

[Redacted]

**IN THE MATTER OF THE *HEALTH PROFESSIONS ACT*, RSBC 1996, C. 183**

**AND**

**IN THE MATTER OF A HEARING BY**

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

**THE CONDUCT OF REGISTRANT**

**DR. NARENDRA (RANDY) NARAYAN**

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**CONSENT ORDER PROPOSAL TO INQUIRY  
COMMITTEE:**

**REGISTRANT ADMISSIONS AND CONSENTS**

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**Citation Issued:** August 22, 2013

**Hearing Dates:** October 21-25, 2013

**Proposal Submitted:** October 10, 2013

## **1.0 AUTHORITY and ACKNOWLEDGMENTS**

1.1 As permitted under Section 37.1(1) of the *Health Professions Act* (the “HPA”), Dr. Narendra (Randy) Narayan hereby provides this consent order proposal to the inquiry committee (the “Committee”) of the College of Dental Surgeons of British Columbia (the “College”). The proposal has been arrived at jointly with counsel to the College.

1.2 The College and Dr. Narayan acknowledge that acceptance of this proposal would result in the Committee making an order consistent with the proposal, which order would be considered to be that of a discipline committee for all purposes. The College and Dr. Narayan acknowledge that rejection of this proposal would result in the hearing of the Citation in this matter proceeding, and that the discipline committee in that hearing must not consider any admission or consent provided by Dr. Narayan in this proposal. The Citation in this matter is attached as **Appendix “A”**.

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

### Registrant Information

2.1 Dr. Narayan is 53 years old and was registered with the College to practise dentistry as of June 1, 1985. At all times relevant to this proposal and the hearing of the Citation, Dr. Narayan was practising general dentistry in White Rock or Chilliwack, BC.

2.2 Dr. Narayan voluntarily ceased practising dentistry as of July 6, 2012, as further addressed in paragraph 2.12, below, and currently resides in Surrey, B.C.

## Complaint and Investigation Summary

2.3 On November 15, 2010, Dr. Narayan entered into a Memorandum of

Understanding (“MAU”) with the College as a resolution of two complaints that had been made against him by two of his patients. Among other commitments made by Dr. Narayan in the MAU was his agreement that:

(h) ... in future, my records will be in accordance with the Dental Recordkeeping Guidelines established by the College and any future modifications of that document.

2.4 A delay in Dr. Narayan’s compliance with certain other terms of the MAU and his non-responsiveness led the College to refer the matter to the Committee in September 2011 for direction.

2.5 Prior to executing the MAU, Dr. Narayan was under investigation by the College with respect to a complaint filed in April 2010 (Complaint File [redacted]) by ME, a patient unrelated to the investigations underlying the MAU. The combination of concerns arising from Dr. Narayan’s MAU non-compliance and Complaint File [redacted] led the College to arrange for and conduct a 10-patient chart review completed on February 15, 2012.

2.6 The chart review revealed:

- recordkeeping inadequacies with respect to four patients of sufficient seriousness to be particularized in the Citation at Paragraph 1(b); and
- concerns with respect to six patients as to Dr. Narayan’s competency in the practise of dentistry, including failures to diagnose dental conditions and provide treatment planning, the provision of unnecessary and inappropriate dental treatment and provision of substandard care as particularized in Citation Paragraphs 2 through 6.

Dr. Narayan’s failure to respond in a timely manner to College communication related to the MAU is addressed at Citation Paragraph 1(a).

2.7 The outcome of Complaint File [redacted] was an allegation of substandard care with respect to the provision of a bridge as particularized in Citation Paragraph 8.

2.8 In or about December 2011, Dr. Narayan began efforts to sell his dental practice, Kosmetiks Dental Centre, located in White Rock, BC. In or about March 2011, he concluded a commercial transaction for the purchase of the practice by two other dentists, Drs. RK and PL. The transaction included terms by which Dr. Narayan would continue to practise part-time as an associate. On May 8, 2012, Dr. RK and PL made a formal written complaint to the College raising a number of competency and professional conduct concerns against Dr. Narayan (Complaint File [redacted]).

2.9 In response to the number and nature of the concerns outlined in Complaint File [redacted], College Complaint Investigators Dr. Garry Sutton and Dr. Alex Penner attended at the site of Dr. Narayan's former practice on May 15, 2012. The attendance was centred on examinations of eight of Dr. Narayan's former patients. The investigators were concerned that there was a pattern of sub-standard dental practice. Issues ranging from failures to diagnose, treat and obtain informed consent to questionable billing practices were apparent. The concerns triggered by Complaint File [redacted] and the on-site patient examinations are particularized in Citation Paragraphs 9, 10, 11, 12, 13, 14, 15 and 16.

2.10 On various dates in May 2012, six former patients of Dr. Narayan submitted complaints about him to the College. Each complaint was investigated and, as with the other matters summarized above, each resulted in a recommendation to the Committee from the Complaint Investigator that a Citation be issued against Dr. Narayan. The complaint identification numbers, complainant names and connection to the Citation are as follows:

- Complaint File [redacted] (SY) – See Citation Paragraph 11;
- Complaint File [redacted] (TG) – See citation Paragraph 12;
- Complaint File [redacted] (CR) – See Citation Paragraph 13;
- Complaint File [redacted] (KS) – See Citation Paragraph 15;
- Complaint File [redacted] (JP) – See Citation Paragraph 17; and
- Complaint File [redacted] (PA) – See Citation Paragraph 18.

Patients TG, SY, CR and KS were among those examined by Drs. Sutton and Penner during their on-site review on May 15, 2012.

2.11 Dr. Narayan either did not formally respond in a timely manner to the multiple complaints investigated by the College, detailed above, or responded inadequately.

Paragraph 19 of the Citation addresses this concern.

#### Withdrawal from Practice and Citation Decision

2.12 On July 6, 2012, in the face of the complaint investigations, Dr. Narayan signed and delivered to the College a Voluntary Withdrawal from Practice Agreement, by which he withdrew from practice as of that date. He has not applied for reinstatement.

2.13 On October 16, 2012, the Committee reviewed the Complaint Investigator's material with respect to the complaints and concerns outlined above. The Committee directed the College Registrar to authorize issuance of the Citation under Section 37 of the *HPA*. Dr. Narayan was notified of this decision by letter of October 29, 2012. The College arranged the hearing dates of October 21-25, 2013, and established a disciplinary committee panel.

2.14 The Citation in this matter was issued on August 22, 2013. Acknowledgment of service of the Citation on Dr. Narayan's behalf was made on August 23, 2013, by a lawyer retained and instructed by Dr. Narayan to accept service of the Citation and the College's 'disclosure' material.

Additional Relevant Facts

2.15 At various points during the investigations of the MAU matter and the various complaints described herein, Dr. Narayan advised the College of personal circumstances affecting his health. As part of its pre-hearing preparation of this matter, the College retained a forensic psychiatrist, Dr. KR, to conduct an assessment of Dr. Narayan and prepare a report. This assessment took place with Dr. Narayan's consent.

2.16 The assessment took place on February 27, 2013, and Dr. KR prepared his report (the "Report") dated April 2, 2013, for the College. The Report, received May 6, 2013, recounts Dr. Narayan's own description of difficulties in his personal life arising from his former wife's diagnosis of an illness and the breakdown of his marriage, leading to a divorce.

2.17 Dr. KR gives the opinion in his Report that Dr. Narayan was suffering at the time of the assessment from "depression of moderate to severe intensity" and that "it seems that the onset was around 2008 ... becoming more intense after February 2012". While Dr. KR concludes that the College is the entity in position to determine the registrant's competency and fitness to practise dentistry, he recommends psychiatric intervention (treatment) and that Dr. Narayan's complaints of hand tremors and visual problems be medically investigated.

2.18 The College recognizes that Dr. Narayan’s personal difficulties, including marital and mental health issues, have likely contributed to the specific professional shortcomings and the overall pattern of competency and ethical concerns outlined in the Citation.

### **3.0 ADMISSIONS**

3.1 Dr. Narayan admits to all of the allegations in the citation issued August 22, 2013, attached to this proposal as **Appendix “A”**. Dr. Narayan acknowledges that these allegations, now admitted for the purpose of this proposal, raise serious issues as to his competency to practise dentistry and as to professional misconduct with respect to billing practices, responsiveness to the College’s investigations and as to dentist-patient boundary issues.

### **4.0 CONSENT to ORDER and INDEMNITY**

4.1 In light of the agreed facts and registrant’s admissions above, Dr. Narayan hereby proposes to resolve the allegations in the Citation on the following basis:

- (a) Consent to a reprimand;
- (b) Consent to cancellation of his registration with the College;
- (c) Consent to imposition of conditions on his eligibility to apply for reinstatement of registration as follows:
  - i. Provision of a report from a physician or physicians pre-approved by the College confirming his mental and physical fitness to practise dentistry;
  - ii. Completion of the fourth year of dental school, including satisfaction of any examinations, at an institution approved in advance by the College;
  - iii. Satisfactory completion of the National Dental Examining Board examinations (written and OSCE); and

iv. Satisfactory completion (pass or pass with conditions) of the Professional/Problem Based Ethics course provided by The Centre for Personalized Education of Physicians

(d) Consent to indemnify the College for its costs of the investigation of the various matters leading to the Citation in an amount fixed at \$1,000.00;

(e) Should he be reinstated upon satisfaction of the conditions above, consent to the imposition of conditions on his practice of dentistry as follows:

- i. For the first 24 months of resuming practice, the requirement to practise in association with another dentist approved by the College;
- ii. For the first 24 months of resuming practice, providing the College with quarterly reports from his physician or physicians with respect to his mental and physical fitness to practise dentistry;
- iii. Entering into a monitoring and inspection agreement with the College for a period of 24 months from the date of resumption by him of dental practice by which:

- patient chart reviews are conducted every six months; and
- the monitoring/inspecting representative of the College will report to the Committee on findings for further action as may be reasonably necessary.

## **5.0 ACKNOWLEDGMENT and AGREEMENT**

**5.1** Dr. Narayan confirms that he has been advised and encouraged by the College to seek legal advice and representation throughout the College's investigation, disciplinary and consent order proposal processes. He confirms that he has had opportunity to obtain legal advice and has either done so or has freely elected not to do so prior to executing this agreement and agreeing to all of the facts, admissions, consents, indemnities and other terms and conditions herein.

**5.2** Dr. Narayan confirms his understanding and agreement with respect to the mandatory public notice requirements set out in Section 39.3 of the *HPA*, including

his understanding that his name, the nature of the action taken and the reason for the action taken will be included in this public notice.

The College and Dr. Narayan agree that this proposal may be executed in counterpart and delivered by facsimile or as an electronic document.

**Respectfully submitted to the Committee by:**

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**Narendra (Randy) Narayan**

\_\_\_\_\_  
**Date**

**Signature of N. Narayan witnessed on above date by:**

\_\_\_\_\_  
**Name (Please Print) and Signature** **Witness**

\_\_\_\_\_  
**Witness Phone Number**

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**Thomas M. Lutes, Barrister & Solicitor,  
Counsel for the College**

\_\_\_\_\_  
**Date**