

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

Between

THE COLLEGE OF DENTAL SURGEONS OF BRITISH COLUMBIA

And

DR. SERGEI AGAFONTSEV

Respondent

CITATION

**TO: Dr. Sergei Agafontsev
c/o Bernard & Partners
Barristers & Solicitors
1500-570 Granville Street
Vancouver BC V6C 3P1**

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 is conducting this inquiry to determine whether 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*, and/or
- d) have not complied with the *Act*, a regulation or a bylaw.

The Hearing will be held from Tuesday, November 12, 2013, to Friday, November 15, 2013, at the Sutton Place Hotel, 845 Burrard Street, Vancouver, B.C. The hearing will commence each day at 9:30 a.m.

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. In or about 2008, with respect to your patient, BC, you:**
 - a) failed to properly diagnose and treat the patient's gingival recession;**
 - b) failed to obtain the patient's informed consent for certain dental procedures you provided, by**
 - i. misleading or misinforming the patient by advising her that her gingival recession could be treated by the replacement of her bridges/crowns; and**
 - ii. failing to obtain the patient's consent for removal of crowns from teeth 4-6 and 4-7;**
 - c) provided the College with a transcript of the patient's records that includes a notation about patient consent that does not accord with the patient's actual records;**
 - d) provided unnecessary or inappropriate dental treatment in the removal of crowns from teeth 4-6 and 4-7; and**
 - e) provided substandard care in provision of a crown on tooth 4-6 and bridge from teeth 4-3 to 4-5.**

2. In or about 2010, with respect to your patient RV, you:
- a) failed to obtain the patient's informed consent for certain dental procedures provided, by
 - i. failing to discuss the proposed course of treatment or treatment options for tooth 3-6 with the patient; and
 - ii. failing to discuss with the patient and failing to obtain the patient's consent for provision of crowns on teeth 3-5 and 3-6;
 - b) provided unauthorized dental treatment by provision of crowns on teeth 3-5 and 3-6; and
 - c) provided substandard care in the provision of the crown on tooth 3-6.
3. In further respect of your patient RV and the investigation of the complaint filed by him with the College, you:
- a) informed the College that you had prepared a drawing for the patient's review and discussion prior to treating him and had presented and discussed the drawing with him, when you knew that was not true;
 - b) amended or caused or directed to be amended certain of the patient's dental records or chart in a manner indicating discussion with the patient about the patient's treatment plan and/or that consent had been received or occurred when that was not true; and
4. In or about December 2010, with respect to your patient RR, you:
- a) failed to obtain the patient's informed consent for certain dental procedures provided, by:
 - i. failing to ensure that the patient understood the course of treatment and the cost and payment requirements for its provision; and
 - ii. prepared, caused or directed to be prepared inadequate or false patient records regarding the patient's informed consent.

5. In or about 2011 and 2012, with respect to your patient FP, you:
- a) failed to take and use a radiograph of diagnostic quality prior to attempting to provide endodontic treatment to the patient's tooth 3-5;
 - b) failed to properly interpret a radiograph and diagnose the need for and provision of endodontic treatment to the patient's tooth 3-5;
 - c) failed to obtain the patient's informed consent for the dental procedures provided to tooth 3-4 by
 - i. failing to advise of treatment options, including less invasive and costly procedures;
 - ii. failing to advise of the diagnosis and treatment plan for the tooth; and
 - iii. failing to inform the patient of the consequences, including costs and risks of removing the crown rather than an alternative treatment approach;
 - b) provided unnecessary or inappropriate dental services by removing the patient's crown on tooth 3-4;
 - c) failed to maintain adequate dental records, including failing to note a broken file in the mesial canal of tooth 3-5 and failing to note up a tooth perforation created within tooth 3-5; and
 - e) failed to keep the patient adequately informed of the dental procedure and consequences, including failing to notify her of the broken file in the mesial canal of tooth 3-5 and the perforation of tooth 3-5.

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 attached to this Citation, and you are particularly referred to s. 37-39 of the *Act* and part 10 and schedules G and H of the Bylaws.

FURTHER TAKE NOTICE that after completion of the hearing under s. 38 of the *Act* the Panel, under s. 39 of the *Act*, may 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 OF BRITISH COLUMBIA


Jerome Marburg, Registrar
June 7th, 2013