

College of Physicians and Surgeons of Newfoundland and Labrador

Summary of Adjudication Tribunal Decision

IN THE MATTER OF: Dr. Hugh Mirolo

In a written decision dated January 18, 2019, an Adjudication Tribunal of the College of Physicians and Surgeons of Newfoundland and Labrador found Dr. Hugh Mirolo, a psychiatrist, guilty of professional misconduct. The decision related to a complaint filed by the Atlantic Provinces Medical Peer Review with the College on January 10, 2018.

According to the decision of the Tribunal, Dr. Mirolo was requested to attend an interview with the Peer Assessment Committee of the Atlantic Provinces Medical Peer Review on November 17, 2017. One week prior to the scheduled interview, a letter was sent by Dr. Mirolo's lawyer, raising concerns about the request. The interview was postponed and a second interview was scheduled for January 12, 2018. On December 27, 2017, Dr. Mirolo requested a postponement of the second interview, citing a previous non-resident patient commitment.

The Tribunal found that the *Medical Act, 2011* (the "Act") requires a medical practitioner, whose standards of practice are subject to an assessment under the Peer Assessment Program, to cooperate fully with the Peer Assessment Committee and assessors. The Tribunal found that Dr. Mirolo failed to report to the Committee on January 12, 2018, as instructed. The Tribunal did not accept the reasons provided by Dr. Mirolo for his failure to attend.

The Tribunal found Dr. Mirolo's conduct was in violation of s. 61 and s. 62 of the *Act*. The Tribunal found that his conduct amounted to professional misconduct as defined in the College's By-Law 5, which states that professional misconduct includes contravening the *Act*, regulations, or by-laws. The Tribunal found that Dr. Mirolo's conduct was conduct deserving of sanction.

The Tribunal ordered as follows:

1. Dr. Mirolo shall pay a fine in the amount of \$5,000 to the College.
2. Dr. Mirolo shall pay an amount of \$10,000 to the College as a contribution towards the costs of the hearing.
3. Dr. Mirolo is to cooperate fully with the Peer Assessment Committee in scheduling a new interview in Halifax, which will occur with the usual notice requirements.
4. Any failure on the part of Dr. Mirolo to comply with the above will be dealt with in accordance with Section 52 of the *Act* – Failure to Comply.

A copy of the Adjudication Tribunal's complete decision will be provided to www.canlii.org in accordance with the College's By-Law 9.

The most recent practice address of Dr. Mirolo:

Waterford Hospital
306 Waterford Bridge Road
St. John's, NL A1E 4J8

Linda Inkpen, MD
Registrar
February 18, 2019