

IN THE MATTER OF

The Health Professions Act RSBC 1996 c. 183

AND

IN THE MATTER OF

The BC College of Oral Health Professionals (BCCOHP)

AND

DR. KYLE NAWROT

CONSENT ORDER

Under s. 37.1 of the *Health Professions Act*

The Inquiry Committee of BCCOHP accepted a proposal for resolution submitted by the registrant, Dr. Kyle Nawrot on August 23, 2023 (the “Proposal”) and accordingly issues this Order, pursuant to section 37.1(3)(a) of the *Health Professions Act*. The Proposal is attached to and forms part of this Order.

The Inquiry Committee accepts Dr. Nawrot’s admissions that he committed the following acts of professional misconduct with respect to Citation #1 and Citation #2.

With respect to Citation #1 and Patient A, Dr. Nawrot admits he committed professional misconduct in that he:

- a. Failed to respond to communications from the College in a timely or responsive manner;
- b. Provided treatment that fell below the College’s expected standards by providing extensive and comprehensive restorative treatment in a single session rather than coordinating the care over multiple sessions;

- c. Provided treatment that fell below the College's expected standards by performing restorative treatments in a fashion that was not supported by the records and by removing tooth structure that was excessive in several teeth;
- d. Billed for treatment when the need for the treatment was not supported by records;
- e. Provided treatment without having sufficiently documented valid informed consent per the College's standard for recordkeeping; and
- f. Failed to maintain adequate patient records per the College's standard for recordkeeping, including by failing to record diagnostic testing before treatment, failing to record sufficient details of diagnosis, and failing to record sufficient details of care provided for the purpose of billing.

With respect to Citation #1 and patient B, Dr. Nawrot admits he committed professional misconduct in that he:

- a. Failed to respond to communications from the College in a timely or responsive manner; and
- b. Provided treatment without having sufficiently obtained or documented valid informed consent as required by the Dental Recordkeeping Guidelines.

With respect to Citation #2, Dr. Nawrot admits he committed professional misconduct in that he:

- a. Breached a previous Proposal entered into in 2020 and a corresponding Order of the Committee by failing to complete the PROBE Plus course within nine months of his return to practice following a suspension.

After a review of the concerns identified in BCCOHP's investigation, Dr. Nawrot's admissions and the remedial actions proposed, the Inquiry Committee accepts Dr. Nawrot's proposal.

The Inquiry Committee therefore orders as follows:

1. Dr. Nawrot is reprimanded.
2. Dr. Nawrot is suspended from practice for a period of 12 months, effective from October 1, 2023 to September 30, 2024, inclusive.

3. During the suspension, Dr. Nawrot is prohibited from:
 - a. Receiving payment directly or indirectly in respect of services provided by other dentists in any practice he may own. Dr. Nawrot further acknowledges and undertakes to produce any documentation the College may require or deem necessary to confirm that he has not received any payment in respect of services as outlined in this paragraph.
 - b. Being involved in any aspect of patient care, including any decisions relating to the necessity of treatments or any aspect of treatment planning for patients.
4. During the suspension, Dr. Nawrot:
 - a. May continue to be involved in administrative and financial aspects of any dental practice he owns, including decisions relating to management of the dental practice such as staffing, bookkeeping, audits, marketing, and accounting.
 - b. Is required to pay all registration fees assessed by the College in order to maintain his registration.
 - c. Must prominently post signage at his most recent location of practice to inform patients that he is suspended from practice, in accordance with College Bylaw 13.09(1)(f).
5. Dr. Nawrot must pay a fine of \$6,000 by no later than September 30, 2023 (30 days from the date of acceptance of the Proposal).
6. Dr. Nawrot must pay the costs of the investigation of \$4,000 by no later than September 30, 2023 (30 days from the date of acceptance of the Proposal).
7. Dr. Nawrot must complete, at his own cost, prior to returning to practice:
 - a. The “for credit” version of the College’s “Avoiding Complaints” online course.
 - b. The PROBE Plus course, or another program, approved in advance by the College, that is substantially equivalent in content and duration.

- 8. Dr. Nawrot must organize and ensure his staff completes a training session on managing and extracting clinical records from his dental records vendor by no later than December 1, 2023 (three months from the date of acceptance of the Proposal).

- 9. Dr. Nawrot is subject to all further acknowledgements and conditions stated in the Consent Resolution Proposal attached, all of which are incorporated by reference and form part of this Order.

This Order is effective August 31, 2023.

The Order is approved by the Panel of the Inquiry Committee as indicated by their signatures below:

Ms. Kathleen Bradley, Panel Chair

Date

Dr. Nariman Amiri, Panel Member

Date

Dr. Anthony Bellusci, Panel Member

Date

IN THE MATTER OF
The Health Professions Act, RSBC 1996 c. 183

Between:

BRITISH COLUMBIA COLLEGE OF ORAL
HEALTH PROFESSIONALS

And:

DR. KYLE NAWROT

**CONSENT ORDER PROPOSAL TO
INQUIRY COMMITTEE**

REGISTRANT ADMISSIONS AND CONSENTS

Citations issued: October 20, 2022 (Citation 1) and April 13, 2022 (Citation 2) –
both amended on May 26, 2023 to update hearing dates

Hearing dates: September 25 to September 29, 2023, and continuing October
3 to October 6, 2023

Proposal submitted: August 23, 2023

1.0 AUTHORITY AND ACKNOWLEDGMENTS

- 1.1** As permitted under section 37.1(1) of the *Health Professions Act* (the “*HPA*”), Dr. Nawrot hereby provides this consent order proposal to the inquiry committee (the “Committee”) of the College of Oral Health Professionals of British Columbia (the “College”).
- 1.2** Dr. Nawrot acknowledges that acceptance of this proposal by the Committee would result in the Committee making an order consistent with the proposal, which order would be considered to be that of the discipline committee for all purposes in accordance with section 37.1(3)(a) of the *HPA*.
- 1.3** Dr. Nawrot acknowledges that rejection of this proposal by the Committee 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 herein.

2.0 BACKGROUND

- 2.1** Dr. Nawrot registered with the College as a dentist on August 1, 1998. Dr. Nawrot owns a dental practice in Abbotsford, British Columbia. A dental corporation permit was issued for his company, “Dr. K.I.T. Nawrot Inc.” on April 12, 2012.
- 2.2** Between 2004 and 2006, the College received 10 complaints about Dr. Nawrot, who was required to enter an education program to be followed by chart reviews until such a time as the College was satisfied the concerns had been addressed. The monitoring file was closed in 2012.
- 2.3** In 2008, the College received three complaints about Dr. Nawrot. He was required to take a course and write a report.
- 2.4** Between 2016 and 2017, the College received three complaints about Dr. Nawrot that resulted in a citation issued on January 9, 2019. Dr. Nawrot entered into a consent order pursuant to section 37.1 of the *HPA* dated February 4, 2020 (the “2020 COP”). Dr. Nawrot agreed to be suspended for nine months; pay a fine of \$30,000 and costs; before returning to practice complete various courses, a comprehensive pre-clinical assessment, and hands-on pre-clinical course in endodontics; upon return to practice participate in a mentorship for a minimum of 24 months and post signage; complete the PROBE Plus course within nine months of his return to practice; and abide by certain restrictions on sedation. To date, Dr. Nawrot has not completed PROBE Plus or the minimum 24-month mentorships.
- 2.5** Dr. Nawrot was suspended from February 4, 2020, to November 3, 2020.
- 2.6** In 2020 the College received two complaints about Dr. Nawrot, and in 2021 the College received one complaint about Dr. Nawrot. All three complaints resulted in separate resolutions under s. 36 of the *HPA*.
- 2.7** On March 31, 2021, the College received a complaint from Patient A about the

treatment they received from Dr. Nawrot. On November 18, 2021, the College received a complaint from Patient B about the treatment they received from Dr. Nawrot. The College investigated both complaints and determined there were concerns.

- 2.8 On April 13, 2022, the Committee directed the Registrar to issue a citation under s. 37 of the HPA for these two complaints. The citation was originally issued on October 20, 2022, and has since been amended to update hearing dates (“Citation #1”). The conduct alleged in Citation #1 falls into the following categories: failure to obtain informed consent; failure to undertake or record diagnostic testing prior to treatment (diagnosis and treatment planning); unnecessary and/or excessive treatment; failure to maintain patient records; improper billing; and failure to respond to communications from the College.
- 2.9 Pursuant to the 2020 COP, Dr. Nawrot was required to complete the PROBE Plus course within nine months of his return to practice following suspension. Therefore, Dr. Nawrot was required to complete this course by August 3, 2021, which he failed to do. Dr. Nawrot has not completed the course as of the date of this proposal.
- 2.10 On February 24, 2023, the Committee directed the Registrar to issue a citation under s. 37 of the HPA for the breach of the 2020 COP and corresponding order of the Committee. The citation was originally issued on April 13, 2023, and has since been amended to update hearing dates (“Citation #2”).
- 2.11 This Proposal addresses both Citation #1 and Citation #2 (together, “the Citations”).

3.0 ADMISSIONS

- 3.1 Dr. Nawrot admits to professional misconduct in that, with respect to Patient A, he:
 - 3.1.1 Failed to respond to communications from the College in a timely or responsive manner;
 - 3.1.2 Provided treatment that fell below the College's expected standards by providing extensive and comprehensive restorative treatment in a single session rather than coordinating the care over multiple sessions;
 - 3.1.3 Provided treatment that fell below the College's expected standards by performing restorative treatments in a fashion that was not supported by the records and by removing tooth structure that was excessive in several teeth;
 - 3.1.4 Billed for treatment when the need for the treatment was not supported by records;
 - 3.1.5 Provided treatment without having sufficiently documented valid informed consent per the College's standard for recordkeeping; and
 - 3.1.6 Failed to maintain adequate patient records per the College's standard for recordkeeping, including by failing to record diagnostic testing before

treatment, failing to record sufficient details of diagnosis, and failing to record sufficient details of care provided for the purpose of billing.

3.2 Dr. Nawrot admits to professional misconduct in that, with respect to patient B, he:

3.2.1 Failed to respond to communications from the College in a timely or responsive manner; and

3.2.2 Provided treatment without having sufficiently obtained or documented valid informed consent as required by the Dental Recordkeeping Guidelines.

3.3 Dr. Nawrot admits to professional misconduct in that, with respect to Citation #2, he breached the 2020 COP and a corresponding Order of the Committee by failing to complete the PROBE Plus course within nine months of his return to practice following a suspension.

4.0 CONSENT TO ORDER

4.1 Given Dr. Nawrot's admissions above, Dr. Nawrot proposes a resolution of the Citations on the following terms:

A) Reprimand

4.2 Dr. Nawrot consents to a reprimand.

B) Suspension

4.3 Dr. Nawrot is suspended from practice for a period of 12 months effective from October 1, 2023 to September 30, 2024.

4.3.1 Dr. Nawrot acknowledges that during the period of suspension, he is prohibited from receiving payment directly or indirectly in respect of services provided by other dentists in any practice he may own. Dr. Nawrot further acknowledges and undertakes to produce any documentation the College may require or deem necessary to confirm that he has not received any payment in respect of services as outlined in this paragraph.

4.3.2 Dr. Nawrot acknowledges that during the period of suspension, any locum and associate dentists working in his offices will be fully autonomous and Dr. Nawrot will not be involved in any aspect of patient care but may be involved in administrative and financial aspects of any dental practice he owns. For the purposes of this proposal, administrative and financial aspects of a dental practice is defined as including decisions relating to management of the dental practice, including staffing, bookkeeping, audits, marketing and accounting, but specifically excludes any decisions relating to the necessity of treatments or any aspect of treatment planning for

patients.

4.3.3 Dr. Nawrot acknowledges that while suspended he remains required to pay all registration fees assessed by the College in order to maintain his registration.

4.3.4 During the suspension, Dr. Nawrot must prominently post signage at his most recent location of practice to inform patients that he is suspended from practice, in accordance with College Bylaw 13.09(1)(f).

C) Remediation

4.4 Dr. Nawrot will complete the following training and coursework prior to returning to practice:

4.4.1 the "for credit" version of the College's "Avoiding Complaints" online course.

4.4.2 the PROBE Plus course, or another program, approved in advance by the College, that is substantially equivalent in content and duration.

4.5 Dr. Nawrot will organize and ensure his staff completes a training session on managing and extracting clinical records from his dental records vendor within three months of the acceptance of this proposal.

D) Payment of partial investigation costs

4.6 Dr. Nawrot will pay partial costs of the investigations in the amount of \$4,000, which must be delivered no later than 30 days from the date of acceptance of this proposal.

E) Fine

4.7 Dr. Nawrot will pay the College a fine in the amount of \$6,000, which must be delivered no later than 30 days from this proposal's acceptance date.

5.0 FURTHER ACKNOWLEDGEMENT AND AGREEMENT

A) Costs

5.1 Dr. Nawrot acknowledges and agrees that all training, coursework, or other steps required to comply with this proposal will be entirely at Dr. Nawrot's own expense, including any reports required to be provided to the College.

B) Non-compliance

5.2 Dr. Nawrot acknowledges and agrees that the failure to satisfy any one or more of the terms herein may constitute professional misconduct or unprofessional conduct

may trigger an investigation and disciplinary proceedings in accordance with the provisions in the *HPA*.

C) Publication

- 5.3 Dr. Nawrot acknowledges and agrees that an order made based upon this proposal results in the mandatory public notification as 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 will issue the public notification in the form and by the means it sees fit.
- 5.4 Dr. Nawrot may separately apply to the Committee for an order to exclude his name from the public notification. Dr. Nawrot acknowledges and agrees that he remains bound by the terms of any order made based upon this proposal, regardless of the outcome of any application for anonymous publication.
- 5.5 Dr. Nawrot acknowledges and agrees that the College will issue the notifications provided for in College Bylaw 5.11.

D) Effect of an order

- 5.6 Dr. Nawrot acknowledges that any order made by the Committee based upon this proposal constitutes “past action” for the purposes of section 39.2 of the *HPA*.

E) Receipt of legal advice

- 5.7 Dr. Nawrot confirms that he has received legal advice and representation throughout the College’s consent order proposal processes and before agreeing to all of the facts, admissions, consents, indemnities and other terms and conditions herein.

Having read, understood, and agreed to each and every term above, this proposal is respectfully submitted to the Committee by:




Dr. Kyle Nawrot

august 23,2023

Date

Signature of Dr. Nawrot witnessed on the above date by:



Witness name and signature