

Indexed as: Vincent (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 Section 60(1)
of the **Health Disciplines Act**,
R.S.O. 1980, c. 196.

BETWEEN:

THE COLLEGE OF PHYSICIANS AND SURGEONS OF ONTARIO

- and -

DR. ELEANORE LYNETTE VINCENT

PANEL MEMBERS: DR. J.D. CURTIS (Chair)
DR. L. ROBINSON
DR. B. KAIN
B. HAMMOND
F. HOSHIZAKI

HEARING DATE: MARCH 6, 1995

DECISION/RELEASE DATE:

MARCH 6, 1995

DECISION AND REASONS FOR DECISION

In the Notice of Hearing it was alleged that Dr. Eleanore Lynette Vincent at the City of Newcastle, in the Province of Ontario during the period on or about August 24, 1993 to December 31, 1993 did conduct herself in a fashion that constituted conduct 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 Ontario Regulation 548, s29(33) as amended.

The particulars of this allegation of professional misconduct were set out in the Notice of Hearing as follows:

- (1) By letter dated August 24, 1993, the Deputy Registrar wrote Dr. Vincent a letter instructing her to make the necessary arrangements to attend at the College and meet with the Registrar and Deputy Registrar;
- (2) Dr. Vincent did not respond to this letter or comply with its contents;
- (3) The Deputy Registrar sent a second letter dated September 29, 1993 and a third letter dated November 5, 1993. Dr. Vincent similarly did not respond to these letters;
- (4) On November 9, 1993, Mr. ZUP, an inspector with the College, attended Dr. Vincent's office and spoke with her directly about the contents of the letters and the obligation to respond thereto;
- (5) Dr. Vincent thereafter still did not contact the College or respond to these letters as of December 31, 1993.

Dr. Vincent was not represented by legal counsel and by her choice she appeared on her own behalf. She entered a plea of guilty.

Both prosecution counsel and Dr. Vincent described the details surrounding these events. There was no dispute as to the facts. In March 1992 a complaint regarding Dr. Vincent was registered. This complaint concerned the fact that Dr. Vincent had refused to

prescribe the hypnotic Halcion by telephone for a patient that she had been trying to wean from this medication. The College wrote to Dr. Vincent on three occasions requesting her response to the complaint. Finally, she responded in April 1993. The Complaints Committee dismissed the complaint and thus, the substance of the complaint does not constitute the subject matter of the present hearing. What was in issue was Dr. Vincent's tardiness in responding to the letters from the College, a matter referred by the Complaints Committee to the Executive Committee. The Executive Committee ordered, in a letter, that Dr. Vincent meet with the Deputy Registrar and the Registrar. She failed to reply to this letter of August 24, 1993 and did not appear for the interview. Two subsequent letters in September and November of 1993 were met with no response. A College inspector visited Dr. Vincent at her office and informed her of her obligations in November 1993. Finally, after Dr. Vincent was served with a Notice of Hearing, she communicated with the College in February 1, 1994 and indicated she would plead guilty.

The Committee considered the relevant details surrounding the allegations, accepted the guilty plea and found that Dr. Vincent was guilty of professional misconduct.

DECISION REGARDING PENALTY

Dr. Vincent was exceedingly contrite and embarrassed. She explained that there were some personal events in her life which interfered with her usual ability to cope. At the time, she hoped the problem would "just go away".

The Committee was sympathetic toward Dr. Vincent and impressed with her sincerity and her clear and unconditional acknowledgement that she erred in failing to deal appropriately with the College directives.

The Committee, however, was mindful of the fact that members are obligated by law to respond to College inquiries and directives. Further, self-regulation requires the cooperation of the members. The possibly exonerating factors in this case were somewhat feeble.

Accordingly, the Committee ordered that the penalty shall be a reprimand, the fact of the reprimand is to be recorded on the Register, and that Dr. Vincent is required to pay a fine of \$2,000 to the Treasurer of Ontario within 60 days of this Order becoming final. If the fine is not paid by the stipulated time, Dr. Vincent's Certificate of Registration is to be suspended for a period of 60 days.

Dr. Vincent waived her right to appeal and the reprimand was administered.