

Indexed as: Piatek, D. P. (Re)

**THE DISCIPLINE COMMITTEE OF THE 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**
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. DARIUSZ PIOTR PIATEK

PANEL MEMBERS:

**DR. J. WATTS
P. GIROUX
DR. P. GARFINKEL
DR. P. POLDRE**

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| Hearing Date: | November 27, 2013 |
| Decision Date: | November 27, 2013 |
| Release of Written Reasons: | December 19, 2013 |

DECISION AND REASONS FOR DECISION

The Discipline Committee (the “Committee”) of the College of Physicians and Surgeons of Ontario heard this matter at Toronto on November 27, 2013. At the conclusion of the hearing, the Committee stated its finding that the member committed an act of professional misconduct and delivered its penalty and costs order with written reasons to follow.

THE ALLEGATIONS

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

1. under clause 51(1)(a) of the Health Professions Procedural Code (the “Code”), Schedule 2 to the *Regulated Health Professions Act, 1991*, S.O. 1991, c.18 in that he has been found guilty of an offence that is relevant to his suitability to practise; and
2. under paragraph 1(1)33 of Ontario Regulation 856/93 made under the *Medicine Act, 1991*, (“O. Reg. 856/93”), 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.

RESPONSE TO THE ALLEGATIONS

Dr. Piatek admitted the allegations in the Notice of Hearing, that he has been found guilty of an offence that his relevant to his suitability to practise; and 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.

FACTS AND EVIDENCE

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

1. On December 19, 2011, Dr. Dariusz Piotr Piatek (“Dr. Piatek”) plead guilty to, and was convicted of, the following charge (the “Guilty Plea”):
 - a) That he did, in the city of Mississauga, between January 1, 2008 and July 30, 2009, submit billings to the Ontario Health Insurance Plan that did not comply with the requirements of the Schedule of Benefits and did thereby commit an offense contrary to the Health Insurance Act, Section 44(1)(a).

2. At the hearing of his Guilty Plea, Dr. Piatek agreed to the truth of an Agreed Statement of Facts, which was entered as Exhibit 1 to Dr. Piatek’s proceeding and was read into the Court record (the “Guilty Plea ASF”). A true copy of the transcript of Dr. Piatek’s Guilty Plea, including the full text of the Guilty Plea ASF, is attached to the Agreed Statement of Facts at Tab 1. Dr. Piatek reaffirms the truth of the Guilty Plea ASF and adopts the full text thereof into this Agreed Statement of Facts by reference.

3. Dr. Piatek admits that his actions as set out herein constitute professional misconduct in that,
 - a) Dr. Piatek has been found guilty of an offence that is relevant to his suitability to practise, contrary to clause 51(1)(a) of the Health Professions Procedural Code which is Schedule 2 to the Regulated Health Professions Act, 1991, S.O. 1991, c.18; and
 - b) Dr. Piatek has committed 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, contrary to paragraph 1(1)33 of O. Reg. 856/93 made under the Medicine Act, 1991.

FINDING

The Committee accepted as true all of the facts set out in the Agreed Statement of Facts. Having regard to these facts, the Committee accepted Dr. Piatek's admission and found that he committed an act of professional misconduct, in that he has been found guilty of an offence that his relevant to his suitability to practise, and in that he has engaged in conduct or 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 the member made a joint submission as to an appropriate penalty and costs order.

The Committee is aware that a joint submission must be accepted unless to do so would be contrary to the public interest and would bring the administration of justice into disrepute.

The Committee was provided with three previous decisions of the Discipline Committee to assist in its deliberations. Each of these cases contained some aspects similar to the findings in Dr. Piatek's case. While not bound by these previous decisions, the Committee is aware that similar cases ought to be dealt with in a similar fashion.

The Committee was mindful of the mitigating factors in this case, including that Dr. Piatek acknowledged his wrongdoing at the outset, thus sparing the College the costs of a contested hearing.

The Committee also considered an aggravating factor in this case, in that this was Dr. Piatek's second appearance before the Discipline Committee.

The Committee is aware of the order of the Fitness to Practice Committee and the terms, conditions and limitations that are in place on Dr. Piatek's certificate of registration and took this into consideration in its deliberations.

The Committee considered that the proposed penalty would uphold the relevant penalty principles including protection of the public, specific and general deterrence, rehabilitation of the member and maintenance of public confidence in the integrity of the profession by emphasizing the importance of honesty and care, especially when dealing with public funds.

ORDER

The Committee ordered and directed that:

1. Dr. Piatek appear before the panel to be reprimanded; and
2. Dr. Piatek pay costs to the College in the amount of \$4,460 within thirty (30) days from the date of this Order.

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