

EXTRACT OF THE COUNCIL MINUTES FOR NOVEMBER 14, 2003

27e Dr. C.D. Huerto, accompanied by legal counsel Ms. H. McMillan- Brown, was present at Council to speak to penalty following his having been found guilty of unbecoming, improper, unprofessional or discreditable conduct by a Discipline Hearing Committee. Mr. B. Salte, College legal counsel, was also present at this time.

28e Because there were members of Council who were not on Council when the charges were laid against Dr. Huerto, Mr. Salte provided a short summary of the case. He also pointed out it was Important to remember that Dr. Huerto has been found guilty of unprofessional conduct on three separate occasions.

29e Mr. Salte stated that it took twenty-eight days to complete the hearing and even if some of the charges had not been brought against Dr. Huerto in the first instance (some charges were withdrawn as being unsustainable) the hearing would probably still have lasted at least twenty-three days.

30e Mr. Salte recommended that Dr. Huerto be assessed the costs incurred over the twenty-eight days of hearings which amount to \$172,600.00. He acknowledged the fact that Dr. Huerto would likely appeal these costs, but the courts in the past have upheld the College's asking for reimbursement from the person who caused such costs to be incurred.

31e Ms. McMillan-Brown stated that since Dr. Huerto was convicted of only eleven of the thirty-five charges brought against him it would be unfair to assess him the costs of the entire proceedings. Council must also remember that Dr. Huerto has been prevented from practicing for fifteen months and that his only income has come from the rental of some of his properties. She indicated it would be difficult for Dr. Huerto to meet the expectation of him paying \$172,600.00 immediately and provided Council with bank statements to back her claim that Dr. Huerto is almost destitute. She contended that Dr. Huerto should be responsible for only 30-40% of the total costs incurred by the College in its prosecution of its case against him.

32e It was Ms. McMillan-Brown's suggestion that Dr. Huerto be given time to pay any costs assessed against him by Council. She indicated he would be in a better position to pay the assessed costs once his application under The Health Facilities Act has been approved.

33e Ms. McMillan-Brown asked that Council not impose any further suspension on Dr. Huerto's privilege to practice medicine and that Council consider issuing Dr. Huerto a reprimand in lieu of any further suspension.

MOTION

Pursuant to Section 54(1) of *The Medical Profession Act, 1981* the Council of the College of Physicians and Surgeons imposes the following disposition upon Dr. Carlos Huerto:

1. Pursuant to Section 54(1)(b), Dr. Carlos Huerto is suspended from the privileges of a duly qualified medical practitioner from December 11, 1998 to February 11, 2000 inclusive; and
2. Pursuant to Section 54(1)(c), Dr. Carlos Huerto is prohibited, until given permission of the Council, from performing any form of parenteral inotropic therapy or parenteral thrombolytic therapy. However this will not prohibit Dr. Carlos Huerto from administering parenteral inotropic or parenteral thrombolytic therapy in an emergency situation where the patient is to be immediately transferred to a tertiary care hospital; and
3. Pursuant to Section 54(1)(e), Dr. Carlos Huerto is hereby reprimanded; and
4. Pursuant to Section 54(1)(h), Dr. Carlos Huerto is required to pay the sum of \$172,600.00 towards the costs of and incidental to the investigation and hearing; and
5. Pursuant to Section 54(2) of *The Medical Profession Act, 1981*, the licence of Dr. Carlos Huerto will be suspended unless he pays monthly payments of \$5,000.00 per month commencing August 1, 2000 and continuing at a rate of \$5,000.00 per month until the entire amount required to be paid by Dr. Huerto is paid in full. The amount to be paid by Dr. Huerto on a monthly basis will be subject to review in December, 2000. The monthly payment required to be made by Dr. Huerto may be increased or decreased in December, 2000 with the consent of Dr. Huerto and the College of Physicians and Surgeons. Failing agreement, the Council will review the monthly payment required to be made by Dr. Huerto in December, 2000 and may increase or decrease the monthly payment at that time. The Council may at any time, at the request of Dr. Huerto, or after notice to Dr. Huerto, extend the time for any payment required to be made by Dr. Huerto or may reduce or increase the amount of any monthly payment required to be made.

Pursuant to Section 54(2) of *The Medical Profession Act, 1981*, the Council directs that, in the event that any payment that Dr. Huerto is required to pay is not paid, the licence of Dr. Carlos Huerto will be forthwith suspended until such time as the payment is made.