

**3.0 ADMISSIONS AND ACKNOWLEDGEMENTS**

- 3.1 The Registrant admits that:
  - 3.1.1 She regularly, but mistakenly, billed for and received payment for management of oral disease (BCDA Fee Guide code 41211) when no disease was diagnosed and a Velscope procedure was performed;
  - 3.1.2 In addition to 3.1.1, with respect to three patients, she billed for and received payment for different treatment than that which was actually provided;

- 3.1.3 With respect to five patients, she provided and billed for gingival curettage, when such treatment was unnecessary and provided no clinical benefit to the patient;
  - 3.1.4 With respect to nine patients, she provided substandard prosthodontic, periodontal, and/or endodontic treatment;
  - 3.1.5 She regularly, but mistakenly, permitted a dental hygienist in her employment to make a diagnosis in connection with the application of the Velscope, when such practice constitutes improper delegation; and
  - 3.1.6 With respect to seven patients, she failed to maintain adequate dental records.
- 3.2 The Registrant now understands that the billing practice described in paragraph 3.1.1 is not permitted and acknowledges that it was inappropriate.
- 3.3 The Registrant acknowledges that the conduct admitted in paragraph 3.1 constitutes professional misconduct.
- 3.4 The Registrant acknowledges that the conduct admitted in paragraph 3.1 constitutes a "serious matter" as that term is defined in the Act.
- 3.5 The Registrant has made a sizeable offer to repay funds to the insurance company.

#### **4.0 PROPOSED RESOLUTION**

- 4.1 In light of the agreed facts, admissions, and acknowledgements above, the Registrant hereby proposes resolution of the citation on the following terms:

- 4.1.1 The Registrant consents to a one month suspension from the practice of dentistry, to take effect immediately upon acceptance of this proposal;
- 4.1.2 The Registrant consents to a fine in the amount of \$10,000, payable within six months of acceptance of this proposal;
- 4.1.3 The Registrant undertakes to, at her own expense, attend at and unconditionally pass the 3 day Ethics & Boundaries course (PROBE) offered by The Centre for Personalized Education of Physicians (CPEP) within one year of acceptance of this proposal;
- 4.1.4 The Registrant undertakes to, at her own expense, successfully complete the following remedial steps within one year of acceptance of this proposal:
  - A. Six sessions of prosthodontic mentorship with a mentor approved by the College;
  - B. Six sessions of periodontal mentorship with a mentor approved by the College; and
  - C. One session of endodontic mentorship involving a case review of the treatment provided to patient S.B. with a mentor approved by the College;

and the Registrant shall take all necessary steps and enter into any necessary agreements with suitable mentors and/or the College to give effect to this undertaking;

- 4.1.5 The Registrant undertakes to promptly notify the 9 patients referred to at 3.1.4 and take appropriate steps to arrange for the repair or replacement of that treatment without cost to the patient;

- 4.1.6 The Registrant agrees to enter into a monitoring and inspection agreement with the College under which:
- A. The College will conduct a patient chart review 8 months after the completion of the remedial program described in paragraph 4.1.4;
  - B. The College will conduct a second patient chart review 18 months after the completion of the remedial program described in paragraph 4.1.4;
  - C. The monitoring/inspecting representative of the College will report to the Committee on findings for further action as may be reasonably necessary; and

4.1.7 The Registrant agrees to partially indemnify the College for its investigation costs in an amount fixed at \$2,500, payable within three months of acceptance of this proposal.

4.2 Upon the successful completion of the remedial program described in paragraph 4.1.4, the Registrant shall be released from her undertaking to cease providing endodontic and prosthodontic procedures.

## **5.0 PUBLICATION**

5.1 The Registrant confirms her understanding and agreement with respect to the mandatory public notice requirements pursuant to section 39.3 of the Act, including her understanding that, if accepted, this proposal will be included in the public notice.

## **6.0 ACKNOWLEDGMENT and AGREEMENT**


6.1 The Registrant acknowledges that the failure to satisfy any one or more of the consents, undertakings, and/or agreements described in paragraph 4.1 may constitute unprofessional conduct or professional misconduct

and may trigger an investigation and discipline proceedings in accordance with the provisions of the Act.

6.2 The Registrant confirms that she has received legal advice and representation throughout the College's investigation, discipline, and consent order proposal processes and specifically that she has received legal advice before agreeing to all of the facts, admissions, acknowledgements, consents, conditions, undertakings and other terms contained in this proposal.

6.3 The College and the Registrant agree that this proposal may be executed in counterpart and delivered by facsimile or email.

Respectfully submitted to the Committee by:

  
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Dr. Rokshana Chherawala

15 April 2016

Date

Signature witnessed on above date by:

YASMIN MERCHANT YASMIN MERCHANT

Witness printed name and signature

  
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Counsel for the College

APRIL 16, 2016

Date

**THOMAS M. LUTES**  
Barrister & Solicitor  
702-402 West Pender Street  
Vancouver, BC V6B 1T6  
Ph: 604-684-3686 Fax 604-626-3867