

Indexed as: Kitakufe (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 36(1)
of the *Health Professions Procedural Code*, being Schedule 2
to the *Regulated Health Professions Act, 1991*,
S.O. 1991, c.18, as amended.

BETWEEN:

THE COLLEGE OF PHYSICIANS AND SURGEONS OF ONTARIO

- and -

DR. JOHN JUSTIN CHROZY KITAKUFE

PANEL MEMBERS: DR. A. KENSHOLE (CHAIR)
DR. P. NOBLE
J. FREDERICK

HEARING DATE: February 12, 2001

DECISION DATE: February 12, 2001

DECISION AND REASONS FOR DECISION

This matter came on for hearing before a Panel of the Discipline Committee of the College of Physicians and Surgeons of Ontario, on February 12, 2001, in Toronto.

AGREED FACTS

The Notice of Hearing alleged that Dr. Kitakufe was guilty of professional misconduct under Clause 60(3)(a) of the *Health Disciplines Act*, R.S.O. 1980, c. 196, in that he has been found guilty of an offence relevant to his suitability to practise.

Dr. Kitakufe obtained his medical degree in Ontario. In 1979, he worked as a salaried physician in a private clinic in Chicago.

In January, 1986, Dr. Kitakufe was found guilty on four counts of Medicaid and mail fraud in the United States District Court of the Northern District of Illinois, Eastern Division.

Dr. Kitakufe returned to Ontario. He subsequently faced extradition proceedings to the United States. He returned to Illinois where he was sentenced and incarcerated for 14 months in a federal penitentiary.

Having served his sentence, Dr. Kitakufe returned to Ontario. He has been practising as a general practitioner in a solo practise.

The Committee, on the basis of these facts, accepted Dr. Kitakufe's plea of guilty of professional misconduct in that he has been found guilty of an offence relevant to his suitability to practise.

There was a joint submission as to penalty. The Committee took note of the lengthy period of incarceration served by Dr. Kitakufe as well as the fact that his conduct which resulted in his conviction occurred over 20 years ago.

The Committee was satisfied that this was appropriate given the highly unusual circumstances of this case, the fact that specific deterrence had already been achieved through Dr. Kitakufe's incarceration and given the need for general deterrence.

The Committee was further satisfied that the proposed suspension, the proposed terms, conditions and limitations on Dr. Kitakufe's Certificate of Registration and the proposed reprimand constituted an appropriate penalty that, taken together, would promote specific and general deterrence and the protection of the public.

The Committee therefore made the following Order:

1. That the Registrar suspend Dr. John Justin Chrozy Kitakufe's Certificate of Registration for a period of 6 months, with the period during which the suspension will take place to be determined by the Registrar.
2. That the Registrar immediately imposed the terms, conditions and limitations on the Certificate of Registration of Dr. John Justin Chrozy Kitakufe that he may continue to practice only if and as long as he,
 - a) permits the College to monitor his accounts to the Ontario Health Insurance Plan approximately annually, and
 - b) authorizes the College to obtain information from the Ontario Health Insurance Plan about his billings to the Plan, and
 - c) pays the expenses of the monitoring in an amount not to exceed \$3,500.00 per year within 60 days of being billed for the expenses for a period of five years from February 12, 2001.
3. That Dr. John Justin Chrozy Kitakufe will be reprimanded and the fact of the reprimand will be recorded on the register.
4. That Dr. John Justin Chrozy Kitakufe pay \$3,750.00 to the College in respect of its costs in relation to this matter by Friday, March 30, 2001.

Dr. Kitakufe waived his right to appeal from the Committee's decision. The reprimand was administered