

MEMORANDUM OF AGREEMENT AND UNDERSTANDING (MAU)

BETWEEN THE

COLLEGE OF DENTAL SURGEONS OF BC (THE COLLEGE)

AND

DR. LARRY G. PODOLSKY

1. I, DR. LARRY G. PODOLSKY,

(a) understand that with respect to the investigation of College file #104000, the College had concerns with the sedation protocol at Fraser Valley Dental Specialists (FVDS) of which I am the registered owner;

(b) acknowledge that as the principal dentist who owns the FVDS practice, I have a responsibility to ensure the facility operates with all applicable provisional standards, including the requirement to obtain authorization by CDSBC or CPSBC for deep sedation pursuant to the "Deep Sedation Services in Dentistry (Non-Hospital Facilities)" requirements; and

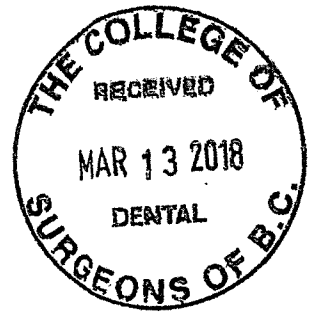
(c) agree that the facts of this case are as set out in paragraph 2 below.

2. THE FACTS OF THIS CASE ARE THAT:

(a) In January of 2017, Clayburn Dental, which operated a deep sedation facility in Abbotsford, British Columbia that was authorized by CDSBC relocated equipment to a nearby space in the same building with the intent that the equipment would be used by specialists who had worked at Clayburn Dental in a new facility with the name FVDS;

(b) When the equipment was relocated, Dr. Podolsky did not ensure that FVDS obtained authorization from CDSBC. As a result, on 184 occasions, deep sedation services were provided at FVDS between January and May of 2017 without proper facility authorization from the CDSBC or CPSBC in contravention of CDSBC's document, "Deep Sedation Services in Dentistry (Non-Hospital Facilities)" referred to below as the "CDSBC Standard";

(c) The failure to comply with the CDSBC Standard was inadvertent and not done knowingly;



(d) As soon as the non-compliance with the CDSBC Standard was brought to Dr. Podolsky's attention, he undertook to ensure no deep sedations would take place at FVDS until FVDS was authorized by the CDSBC;

(e) On October 3, 2017, the CDSBC Sedation and General Anaesthetic Services Committee granted full authorization for FVDS in the new location, and the CDSBC certified that FVDS complies with the CDSBC Standard for certification;

(f) As of the date of this MAU, no patient or member of the public has made a complaint to the CDSBC about the non-compliance with the CDSBC Standard or about the Facility or about any member of the College operating at the Facility.

3. ACCORDINGLY, I, DR. LARRY G. PODOLSKY AGREE AS FOLLOWS:

(a) I consent to a reprimand;

(b) I agree to pay to the College a fine in the amount of \$15,000 within 30 days of signing this MAU;

(c) I understand that this constitutes a serious matter as defined in the Health Professions Act and that public notification is required;

(d) I agree to respond to any requests from the College in a timely manner;

(e) I agree that I will promptly inform the College in writing when I comply with any requirement of this MAU;

(f) I agree that if a deadline or requirement has not been met, I will immediately inform the College that it has not been met;

(g) understand that a monitoring file will be opened to track my compliance with this MAU; and

(h) understand that this MAU may be taken into account in the event of a future complaint.

4. THE COLLEGE OF DENTAL SURGEONS OF B.C., through its Registrar, Jerome



M. Marburg, has advised Dr. Larry G. Podolsky it may view any breach of this MAU once signed as unprofessional conduct and that following the successful completion of all the terms of the MAU, the complaint file will be closed.

Date

Dr. Larry G. Podolsky

Date

13 MARCH 2018

Jerome M. Marburg, Registrar
College of Dental Surgeons of
British Columbia

