

## NOTICE OF PUBLICATION BAN

In the College of Physicians and Surgeons of Ontario and Dr. Paramjit Gill, this is notice that the Discipline Committee ordered that no person shall publish or broadcast the name or any information that could disclose the identity of the Dr. Gill's family members who will be referred to during the course of the hearing, including but not limited to the nature of their relationship with Dr. Gill, under subsection 45(3) of the Health Professions Procedural Code (the "Code"), which is Schedule 2 to the *Regulated Health Professions Act, 1991*, S.O. 1991, c. 18, as amended.

Subsection 93(1) of the Code, which is concerned with failure to comply with these orders, reads:

Every person who contravenes an order made under ... section 45 or 47... is guilty of an offence and on conviction is liable,

(a) in the case of an individual to a fine of not more than \$25,000 for a first offence and not more than \$50,000 for a second or subsequent offence; or

(b) in the case of a corporation to a fine of not more than \$50,000 for a first offence and not more than \$200,000 for a second or subsequent offence.

Indexed as: Ontario (College of Physicians and Surgeons of Ontario) v. Gill, 2016 ONCPSD 49

**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. PARAMJIT GILL**

**PANEL MEMBERS:**

**DR. P. POLDRE (Chair)  
MR. J. LANGS  
DR. J. RAPIN  
MS. D. DOHERTY  
DR. D. KRAFTCHECK**

**COUNSEL FOR THE COLLEGE OF PHYSICIANS AND SURGEONS OF  
ONTARIO:**

**MS. E. WIDNER  
MS. D. AWAD**

**COUNSEL FOR DR. GILL:**

**MR. A. MATHESON  
MS. S. THAKKER**

**INDEPENDENT COUNSEL FOR THE DISCIPLINE COMMITTEE:**

**MR. G. FORREST**

Hearing Date: November 2, 2016

Decision Date: November 2, 2016

Release of Written Reasons: December 16, 2016

**PUBLICATION BAN**

## 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 2, 2016. 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 ALLEGATIONS

The Notice of Hearing alleged that Dr. Paramjit Gill 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 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;
2. under paragraph 1(1)2 of O Reg. 856/93 in that he has failed to maintain the standard of practice of the profession;
3. under paragraph 1(1)1 of O. Reg. 856/93 made under the *Medicine Act, 1991* (“O. Reg. 856/93”), in that he contravened a term, condition or limitation on his certificate of registration; and
4. under 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 in that he has been found guilty of an offence relevant to his suitability to practice.

### RESPONSE TO THE ALLEGATIONS

Dr. Gill admitted to allegations 1, 3 and 4 in the Notice of Hearing in that he engaged in disgraceful, dishonourable and unprofessional conduct; he contravened a term, condition or limitation on his certificate of registration; and he has been found guilty of an offence relevant to his suitability to practice. Counsel for the College withdrew the second allegation of having failed to maintain the standard of practice of the profession.

## **THE FACTS**

The following Agreed Statement of Facts on Liability was presented to the Committee and filed as an exhibit at the hearing.

### **PART I – FACTS**

#### **Background**

1. Dr. Paramjit Gill (“Dr. Gill”) is a 44 year-old internist who, at all relevant times, practiced medicine at the Brampton Civil Hospital, William Osler Health Centre (the “hospital”) in the Intensive Care Unit (ICU). Dr. Gill received his certificate of registration authorizing independent practice and his specialist qualification in internal medicine in 2005.
2. From approximately 1998 to 2006, Dr. Gill experienced alcohol addiction. In July 2006 he was admitted into the residential program at Homewood Health Centre (“Homewood”) in Guelph, Ontario, a facility dedicated to treating mental health and addiction issues.
3. Upon completing the program at Homewood, Dr. Gill entered into a contract with the Physicians Health Program (“PHP”), a program administered through the Ontario Medical Association, for a five-year period ending in August 2011.

#### **Overview of Current Case**

4. As a result of a relapse into addiction, Dr. Gill engaged in a variety of misconduct in order to maintain a supply of narcotic opioids, including Percocet, Oxycocet, Oxycodone, Lorazepam and Endocet. Dr. Gill used narcotics that had been prescribed by other physicians for his close family members. He also prescribed narcotics himself, ostensibly for others, including close family members, but these narcotics were for his own consumption. He solicited prescriptions for narcotics from colleagues. Dr. Gill also forged other physicians’ signatures and prescription pads in order to obtain narcotics for

himself. Ultimately, as a result of his conduct, Dr. Gill was referred to discipline by the College and also faced multiple criminal charges.

### **Chronology**

5. The College commenced an investigation after receiving information raising concerns about Dr. Gill's prescribing practice.

6. On October 20, 2014, the College conducted an unannounced visit to Dr. Gill's home. Dr. Gill advised the College he was on leave from the William Osler Health Centre, which was subsequently confirmed by the hospital.

7. A preliminary Health Inquiry was initiated by the College based on the concerns received from a pharmacist and information from the Ministry of Health and Long-Term Care that Dr. Gill was in receipt of opioid prescriptions from a number of physicians.

8. Dr. Gill failed to attend assessments, including an addiction assessment, ordered by the College's Inquiries Complaints and Reports Committee (ICRC). He also failed to provide signed consents to the College for access to personal health information. As a result of both of these failures, his certificate of registration was suspended on December 23, 2014. Notice of suspension was served personally on Dr. Gill on December 22, 2014. A copy of the Notice is attached at Tab 1 of the Agreed Statement of Facts on Liability.

9. On April 1, 2015, Dr. Gill entered into a five-year monitoring contract with the Physician Health Program (PHP) (Tab 2 of the Agreed Statement of Facts on Liability) and subsequently entered into an undertaking with the College dated May 14, 2015, (Tab 3 of the Agreed Statement of Facts on Liability). The suspension of Dr. Gill's certificate of registration was lifted on June 12, 2015.

10. On April 29, 2016, following referral to discipline, Dr. Gill entered into a further undertaking with the College resigning his prescribing privileges except for issuing doctors' orders for hospital inpatients that may be dispensed only by a hospital dispensary. (Tab 4 of the Agreed Statement of Facts on Liability)

11. To date, Dr. Gill has complied with the terms of the undertakings provided to the College and has complied with the terms set out in the PHP contract.

**The College Investigation – Disgraceful, Dishonourable or Unprofessional Conduct**

12. In November 2013, the College received information from a pharmacist that, since at least 2009, Dr. Gill had been picking up prescriptions for Percocet in his close family members' name and he was also the prescribing physician.

13. Additionally, in the course of the College's investigation, information was obtained regarding the different means used by Dr. Gill to obtain narcotic opioids for his personal consumption, as follows.

14. Dr. Gill wrote and filled prescriptions for narcotic opioids in one close relative's name on numerous occasions between 2010 and up until December 2014.

15. Dr. Gill wrote and filled prescriptions for narcotic opioids in a second close relative's name on numerous occasions between 2009 up to January 2015.

16. Dr. Gill wrote and filled prescriptions for narcotic opioids in a third close relative's name on numerous occasions between 2009 and 2014.

17. Dr. Gill wrote and filled prescriptions for narcotic opioids in his own name and in two other individuals' names in the period between 2011 and 2014.

18. The above prescriptions were obtained from multiple pharmacies. There were no OHIP billings associated with the prescriptions.

19. Over time, most if not all of the narcotic opioids obtained in the manner described in paragraphs 14 to 17 were for Dr. Gill's personal consumption.

20. Dr. Gill also forged prescriptions in three other physicians' names, falsifying their signatures and the prescription itself, as well as using the physicians' College registration numbers. The prescriptions were written in the names of Dr. Gill's close family members

and another individual. The prescriptions were filled by Dr. Gill. Dr. Gill personally used the drugs obtained in this manner.

21. Dr. Gill also sought out prescriptions for narcotics from his colleagues at the hospital. It was through this conduct that the hospital became aware that Dr. Gill was experiencing a narcotic addiction.

**Writing Prescriptions Post Suspension – Contravening terms, conditions and limitations on Certificate of Registration**

22. Following the suspension of his certificate of registration on December 22, 2014, referred to in paragraph 8 above, Dr. Gill continued to prescribe himself narcotics and also wrote prescriptions for opioids in his close family members' names up until at least January 27, 2015.

**Charges under the *Criminal Code* – Finding of Guilt Relevant to Suitability to Practice**

23. On January 30, 2015, Dr. Gill was charged by the Peel Regional Police with 52 counts of fraud under \$5,000 and 18 counts of uttering a forged document under the *Criminal Code of Canada*.

24. On September 22, 2016, in the Ontario Court of Justice, Dr. Gill was found guilty of one count of fraud and one count of uttering a forged document, following his guilty plea. A copy of the Information is attached at Tab 5 of the Agreed Statement of Facts on Liability. A copy of the transcript of Dr. Gill's guilty plea and the finding of guilty is attached at Tab 6 of the Agreed Statement of Facts on Liability. A copy of the Agreed Statement of Facts presented to the Court is attached at Tab 7 of the Agreed Statement of Facts on Liability.

25. Sentencing in the Ontario Court of Justice has been put over to January 19, 2017.

## **PART II – ADMISSION**

Dr. Gill admits the facts specified above, and admits that, based on these facts, he engaged in professional misconduct, in that:

- (a) He engaged in an act or omission relevant to the practise 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* (“O/Reg. 856/93”)
- (b) He has been found guilty of an offence relevant to his suitability to practice 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
- (c) He contravened a term, condition or limitation on his certificate of registration contrary to paragraph 1(1)1 of O. Reg. 856/93 made under the *Medicine Act, 1991* (“O. Reg. 856/93”).

## **ADDITIONAL EVIDENCE**

At the hearing, the Committee was presented with additional evidence. Exhibit 3 was a letter attesting to Dr. Gill’s progress in the Physician Health Program. Exhibit 4 was a letter of update from Dr. Gill’s addiction physician. Exhibits 5 and 6 were letters of support from Dr. Gill’s Alcoholics Anonymous support group members.

## **FINDINGS**

The Committee accepted as true all of the facts set out in the Agreed Statement of Facts on Liability. Having regard to these facts, the Committee accepted Dr. Gill’s admission and found that he committed an act of professional misconduct in that: he engaged in an act or omission relevant to the practise of medicine that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable

or unprofessional; he has been found guilty of an offence relevant to his suitability to practice; and that he contravened a term, condition or limitation on his certificate of registration.

### **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 joint submission included a reprimand, a five month suspension of Dr. Gill's certificate, terms, conditions and limitations on Dr. Gill's certificate of registration relating to his prescribing privileges, posting of signage and ensuring compliance and costs of \$5,000.

The Committee was mindful of the penalty principles it must apply. First and foremost is protection of the public. The penalty must convey the profession's disapproval of the misconduct and maintain public confidence in the profession and in the College's ability to regulate the profession in the public interest. The penalty must provide specific deterrence to the member and general deterrence to the entire profession. When appropriate, the penalty should consider the rehabilitation of the member. Consideration must be given to aggravating and mitigating factors.

The Committee considered the joint submission as to penalty proposed by counsel.

### **AGGRAVATING FACTORS**

The Committee noted the various serious nature of Dr. Gill's misconduct that occurred after treatment for alcohol addiction. During his relapse, he engaged in misconduct to obtain narcotics for his personal use by obtaining narcotics prescribed for his family members but ordered by other physicians; prescribing narcotics for family members and then using those narcotics for his own personal use; soliciting narcotics prescriptions from medical colleagues; and, forging other physicians' prescriptions for narcotics for his personal use.

Dr. Gill was uncooperative with the orders of the Inquiries Complaints and Reports Committee and while under suspension, he continued to write prescriptions for narcotics for himself and others. The Committee noted that only the criminal charges against him seemed to halt his prescribing of narcotics. The Committee also noted that the prolonged time period of Dr. Gill's misconduct was an aggravating factor. Finally, as an internist working solely in the hospital's Intensive Care Unit, Dr. Gill would have been responsible for attending some of the hospital's sickest patients. His misconduct had the potential of placing these patients at significant risk.

### **MITIGATING FACTORS**

The Committee then considered various mitigating factors relative to the appropriateness of the proposed penalty.

Legal counsel for the College and legal counsel for Dr. Gill both suggested mitigating factors. Of most importance, Dr. Gill accepted full responsibility for his actions, both before the College and in the criminal proceedings against him. This saved the time and expense of a lengthy hearing and spared various witnesses from the need to testify.

Dr. Gill's ongoing and currently successful participation in the Physician Health Program and as an active committed participant in the Alcoholics Anonymous "12 Step Program" since enrolling in March 2015 (Exhibits #4, 5, 6) are other important mitigating factors, as the Committee recognized that chronic addiction is a disease and that Dr. Gill's drug seeking was for his personal consumption; there is no evidence that Dr. Gill was seeking to sell or otherwise distribute these drugs to the public. The Committee also noted that this was Dr. Gill's first appearance before the Discipline Committee.

### **CASE LAW**

Counsel for the College and counsel for the member noted that they could not find any prior cases with all three aspects of misconduct (breach of an undertaking, a criminal conviction and mis-prescribing narcotics) in one case. Each of the prior cases submitted to the Committee for its consideration dealt with only one of the above aspects. The

Committee recognized that, while no two cases are ever identical and that each matter before it has unique aspects, previous cases may act as a guide for appropriate penalties. In *CPSO v. Carroll* (2009), self-prescribing and a breach of an undertaking resulted in a two-month suspension. In *CPSO v. Egles* (2015), a breach of a contract with the Physician Health Program resulted in a two-month suspension. *CPSO v. Maytham* (2011) generated a four-month suspension for breach of an undertaking related to prescribing practices. A two-month suspension was given to Dr. Saul (*CPSO v. Saul* 2014) for a breach of an undertaking related to prescribing marijuana. In the matter of *CPSO v. Shin* (2015), the member was suspended for five months after a criminal conviction for OHIP fraud. In *CPSO v. Wu* (2008), prescribing Imovane to a family member resulted in a three-month suspension.

## **CONCLUSION**

In assessing the order for penalty proposed by the parties, the Committee determined that it includes an appropriate balance of public protection, specific and general deterrence, and rehabilitation of the member, while expressing the profession's abhorrence of Dr. Gill's misconduct and instilling public confidence in the profession and in the College's ability to regulate the profession in the public interest. The imposition of a five -month suspension addresses specific deterrence and sends a strong message to the profession concerning the seriousness of Dr. Gill's misconduct.

Protection of the public, which is the foremost duty of the College, is ensured by numerous measures. There are significant restrictions on the drugs that Dr. Gill will be able to issue or renew. Any existing restricted drugs that Dr. Gill may have in his possession must be returned. As an aspect of Dr. Gill's return to practice, he will only be able to prescribe the restricted drugs to his in-patients, only during their in-patient stay, and only through the hospital pharmacy, thus providing a dimension of monitoring. In the event that Dr. Gill practices in a location other than the hospital, he must post a sign in any language in which he provides services, outlining the list of drugs that he must not

prescribe. The College must be informed of all practice locations and will have the authority to conduct unannounced inspections of his practice locations and patient charts. The College will have the authority to make appropriate enquiries of the Ontario Health Insurance Plan, the Drug Program Services Branch and the Narcotics Monitoring System. Furthermore, the College may provide the penalty Order to any Chief of Staff, or a colleague with similar responsibilities, thus providing additional oversight of his clinical activities. Finally, the Committee noted that Dr. Gill will be subject to an assessment of his practice when he returns to clinical practice, so that his knowledge, skills and judgment can be assessed after what will be a lengthy absence from clinical practice.

With respect to Dr. Gill's recovery from addiction, his compliance with the Physician Health Program contract until April 2020 allowed the Committee to conclude that the proposed penalty recognizes the potential for rehabilitation of the member.

The public reprimand, by expressing the strongest condemnation of Dr. Gill's misconduct, will serve as denunciation and will have a deterrent effect on Dr. Gill's future conduct.

In regard to costs, the Committee ordered that Dr. Gill be required to pay \$5,000.00 to the College for the costs of a one day hearing.

## **ORDER**

The Committee stated its findings in paragraph 1 of its written order of November 2, 2016. In the order, the Committee ordered and directed on the matter of penalty and costs that:

2. The Registrar suspend Dr. Gill's Certificate of Registration for a five (5) month period effective immediately.
3. The Registrar impose the following terms, conditions and limitations on Dr. Gill's certificate of registration:

***Prescribing Privileges***

- (a) Dr. Gill shall not issue new prescriptions or renew existing prescriptions, except as specifically set out in paragraph 5(a) below for any of the following substances:
- (i) Narcotic Drugs (from the *Narcotic Control Regulations* made under the *Controlled Drugs and Substances Act*, S.C., 1996, c. 19);
  - (ii) Narcotic Preparations (from the *Narcotic Control Regulations* made under the *Controlled Drugs and Substances Act*, S.C., 1996, c. 19);
  - (iii) Controlled Drugs (from Part G of the *Food and Drug Regulations* under the *Food and Drugs Act*, S.C., 1985, c. F-27);
  - (iv) Benzodiazepines and Other Targeted Substances (from the *Benzodiazepines and Other Targeted Substances Regulations* made under the *Controlled Drugs and Substances Act*, S.C., 1996, c. 19), as amended from time to time; (A current summary of the above-named drugs [from Appendix I to the Compendium of Pharmaceuticals and Specialties] is attached hereto as Schedule “A”; and the current regulatory lists are attached hereto as Schedule “B”); and
  - (v) All other Monitored Drugs (as defined under the *Narcotics Safety and Awareness Act*, 2010, S.O. 2010, c. 22 as noted in Schedule “C”); as amended from time to time.
- (b) Dr. Gill will return any supplies of the substances referred to in paragraph 3(a) above that are presently in his possession, in any place, to a pharmacy in a safe and secure manner, as stipulated in the College's Policy Number 8-12, "Prescribing Drugs."
- (c) Notwithstanding paragraph 3(a):
- Dr. Gill may prescribe the above-noted substances to his in-patients, only during the course of their in-patient stay and only through the hospital pharmacy.
- (d) Upon request of the College, Dr. Gill will provide a Prescribing Resignation Letter to Health Canada consistent with this Order.

***Posting a Sign***

- (e) Dr. Gill shall post a sign in the waiting room(s) of any practice location, except hospitals, in a clearly visible and secure location, in the form set out at Schedule “D”. For further clarity, this sign shall state as follows:

**IMPORTANT NOTICE**

Dr. Gill must not prescribe any of the following:

- Narcotic Drugs
- Narcotic Preparations
- Controlled Drugs
- Benzodiazepines and Other Targeted Substances
- All other Monitored Drugs

Further information may be found on the College of Physicians and Surgeons of Ontario website at [www.cpsso.on.ca](http://www.cpsso.on.ca)

- (f) Dr. Gill shall post a certified translation in any language in which he provides services, of the sign described in paragraph 3(e) above, in the waiting room(s) of his office.
- (g) Dr. Gill shall provide the certified translation(s) described in paragraph 3(f), to the College within thirty (30) days of this Order.
- (h) Should Dr. Gill elect to provide services in any other language(s), he must notify the College prior to providing any such services.
- (i) Dr. Gill shall provide to the College the certified translation(s) described in paragraph 3(g) prior to beginning to provide services in the language(s) described in paragraph 3(h).
- (j) Dr. Gill shall be subject to an assessment of his practice, within two (2) months of his return to practice, by an assessor acceptable to the College and at Dr. Gill’s expense. The assessor shall select and review twenty five (25) patient charts or the patient charts for the total number of patients seen by Dr. Gill in the two (2) month period if less than twenty five (25). The assessor shall provide a report to

the College following the assessment and Dr. Gill shall abide by the recommendations of the assessor.

***Compliance***

- (k) Dr. Gill must inform the College of each and every location that he practises or has privileges, including, but not limited to, hospital(s), clinic(s) and office(s), in any jurisdiction (collectively the "Practice Location(s)"), within fifteen (15) days of commencing practice at that location.
- (l) Dr. Gill shall be solely responsible for payment of all fees, costs, charges, expenses, etc. arising from the implementation of any of the terms of this Order.
- (m) Dr. Gill shall provide his irrevocable consent to the College to obtain all reports prepared by his Physician Health Program ("PHP") workplace monitor pursuant to Dr. Gill's current contract with the PHP.
- (n) Dr. Gill shall co-operate with unannounced inspections of his Practice Location(s) and patient charts by the College and to any other activity the College deems necessary in order to monitor compliance with the terms of this Order.
- (o) Dr. Gill shall provide his irrevocable consent to the College to make appropriate enquiries of the Ontario Health Insurance Plan ("OHIP"), the Drug Program Services Branch, the Narcotics Monitoring System ("NMS") implemented under the Narcotics Safety and Awareness Act, 2010 and any person or institution that may have relevant information, in order for the College to monitor his compliance with the terms of this Order.
- (p) Dr. Gill acknowledges that the College may provide this Order to any Chief(s) of Staff, or a colleague with similar responsibilities, at any Practice Location where he practices or has privileges ("Chief(s) of Staff"), or other person or individual as necessary for the implementation of this Order and shall consent to the College providing to said Chief(s) of Staff, person or organization with any information the College has that led to this Order and/or any information arising from the monitoring of his compliance with this Order and with his PHP contract.

- (q) Dr. Gill shall comply with the terms of his current PHP contract and shall comply with any recommendations made by the PHP at the completion of the contract term in April 2020.
- 4. Dr. Gill appear before the panel to be reprimanded.
- 5. Dr. Gill pay costs to the College for a one day hearing in the amount of \$5,000.00 within 60 days of the date of this Order.

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

**TEXT of PUBLIC REPRIMAND**  
**Delivered November 2, 2016**  
**in the case of the**  
**COLLEGE OF PHYSICIANS and SURGEONS of ONTARIO**  
**and**  
**DR. PARAMJIT GILL**

The Chairperson: The Discipline Committee recognizes that addiction is a chronic disease. We also acknowledge the considerable efforts that you and your family have been taking to deal with the addiction challenges that have confronted you for so many years.

However, the Committee must condemn in the strongest terms your disgraceful, dishonourable and unprofessional misconduct.

Your narcotics prescribing crimes have brought discredit to you as a professional and it has also tarnished the reputation of the entire profession.

The public must trust that a physician's signature on a prescription is honest and based on scrupulous regard for the real needs of the patient.

Your breach of an undertaking made to your College represents a serious lapse of your judgment.

The Committee is concerned that your future return to the clinical service will not compromise patient care and safety.

Dr. Gill, you have been given a chance to recover your career. This Committee sincerely expects that you will never appear before us again.