

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

IN THE MATTER OF a Hearing directed by
the Inquiries, Complaints and Reports Committee of the College of Physicians and Surgeons of Ontario
pursuant to Section 26(1) of the **Health Professions Procedural Code**
which is Schedule 2 of the ***Regulated Health Professions Act, 1991***,
S.O. 1991, c. 18, as amended.

B E T W E E N:

COLLEGE OF PHYSICIANS AND SURGEONS OF ONTARIO

- and -

DR. CHIZOBA CHRISTOPHER UZOH

PANEL MEMBERS:

**MR. PETER PIELSTICKER (CHAIR)
DR. CAROLE CLAPPERTON
MS. ELLEN MARY MILLS
DR. JOHN RAPIN
DR. JOANNE NICHOLSON**

COUNSEL FOR THE COLLEGE OF PHYSICIANS AND SURGEONS OF ONTARIO:

MS MORGANA KELLYTHORNE

COUNSEL FOR DR. UZOH:

**MS DENA VARAH
MR. JONATHAN MCDANIEL**

INDEPENDENT COUNSEL FOR THE DISCIPLINE COMMITTEE:

MS JENNIFER McALEER

DECISION AND REASONS FOR DECISION

The Discipline Committee (the “Committee”) of the College of Physicians and Surgeons of Ontario (“the College”) heard this matter via videoconference on May 14, 2020. At the conclusion of the hearing, the Committee released a written order stating its finding that the member committed an act of professional misconduct and setting out its penalty and costs order with written reasons to follow.

THE ALLEGATION

The Notice of Hearing alleged that Dr. Uzoh committed an act of professional misconduct:

1. under paragraph 1(1)33 of Ontario Regulation 856/93 made under the *Medicine Act, 1991* (“O. Reg. 856/93”), in that he has engaged in 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;
2. under paragraph 1(1)34 of O. Reg. 856/93, in that he engaged in conduct unbecoming a physician; and
3. under clause 51(1)(b) of the Health Professions Procedural Code which is Schedule 2 to the *Regulated Health Professions Act, 1991*, S.O. 1991, c.18, in that the governing body of another health profession in Ontario, or the governing body of a health profession in a jurisdiction other than Ontario, has found that the member committed an act of professional misconduct that would, in the opinion of the panel, be an act of professional misconduct under section 51 of the Health Professions Procedural Code or an act of professional misconduct as defined in the regulations.

RESPONSE TO THE ALLEGATIONS

Dr. Uzoh admitted the first two allegations in the Notice of Hearing.

The College withdrew the third allegation in the Notice of Hearing.

THE FACTS

The following facts were set out in an Agreed Statement of Facts and Admission which was filed as an exhibit and presented to the Committee:

PART I – FACTS

Background

1. Dr. Chizoba Christopher Uzoh (“Dr. Uzoh”) is a 43 year-old family physician, who was first issued a restricted certificate of registration in October 2016, and thereafter began practising in Etobicoke, Ontario.

2. Dr. Uzoh went to medical school in Nigeria. Before coming to practise medicine in Ontario, Dr. Uzoh did specialty training, fellowships, and practised in the United Kingdom, from 2005 to 2016.

Dr. Uzoh’s Failure to Notify College of Updated Information During the Application Process

3. Dr. Uzoh applied to The College of Physicians and Surgeons of Ontario (the “College”) for a restricted certificate of registration as an exam-eligible candidate on April 11, 2016. Such a certificate of registration would permit him to practise in Ontario for a specified duration under supervision while seeking certification by examination

from the College of Family Physicians of Canada. At that time, he was still in practice in the United Kingdom. A copy of Dr. Uzoh's application is attached at Tab 1 to the Agreed Statement of Facts and Admission.

4. Applicants are required to answer questions regarding professionalism, conduct, character and suitability to practise medicine. Dr. Uzoh responded 'no' to the following questions, which answer was true at the time, among others:

- Regardless of the outcome, have you ever been the subject of any complaint made to a medical licensing authority? Be sure to disclose all complaints. Complaints that were dismissed, or closed with no further action, or otherwise resolved in any manner, must still be disclosed.
- Are you now the subject of any complaint made to a medical licensing authority?
- Have you ever been the subject of any type of investigation, inquiry or proceeding by a medical licensing authority relating to your professional conduct, competence, capacity, or any other aspect of your medical practice? Be sure to disclose all medical licensing authority investigations, inquiries or proceedings, including any audits or assessments of your practice.
- Are you now the subject of any type of investigation, inquiry or proceeding by a medical licensing authority relating to your professional conduct, competence, capacity, or any other aspect of your medical practice?
- Have you ever had a medical license revoked, suspended, restricted, limited, or subjected to any other adverse action?
- Are you now or have you ever been the subject of any type of investigation, inquiry, review or action by a hospital, health facility, or any other place of employment relating to your professional conduct, competence, capacity, or any aspect of your medical practice?

5. In his application, Dr. Uzoh agreed that during the course of his application, he would immediately notify the College in writing of anything that rendered any response to the questions in the application no longer true and complete, even if the response was true and complete when originally given.

6. On May 11, 2016, the medical practice ("the Practice") where Dr. Uzoh worked as a locum in the United Kingdom received a complaint regarding Dr. Uzoh. Dr. Uzoh was notified of the complaint. He was suspended for six months with immediate effect from the medical performers list for the National Health Service England North, Cheshire and Merseyside (the "NHS"), and notified of the same in writing by letter dated May 13, 2016. The NHS informed the General Medical Council (the "GMC") of the suspension on May 16, 2016, and on May 24, 2016 the GMC received information from the NHS setting out the details underpinning the suspension.

7. By a decision dated May 31, 2016, and sent on that day to Dr. Uzoh via special delivery, the allegations against Dr. Uzoh were referred to the United Kingdom's Medical Practitioners Tribunal ("MPT"). Dr. Uzoh was notified that an MPT Interim Orders Tribunal hearing would be held on June 14, 2016.

8. On June 2, 2016, Dr. Uzoh confirmed that he had received the notice and emailed his written representations to the Interim Orders Tribunal. Dr. Uzoh provided a response to the allegations but advised that he would not attend the Interim Orders Tribunal.

9. On June 14, 2016, in Dr. Uzoh's absence, the Interim Orders Tribunal imposed an interim order of conditions for a period of 12 months on Dr. Uzoh. The order of the Interim Orders Tribunal, made June 14, 2016, is attached at Tab 2 to the Agreed Statement of Facts. Dr. Uzoh was made aware of the interim order in or around June 2016.

10. Dr. Uzoh did not notify the College of any of the foregoing, contrary to his obligation to do so immediately, as these developments rendered his responses to the questions set out at paragraph 4 above no longer true and complete.

11. On July 14, 2016, without having been notified by Dr. Uzoh of the new information, the Registration Committee of the College considered and approved Dr.

Uzoh's application for a restricted certificate of registration, subject to certain pre-conditions and completion of any outstanding registration requirements. A letter from the Registration Committee Chair to Dr. Uzoh dated July 18, 2016 advising him of this information is attached at Tab 3 to the Agreed Statement of Facts.

12. Dr. Uzoh was issued a restricted certificate of registration on October 5, 2016 permitting him to practise family medicine at a specified office in Toronto, Ontario under supervision. Dr. Uzoh's restricted certificate of registration dated October 5, 2016 is attached at Tab 4 to the Agreed Statement of Facts.

Dr. Uzoh's Failure to Disclose Information on his Annual Renewal Form

13. On May 7, 2017, Dr. Uzoh completed his annual renewal form, which he was required as a member to file with the College. Dr. Uzoh's 2017 annual renewal form is attached at Tab 5 to the Agreed Statement of Facts.

14. Dr. Uzoh was required to answer the following question on his annual renewal form:

- Are you registered with any other medical licensing authorities other than Ontario?

Dr. Uzoh answered this question in the negative. This was untrue. He remained licensed in the United Kingdom.

15. Dr. Uzoh was also required to answer the following question on his annual renewal form:

- Are there any discipline actions pending against you by any licensing authority/regulatory, other than the College of Physicians and Surgeons of Ontario, the facts of which you have not previously disclosed to the College?

Dr. Uzoh answered this question in the negative. This was untrue. Dr. Uzoh had been served with a Notice of Hearing by the MPT in April 2017, notifying him of a pending MPT discipline hearing to be held in May 2017 regarding the allegations arising from the patient complaint.

Dr. Uzoh's Failure to Disclose Professional Misconduct Finding

16. On May 26, 2017, the MPT in the United Kingdom found Dr. Uzoh to have engaged in misconduct and imposed an immediate order of suspension on Dr. Uzoh's registration. The MPT's Record of Determination dated May 26, 2017 is attached at Tab 6 to the Agreed Statement of Facts. Dr. Uzoh received notice of the MPT's finding and suspension order.

17. Members of the College are required to file a report in writing with the Registrar regarding any finding of professional misconduct or incompetence made against them by another body that governs a profession inside or outside Ontario, under section 85.6.3 of the Health Professions Procedural Code, which is Schedule 2 to the *Regulated Health Professions Act, 1991*. Such a report must be filed as soon as reasonably practicable after the member receives notice of the finding.

18. Dr. Uzoh failed to file a report in writing with the Registrar regarding the MPT's finding as soon as was reasonably practicable. The College became aware of the investigation and proceedings in the United Kingdom through media reports and a Federation of State Medical Boards disciplinary alert, and commenced an investigation regarding Dr. Uzoh on May 2, 2018.

19. In his 2018 annual renewal form, submitted on May 8, 2018, Dr. Uzoh notified the College that he was licensed in the United Kingdom and had been subject to disciplinary action by a regulator other than the College.

PART II – ADMISSION

20. Dr. Uzoh admits the facts specified above, and admits that, based on these facts, he engaged in professional misconduct, in that he engaged in 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, under paragraph 1(1)33 of O. Reg. 856/93, made under the *Medicine Act, 1991*, and in that he engaged in conduct unbecoming a physician under paragraph 1(1)34 of O. Reg. 856/93.

FINDING

The Committee accepted as correct all of the facts set out in the Agreed Statement of Facts and Admission. Having regard to these facts, the Committee accepted Dr. Uzoh's admission and found that he committed committed an act of professional misconduct under:

- (i) paragraph 1(1) 33 of Ontario Regulation 856/93, in that he has engaged in 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; and
- (ii) paragraph 1(1)34 of O. Reg. 856/93, in that he engaged in conduct unbecoming a physician.

PENALTY AND REASONS FOR PENALTY

FACTS ON PENALTY

The following facts were set out in an Agreed Statement of Facts Regarding Penalty which was filed as an exhibit and presented to the Committee:

1. Dr. Chizoba Christopher Uzoh (“Dr. Uzoh”) held a restricted certificate of registration that expired on October 4, 2019.
2. Having attained the requisite qualifications by way of College of Family Physicians of Canada certification, Dr. Uzoh applied for an independent certificate of registration.
3. Dr. Uzoh’s application for an independent certificate of registration was refused at a Registration Committee meeting held October 17, 2018, with reasons released January 15, 2019.
4. Dr. Uzoh sought review of the Registration Committee decision by the Health Professions Appeal and Review Board. The Registration Committee’s decision was upheld by the Board in an order and reasons released October 2, 2019.
5. Dr. Uzoh does not currently have a certificate of registration with the College. Nor is Dr. Uzoh registered to practise in the United Kingdom any longer.
6. Dr. Uzoh has advised that in January 2020 he began a one-on-one educational course in professional boundaries, ethics, and self-regulation with consultant Gail Siskind, which is ongoing.

Included in the materials provided to the Committee for review were copies of both the interim orders of the Medical Practitioners Tribunal Service (MPTS) of the United Kingdom (UK) (June 14, 2016) and their subsequent findings of misconduct (May 26, 2017). The final outcome of the UK hearing was a 12-month suspension of Dr. Uzoh's certificate to practice.

The nature of the misconduct which the MPTS considered was serious. The MPTS found that Dr. Uzoh used personal information from the medical record, including the phone number and address of a patient (with whom he had one clinical encounter), to repeatedly contact her for a personal relationship. This included texts, phone calls, and sending a gift and note to her home. The MPTS found this communication to be of a sexual nature.

Joint Submission

Counsel for the College and counsel for Dr. Uzoh made a joint submission as to an appropriate penalty and costs order, which would consist of a reprimand, a nine-month suspension, along with an order for costs in the amount of \$10,370.00, with \$5,185 thereof to be paid within 60 days of the date of the Order and the remaining \$5,185 thereof to be paid within 90 days of the date of the Order.

Although the Committee has discretion to accept or reject a joint submission on penalty, the law provides that the Committee should not depart from a joint submission, unless the proposed penalty would bring the administration of justice into disrepute, or is otherwise not in the public interest (*R. v. Anthony-Cook* 2016 SCC 43).

Penalty principles

Penalty principles considered by the Committee were protection of the public, maintaining the integrity of the profession, and maintaining public confidence in the

College's ability to regulate the profession in the public interest. The penalty should also serve as a specific deterrent to the member and a general deterrent to the profession, as well as consider the opportunity for the member's rehabilitation. Other principles considered by the Committee included denunciation of the misconduct and proportionality.

Aggravating Factors

The Committee considered there to be several aggravating factors which contributed to the seriousness of Dr. Uzoh's misconduct. The College's effective regulation of the profession requires that members provide accurate information to the regulatory body. The need for honesty and completeness is implicit in this process. Dr. Uzoh's lack of disclosure during his first application to the College for a certificate of registration, and his subsequent dishonesty on several points in his annual renewals are aggravating factors. Dr. Uzoh did not notify the College as required in May 2016, only one month after his application to the College, that he was the subject of a complaint and pending disciplinary action in the UK. He gave false information again after the finding of misconduct in the UK was made, and admitted his transgressions only when the College was notified of the finding by a third party. The deliberate and repetitive nature of this behaviour and a troubling pattern of disregard for regulation is cause for concern with respect to future governability of the member. This is an aggravating factor.

Mitigating Factors

Dr Uzoh's admission to the allegations avoided a contested hearing, saving time and expenses. This is a mitigating factor. Dr Uzoh also started an education program in January 2020, which shows some insight and potential for rehabilitation.

Prior Cases

Although prior decisions of the Discipline Committee are not binding as precedent, the Committee accepts as a principle of fairness that generally like cases should be treated alike.

To support the jointly-proposed penalty, counsel for the College and counsel for Dr Uzoh submitted five cases in a joint book of authorities, the first of which is a Divisional Court judgment which sets the legal precedent for the continued jurisdiction of the College despite the fact that the member does not currently have an active Certificate of Registration (*College of Nurses of Ontario v. Mark Dumchin*, 2016 ONSC 626). The remaining four discipline cases deal with similar behaviour to that of Dr. Uzoh.

In *CPSO v. Garcia*, 2020 ONCPSD 13, the physician pleaded no contest to an allegation that he had engaged in conduct or an act or admission relevant to the practice of medicine that would be reasonably regarded as disgraceful, dishonorable or unprofessional. In preparation for the penalty hearing for a separate discipline proceeding, Dr. Garcia hired an expert witness to testify on his behalf. The expert undertook a chart review. Dr. Garcia altered, fabricated, and destroyed some of the charts prior to the expert's review. His conduct was a deliberate attempt to mislead the regulator. He was considered ungovernable and the Committee revoked his Certificate of Registration.

In *CPSO v. Kamermans*, 2017 ONCPSD 42, the member had several prior discipline findings. With respect to a complaint regarding his prescribing practices, in 2014 the Committee had found that Dr. Kamermans had committed an act of professional misconduct and placed terms, limitations and conditions on his certificate of registration. He subsequently failed to notify medical regulators in both New Mexico and Michigan, where he also had certificates of registration, that he had a finding of misconduct against him. Dr. Kamermans had a long history with the College over many

years and had repeatedly shown disregard for the governance of regulatory bodies in Ontario and the United States. The 2017 hearing proceeded with an Agreed Statement of Facts and Admission of the allegations. There was also an Agreed Statement of Facts regarding penalty; however, disagreement as to what the penalty should be as Dr. Kamermans requested a suspension, and the College sought revocation. The Committee revoked Dr. Kamermans's certificate, in part due to concerns that his failure to comply with the governance of other jurisdictions and the repeated nature of his history before the College would make rehabilitation unlikely.

In *CPSO v. Kesarwani*, 2018 ONCPSD 7, Dr. Kesarwani, a plastic surgeon, relocated his out of hospital premises (OHP) without notifying the College. He performed procedures at the new location without having the premises inspected and lied about having done so. Dr. Kesarwani admitted the allegations. This case proceeded on an Agreed Statement of Facts and a Joint Submission on Penalty, and the Committee made a finding of dishonorable, disgraceful or unprofessional conduct. He received a three month suspension, a reprimand, and an order to pay costs.

CPSO v. Vasic, 2007 ONCPSD 1 (liability) and 19 (penalty), was a contested hearing with allegations of professional misconduct arising from the provision of inaccurate information by Dr. Vasic to multiple regulatory bodies including the College, and the Medical Licensing Boards of Ohio and Indiana. He provided false information on his annual renewal forms in 2004 and 2005, and concealed disciplinary actions by multiple states in the United States. Dr. Vasic showed a repeated and pervasive inability to accept the rules in place to provide governance to the profession and had little insight into the need for such governance. The Committee ordered a twelve-month suspension (three months of which would be suspended if he complete the College's medical ethics course), and made an order for him to pay costs of the hearing.

The Committee is satisfied that the penalty jointly submitted by the parties in the present case is reasonable and in line with previous similar cases. The case of *CPSO v.*

Vasic is most similar with respect to the nature of the misconduct and penalty; however, at issue in all four of the preceding like cases are concerns regarding honesty, integrity and the need for governability.

CONCLUSION

Dr. Uzoh is a 43 year-old family physician. He initially trained in Nigeria, and did specialty training, fellowships and then practiced in the UK from 2005 until coming to Ontario in 2016. He was issued a restricted certificate of registration with the College in October 2016 and began practising in Etobicoke, Ontario. He had applied for this certificate in April 2016, and while still in the UK was made aware of a complaint against him in May 2016. This complaint stemmed from inappropriate conduct towards a vulnerable patient. He was aware of his obligation to report this complaint to the College but did not do so. The misconduct in the UK was of a serious nature and may have changed the Registration Committee's decision to issue the restricted certificate at the outset, had the Registration Committee been aware of it. As the discipline process unfolded in the UK, Dr. Uzoh lied to the College on his annual renewal forms with respect to the fact that he still did have a licence to practice in the UK and that he did have allegations of misconduct against him there. The College was alerted to his history by a third party after the suspension of his licence in the UK in May 2017, and it was only after this that Dr. Uzoh filled out his renewal forms honestly.

The Committee accepts the joint submission on penalty as appropriate. The nine month suspension will serve as a specific deterrent to the member, a general deterrent to the profession and will protect the public, while maintaining the integrity of the profession and confidence in the College's ability to regulate in the public interest. The Committee is also of the view that a public reprimand will further serve as a specific and general deterrent and will allow the Committee to express its condemnation of Dr. Uzoh's conduct.

Costs are always in the discretion of the Committee. In this case, the parties have reached an agreement on costs and the Committee agrees that the amount is appropriate.

ORDER

The Committee stated its findings in paragraph 1 of its written order released following the hearing. In that order, the Committee ordered and directed on the matter of penalty and costs that:

2. **THE DISCIPLINE COMMITTEE ORDERS** Dr. Uzoh to attend before the panel to be reprimanded.
3. **THE DISCIPLINE COMMITTEE DIRECTS** the Registrar to suspend Dr. Uzoh's certificate of registration for a period of nine (9) months, commencing from May 15, 2020 at 12:01 a.m.
4. **THE DISCIPLINE COMMITTEE ORDERS** Dr. Uzoh to pay costs to the College in the amount of \$10,370, with \$5,185 thereof to be paid within sixty (60) days of the date of this Order and the remaining \$5,185 thereof to be paid within ninety (90) days of the date of this Order.

TEXT of PUBLIC REPRIMAND
Delivered August 27, 2020
in the case of the
COLLEGE OF PHYSICIANS and SURGEONS of ONTARIO
and
DR. CHIZOBA CHRISTOPHER UZOH

Dr. Uzoh:

You have been found to have committed an act of professional misconduct because you engaged in conduct unbecoming to a physician and conduct that would be regarded by members of the profession as disgraceful, dishonourable or unprofessional.

As a member of this profession, you are expected to act with professionalism, to display exemplary conduct and high moral character and to be suitable to practice medicine. You have failed on all counts.

You applied for a certificate of registration as an exam eligible candidate in April 2016. You abused this privilege by first not notifying the College when you were first notified of a complaint registered against you in the UK, and then lying on subsequent application, by indicating that there were no complaints when in fact your licence in the UK had been suspended. It was only when a third party notified the College that your licence had been suspended that you acknowledged this matter. This deceit might have gone on had this third party not provided the information as to your situation in the UK. This is not the conduct of a professional individual be it in medicine or any other profession. And then to subsequently be untruthful on later applications is not appropriate conduct for any individual.

This is not an official transcript

This Committee is hopeful that by taking an ethics course you can better understand that your past conduct is unacceptable and an embarrassment to the medical profession. Doctors need to be trusted individuals by their patients, peers and the public, and your deceit and manipulation tarnishes your own reputation and that of the profession.

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