

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

Between:

THE COLLEGE OF DENTAL SURGEONS OF BRITISH COLUMBIA

And:

DR. KYLE NAWROT

ORDER OF THE INQUIRY COMMITTEE
Under s. 37.1 of the *Health Professions Act*

The Inquiry Committee of the College of Dental Surgeons of British Columbia (the “College”) accepted a proposal for resolution submitted by the registrant, Dr. Kyle Nawrot on February 4, 2020 (the “Proposal”) and accordingly issues this Order, pursuant to section 37.1(3)(a) of the *Health Professions Act*. The Proposal is attached to and forms part of this Order.

The Inquiry Committee accepts Dr. Nawrot’s admissions that he committed professional misconduct, in that, with respect to a number of patients, he:

- a. Provided treatment and procedures that were unnecessary, excessive, inappropriate, and/or not supported by a diagnosis;
- b. Provided inappropriate administration of sedative agents that went beyond minimal sedation in which he was not properly qualified to perform;
- c. Provided treatment that fell below the College’s expected standards;
- d. Provided inappropriate billings for treatments;
- e. Failed to maintain adequate records in accordance with the College’s expected standard for recordkeeping; and
- f. Submitted insurance claims for treatment when such treatment was unnecessary, not indicated, and/or where the documented treatment did not meet the criteria for payment.

After a review of the concerns identified in the College’s investigation and Dr. Nawrot’s admissions, and the comprehensive disciplinary and remedial actions proposed, the Inquiry Committee accepted Dr. Nawrot’s written proposal. The Inquiry Committee considered that his conduct required both a punitive component and a significant remedial component, covering multiple areas of practice, before Dr. Nawrot could return to the practice of dentistry. Given that Dr. Nawrot had previously undergone a directed

educational program arising from other complaints in the past, the Inquiry Committee felt that an ongoing period of mentorship and monitoring was also required.

The Inquiry Committee therefore orders as follows:

1. Dr. Nawrot is reprimanded.
2. Dr. Nawrot is suspended from the practice of dentistry for a period of 9 months, effective from the beginning of February 4, 2020 to the end of November 3, 2020.
3. During the period of suspension, Dr. Nawrot:
 - a. Is prohibited from receiving payment directly or indirectly in respect of services provided by other dentists in any practice that he may own. Dr. Nawrot must produce any documentation that the College may require or deem necessary to confirm that he has not received any payment in respect of services as outlined in this paragraph;
 - b. Is prohibited from being involved in any aspect of patient care. Any locum and associate dentist in his offices will be fully autonomous; and
 - c. Must prominently post signage at his most recent location of practice to inform patients that he is suspended from practice, in accordance with College Bylaw 10.06(1)(e).
4. Dr. Nawrot must pay the College a fine of \$30,000 by August 4, 2020.
5. Dr. Nawrot must pay \$4,000 representing the partial costs of the College's investigation by August 4, 2020.
6. Dr. Nawrot must not return to practice until he has:
 - a. Completed a comprehensive pre-clinical assessment of his knowledge, skills and abilities and enter into an education and remediation agreement as directed by a mentor designated by the College, such agreement to specifically include, without limitation, a hands-on pre-clinical course in endodontics, to cover diagnosis, treatment planning, and current techniques in endodontics;
 - b. Provided the College a report from the pre-clinical mentor designated by the College that he has satisfactorily completed all directed remediation;
 - c. Successfully completed each of the following courses:
 - i. The "for credit" version of the College's online recordkeeping course;

- ii. The “for credit” version of the College’s “More Tough Topics” course;
 - iii. The PROBE Ethics and Boundaries Program provided by the Center for Personalized Education for Professionals (CPEP), where he must achieve an “unconditional pass”;
 - iv. A course on radiographic interpretation, provided by a mentor designated by the College;
 - d. Paid the entire amount ordered in each of paragraphs 4 and 5 of this Order; and
 - e. Provided the College with evidence of his successful completion of each and every item in paragraphs 6(a), 6(b), and 6(c) above.
- 7. Upon his return to practice, Dr. Nawrot is required to participate in clinical mentorships with mentors designated by the College, with such mentors providing progress reports to the College at least every 3 months, for a minimum total duration of 24 months following his return to practice, as follows:
 - a. Within 6 months of his return to practice, Dr. Nawrot must participate in one half-day mentorship session involving the presentation of 5 clinical endodontic cases he has completed;
 - b. For the first 12 months following his return to practice, Dr. Nawrot must participate in one half-day mentorship session no less than once a month, to review and provide oversight of diagnosis, treatment planning, and clinical treatment;
 - c. For the period between 12 and 24 months following his return to practice, Dr. Nawrot must participate in one half-day mentorship session no less than once every 3 months, to review and provide oversight of diagnosis, treatment planning, and clinical treatment; and
 - d. Thereafter, Dr. Nawrot must participate in any continuing mentorship or oversight as is recommended by the mentors designated by the College, in their sole discretion.
- 8. During the period of mentorship and monitoring described in paragraph 7, Dr. Nawrot must prominently post signage at any location where he practises to inform patients that he is subject to monitoring by the College.
- 9. Within 9 months of his return to practice, Dr. Nawrot must successfully complete the PROBE Plus course, or another program, approved in advance by the College, that is substantially equivalent in content and duration.

10. Following his return to practice, Dr. Nawrot is prohibited from providing any level of sedation, including minimal sedation, until:
 - a. He has successfully completed the College's Overview of the Updated Minimal and Moderate Sedation online course;
 - b. He has successfully completed a two-day mentorship on sedation to include pediatric sedations, with a mentor designated by the College;
 - c. The College has received a report from the designated mentor indicating that Dr. Nawrot has satisfactorily completed the mentorship; and
 - d. The College has inspected his office and is satisfied that adequate sedation monitoring, practices, and emergency response measures are in place.

11. Within 6 months of the date on which Dr. Nawrot has become eligible to provide sedation following completion of the steps required in paragraph 10 above, he must participate in one half-day presentation of 5 randomly selected minimal sedation cases he has completed with a mentor designated by the College.

12. Dr. Nawrot must provide the College with a list of all current staff with contact information, and continuously and promptly update the College of any staff changes.

13. Dr. Nawrot is subject to all further acknowledgments and conditions stated in the Proposal, all of which are incorporated by reference and form part of this Order.

This Order is effective February 4, 2020.

The Order is approved by the Panel of the Inquiry Committee as indicated by their signatures below.

Dr. Mike Racich, Chair

Date

Dr. Jonathan Tsang, Panel Member

Date

Ms. Marg Vandenberg, Panel Member

Date

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

Between:

THE COLLEGE OF DENTAL SURGEONS OF
BRITISH COLUMBIA

And:

DR. KYLE NAWROT

**CONSENT ORDER PROPOSAL TO
INQUIRY COMMITTEE**

REGISTRANT ADMISSIONS AND CONSENTS

Citation issued: January 9, 2019, amended January 14, 2020
Hearing dates: February 18 - March 6, 2020
Proposal submitted: February 4, 2020

1.0 AUTHORITY AND ACKNOWLEDGMENTS

- 1.1 As permitted under section 37.1(1) of the *Health Professions Act* (the "HPA"), Dr. Nawrot hereby provides this consent order proposal to the inquiry committee (the "Committee") of the College of Dental Surgeons of British Columbia (the "College").
- 1.2 Dr. Nawrot acknowledges that acceptance of this proposal by the Committee would result in the Committee making an order consistent with the proposal, which order would be considered to be that of the discipline committee for all purposes in accordance with section 37.1(3)(a) of the *HPA*.
- 1.3 Dr. Nawrot acknowledges that rejection of this proposal by the Committee 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

- 2.1 Dr. Nawrot registered with the College as a dentist on August 1, 1998. Dr. Nawrot owns a dental practice in Abbotsford, British Columbia. A dental corporation permit was issued for his company "Dr. K.I.T. Nawrot Inc." on April 12, 2012.
- 2.2 Between 2004 and 2006, the College received complaints about Dr. Nawrot, who was required to enter into an education program to be followed by chart reviews until such time as the College was satisfied the concerns had been addressed. The monitoring file was closed in 2012 after satisfactory improvements were noted.
- 2.3 Between May 2016 and August 2017, the College received three complaints about Dr. Nawrot. The College investigated the complaints and identified concerns with Dr. Nawrot's ethical and clinical practices.
- 2.4 On July 31, 2018, the Committee directed the Registrar to issue a citation under section 37 of the *HPA*.
- 2.5 The citation was issued on January 9, 2019, alleging that Dr. Nawrot had committed professional misconduct with respect to treatment provided for 21 patients. On January 14, 2020, the citation was amended to reset the hearing dates after Dr. Nawrot changed counsel.
- 2.6 The amended citation established the hearing dates of February 18 – March 6, 2020.

3.0 ADMISSIONS

- 3.1 Dr. Nawrot admits to professional misconduct in that, with respect to a number of patients, he:
- 3.1.1 Provided treatment and procedures that were unnecessary, excessive, inappropriate, and/or not supported by a diagnosis;
 - 3.1.2 Provided inappropriate administration of sedative agents that went beyond minimal sedation in which he was not properly qualified to perform;
 - 3.1.3 Provided treatment that fell below the College's expected standards;
 - 3.1.4 Provided inappropriate billings for treatments;
 - 3.1.5 Failed to maintain adequate records in accordance with the College's expected standard for recordkeeping; and
 - 3.1.6 Submitted insurance claims for treatment when such treatment was unnecessary, not indicated, and/or where the documented treatment did not meet the criteria for payment.

4.0 CONSENT TO ORDER

- 4.1 Given Dr. Nawrot's admissions above, Dr. Nawrot proposes resolution of the citation on the following terms:
- A) Reprimand
- 4.2 Dr. Nawrot consents to a reprimand.
- B) Suspension from practice
- 4.3 Dr. Nawrot is suspended from practice for a period of nine months, effective from the beginning of February 4, 2020 to the end of November 3, 2020.
- 4.3.1 Dr. Nawrot acknowledges that during the period of suspension, he is prohibited from receiving payment directly or indirectly in respect of services provided by other dentists in any practice he may own. Dr. Nawrot further acknowledges and undertakes to produce any documentation the College may require or deem necessary to confirm that he has not received any payment in respect of services as outlined in this paragraph.
 - 4.3.2 Dr. Nawrot acknowledges that during the period of suspension, any locum and associate dentists working in his offices will be fully autonomous and Dr. Nawrot 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 purposes of this proposal, administrative and financial aspects of a dental practice is defined as including decisions relating to

management of the dental practice, including staffing, bookkeeping, audits, marketing and accounting, but specifically excludes any decisions relating to the necessity of treatments or any aspect of treatment planning for patients.

- 4.3.3 Dr. Nawrot acknowledges that while suspended he remains required to pay all registration fees assessed by the College in order to maintain his registration.
- 4.3.4 During the period of suspension, Dr. Nawrot must prominently post signage at his most recent location of practice to inform patients that he is suspended from practice, in accordance with College Bylaw 10.06(1)(e).

C) Payment of a fine

- 4.4 Dr. Nawrot must pay a fine in the amount of \$30,000, which amount must be paid in full no later than August 4, 2020.

D) Payment of partial investigation costs

- 4.5 Dr. Nawrot must pay partial costs of the investigation in the amount of \$4,000, which amount must be paid in full no later than August 4, 2020.

E) Pre-clinical remediation prior to his return to practice

- 4.6 Prior to returning to practice, Dr. Nawrot must complete a comprehensive pre-clinical assessment of his knowledge, skills and abilities and undertake to enter into an education and remediation agreement as directed by a mentor designated by the College, such agreement to specifically include, without limitation, a hands-on pre-clinical course in endodontics, to cover diagnosis, treatment planning, and current techniques in endodontics.
- 4.7 Dr. Nawrot acknowledges and agrees that he may not return to practice until such time as the College has received a report from the designated mentor indicating that Dr. Nawrot has satisfactorily completed all directed remediation.
- 4.8 Prior to returning to practice, Dr. Nawrot must do all of the following:
 - 4.8.1 Review the College's Dental Recordkeeping Guidelines and successfully complete the "for credit" version of the associated online course;
 - 4.8.2 Successfully complete the "for credit" version of the College's "More Tough Topics" online course;
 - 4.8.3 Successfully complete the PROBE Ethics and Boundaries Program provided by the Center for Personalized Education for Professionals (CPEP) and achieve an "unconditional pass"; and
 - 4.8.4 Successfully complete a course on radiographic interpretation, provided by a mentor designated by the College.

- 4.9 Dr. Nawrot acknowledges and agrees that he may not return to practice until after the completion of the period of suspension and after he has completed each and every item in paragraphs 4.4, 4.5, 4.6, 4.7, and 4.8.1 to 4.8.4, and has provided evidence to the College confirming his successful completion thereof.
- 4.10 Dr. Nawrot acknowledges and agrees that he remains subject to the College's registration renewal requirements and Quality Assurance program.

F) Mentorship and monitoring following his return to practice

- 4.11 Upon his return to practice, Dr. Nawrot must participate in the following clinical mentorships with a mentor or mentors designated by the College, with such mentor or mentors providing progress reports to the College at least every 3 months, for a minimum total duration of 24 months following his return to practice, as follows:
 - 4.11.1 Within six months of return to practice, participate in one half-day mentorship session involving the presentation of five clinical endodontic cases he has completed;
 - 4.11.2 One half-day mentorship session, no less than once a month for the first 12 months of his return to practice, to review and provide oversight of diagnosis, treatment planning, and clinical treatment;
 - 4.11.3 Thereafter, one half-day mentorship session, no less than once every three months for the following 12 months, to review and provide oversight of diagnosis, treatment planning, and clinical treatment; and
 - 4.11.4 Any continuing mentorship or oversight as is recommended by the mentor(s) designated by the College, in their sole discretion.
- 4.12 During the period of mentorship and monitoring identified in paragraph 4.11 above, Dr. Nawrot must prominently post signage at any location where he practises to inform patients that he is subject to monitoring by the College.
- 4.13 Within nine months of his return to practice, Dr. Nawrot must successfully complete the PROBE Plus course, or another program, approved in advance by the College, that is substantially equivalent in content and duration.

G) Restrictions on sedation following his return to practice

- 4.14 Dr. Nawrot is prohibited from providing any level of sedation, including minimal sedation, until:
 - 4.14.1 He has successfully completed the College's Overview of the Updated Minimal and Moderate Sedation online course;



- 4.14.2 He has successfully completed a two-day mentorship on sedation, to include pediatric sedation, with a mentor designated by the College;
 - 4.14.3 The College has received a report from the designated mentor indicating that Dr. Nawrot has satisfactorily completed the mentorship; and
 - 4.14.4 The College has inspected his office and is satisfied that adequate sedation monitoring, practices, and emergency response measures are in place.
- 4.15 Within six months of the date on which Dr. Nawrot has become eligible to provide sedation following completion of the steps required in paragraph 4.14, he must participate in one half-day presentation of five randomly selected minimal sedation cases he has completed with a mentor designated by the College.

H) Other conditions/acknowledgments following his return to practice

- 4.16 Dr. Nawrot acknowledges and agrees that the College may conduct random inspections of his practice at any time during business hours without prior notice, in accordance with the *HPA*.
- 4.17 Dr. Nawrot acknowledges and agrees that any mentor acting in accordance with this proposal may communicate directly with the College regarding Dr. Nawrot's progress, including any concerns they may have with any aspect of his clinical performance.
- 4.18 Dr. Nawrot must provide the College with a list of all current staff with contact information, and continuously and promptly update the College of any staff changes. Dr. Nawrot acknowledges and agrees that the College may communicate directly with his former and current staff.

5.0 FURTHER ACKNOWLEDGEMENT AND AGREEMENT

A. Costs

- 5.1 Dr. Nawrot acknowledges and agrees that all mentorships, remediations, or other steps required to comply with this proposal will be entirely at Dr. Nawrot's own expense, including any reports required to be provided to the College.

B. Non-compliance

- 5.2 Dr. Nawrot acknowledges that the failure to satisfy any one or more of the terms herein may constitute professional misconduct or unprofessional conduct and may trigger an investigation and disciplinary proceedings in accordance with the provisions in the *HPA*.



C. Publication

- 5.3 Dr. Nawrot acknowledges and agrees that an order made based upon this proposal results in mandatory public notification as 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 Dr. Nawrot may separately apply to the Committee for an order that his name be excluded from the public notification. Dr. Nawrot acknowledges and agrees that he remains bound by the terms of any order made based upon this proposal, regardless of the outcome of any application for anonymous publication.
- 5.5 Dr. Nawrot acknowledges and agrees that, regardless of the outcome of any application for anonymous publication:
- 5.5.1 A notation of his suspension and the limits/conditions on his practice must be included in the College's public register in accordance with section 21.2 of the *HPA*;
- 5.5.2 The College's obligation to notify other regulatory bodies of the order pursuant to College Bylaw 10.05 is unaffected; and
- 5.5.3 The College may provide information regarding this matter to any regulatory body to whom Dr. Nawrot applies for registration.

D. Effect of order made based upon this proposal

- 5.6 Dr. Nawrot acknowledges that any order made by the Committee based upon this proposal constitutes "past action" for the purposes of section 39.2 of the *HPA*.

E. Receipt of legal advice

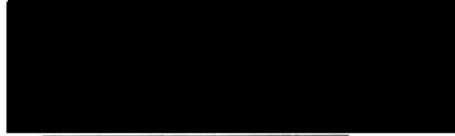
- 5.7 Dr. Nawrot confirms that he has received legal advice and representation throughout the College's investigative, disciplinary and consent order proposal processes and before agreeing to all of the facts, admissions, consents, indemnities and other terms and conditions herein.



Having read, understood, and agreed to each and every term above, this proposal is respectfully submitted to the Committee by:



Dr. Kyle Nawrot



Date

Signature of Dr. Nawrot witnessed on the above date by:



Witness name and signature

