

Alberta Dental Association and College
Hearing Tribunal Decision
August 19, 2015

**IN ACCORDANCE WITH BYLAW 19(7) OF
THE ALBERTA DENTAL ASSOCIATION AND COLLEGE**

On August 19, 2015, a Hearing Tribunal of the Alberta Dental Association and College found Dr. Omar Nsair guilty of unprofessional conduct and he was sanctioned.

Dr. Nsair admitted he was guilty of unprofessional conduct because:

- He failed to appropriately treat tooth 24, including failing to appropriately prepare the tooth for a full coverage crown; failing to adequately cure the composite resin; failing to place a post and core; failing to place the crown with a ferrule and/or on sound tooth structure.
- He failed to appropriately treat tooth 15, including failing to appropriately prepare the tooth; failing to appropriately place the crown and/or placing a crown with open margins.
- He failed to appropriately place a restoration on tooth 14 by failing to remove all caries and/or failing to adequately cure the composite resin.
- He failed to obtain informed consent from the patient for the treatment provided on tooth 24 and/or tooth 15.
- He failed to keep or maintain appropriate dental records.

The Hearing Tribunal found Dr. Nsair's provision of dental services to the patient displayed a lack of knowledge of, or a lack of skill or judgment in the provision of dental services and contravened the standards of practice and Articles A2, A5, A8 and Principles 1, 3, 4, and 5 of the Code of Ethics.

The Hearing Tribunal recognized Dr. Nsair acknowledged his responsibility for the treatment and accepted the submissions of Dr. Nsair that he changed multiple processes in his practice to avoid future problems.

The Hearing Tribunal described the supporting evidence of each charge admitted to by Dr. Nsair and their findings, as summarized below.

Charges 1, 2 and 3: Dr. Nsair failed to appropriately treat tooth 15, 14 and tooth 24.

Dr. Nsair provided dental treatment to the patient from August 14, 2009 to March 11, 2013. On January 14, 2011, Dr. Nsair performed a root canal treatment on tooth 24 and restored it with composite resin. On February 2, 2013, teeth 15 and 24 were prepared for porcelain fused to metal crowns. On March 11, 2013 the crowns were inserted.

A July 13, 2013 radiograph of tooth 24 showed significant radiolucency extending to the root canal filling material as well as apical to the composite resin restoration and to the alveolar crest. The July 13, 2013 radiograph displays significant caries at the distal margin of the tooth extending to the root canal filling material and apical to the composite resin previously placed.

Dr. Nsair did not include all the marginal composite resin restoration in his preparation of tooth 24, nor did he deliver a post and core to retain the crown.

Following removal of the caries and placement of the intracoronal restoration, the remaining tooth structure was insufficient to retain the crown on tooth 24. Dr. Nsair failed to consider how he would treat the lost tooth material apical to the alveolar bony crest to deliver a viable restoration.

Dr. Nsair failed to extend the margins of the crown on tooth 24 onto sound tooth structure to reduce the possibility of recurrent caries and to aid in crown retention.

Dr. Nsair admitted the decay under the crown on tooth 24 could have been caused by improper curing of the composite resin or suboptimal performance of the curing light.

On August 4, 2009, Dr. Nsair performed a root canal treatment for tooth 15 and restored it with composite resin. A crown was inserted on March 11, 2013.

Dr. Nsair failed to properly place the crown on tooth 15 and the crown was placed with open margins. Further Dr. Nsair failed to assess whether the coronal tooth structure remaining was sufficient to retain a crown without a post and core.

On March 11, 2013, Dr. Nsair restored tooth 14 with composite resin. A July 13, 2013 radiograph revealed a significant radiolucency on the distal surface of the tooth at the gingival margin.

Dr. Nsair failed to remove the remaining caries during preparation or inadequately cured the composite resin at the gingival level resulting in the need for a replacement restoration. Dr. Nsair failed to ensure adequate completion of the restoration at the time of the placement.

Charge 4: Dr. Nsair failed to obtain informed consent of the patient for the treatment provided on tooth 24 and tooth 15.

Dr. Nsair failed to discuss the risks, benefits and options for treatment with the patient as well as the prognosis of the full coverage crowns on teeth 15 and 24. Dr. Nsair failed to inform the patient that the crown on tooth 24 was compromised at the initial placement. Dr. Nsair failed to provide the patient with post-operative instructions for the patient's March 11, 2013 treatment.

Charge 5: Failing to keep or maintain accurate dental records

Dr. Nsair's treatment records did not include the patient's dental history or consent to treatment. He did not note the brand of composite resin used. Dr. Nsair did not record the surfaces restored of teeth 23, 24, and 25.

Dr. Nsair did not record that the patient was informed of the risks and benefits of treatment performed, or the prognosis for the crowns cemented on March 11, 2103 and that the patient was given post-operative instructions.

Dr. Nsair obtained written consent from the patient on a document regarding privacy and legal requirements in the United States of America, not the Province of Alberta and directed the patient to make complaints to the US Department of Health and Human Services.

Dr. Nsair also obtained written consent from the patient on a document which references the "Health Insurance Portability and Accountability Act of 1996" which is not the law in Alberta regarding disclosure of patient information.

Sanctions

In the letter of complaint by the patient and the subsequent response from Dr. Nsair, it was acknowledged that Dr. Nsair refunded the costs of treatment of the crowns on teeth 24 and 15 and the composite restoration on tooth 14, prior to the patient submitting a written complaint to the ADA+C. He was attempting to directly address the patient's concerns.

The Hearing Tribunal accepted the Joint Submission on Penalty noting that providing appropriate treatment, obtaining informed consent, and proper record keeping are all basic and essential elements of patient care. Every dentist has a professional duty to comply with the professional standards in these areas. It was evident that Dr. Nsair breached these standards and his duty to his patient.

The Hearing Tribunal issued the following orders, acknowledging that serious penalties are necessary where there is serious unprofessional conduct on the part of Dr. Nsair:

Dr. Nsair will serve a two week suspension before August 15, 2016 and the dates must be approved in advance by the Complaints Director.

Dr. Nsair will complete the ADA+C Ethics Program, totaling 30 hours, on or before August 15, 2016. The Ethics Program will be paid for by the ADA+C but will not count toward Dr. Nsair's continuing education credits.

Dr. Nsair will be subject to practice supervision to be completed by December 31, 2015, as follows:

A supervisor dentist will attend at the dental practice of Dr. Nsair to oversee at least two crown preparations and two crown placements and discuss the treatment with Dr. Nsair.

The dentist supervisor will review the Standards of Practice: Record Keeping and Informed Consent with Dr. Nsair as these Standards apply to crown preparations and crown placements.

If the dentist supervisor has concerns about Dr. Nsair's crown treatments, the dentist supervisor will re-attend at Dr. Nsair's dental practice to oversee the delivery of these procedures again.

The dentist supervisor will prepare a report to the Complaints Director and the Complaints Director can treat any concerns raised by the dentist supervisor as a complaint, under the Health Professions Act.

The ADA+C will pay for the cost of the dentist supervisor, up to ten hours. If the time required for the dentist supervisor exceeds ten hours, Dr. Nsair will be responsible for the cost of the dentist supervisor above the ten hour threshold.

Dr. Nsair's time with the dentist supervisor and related to the dentist supervisor will not count toward his continuing education requirements.

Dr. Nsair will receive a reprimand.

Dr. Nsair will pay the costs of the investigation and hearing of \$18,010.88 on or before October 19, 2015.