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**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.

B E T W E E N:

THE COLLEGE OF PHYSICIANS AND SURGEONS OF ONTARIO

- and -

DR. CARL JOSEPH ALCOCK

PANEL MEMBERS:

**DR. M. GABEL
M. THOMPSON
DR. A. JONES
DR. B. TAA (PhD)
DR. F. SLIWIN**

Hearing Date: August 6, 2010
Decision Release Date: August 6, 2010
Release of Written Reasons: August 27, 2010

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 Friday, August 6, 2010. At the conclusion of the hearing, the Committee stated its finding that the member committed an act of professional misconduct and delivered its penalty order with written reasons to follow.

THE ALLEGATIONS

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

1. he has been found guilty of an offence that is relevant to his suitability to practice, under clause 51(1)(a) of the Health Professions Procedural Code (“the Code”) which is Schedule 2 to the *Regulated Health Professions Act, 1991*;
2. he engaged in conduct unbecoming for a physician, under paragraph 1(1)34 of Ontario Regulation 856/93 made under the *Medicine Act, 1991*.

RESPONSE TO THE ALLEGATIONS

Dr. Alcock admitted the second allegation in the Notice of Hearing, that he engaged in conduct unbecoming for a physician. Counsel for the College withdrew the first allegation in the Notice of Hearing.

AGREED STATEMENT OF FACTS AND ADMISSION

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

FACTS

Background

1. Dr. Carl Joseph Alcock is and was at all material times a member of the College of Physicians and Surgeons of Ontario.

2. Dr. Alcock was issued a certificate of registration authorizing independent practice on October 5, 1984. He is a general family practitioner currently practicing in Scarborough, Ontario. Dr. Alcock works full-time and has between 2500-3000 patients in his private office practice. He treats both male and female patients of all ages for all types of medical issues.

Assault Conviction

3. Dr. Alcock attests that, on September 17, 2000, he and his common law wife were together in their house in the township of Pelham, Ontario. A dispute arose over his common law wife smoking a cigarette inside the house. Dr. Alcock attempted to physically remove her from the couch against her will. She resisted, and Dr. Alcock proceeded to leave the house for the night. On the following day, he was arrested and charged with assault. At that time Dr. Alcock and his common law wife separated.

4. On November 24, 2000, Dr. Alcock pleaded guilty to assault (defined in the Criminal Code R.S., 1985, c. C-46, s. 265(1)(a), as: *when without the consent of another person, he applies force intentionally to that other person, directly or indirectly*) and was convicted of assaulting his common law wife. Dr. Alcock received a suspended sentence and six months probation. Attached as Schedule "A" [to the Agreed Statement of Facts and Admission] is a true copy of the Information. The transcript of the Guilty Plea Proceedings is not available.

Theft Conviction

5. On May 28, 2003, Dr. Alcock pleaded guilty and was convicted of Theft Under \$5000.00 in relation to stealing groceries from a Loblaws store on March 29, 2003. A second charge of Possession Under \$5000.00 was withdrawn by the Crown.

6. Dr. Alcock received a suspended sentence and one year probation and was ordered to participate in such counselling as probation might advise. Attached as "Schedule B" [to the Agreed Statement of Facts and Admission] is a transcription of the Guilty Plea Proceedings.

7. Submissions by his duty counsel indicate that Dr. Alcock was under financial stress at the time of the incident as a result of his spousal support payments, rent and expenses of his solo office practice, which he had recently relocated from Welland to Toronto. His duty counsel further explained to the court that he was trying to raise money to hire a lawyer to vary his support payments, and that was the reason he stole the food.

8. Although Justice Marin noted that Dr. Alcock ought to know that food banks were available to him if he was truly in economic need, she did consider the circumstances of the offence to be mitigating factors. Her Honour also noted that his early guilty plea and his remorse over the offence were mitigating factors.

ADMISSION

9. Dr. Alcock admits that the conduct described above that led to both criminal convictions constitutes professional misconduct under paragraph 1(1)34 of Ontario Regulation 856/93 made under the *Medicine Act, 1991* in that he engaged in conduct unbecoming a physician.

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. Alcock's admission and found that he committed an act of professional misconduct, in that he engaged in conduct unbecoming for a physician, under paragraph 1(1)34 of Ontario Regulation 856/93 made under the *Medicine Act, 1991*.

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, which proposed that Dr. Alcock appear before the Panel for a public reprimand and that Dr. Alcock pay costs for the one day hearing at the tariff rate.

On two separate occasions, Dr. Alcock pleaded guilty to offences under the Criminal Code and was convicted in criminal court. As a general practitioner in the community, Dr. Alcock must set an example of high moral standards, which he failed to do when he engaged in physical aggression against his common law wife. A general practitioner is often called upon as the front line in situations of domestic abuse and must be beyond reproach in this regard. He also failed to set an example of high moral standards when he committed a theft, which is a crime of deceit and dishonesty.

Mitigating factors in this case include the following:

- Dr. Alcock admitted guilt in criminal court;
- Dr. Alcock admitted to an act of professional misconduct in the discipline proceedings, thereby saving the College the expense of a full contested hearing;
- Dr. Alcock has expressed remorse for his behaviour;
- In the criminal proceedings, Justice Marin found the circumstances around the theft to be mitigating factors;
- Dr. Alcock has had no previous findings before the Discipline Committee; and
- Dr. Alcock pursued therapy, and has had no convictions or further trouble with the law since 2003.

The Committee reviewed the cases provided in the Book of Authorities and agreed that the proposed penalty was in line with the penalties proposed in similar cases.

The Committee was satisfied that the proposed penalty met the relevant penalty principles including protection of the public, providing general and specific deterrence, rehabilitation of the member and upholding the reputation of the profession, as well as partially compensating the College for the costs of a one day hearing.

ORDER

Therefore, the Committee ordered and directed that:

1. Dr. Alcock appear before it to be reprimanded.
2. Dr. Alcock pay costs to the College in the amount of \$3,650.00 within thirty (30) days from the date of this Order.

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