

College of Dental Surgeons of British Columbia

Citation

TO: Dr. Bobby Rishiraj
c/o Harper Grey LLP
650-3200 West Georgia Street
Vancouver, BC V6B 4P7

Attn: William S. Clark

TAKE NOTICE that a Panel of the Discipline Committee (the “Panel”) of the College of Dental Surgeons of British Columbia (the “College”) will conduct a hearing under s.38 of the *Health Professions Act* RSBC 1996 c.183 (the “Act”).

The purpose of the hearing is to inquire into your conduct and competence as a dentist. The College alleges that you:

- a. have not complied with a standard, limit or condition imposed under the Act;
- b. have committed professional misconduct or unprofessional conduct; and/or
- c. have incompetently practised dentistry.

The hearing will be held at the College of Dental Surgeons of British Columbia, Suite #110, 1765 West 8th Avenue, Vancouver British Columbia, V6J 5C6. It will commence on February 14, 2022 at 9:30 a.m. and will continue until February 18, 2022.

You are entitled to attend the hearing and may be represented by legal counsel. If you do not attend the hearing, the Panel is entitled to proceed with the hearing in your absence and, without further notice to you, the Panel may take any actions that it is authorized to take under the Act.

Further particulars of the allegations against you are:

1. Between May 2018 and June 2019, you were a certified specialist in oral and maxillofacial surgery and the owner and operator of the non-hospital facility Kamloops Oral Surgery and Implant Centre (the “Facility”). During this time, you provided sedation for one or more of your patients at the Facility, which was not being operated in compliance with the College’s Standards and Guidelines for Minimal and Moderate Sedation Services in Dentistry (Non-Hospital Facilities) (the “Moderate Standards”) and/or the College’s Standards and Guidelines for Deep Sedation Services in Dentistry (Non-Hospital Facilities) (the “Deep Standards”).
2. Prior to May 2019, you failed to adequately maintain the medication and equipment in the emergency mobile cart at the Facility as required by sections 6 and 11.3 of the Moderate Standards and/or sections IV(D) and IV(F) of the Deep Standards, particulars of which include one or more of the following:
 - a. Certain medications were not clearly identified;
 - b. The cart contained drugs which were not current;
 - c. The cart was missing required medication and essential airway equipment; and
 - d. The cart was disorganized, preventing expedient retrieval of medication and equipment.
3. Between October 2018 and May 2019, you failed to ensure that Facility staff that assisted with moderate sedation treatment were appropriately qualified and/or adequately trained to assist with sedation and/or to manage medical emergencies, as required by the Moderate Standards, particulars of which include one or more of the following:
 - a. The certified dental assistant, who functioned as the operative assistant, did not have advanced training of OMAAP or DAANCE, as required by section 11.1.2 of the Moderate Standards;

- b. CPR-HCP/BLS for two of the registered nurses had expired, contrary to section 11.1.2 of the Moderate Standards; and
 - c. The staff lacked current knowledge of the inventory of the emergency mobile cart, as required by section 12.1 of the Moderate Standards.
- 4. Between January 2017 and May 2019, you failed to conduct mock emergency drills at the Facility to the required standard or frequency, and without full staff present, as required by sections 11.1.2 and 12.2 of the Moderate Standards.
- 5. Prior to May 2019, you failed to adequately store and log restricted drugs at the Facility as required by section 7 of the Moderate Standards and/or sections III and IV of the Deep Standards, particulars of which include one or more of the following:
 - a. You failed to ensure that the emergency mobile cart was locked while not in use;
 - b. You failed to properly store medications that required refrigeration by storing certain medications in the staff refrigerator which was accessible to non-authorized persons;
 - c. You failed to regularly change the code to the drug cabinet; and
 - d. You failed to keep the log book for controlled drugs in a secure separate location from the controlled drugs.
- 6. Between May 2018 and June 2019, with respect to one or more of your patients, you failed to adequately maintain sedation records as required by the Moderate Standards, particulars of which include one or more of the following:
 - a. You failed to perform and/or record an obstructive sleep apnea assessment in the pre-operative evaluation for moderate sedation, as required by sections 8.2 and 11.4 of the Moderate Standards;
 - b. You failed to perform and/or record an airway assessment in the pre-operative evaluation, as required by sections 11.4 of the Moderate Standards;

c. You failed to ensure and/or record that the minimum required members of the sedation team were present during sedation, as required by section 11.2.4 of the Moderate Standards; and

d. You failed to record the patient's level of consciousness, as required by sections 11.6.2 and 11.6.3 of the Moderate Standards.

The Discipline Committee is constituted under the Act and the College's Bylaws thereunder. Copies of the Act, the *Dentists Regulation*, BC Reg 415/2008, and the College's Bylaws are enclosed with this Citation, and you are particularly referred to s. 37-39 of the Act and part 10 and schedule H of the Bylaws.

FURTHER TAKE NOTICE that after completion of the hearing under s. 38 of the Act the Panel of the Discipline Committee may, under s. 39 of the Act, dismiss the matter or determine that you:

- a. have incompetently practised dentistry;
- b. have committed professional misconduct or unprofessional conduct;
- c. have not complied with a standard, limit, or condition imposed under the Act;
- d. have not complied with the Act, a regulation, or a bylaw; and/or
- e. suffer from a physical or mental ailment, an emotional disturbance or an addiction to alcohol or drugs that impairs your ability to practise dentistry.

This Citation is issued at the direction of the Inquiry Committee of the College under section 37 of the Act.

COLLEGE OF DENTAL SURGEONS

B  **A**

Dr. Chris Hacker, Registrar

August 4, 2021

Date

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

Between:

THE COLLEGE OF DENTAL SURGEONS OF
BRITISH COLUMBIA

And:

DR. BOBBY RISHIRAJ

**CONSENT ORDER PROPOSAL TO
INQUIRY COMMITTEE**

REGISTRANT ADMISSIONS AND CONSENTS

Citation issued: August 4, 2021
Hearing dates: February 14-18, 2022
Proposal submitted: September 27, 2021

1.0 AUTHORITY AND ACKNOWLEDGMENTS

- 1.1 As permitted under section 37.1(1) of the *Health Professions Act* (the "HPA"), Dr. Rishiraj hereby provides this consent order proposal to the Inquiry Committee (the "Committee") of the College of Dental Surgeons of British Columbia (the "College").
- 1.2 Dr. Rishiraj 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. Rishiraj acknowledges that rejection of this proposal by the Committee would result in a 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. Rishiraj registered with the College as a dentist in 1995.
- 2.2 Dr. Rishiraj is a certified specialist in oral and maxillofacial surgery and the owner and operator of the non-hospital facility, Kamloops Oral Surgery and Implant Centre (the "Facility"), located in Kamloops, British Columbia.
- 2.3 In 2015, a Discipline Panel of the College concluded that Dr. Rishiraj had failed to comply with the College's sedation guidelines (in place at the time), and had provided deep sedation to 12 patients at the Facility when neither he nor the Facility was approved to do so. In that matter, Dr. Rishiraj was suspended for three months, had to pay a \$50,000 fine (and costs) and had certain conditions placed on his practice for a five-year period.
- 2.4 During the period of time material to this more recent matter, the Facility was approved to provide moderate and deep sedation and Dr. Rishiraj was authorized to provide moderate sedation level 1 to his patients.
- 2.5 On April 14, 2019, the Chair of the College's Sedation and General Anaesthesia Services Committee advised the College that deficiencies in Dr. Rishiraj's practice and the manner in which the Facility was being operated had been identified during the tri-annual inspection of the Facility. These deficiencies were identified as relating to recordkeeping, staffing and maintenance of the Facility's sedation medication and equipment.
- 2.6 A short notice inspection of the Facility by a qualified team from the College of Physicians and Surgeons was performed on May 30, 2019 (the "Inspection").
- 2.7 Through the Inspection, concerns were identified with respect to the provision of sedation services at the Facility and by Dr. Rishiraj, including issues with respect to the Facility's emergency management, the manner in which restricted drugs

- were stored, the staff qualifications, recordkeeping, and the contents and organization of the emergency mobile cart.
- 2.8 Following the Inspection, Dr. Rishiraj agreed to an Undertaking on June 1, 2019 to immediately cease providing sedation services in the Facility until a follow-up inspection could confirm that the deficiencies had been addressed.
 - 2.9 On June 7, 2019, the Committee reviewed the results of the Inspection and directed that a section 35 proceeding be conducted by a separate panel of the Committee.
 - 2.10 On June 27, 2019, Dr. Rishiraj agreed to a further Undertaking and Acknowledgment not to provide any level of sedation services or permit the provision of sedation services at the Facility, pending the completion of the College's investigation or until relieved of the undertaking by the College. Dr. Rishiraj also acknowledged that this undertaking would constitute a limit on his practice.
 - 2.11 The Undertaking and Acknowledgment replaced the June 1, 2019 Undertaking.
 - 2.12 The Committee then met on July 2, 2019 and determined that the Undertaking and Acknowledgment would protect the public interest and rescinded its earlier direction for a section 35 proceeding.
 - 2.13 After Dr. Rishiraj agreed to the Undertaking, the College completed its investigation of Dr. Rishiraj and the Facility. During the investigation, the College received and reviewed complete patient records for 17 patients who had seen by Dr. Rishiraj in 2018 and 2019.
 - 2.14 From a review of the patient records, as well as the Facility inspection reports, the College was able to confirm the initial concerns about Dr. Rishiraj's sedation practices and the manner in which he was operating the Facility.
 - 2.15 An investigation report was prepared and the matter was referred to the Committee. On April 17, 2020 the Committee directed the Registrar to issue a citation under section 37 of the *HPA*.
 - 2.16 The citation was issued on August 4, 2021 and established hearing dates of February 14-18, 2022.

3.0 ADMISSIONS

- 3.1 Dr. Rishiraj admits that he committed professional misconduct as follows:
 - a. he provided sedation services at the Facility when it was not being operated in compliance with both the College's Standards and Guidelines for Minimal and Moderate Sedation and for Deep Sedation (Non-Hospital Facilities);

b. he failed to adequately maintain sedation records for his patients, including failing to perform and/or record required pre-operative assessments or record the patient's level of consciousness.

3.2 Dr. Rishiraj further admits that he committed professional misconduct by failing to:

a. adequately maintain the medication and equipment in the Facility's emergency mobile cart;

b. ensure that Facility staff that assisted with moderate sedation were appropriately qualified and/or trained to assist with sedation and/or manage medical emergencies;

c. conduct mock emergency drills to the required standard or frequency, and without full staff present; and

d. adequately store and log restricted drugs.

4.0 **CONSENT TO ORDER**

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

A) Reprimand

4.2 Dr. Rishiraj consents to a reprimand.

B) Permanent Prohibition from Providing Sedation

4.3 Dr. Rishiraj voluntarily and permanently agrees not to provide any level of sedation services, including minimal sedation, in any dental facility in the province of British Columbia.

4.4 This will constitute a limit on his practice that will be disclosed by the College on its registrant look-up on the College's website.

C) Removal as the Director of the Facility

4.5 Dr. Rishiraj agrees to permanently step down from being the operator or director of the Facility, and he will no longer be involved in the management of the Facility as it relates to the provision of sedation services, or the clinical directorship responsibilities related to ensuring that the Facility is in full compliance with the College's sedation Standards and Guidelines. Dr. Rishiraj is permitted to continue to act as the Facility's operator or director, but only in relation to non-sedation issues.

4.6 Dr. Rishiraj is not permitted to be the operator or director of any other non-hospital facility which provides sedation.

- 4.7 The Facility can continue to provide sedation services, as long as the Facility is being maintained in full compliance with all of the College's relevant sedation Standards and Guidelines, and there is a qualified member of the College of Dental Surgeons or College of Physicians and Surgeons acting as the Facility director and performing the clinical directorship responsibilities.
- 4.8 Dr. Rishiraj agrees to include a statement on the Facility's website, and on the informed consent documents that are given to patients attending the Facility, providing the name of the member of the College of Dental Surgeons or College of Physicians and Surgeons who is acting as the Facility director and performing the clinical directorship responsibilities.

D) Payment of a Fine

- 4.9 Dr. Rishiraj must pay a fine in the amount of \$25,000, which amount must be paid in full no later than February 28, 2022.

E) Payment of partial investigation costs

- 4.10 Dr. Rishiraj must pay partial costs of the investigation in the amount of \$4,000, which amount must be paid in full no later than February 28, 2022.

F) Inspections/Staff

- 4.11 Dr. Rishiraj acknowledges and agrees that the College may conduct random inspections of the Facility at any time during business hours without prior notice, in accordance with the *HPA*.
- 4.12 Dr. Rishiraj must provide the College with a list of all current staff at the Facility with contact information, and continuously and promptly update the College of any staff changes. Dr. Rishiraj acknowledges and agrees that the College may communicate directly with his former and current staff.

5.0 FURTHER ACKNOWLEDGEMENT AND AGREEMENT

A) Non-compliance

- 5.1 Dr. Rishiraj acknowledges that the failure to satisfy any one or more of the terms herein may constitute professional misconduct or unprofessional conduct and may trigger an investigation and disciplinary proceedings in accordance with the provisions in the *HPA*.

B) Publication

- 5.2 Dr. Rishiraj acknowledges and agrees that an order made based upon this proposal results in mandatory public notification as set out in section 39.3 of the *HPA*, and CDSBC Bylaws 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 that it sees fit.

- 5.3 Dr. Rishiraj acknowledges and agrees that the College will issue the notifications provided for in College Bylaw 10.05.

C) Effect of order made based upon this proposal

- 5.4 Dr. Rishiraj 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.

D) Receipt of legal advice

- 5.5 Dr. Rishiraj confirms that he has received legal advice before agreeing to all of the facts, admissions, consents, indemnities and other terms and conditions herein, or has freely elected not to do so.

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



Dr. Bobby Rishiraj

Sept 27' 21.
Date

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



Witness name and signature

Ranbir Singh.

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

Between:

THE COLLEGE OF DENTAL SURGEONS OF BRITISH COLUMBIA

And:

DR. BOBBY RISHIRAJ

ORDER OF THE INQUIRY COMMITTEE
Under s. 37.1 of the *Health Professions Act*

The Inquiry Committee of the College of Dental Surgeons of British Columbia (the “College”) accepted a proposal for resolution submitted by the registrant, Dr. Bobby Rishiraj on September 27, 2021 (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. Rishiraj’s admissions that he committed professional misconduct, as follows:

- a. he provided sedation services at the Facility when it was not being operated in compliance with both the College’s Standards and Guidelines for Minimal and Moderate Sedation and for Deep Sedation (Non-Hospital Facilities);
- b. he failed to adequately maintain sedation records for his patients, including failing to perform and/or record required pre-operative assessments or record the patient’s level of consciousness.

The Inquiry Committee further accepts Dr. Rishiraj’s admissions that he committed professional misconduct by failing to:

- a. adequately maintain the medication and equipment in the Facility’s emergency mobile cart;
- b. ensure that Facility staff that assisted with moderate sedation were appropriately qualified and/or trained to assist with sedation and/or manage medical emergencies;
- c. conduct mock emergency drills to the required standard or frequency, and without full staff present; and
- d. adequately store and log restricted drugs.

After considering the seriousness of the conduct identified in the College's investigation, Dr. Rishiraj's admissions, and the disciplinary action proposed, the Inquiry Committee resolves to accept Dr. Rishiraj's Proposal.

The Inquiry Committee therefore orders as follows:

1. Dr. Rishiraj is reprimanded.
2. Dr. Rishiraj is permanently prohibited from providing any level of sedation services, including minimal sedation, in any dental facility in the province of British Columbia.
3. This prohibition constitutes a limit on Dr. Rishiraj's practice that will be disclosed by the College on its registrant look-up on the College's website.
4. Dr. Rishiraj is permanently prohibited from:
 - a. acting as the operator or director of the non-hospital facility that he owns, Kamloops Oral Surgery and Implant Centre (the "Facility"), located in Kamloops, British Columbia, except as set out in order 5;
 - b. being involved in the management of the Facility as it relates to the provision of sedation services, or the clinical directorship responsibilities relating to ensuring the Facility is in full compliance with the College's sedation Standards and Guidelines (the "Sedation Standards"); and
 - c. acting as the operator or director of any other non-hospital facility which provides sedation.
5. Dr. Rishiraj may continue to act as the Facility's operator or director, but only in relation to non-sedation issues.
6. The Facility may only provide sedation services if it is being maintained in full compliance with the Sedation Standards, and there is a qualified member of the College of Dental Surgeons or College of Physicians and Surgeons acting as the Facility director and performing the clinical directorship responsibilities.
7. Dr. Rishiraj must include a statement on the Facility's website, and on the informed consent documents given to patients at the Facility, providing the name of the person who is acting as the Facility director and performing the clinical directorship responsibilities.
8. Dr. Rishiraj must pay a fine of \$25,000 by February 28, 2022.

9. Dr. Rishiraj must pay \$4,000 representing partial costs of the College's investigation by February 28, 2022.
10. Dr. Rishiraj must provide the College with a list of all current staff at the Facility with contact information, and continuously and promptly update the College of any staff changes.
11. Dr. Rishiraj is subject to all further acknowledgments and conditions stated in the Proposal, all of which are incorporated by reference and form part of this Order.

This Order is effective October 25, 2021.

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

Mr. John Wilson, Panel Chair

Date

Dr. Anthony Bellusci, Panel Member

Date

Dr. Preet Bhatti, Panel Member

Date