



Summary of Adjudication Tribunal Decision

IN THE MATTER OF: Dr. Hugh Mirolo, Psychiatrist
Practice address: Waterford Hospital, St. John's, NL

An Adjudication Tribunal of the College of Physicians and Surgeons of Newfoundland and Labrador has found Dr. Hugh Mirolo guilty of professional misconduct in relation to a complaint filed by the Registrar of the College.

The Tribunal's written decision was released on March 28, 2023.

The Tribunal accepted an agreed statement of facts that was jointly prepared by the College and Dr. Mirolo. The date, location, and a brief description of the conduct of Dr. Mirolo that was found to be deserving of sanction is as follows:

In December 2019, the Quality Assurance Committee of the College (the "Committee") placed the following conditions on Dr. Mirolo's licence:

- (i) Classify all patients' disorders in accordance with DSM-5 and document same;
- (ii) Use a standard mental status exam as part of patient examination;
- (iii) Communicate with medical colleagues in a standard and comprehensive manner; and
- (iv) Document both the clinical review and all off-label uses of medications, as well as the obtaining of informed consent from patients in respect of all off-label uses.

In December 2020, Dr. Mirolo participated in a Peer Practice Assessment of his practice for the period of July – December 2020. The assessor concluded that Dr. Mirolo did not comply with the conditions placed on his licence in December 2019.

Dr. Mirolo acknowledged that between July – December 2020:

- (i) He did not use DSM-5 diagnoses in his practice and did not document any DSM-5 diagnoses in his patient charts;
- (ii) He did not use a standard mental status exam as part of his examination;
- (iii) His medical documentation did not use standard medical terminology which is likely to be comprehensible by medical colleagues outside of the field of practice of neuropsychiatry; and
- (iv) His medical records did not document the specific informed consent of his patients to the off-label use of medications.

The Tribunal accepted Dr. Mirolo's plea of guilty of professional misconduct in violation of section 2(5) of the *College By-Law No. 5: Code of Ethics*, which is conduct deserving of sanction under the *Medical Act, 2011*. The Tribunal found that Dr. Mirolo contravened or failed to comply with a term, condition, restriction or limitation on a licence or registration with the College.

The Tribunal accepted a submission for sanctions that was jointly prepared by the College and Dr. Mirolo. It issued a reprimand to Dr. Mirolo and ordered that:

1. Dr. Mirolo must successfully complete a professional development course on the subject of medical documentation and record-keeping approved by the College within 6 months of the Order of the Tribunal.
2. Dr. Mirolo must pay the hearing costs of the College in the fixed amount of \$10,000.
3. The College Registrar publish a summary of the Tribunal's decision in accordance with s. 50(3)(e) of the *Medical Act, 2011* and the applicable By-Law of the College.

Tanis Adey, MD
CEO & Registrar, CPSNL
May 8, 2023