

IN THE MATTER OF

The Health Professions Act RSBC 1996 c. 183

Between:

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

And:

DR. MARK REICHMAN

**CONSENT ORDER PROPOSAL TO
INQUIRY COMMITTEE:**

REGISTRANT ADMISSIONS AND CONSENTS

citation issued: July 8, 2014

Hearing Dates: March 30 to April 10, 2015

Proposal Submitted: March , 2015

1.0 AUTHORITY and ACKNOWLEDGMENTS

1.1 As permitted under section 37.1(1) of the *Health Professions Act* (the "*HPA*"), Dr. Reichman hereby provides this consent order proposal ("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 Dr. Reichman and counsel for the College.

1.2 Dr. Reichman 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. Dr. Reichman 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.

2.0 BACKGROUND and SUMMARY of AGREED FACTS

2.1 Dr. Reichman was registered with the College to practise dentistry as a certified specialist in oral and maxillofacial surgery in 1994 and is 50 years of age. At all times relevant to this Proposal and the hearing of the citation, Dr. Reichman lived in the Lower Mainland and practised at 1-1380 West 7th Ave, Vancouver.

2.2 In December, 2012, the College received a written complaint from Redacted ("the Patient") regarding Dr. Reichman. The College conducted an investigation that included seeking information from the Patient and Dr. Reichman.

2.3 On November 5, 2013, the Inquiry Committee considered the complaint. It 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*.

2.4 On April 2, 2014, Dr. Reichman agreed, pending the disposition of the citation, to practice on his undertakings to:

- not see any patient in his office during or outside regular office hours unless a staff member is with him throughout;
- immediately notify the College if he has seen a patient outside office hours and provide the name of the attending staff member; and
- to provide the College with a list of employees.

2.5 The citation was issued on July 8, 2014, and was delivered electronically and by courier to Dr. Reichman's counsel. The citation established the hearing dates of October 27-31, 2014. At Dr. Reichman's counsel's request the hearing was adjourned and reset for March 30, 2015 to April 10, 2015.

3.0 ADMISSIONS

3.1 Dr. Reichman admits that during treatment of the Patient on January 22, 2012, he spoke to her in an inappropriately personal manner, by making comments about genital piercings, tattoos, and the patient's breasts. He touched the Patient's ribs below the breast for a non-clinical purpose. On several occasions, Dr. Reichman's groin area came into contact with the Patient's hand as it rested on the arm of the dental chair in a manner that she reasonably perceived as sexual. Following treatment, he hugged the patient.

3.2 Dr. Reichman acknowledges that the conduct as now admitted by him amounts to professional misconduct.

4.0 CONSENT to ORDER and INDEMNITY

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

4.1.1 That he shall be suspended for 4 months, commencing on July 1, 2015, 2 months of which shall be stayed on provision of satisfactory

evidence to the College that he has completed both courses noted in para. 4.1.4(a) and (b) below;

4.1.2 That the following limits and conditions will be imposed upon his practice regarding the attendance of a chaperone as follows:

- a. he will not see any patient in his office unless a chaperone is continuously present;
- b. chaperones at his office/clinic must be approved in advance by the College, and upon terms satisfactory to the College;
- c. conspicuous signage will be placed in the reception and operatories at his clinic/office indicating that a chaperone is required at treatment of all patients;

4.1.3 Dr. Reichman undertakes that he will not treat patients alone in any setting, including any hospital at which he has privileges;

4.1.4 Dr. Reichman is required to complete the following education:

- a. prior to resumption of practice, successful completion of the 3 day Ethics and Boundaries Course (PROBE) offered by The Centre for Personalized Education of Physicians ("CPEP");
- b. prior to resumption of practice, successful completion of the 3 day course in professional boundaries for the health care professional at the Centre for Professional Health, Vanderbilt University;
- c. within one year of resumption of practice, he shall successfully complete CPEP's Ethics Course-Probe Plus;

4.1.5 Dr. Reichman undertakes to continue to engage in a course of counselling/psychotherapy to address boundary issues arising in the professional relationship from a practitioner acceptable to the College and to provide that practitioner with the authority to report to the College upon its request as to his attendance for such treatment;

4.1.6 Dr. Reichman shall pay a fine of \$20,000, forthwith upon the acceptance of the Proposal;

4.1.7 Dr. Reichman shall pay partial indemnification of the College's costs of the investigation in the fixed amount of \$10,000.00, forthwith upon the acceptance of the Proposal.

4.2 Dr. Reichman may apply to the College for removal of the conditions and undertakings set out herein no earlier than 3 years from the date that any order is made based upon this Proposal.

4.3 Dr. Reichman further acknowledges and agrees that:

4.3.1 The Inquiry Committee may direct that the Registrar monitor his compliance with these requirements and report periodically to the chair or vice-chair of the Inquiry Committee;

4.3.2 The mandatory public notice requirements set out in section 39.3 of the HPA require that his name, the nature of the action taken and the reason for the action taken will be published; and

4.3.3 The College will provide written notification to the chief of administration at any hospital at which he has privileges of this Proposal and Order.

5.0 ACKNOWLEDGEMENT and AGREEMENT

5.1 Dr. Reichman 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.

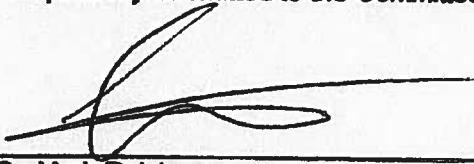
5.2 Dr. Reichman acknowledges that any order made by the Inquiry Committee based upon this Proposal constitutes "previous action" for the purposes of s. 39.2 of the HPA.

5.3 Dr. Reichman confirms that he has received legal advice and representation throughout the College's investigation, disciplinary and consent order proposal processes and before agreeing to all of the facts, admissions, consents, indemnities and other terms and conditions herein.

5.4 Dr. Reichman 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.

5.5 The College and Dr. Reichman agree that this Proposal may be executed in counterpart and delivered by facsimile or as an electronic document.

Respectfully submitted to the Committee by:

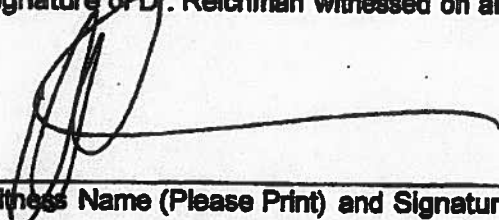


Dr. Mark Reichman

MAR 5 / 15

Date

Signature of Dr. Reichman witnessed on above date by:



Witness Name (Please Print) and Signature

Barrister and Solicitor
Counsel for the College

Date

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Respectfully submitted to the Committee by:

Dr. Mark Reichman

Date

Signature of Dr. Reichman witnessed on above date by:

Witness Name (Please Print) and Signature



Barrister and Solicitor
Counsel for the College

March 5, 2015
Date