

IN THE MATTER OF

The Health Professions Act RSBC 1996 c. 183

Between:

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

And:

MR. LESLIE WINICK

**CONSENT ORDER PROPOSAL TO INQUIRY
COMMITTEE:**

REGISTRANT ADMISSIONS AND CONSENTS

Citation Issued: March 18, 2014

Hearing Dates: May 27-30, 2014

Proposal Submitted: May 12, 2014

1.0 AUTHORITY and ACKNOWLEDGMENTS

1.1 As permitted under section 37.1(1) of the *Health Professions Act* (the “HPA”), Mr. Leslie Winick 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 Mr. Winick and counsel to the College.

1.2 Mr. Winick and the College 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. Mr. Winick and the College 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 herein. The Citation in this matter is attached as **Appendix “A”**.

2.0 BACKGROUND and SUMMARY of AGREED FACTS

Registrant Information

2.1 Mr. Winick was registered with the College to practise dentistry as of December 1989 and is 60 years of age. In November 2003, his registration status was changed to non-practising. In July 2006, his registration status was listed as temporary. He voluntarily withdrew from practice in September 2012. At all times relevant to this

proposal and the hearing of the Citation, Mr. Winick lived in the Lower Mainland and traveled to practise general dentistry at a Fort St. John dental practice. He practised at this clinic from or about November 2011 to the end of April, 2012. He currently resides in Surrey.

CDSBC Monitoring File No. 7007

2.2 Mr. Winick entered into a Memorandum of Understanding with the College dated July 16, 2006, related to concerns brought to the College's attention. In October 2010, he executed another Memorandum of Understanding (the "2010 MAU") in which he acknowledged failure to meet certain terms of the 2006 document and agreed to a number of further practice-related requirements. One term of the 2010 MAU was an agreement to:

...enter into a period of monitoring during which the College will conduct a chart review of up to 10 charts of patients from a list of all patients for whom you have provided crown and/or bridge work or whom you have treated endodontically. The chart review will take place at six month intervals for 18 months or until such time the College is satisfied that the endodontic and prosthodontic treatment I am providing is in keeping with the standards expected of BC dentists;

2.3 Mr. Winick did not satisfy this 2010 MAU requirement and otherwise failed to respond adequately to the College's communication related to his compliance. Paragraph 1 of the Citation outlines the allegations made by the College arising out of the 2010 MAU.

CDSBC File No. 102233

2.4 In May 2012, the College received a written complaint from [REDACTED] that outlined concerns about treatment he had received from Mr. Winick in April 2012. The College conducted an investigation that included seeking and reviewing information

from the complainant, respondent and third parties, including two other dentists who treated the complainant.

2.5 Paragraph 2 of the Citation outlines the various allegations made by the College arising out of the investigation into [REDACTED]'s complaint.

CDSBC File No. 102253

2.6 [REDACTED], a dentist practising in Fort St. John, submitted a complaint letter about Mr. Winick to the College dated May 22, 2012. The complaint was co-signed by two Certified Dental Assistants who worked at [REDACTED]'s clinic with Mr. Winick. The complaint raised concerns about a variety of dental procedures performed by Mr. Winick while engaged at [REDACTED]'s clinic.

2.7 The College conducted an investigation of this complaint, including reviewing and assessing a wide range of patient file information related to Mr. Winick's practice at [REDACTED]'s clinic. Paragraphs 3 through 10 of the Citation set out the allegations made by the College arising out of the investigation into [REDACTED]'s complaint. These allegations refer to 12 separate patients.

2.8 From May 2012 through July 2013, Mr. Winick did not respond adequately or in a timely manner to the complaints under investigation by the College. Paragraph 11 of the Citation addresses this concern.

Inquiry Committee Decision and Withdrawal from Practice

2.9 On August 21, 2012, the Committee considered the complaint and MAU matters identified above and directed the Registrar to issue a citation under Section 37 of the *HPA*. Mr. Winick was notified of this decision by letter dated August 27, 2012.

2.10 In June 2012, Mr. Winick had advised the College that he had finished providing dental services on May 1, 2012, and did not intend to resume working as a dentist. He submitted a formal, voluntary resignation letter on September 1, 2012. In that letter, he agreed not to apply for reinstatement with the College and not to apply for registration with any other dental regulatory authority in Canada. Mr. Winick has not applied for reinstatement with the College since his resignation letter and the College has no grounds to believe he has practised dentistry since April 2012.

2.11 Subsequently, Mr. Winick advised the College that he wished to return to practice and the Committee directed that the Citation proceed.

Citation Issuance

2.12 The Citation in this matter was issued on March 18, 2014, and was delivered electronically and by registered mail to Mr. Winick. The Citation established the hearing dates of May 27-30, 2014. Mr. Winick has been advised of the names of members of the hearing panel.

3.0 ADMISSIONS

3.1 Mr. Winick admits to each of the allegations in the Citation issued March 18, 2014, as specifically alleged in that document, except as to Paragraph 2(a), for which no admission is made. The College accepts and agrees that this allegation not be considered for the purposes of this consent proposal.

3.2 Mr. Winick acknowledges that the allegations as now admitted by him in Paragraphs 2 through 10 of the Citation amount to admissions of the incompetent practise of dentistry and, with respect to Paragraphs 1 and 11 of the Citation, of unprofessional conduct. He acknowledges that these admissions raise serious concerns as to the quality of dental care he provides and his professionalism when it comes to addressing complaints and related matters.

4.0 CONSENT to ORDER and INDEMNITY

4.1 In light of the agreed facts and admissions above, Mr. Winick hereby proposes resolution of the Citation on the following terms

- 4.1.1 Consent to a reprimand;
- 4.1.2 Consent to partially 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, payable within 120 days of reinstatement with the College;
- 4.1.3 Consent to not apply for reinstatement with the College before August 15, 2014;
- 4.1.4 Consent to the imposition of limits and conditions on his practice of dentistry, once he is reinstated, as follows:
 - a. Satisfactory completion of a full-time, (35 hours per week) four-month supervised practice period, or the part-time equivalent thereof, during during which time:
 - i. Mr. Winick will only practise as an associate under the direct supervision of one or more dentists approved by the College, including supervision within an approved study club or clubs environment;
 - ii. The direct supervision consists of the supervising dentist reviewing and overseeing any and all diagnoses, treatment plans and treatments and indicating satisfaction with the clinical results. The scope of supervision can be adjusted as the period of supervision progresses as agreed to between the College and the supervisor;
 - iii. Mr. Winick will enter into an agreement with the College confirming all aspects of this practice supervision period, including confirmation that the supervising dentist(s) will report to the College on a regular basis as to Mr. Winick's practice standards and requirements for further action as may be reasonably necessary.
 - b. Satisfactory completion of the National Dental Examining Board examinations (written and OSCE) at the first opportunity after satisfactory completion of the supervised practice period, with one

opportunity to repeat an examination in the event a passing standard is not achieved;

- c. Continuous membership and participation in at least one College-approved study club for a period of no less than five years from the date of reinstatement;
- d. Entering into a monitoring and inspection agreement with the College for a period of 24 months following completion of the supervised practice period, which agreement will provide for:
 - i. patient chart reviews being conducted every six months;
 - ii. office inspections as deemed necessary by the College; and
 - iii. the monitoring/inspecting representative of the College will report to the Committee on findings for further action as may be reasonably necessary.
- e. A doubling of continuing education requirements for the cycle during which Mr. Winick is first reinstated, such that no fewer than 180 credits are reported at the end of that three-year cycle; and
- f. Undergoing an assessment by a physician appointed by the College following completion of the supervised practice period with respect to his mental and physical fitness to practise dentistry, and provision by that physician to the College of a suitable report.

5.0 ACKNOWLEDGMENT and AGREEMENT

5.1 Mr. Winick acknowledges that the failure to satisfy any one or more of the consents, conditions and/or indemnities above may constitute professional misconduct or unprofessional conduct and may trigger an investigation and disciplinary proceedings in accordance with the provisions in the *HPA*.

5.2 Mr. Winick 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.

5.3 Mr. Winick 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.

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

Respectfully submitted to the Committee by:



Mr. Leslie Winick

MAY 12/14
Date

Signature of Mr. Winick witnessed on above date by:

[Redacted]

Witness Name (Please Print) and Signature

[Redacted]

Witness Phone Number



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

May 12, 2014
Date