

NOTICE OF PUBLICATION BAN

In the College of Physicians and Surgeons of Ontario and Dr. George Terence Riley, this is notice that the Discipline Committee made an order under subsection 45(3) of the *Health Professions Procedural Code*, (the “*Code*”) which is Schedule 2 to the *Regulated Health Professions Act, 1991*, S.O. 1991, c. 18, as amended, banning publication of financial or personal matters related to Dr. Riley and his family as it was satisfied that financial or personal matters may be disclosed of such a nature that the desirability of avoiding public disclosure of those matters outweighs the desirability of adhering to the principle that hearings be open to the public.

Subsection 93(1) of the *Code*, which is concerned with failure to comply with this order, reads:

93(1) Every person who contravenes an order made under section 45 or 47 is guilty of an offence and on conviction is liable to a fine of not more than \$10,000 for a first offence and not more than \$20,000 for a subsequent offence.

Indexed as: Riley (Re)

**THE DISCIPLINE COMMITTEE OF THE COLLEGE
OF PHYSICIANS AND SURGEONS OF ONTARIO**

IN THE MATTER OF a Hearing directed
by the Executive Committee of
the College of Physicians and Surgeons of Ontario
pursuant to subsection 36(1) of the *Health Professions Procedural Code*,
being Schedule 2 of the *Regulated Health Professions Act, 1991*,
S.O. 1991, c. 18, as amended.

B E T W E E N:

THE COLLEGE OF PHYSICIANS AND SURGEONS OF ONTARIO

- and -

DR. GEORGE TERENCE RILEY

PANEL MEMBERS:

**DR. L. THURLING (CHAIR)
D. EATON-KENT
DR. R. SHEPPARD
B. TAA (PHD)
DR. M. DAVIE**

Hearing Date:	July 19, 2006
Decision Date:	July 19, 2006
Release of Written Reasons Date:	August 30, 2006

PUBLICATION BAN

DECISION AND REASONS FOR DECISION

The Discipline Committee of the College of Physicians and Surgeons of Ontario (the “Committee”) heard this matter at Toronto on July 19, 2006. At the conclusion of the hearing, the Committee stated its finding that Dr. Riley committed professional misconduct and delivered its penalty order with written reasons to follow.

PUBLICATION BAN

The Committee made an order under subsection 45(3) of the *Health Professions Procedural Code*, (the “Code”) being Schedule 2 of the *Regulated Health Professions Act, 1991*, S.O. 1991, c. 18, as amended, banning publication of financial or personal matters related to Dr. Riley and his family as it was satisfied that financial or personal matters may be disclosed of such a nature that the desirability of avoiding public disclosure of those matters outweighs the desirability of adhering to the principle that hearings be open to the public. The order and reasons were made in writing on July 19, 2006.

ALLEGATION

The Notice of Hearing alleged that Dr. Riley committed professional misconduct under paragraph 1(1)33 of Ontario Regulation 856/93, (made under the *Medicine Act, 1991*, S.O. 1991, c. 30), in that he is guilty of an act or omission relevant to the practice of medicine that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional.

RESPONSE TO ALLEGATION

Dr. Riley admitted to the allegation of professional misconduct as set out in the Notice of Hearing.

EVIDENCE

The following Agreed Statement of Facts and Admission was filed as an exhibit and presented to the Committee:

PART I – AGREED STATEMENT OF FACTS

1. Dr. Riley is a 73 year old general practitioner who practices family medicine in Oakville, Ontario. Dr. Riley received an independent practice certificate from this College on June 26, 1967.
2. By Order dated September 29, 2003 (“the Order”), the Discipline Committee imposed terms, conditions and limitations on Dr. Riley’s certificate of registration to ensure the currency of his records, the timeliness of his referrals and his follow-up on laboratory results and other correspondence. Attached [to the Agreed Statement of Facts and Admission] at Tab 1 is a copy of the Order and the Decision and Reasons for Decision of the Discipline Committee dated November 25, 2003.
3. On a number of occasions between November, 2003 and December 2005, Dr. Riley failed to comply with the terms of the Order. Specifically, Dr. Riley failed to ensure the currency of his records, the timeliness of his referrals and his follow-up on laboratory results and other correspondence. Attached [to the Agreed Statement of Facts and Admission] at Tab 2 are the reports from Dr. Riley’s monitor evidencing his failure to comply with the Order between November, 2003 and December 2005, and his compliance with the Order since January 12, 2006 to date.

PART II - ADMISSION

4. Dr. Riley admits that the conduct set out above is professional misconduct:
 - (a) under paragraph 1(1)33 of Ontario Regulation 856/93 made under the *Medicine Act, 1991*, in that he has engaged in conduct or an act or acts relevant to the practice of medicine that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional.

FINDING

The Committee accepted as true all of the facts set out in the Agreed Statement of Facts and Admission. Having regard to these facts, the Committee accepted Dr. Riley's admission and found that he committed professional misconduct under paragraph 1(1)33 of Ontario Regulation 856/93 made under the *Medicine Act, 1991*, in that he is guilty of an act or omission relevant to the practice of medicine that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional.

PENALTY AND REASONS FOR PENALTY

Counsel for the College and counsel for Dr. Riley made a joint submission as to an appropriate penalty. It was jointly proposed that: Dr. Riley's practice be restricted to surgical assisting, in accordance with an undertaking Dr. Riley entered into with the College (which also provides for monitoring of Dr. Riley's OHIP billings); Dr. Riley provide confirmation of his compliance with the Order of the Discipline Committee dated September 29, 2003, and confirmation that he is current and up-to-date on all of his records, referrals, laboratory results and other correspondence in his office and hospital practice; Dr. Riley be reprimanded; and the results of the proceeding be included on the public register. Counsel for the College and counsel for Dr. Riley also jointly proposed that Dr. Riley pay costs to the College in the amount of \$1500.00.

College counsel submitted that a discipline penalty must provide specific deterrence to the member, general deterrence to the membership at large and, most importantly, protection of the public.

A mitigating factor pointed out by College counsel in this case is Dr. Riley's admission to the allegation of professional misconduct, in that he failed to ensure the currency of his records, the timeliness of his referrals and his follow-up on laboratory results and other correspondence, as set out in the Order of this Committee dated September 29, 2003. By doing so, he has demonstrated some sense of responsibility and saved the College the time and effort of a full hearing.

A very significant aggravating factor pointed out by College counsel is Dr. Riley's history with the Discipline Committee of this College. He has had five previous appearances for misconduct, where each instance has involved the issue of failing to ensure the currency of his records, timeliness of his referrals and his follow-up of laboratory results and other correspondence.

Counsel for Dr. Riley submitted that, while Dr. Riley's history with the Discipline Committee is an aggravating factor, the jointly proposed penalty is just and should be accepted by the Committee. She stated that Dr. Riley has been cooperative, he has admitted to his mistakes and he is endeavouring to address his problems. It was further submitted that the protection of the public will be achieved by Dr. Riley ceasing to conduct independent patient care so that he will no longer have record-keeping responsibilities of the kind that have led to these proceedings.

The Committee was dismayed to hear of Dr. Riley's repeated disregard for the College's authority. Current and thorough record keeping is an integral part of an independent clinical practice. Dr. Riley's conduct indicates he cannot do this consistently. Failing to comply with an Order from the College cannot be tolerated. The Committee determined that the joint submission on penalty is appropriate and Dr. Riley's future practice will be limited solely to surgical assisting. The proposed penalty, in conjunction with his undertaking with the College, will eliminate the need for Dr. Riley to keep patient records and the posting of the undertaking on the public register will provide public protection as well as general deterrence to the membership at large.

ORDER

Therefore, the Discipline Committee ordered and directed that:

1. Dr. Riley appear before it to be reprimanded, with the fact of the reprimand to be recorded on the register;
2. the Registrar impose the following terms, conditions and limitations on Dr. Riley's certificate of registration:

- (a) Effective September 22, 2006, Dr. Riley shall restrict his practice to surgical assisting, in accordance with the undertaking executed by him dated July 19, 2006, a copy of which is appended to [the] Order; and
 - (b) By September 30, 2006, Dr. Riley will provide confirmation to the College, through his practice monitor, that as of that date, Dr. Riley is in compliance with the Order of the Discipline Committee dated September 29, 2003, and is current and up-to-date on all of his records, referrals, laboratory results and other correspondence in his office and hospital practice.
- 3. Dr. Riley pay costs to the College in the amount of \$1,500.00 by August 30, 2006 and;
 - 4. the results of this proceeding to be included in the register.

At the conclusion of the hearing, Dr. Riley waived his right to an appeal under subsection 70(1) of the *Code* and the Committee administered the public reprimand.