

IN THE MATTER OF

The Health Professions Act RSBC 1996 c. 183

AND

IN THE MATTER OF
THE COLLEGE OF DENTAL SURGEONS OF
BRITISH COLUMBIA AND
DR. STEVEN KRIEGER

CONSENT ORDER

Under s. 37.1 of the *Health Professions Act*

After considering the Consent Order Proposal (the "Proposal") to the Inquiry Committee of the College of Dental Surgeons of British Columbia (the "College") submitted by the registrant, Dr. Steven Krieger (the "Respondent") on 24 October, 2017 and attached; and after considering the Respondent's admissions as set out in the Proposal, the Inquiry Committee orders:

- 1 In relation to the admission of professional misconduct, Dr. Krieger is reprimanded and is ordered to pay a fine of \$10,000 forthwith.
- 2 Dr. Krieger will withdraw from the practice of dentistry for a minimum of 1 year from the date of this Order and thereafter will refrain from engaging in the practice of dentistry except as provided for herein until the following steps set out below in paragraphs 3 to 7 have all been completed.
- 3 Dr. Krieger must complete, to the satisfaction of the College, a pre-clinical mentorship, which will consist of a minimum of 16 full day sessions, with a mentor approved by the College, including basic dental anatomy, physiology and pathology, which mentorship shall be deemed completed once a report has been received by the College from the mentor indicating that Dr. Krieger has satisfactorily completed the pre-clinical mentorship.
- 4 Upon satisfactory completion of the pre-clinical mentorship, Dr. Krieger must pass the NDEB Dental Regulatory Authority Assessments on Fundamental Knowledge, Clinical Judgment and Clinical Skills (the "NDEB Assessments"). The NDEB Assessments may

be undertaken no earlier than four months after beginning the pre-clinical mentorship.

- 5 After passing the NDEB Assessments, Dr. Krieger must complete, to the satisfaction of the College and at his expense, three clinical mentorships as described below:

5.1 A basic dentistry clinical mentorship, which will cover diagnosis and treatment planning, general dental care including but not limited to preventative and operative dentistry and will consist of 10 full day sessions, including 3 sessions on odontogenic surgery. This mentorship must be provided by a general practitioner acceptable to the College.

5.2 A major restorative care clinical mentorship, consisting of 10 full day sessions, which will cover diagnosis and treatment planning, major restorative care, including but not limited to fixed crown and bridge work. This mentorship must be provided by a prosthodontist or a general practitioner acceptable to the College, but may not be provided by the general practitioner who provided the basic dentistry clinical mentorship.

5.3 An endodontic clinical mentorship, consisting of 10 full day sessions, which will cover endodontics and diagnosis and treatment planning. This mentorship must be provided by an endodontist acceptable to the College.

5.4 The number of sessions in each clinical mentorship may be increased over the minimum stated above at the discretion of the mentor.

5.5 All patients treated in the course of the clinical mentorships must be informed, as part of the process of obtaining their informed consent to treatment, that treatment is to be performed pursuant to a remedial program and clinical mentorship stipulated by a Consent Order and must be provided with a copy of the Consent Order issued in relation to this Proposal and/or a link to the website containing the Consent Order.

5.6 The clinical mentorships must be undertaken and completed in the order set out above. A clinical mentorship is completed when a report summarizing the results of the mentorship and an evaluation has been received by the College from the mentor, including a specific review of the cases undertaken and indicating that Dr. Krieger has satisfactorily completed the mentorship.

6 After completing the clinical mentorships, Dr. Krieger must pass the Objective Structured Clinical Examination (“OSCE”) and the NDEB Certification Examination.

7 Dr. Krieger must obtain an unconditional pass in the 3-day Professional/Problem Based Ethics Course (PROBE) offered by the Center for Personalized Education for Physicians.

8 The mentorships, examinations and other activities described in paragraphs 3 to 6 must be undertaken and completed in the sequence set out above. The ethics course described in paragraph 7 may be taken at any time prior to seeking to return to practice.

9 If and when Dr. Krieger satisfies the conditions set out above, and provided that Dr. Krieger remains eligible for registration as a practising registrant, he may return to practice subject to the following limits and conditions, until such time as Dr. Krieger has demonstrated that he is consistently treating patients in accordance with the standard of care:

9.1 he will treat no more than 5 patients in a day (other than recall or emergency examinations);

9.2 his practice will be subject to monitoring by the College, which will include random inspections, chart reviews and day sheet reviews, at the College’s discretion; and

9.3 for a period of one year following his return to practice, Dr. Krieger must prominently post a sign in any office in which he practises dentistry to inform patients that he is subject to monitoring by the College.

10 Notwithstanding paragraph 9, if Dr. Krieger ceases to be a registrant or if he is registered in a class of registrants other than as a practising registrant, then, in order to be reinstated as a practising registrant, he must make an application which will be addressed by the Registration Committee of the College in accordance with the *HPA* and Bylaws in place at the time of application, and any steps taken or completed by Dr. Krieger pursuant to this Order shall be considered in relation to an application for reinstatement.

11 Dr. Krieger shall be entitled to renew his registration with the College for the registration years ending February 28, 2019, and February 28, 2020 subject to all of the

limits and conditions contained in this Order. If Dr. Krieger has not satisfactorily completed all of the remedial steps in paragraphs 3 to 7 of this Order as of May 1, 2019, he shall cease to be a registrant of the College, unless the College agrees to an extension in time based on unforeseen or extenuating circumstances. He will not be eligible for renewal of practicing registration, but may seek reinstatement as described in paragraph 10, and any steps taken or completed by Dr. Krieger prior to May 1, 2019 shall be considered in relation to an application for reinstatement.

12 During the term of Dr. Krieger's withdrawal from practice, any locum will be fully autonomous and Dr. Krieger 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, subject to the definition of "administrative and financial aspects of a dental practice" contained in the Proposal attached to this Order.

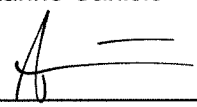
13 The mentorships, assessments, examinations and the fulfillment of limits and conditions upon Dr. Krieger's practice will be at his cost.

14 Nothing contained herein prevents Dr. Krieger from participating in Continuing Dental Education, which does not involve treatment of patients, in order to fulfill the Continuing Dental Education requirements in the College's bylaws.

15 Dr. Krieger shall pay the College's costs of its investigation in the fixed amount of \$4,000 forthwith.

The Consent Order is approved by the following Panel of the Inquiry Committee on the _____ day of October, 2017

Dr. Suzanne Carlisle



Dr. Nariman Amiri

Date

2017/10/24

Date

John Meredith

Date

11 Dr. Krieger shall be entitled to renew his registration with the College for the registration years ending February 28, 2019, and February 28, 2020 subject to all of the limits and conditions contained in this Order. If Dr. Krieger has not satisfactorily completed all of the remedial steps in paragraphs 3 to 7 of this Order as of May 1, 2019, he shall cease to be a registrant of the College, unless the College agrees to an extension in time based on unforeseen or extenuating circumstances. He will not be eligible for renewal of practicing registration, but may seek reinstatement as described in paragraph 10 and any steps taken or completed by Dr. Krieger prior to May 1, 2019 shall be considered in relation to an application for reinstatement.

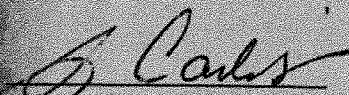
12 During the term of Dr. Krieger's withdrawal from practice, any locum will be fully autonomous and Dr. Krieger will not be involved in any aspect of patient care, but may be involved in administrative and financial aspects of any dental practice he owns, subject to the definition of "administrative and financial aspects of a dental practice" contained in the Proposal attached to this Order.

13 The mentorships, assessments, examinations and the fulfillment of limits and conditions upon Dr. Krieger's practice will be at his cost

14 Nothing contained herein prevents Dr. Krieger from participating in Continuing Dental Education, which does not involve treatment of patients, in order to fulfill the Continuing Dental Education requirements in the College's bylaws

15 Dr. Krieger shall pay the College's costs of its investigation in the fixed amount of \$4,000 forthwith.

The Consent Order is approved by the following Panel of the Inquiry Committee on the _____ day of October, 2017



Dr. Suzanne Carlisle

Oct 24, 2017

Date

Dr. Nariman Amiri

Date

limits and conditions contained in this Order. If Dr. Krieger has not satisfactorily completed all of the remedial steps in paragraphs 3 to 7 of this Order as of May 1, 2019, he shall cease to be a registrant of the College, unless the College agrees to an extension in time based on unforeseen or extenuating circumstances. He will not be eligible for renewal of practicing registration, but may seek reinstatement as described in paragraph 10 and any steps taken or completed by Dr. Krieger prior to May 1, 2019 shall be considered in relation to an application for reinstatement.

12 During the term of Dr. Krieger's withdrawal from practice, any locum will be fully autonomous and Dr. Krieger 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, subject to the definition of "administrative and financial aspects of a dental practice" contained in the Proposal attached to this Order.

13 The mentorships, assessments, examinations and the fulfillment of limits and conditions upon Dr. Krieger's practice will be at his cost.

14 Nothing contained herein prevents Dr. Krieger from participating in Continuing Dental Education, which does not involve treatment of patients, in order to fulfill the Continuing Dental Education requirements in the College's bylaws.

15 Dr. Krieger shall pay the College's costs of its investigation in the fixed amount of \$4,000 forthwith.

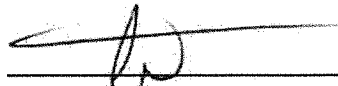
The Consent Order is approved by the following Panel of the Inquiry Committee on the 27th day of October, 2017

Dr. Suzanne Carlisle

Date

Dr. Nariman Amiri

Date



John Meredith

OCT 27 / 17

Date

IN THE MATTER OF

The Health Professions Act RSBC 1996 c. 183

Between:

THE COLLEGE OF DENTAL SURGEONS OF
BRITISH COLUMBIA

And:

DR. STEVEN KRIEGER

CONSENT ORDER PROPOSAL TO
INQUIRY COMMITTEE:

REGISTRANT ADMISSIONS AND CONSENTS

Citation Issued: August 3, 2017

Hearing Dates: November 14-17, 2017

Proposal Submitted: October 23, 2017

1.0 AUTHORITY and ACKNOWLEDGMENTS

1.1 As permitted under section 37.1(1) of the *Health Professions Act* (the "*HPA*"), Dr. Krieger hereby provides this consent order proposal ("Proposal") to the Inquiry Committee (the "Committee") of the College of Dental Surgeons of British Columbia (the "College").

1.2 Dr. Krieger acknowledges 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. Dr. Krieger acknowledges 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.

2.0 BACKGROUND and SUMMARY of AGREED FACTS

2.1 Dr. Krieger was registered with the College to practise dentistry on 03 October 2006.

2.2 On October 26, 2016, the Inquiry Committee directed the Registrar to issue a citation under section 37 of the *HPA* and referred the matter to a panel of the Inquiry Committee with authority to conduct a proceeding pursuant to s. 35 of the *HPA*.

2.3 On November 17, 2016, Dr. Krieger agreed to temporarily withdraw from practice, pending the disposition of the citation.

2.4 The citation was issued on August 3, 2017. The citation established the hearing dates of November 14-17, 2017.

3.0 ADMISSIONS

3.1 Dr. Krieger admits that he has provided dental treatment that failed to meet the required standards and that he thereby incompetently practised dentistry. Specifically, Dr. Krieger admits that the quality of care provided to the following patients did not meet the required standard of care as indicated:

3.1.1. [R.M.]: provided amalgam fillings to teeth 1.8, 1.6 and 2.6 that were substandard;

3.1.2. [S.S.]: failed to advise of all treatment options for tooth 2.7, which had a hopeless prognosis;

3.1.3. [R.P.]: extracted a root fragment at tooth 3.5 without a diagnostic radiograph and provided a substandard crown with an overhang on tooth 3.7;

3.1.4. [S.Y.]: failed to identify or remove caries on tooth 1.4, and failed to recognize he had inadequately placed restorative material on tooth 1.7;

3.1.5. [T.G.]: failed to identify caries and provided substandard care associated with a crown preparation;

3.1.6. [J.V.]: provided a restoration on the distal surface of tooth 2.5 when treatment there was no carious lesion evidence on the radiographs; and failed to detect and record a radio-opacity between teeth 3.5 and 3.7;

3.1.7. [A.O.]: recorded in the patient's chart that the margins on a crown he had provided to tooth 4.6 were shown by radiograph to be "well sealed" when they were open; and

3.1.8. [R.K.]: provided endodontic treatment to teeth 3.2 and 3.6 when the need for treatment was not supported by the records and failed to diagnose, treatment plan for and/or treat a distal root fragment remaining at 3.6 following extraction.

3.2. In addition, Dr. Krieger admits that he engaged in the following conduct, and that it amounts to professional misconduct:

3.2.1. he failed to inform the patient S.S. that the prior endodontic treatment he had provided had resulted in a perforation of a canal or tooth;

3.2.2. he added the notation "24D watch" to the chart of S.S. after the chart had been provided to the College for a chart review and did not admit to its addition until after a meeting with the College investigator;

3.2.3. he charged the patient M.S. and/or their insurer for a complicated extraction of a wisdom tooth when only a simple extraction was necessary;

3.2.4. he spoke with the patient S.W. over the phone on May 15, 2015 and reviewed a radiograph, diagnosed a radiograph and recommended treatment, at a time when he was not entitled to practise dentistry;

3.2.5. he used the incorrect billing code for treatment of the patient J.V. and thereby charged the patient and/or insurer for trauma/caries removal on tooth 3.1 when the treatment consisted of a pulpectomy; and

3.2.6. he charged the patient R.K. and/or the insurer for a complicated extraction of teeth 8.5 and 3.6, when the extractions were simple.

4.0 CONSENT to ORDER and INDEMNITY

4.1 In light of the agreed facts and admissions above, Dr. Krieger hereby proposes resolution of the citation on the following terms.

4.2 In relation to the admission of professional misconduct, Dr. Krieger consents to a reprimand and an order that he shall pay a fine of \$10,000 forthwith upon the acceptance of this Proposal.

4.3 Dr. Krieger will withdraw from the practice of dentistry for a minimum of 1 year from the date this proposal is accepted by the Inquiry Committee and thereafter will refrain from engaging in the practice of dentistry except as provided for in this proposal until the following steps set out below in paragraphs 4.4 to 4.7 have all been completed.

4.4 Dr. Krieger must complete, to the satisfaction of the College, a pre-clinical mentorship, which will consist of a minimum of 16 full day sessions, with a mentor approved by the College, including basic dental anatomy, physiology and pathology, which mentorship shall be deemed completed once a report has been received by the College from the mentor indicating that Dr. Krieger has satisfactorily completed the pre-clinical mentorship.

4.5 Upon satisfactory completion of the pre-clinical mentorship, Dr. Krieger must pass the NDEB Dental Regulatory Authority Assessments on Fundamental Knowledge, Clinical Judgment and Clinical Skills (the "NDEB Assessments"). The NDEB Assessments may be undertaken no earlier than four months after beginning the pre-clinical mentorship.

4.6 After passing the NDEB Assessments, Dr. Krieger must complete, to the satisfaction of the College and at his expense, three clinical mentorships as described below:

4.6.1 A basic dentistry clinical mentorship, which will cover diagnosis and treatment planning, general dental care including but not limited to preventative and operative dentistry and will consist of 10 full day sessions, including 3 sessions on odontogenic surgery. This mentorship must be provided by a general practitioner acceptable to the College.

4.6.2 A major restorative care clinical mentorship, consisting of 10 full day sessions, which will cover diagnosis and treatment planning, major restorative care, including but not limited to fixed crown and bridge work. This mentorship must be provided by a prosthodontist or a general practitioner acceptable to the College, but may not be provided by the general practitioner who provided the basic dentistry clinical mentorship.

4.6.3 An endodontic clinical mentorship, consisting of 10 full day sessions, which will cover endodontics and diagnosis and treatment planning. This mentorship must be provided by an endodontist acceptable to the College.

4.6.4 The number of sessions in each clinical mentorship may be increased over the minimum stated above at the discretion of the mentor.

4.6.5 All patients treated in the course of the clinical mentorships must be informed, as part of the process of obtaining their informed consent to treatment, that treatment is to be performed pursuant to a remedial program and clinical mentorship stipulated by a Consent Order and must be provided with a copy of the Consent Order issued in relation to this Proposal and/or a link to the website containing the Consent Order.

4.6.6 The clinical mentorships must be undertaken and completed in the order set out above. A clinical mentorship is completed when a report summarizing the results of the mentorship and the evaluation described in 4.5.6 has been received by the College from the mentor, including a specific review of the cases undertaken and indicating that Dr. Krieger has satisfactorily completed the mentorship.

4.7 After completing the clinical mentorships, Dr. Krieger must pass the Objective Structured Clinical Examination ("OSCE") and the NDEB Certification Examination.

4.8 Dr. Krieger must obtain an unconditional pass in the 3-day Professional/Problem Based Ethics Course (PROBE) offered by the Center for Personalized Education for Physicians.

4.9 The mentorships, examinations and other activities described in paragraphs 4.4 to 4.7 must be undertaken and completed in the sequence set out above. The ethics course described in paragraph 4.8 may be taken at any time prior to seeking to return to practice.

4.10 If and when Dr. Krieger satisfies the conditions set out above, and provided that Dr. Krieger remains eligible for registration as a practising registrant, he may return to practice subject to the following limits and conditions, until such time as Dr. Krieger has demonstrated that he is consistently treating patients in accordance with the standard of care:

4.10.1 he will treat no more than 5 patients in a day (other than recall or emergency examinations);

4.10.2 his practice will be subject to monitoring by the College, which will include random inspections, chart reviews and day sheet reviews, at the College's discretion; and

4.10.3 for a period of one year following his return to practice, Dr. Krieger must prominently post a sign in any office in which he practises dentistry to inform patients that he is subject to monitoring by the College.

4.11 Notwithstanding paragraph 4.10, Dr. Krieger acknowledges that if he ceases to be a registrant or if he is registered in a class of registrants other than as a practising registrant, then, in order to be reinstated as a practising registrant, he must make an application which will be addressed by the Registration Committee of the College in accordance with the *HPA* and Bylaws in place at the time of application, and any steps taken or completed by Dr. Krieger pursuant to this Proposal shall be considered in relation to an application for reinstatement.

4.12 Dr. Krieger shall be entitled to renew his registration with the College for the registration years ending February 28, 2019, and February 28, 2020 subject to all of the limits and conditions contained in this Proposal. If Dr. Krieger has not satisfactorily completed all of the remedial steps in paragraphs 4.4 – 4.8 of the Proposal as of May 1, 2019, he shall cease to be a registrant of the College, unless the College agrees to an extension in time based on unforeseen or extenuating circumstances. He will not be eligible for renewal of practicing registration, but may seek reinstatement as described in paragraph 4.11, and any steps taken or completed by Dr. Krieger prior to May 1, 2019 shall be considered in relation to an application for reinstatement.

4.13 Dr. Krieger acknowledges that during the term of his withdrawal from practice, any locum will be fully autonomous and that Dr. Krieger 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 MAU, administrative and financial aspects of a dental practice is defined as including decisions relating to management of the dental practice, including staffing, bookkeeping, audits, and accounting, but does not include any decisions relating to the necessity of treatments or any aspect of treatment planning for patients.

4.14 The mentorships, assessments, examinations and the fulfillment of limits and conditions upon Dr. Krieger's practice will be at his cost.

4.15 Nothing contained herein prevents Dr. Krieger for participating in Continuing Dental Education, which does not involve treatment of patients, in order to fulfill the Continuing Dental Education requirements in the College's bylaws.

4.16 Dr. Krieger shall pay partial indemnification of the College's costs of the investigation in the fixed amount of \$4,000 forthwith upon the acceptance of the Proposal.

5.0 ACKNOWLEDGEMENT and AGREEMENT

5.1 Dr. Krieger 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 Dr. Krieger acknowledges that any order made by the Inquiry Committee

