



The CMLTO Discipline Committee held a hearing on Tuesday November 10, 2015 at Victory Verbatim, 222 Bay Street, Suite 900 in Toronto, to consider allegations of professional misconduct against member **Christopher Mayoros**, whose principal place of practice is London Health Sciences Centre in London.

Discipline Hearing Summary

Mr. Christopher Mayoros

Hearing date: November 10, 2015

Allegations

The allegations against the member as set out in the Notice of Hearing dated September 10, 2015 are as follows;

1. Christopher Mayoros ("Mr. Mayoros") is and, at all material times, was a duly registered medical laboratory technologist in Ontario.
2. Pursuant to the Health Professions Procedural Code (the "Code"), being Schedule 2 to the *Regulated Health Professions Act, 1991*, and the General Regulation under the *Medical Laboratory Technology Act, 1991*, members of the College of Medical Laboratory Technologists of Ontario (the "College") must comply with the requirements of the College's Quality Assurance ("QA") program.
3. As part of the program, each year the College randomly selects members to undergo a practice review ("PRA"). The PRA is intended to provide an objective audit of a member's practice in relation to the standards of practice of the profession.
4. The QA requirements are set out in sections 14 through 17 of Ontario Regulation 207/94 and sections 80.2 through 82 of the Code.
5. By email dated September 20, 2013, Mr. Mayoros was advised that he was selected to complete and submit to the College a PRA within 30 days, until approximately October 20, 2013. Mr. Mayoros did not meet this deadline.



6. By email dated December 20, 2013, the College provided Mr. Mayoros with an extension until approximately January 20, 2014 to submit the PRA. Mr. Mayoros did not meet this deadline.
7. By email dated March 20, 2014, the College provided Mr. Mayoros with a second extension until March 31, 2014 to submit the PRA. Mr. Mayoros did not meet this deadline.
8. By letter dated April 4, 2014, the College provided Mr. Mayoros with a third extension until April 18, 2014 to submit the PRA, failing which he was advised that the matter would be sent to the College's Quality Assurance Committee (the "QAC") for its consideration. Mr. Mayoros did not meet this deadline.
9. By letter dated May 9, 2014, the College provided Mr. Mayoros with a fourth extension until May 23, 2014 to submit the PRA, failing which he was again advised that the matter would be sent to the QAC. Mr. Mayoros did not meet this deadline.
10. The College provided Mr. Mayoros with the four extensions **described** above on its own initiative; they were not requested by Mr. Mayoros.
11. By letter dated June 10, 2014, the College notified Mr. Mayoros that the QAC had reviewed the matter and requested that he submit the PRA by June 30, 2014, failing which the matter would be referred to the College's Inquiries, Complaints and Reports Committee (the "ICRC") for further investigation.
12. Mr. Mayoros did not submit the PRA by June 30, 2014. He also did not request a further extension from the College or provide any response to any of the emails and letters described above dated between September 20, 2013 and June 10, 2014.
13. On or about July 15, 2014 the QAC referred Mr. Mayoros to the ICRC for failing to submit the PRA.
14. On or around September 16, 2014, an investigator was appointed to inquire into and examine Mr. Mayoros' practice to ascertain whether he had committed an act of professional misconduct in relation to his failure to comply with the QA program.



15. On or around October 8, 2014, the investigator attempted to contact Mr. Mayoros via his cellular telephone and via email but was unsuccessful. The telephone number was out of service, and Mr. Mayoros never replied to the email.
16. When the investigator contacted Mr. Mayoros' workplace on or around October 8 and 14, 2014, she learned that Mr. Mayoros was on a sick leave. The nature of Mr. Mayoros' sick leave and the duration of the sick leave are unknown.
17. On or around October 14, 2014, the investigator sent a further letter to Mr. Mayoros but it was not successfully delivered.
18. On or around February 6, 2015, the investigator successfully contacted Mr. Mayoros at work. Mr. Mayoros claimed that he did not receive any of the prior correspondence from the College. He confirmed the College had his correct mailing and email addresses and that he was the only person who received mail at his mailing address.
19. The investigator scheduled a telephone interview with Mr. Mayoros, which was scheduled for on or around February 10, 2015. When the investigator called Mr. Mayoros for the interview at the number he provided, a recording stated that the phone number was out of service.
20. On or around February 13, 2015, the investigator was able to leave a voicemail for Mr. Mayoros, which he returned. Mr. Mayoros claimed that his telephone had broken. In the course of this conversation, Mr. Mayoros asked whether anyone regulated the College and noted that he "paid his dues" every year. He likened the investigation to extortion.
21. The investigator rescheduled the interview for on or around February 20, 2015. The interview was set to proceed in person. Mr. Mayoros described his physical appearance to the investigator and told the investigator what he would wear on the day of the interview. Despite this, Mr. Mayoros did not attend at the rescheduled interview.
22. The investigator completed her report and submitted it to the College in or around early March 2015.
23. On or around March 9, 2015, Mr. Mayoros was advised that the investigation report was complete, and he was invited to make written submissions to the ICRC within 30 days. He never did.



24. To date, Mr. Mayoros has not submitted his PRA.
25. It is alleged that the conduct described above constitutes professional misconduct pursuant to paragraph 51(1)(b.0.1) of the Code; and/or paragraph 1 (contravening by act or omission the *Medical Laboratory Technology Act, 1991*, the *Regulated Health Professions Act, 1991* or a regulation thereunder); and/or paragraph 19 (failing to reply appropriately to the College); and/or paragraph 20 (disgraceful, dishonourable or unprofessional conduct); and/or paragraph 28 (failure to comply with an order of a Committee of the College), of section 1 of Ontario Regulation 752/93 under the *Medical Laboratory Technology Act, 1991*, S.O. 1991, c. 28.

Summary of Evidence

The Discipline panel (the panel) was provided with an Agreed Statement of Facts which sets out as follows;

1. Christopher Mayoros ("Mr. Mayoros") is and, at all material times, was a duly registered medical laboratory technologist in Ontario.
2. Pursuant to the Health Professions Procedural Code (the "Code"), being Schedule 2 to the *Regulated Health Professions Act, 1991*, and the General Regulation under the *Medical Laboratory Technology Act, 1991*, members of the College of Medical Laboratory Technologists of Ontario (the "College") must comply with the requirements of the College's Quality Assurance ("QA") program.
3. As part of the program, each year the College randomly selects members to undergo a practice review ("PRA"). The PRA is intended to provide an objective audit of a member's practice in relation to the standards of practice of the profession.
4. The QA requirements are set out in sections 14 through 17 of Ontario Regulation 207/94 and sections 80.2 through 82 of the Code.
5. By email dated September 20, 2013, Mr. Mayoros was advised that he was selected to complete and submit to the College a PRA within 30 days, until approximately October 20, 2013. Mr. Mayoros did not meet this deadline.
6. By email dated December 20, 2013, the College provided Mr. Mayoros with an extension until approximately January 20, 2014 to submit the PRA. Mr. Mayoros did not meet this deadline.



7. By email dated March 20, 2014, the College provided Mr. Mayoros with a second extension until March 31, 2014 to submit the PRA. Mr. Mayoros did not meet this deadline.
8. By letter dated April 4, 2014, the College provided Mr. Mayoros with a third extension until April 18, 2014 to submit the PRA, failing which he was advised that the matter would be sent to the College's Quality Assurance Committee (the "QAC") for its consideration. Mr. Mayoros did not meet this deadline.
9. By letter dated May 9, 2014, the College provided Mr. Mayoros with a fourth extension until May 23, 2014 to submit the PRA, failing which he was again advised that the matter would be sent to the QAC. Mr. Mayoros did not meet this deadline.
10. The College provided Mr. Mayoros with the four extensions described above on its own initiative; they were not requested by Mr. Mayoros.
11. By letter dated June 10, 2014, the College notified Mr. Mayoros that the QAC had reviewed the matter and requested that he submit the PRA by June 30, 2014, failing which the matter would be referred to the College's Inquiries, Complaints and Reports Committee (the "ICRC") for further investigation.
12. Mr. Mayoros did not submit the PRA by June 30, 2014. He also did not request a further extension from the College or provide any response to any of the emails and letters described above dated between September 20, 2013 and June 10, 2014.
13. On or about July 15, 2014 the QAC referred Mr. Mayoros to the ICRC for failing to submit the PRA.
14. On or around September 16, 2014, an investigator was appointed to inquire into and examine Mr. Mayoros' practice to ascertain whether he had committed an act of professional misconduct in relation to his failure to comply with the QA program.
15. On or around October 8, 2014, the investigator attempted to contact Mr. Mayoros via his cellular telephone and via email but was unsuccessful. The telephone number was out of service, and Mr. Mayoros never replied to the email.



16. When the investigator contacted Mr. Mayoros' workplace on or around October 8 and 14, 2014, she learned that Mr. Mayoros was on a sick leave. The nature of Mr. Mayoros' sick leave and the duration of the sick leave are unknown.
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22. The investigator completed her report and submitted it to the College in or around early March 2015.
23. On or around March 9, 2015, Mr. Mayoros was advised that the investigation report was complete, and he was invited to make written submissions to the ICRC within 30 days. He never did.
24. To date, Mr. Mayoros has not submitted his PRA.



25. It is agreed that the conduct described above constitutes professional misconduct pursuant to paragraph 51(1)(b.0.1) of the Health Professions Procedural Code and pursuant to the following paragraphs of section 1 of Ontario Regulation 752/93 under the *Medical Laboratory Technology Act, 1991*, S.O. 1991, c. 28:
- a. paragraph 1 (contravening by act or omission the *Medical Laboratory Technology Act, 1991*, the *Regulated Health Professions Act, 1991* or a regulation thereunder);
 - b. paragraph 19 (failing to reply appropriately to the College);
 - c. paragraph 20 (disgraceful, dishonourable or unprofessional conduct); and
 - d. paragraph 28 (failure to comply with an order of a Committee of the College).

Member's Plea

Mr. Mayoros, who attended the hearing by teleconference, admitted the facts set out in the Agreed Statement of Facts. The Panel conducted a plea inquiry and was satisfied that Mr. Mayoros' admission was voluntary, informed and unequivocal.

Decision and Reasons

The Panel considered the Agreed Statement of facts and found that the facts supported a finding of professional misconduct.

Penalty Decision

The Panel was presented with a Joint Submission on Penalty and Costs and also heard submissions. After deliberations, the Panel accepted the Joint Submission on Penalty and Costs and accordingly ordered as follows;

1. Mr. Mayoros is required to appear before a panel of the Discipline Committee to be reprimanded, with the fact of the reprimand to appear on the public register of the College;
2. The Registrar is directed to suspend Mr. Mayoros' certificate of registration for two months commencing on the date of the Discipline Committee's Order, which suspension shall continue until Mr. Mayoros successfully completes the Practice Review Assessment referred to in paragraph 3(a) below;



3. The Registrar is directed to impose the following terms, conditions and limitations on Mr. Mayoros' certificate of registration:
 - a. Mr. Mayoros is required to successfully complete the College's online Practice Review Assessment prior to his return to practise as a Medical Laboratory Technologist.
 - b. Mr. Mayoros shall notify the Registrar in writing immediately upon his return to active employment as a medical laboratory technologist in Ontario (which may be temporary, occasional, part-time or full-time).
 - c. Within six months of his return to active employment as a medical laboratory technologist in Ontario, Mr. Mayoros is required to successfully complete, at his own expense and to the Registrar's satisfaction, the Introduction to Ethics and Professionalism for Medical Laboratory Science course offered by the Canadian Society for Medical Laboratory Science (the "Ethics Course"). Mr. Mayoros shall notify the Registrar in writing upon his completion of the Ethics Course.
 - d. For a period of three (3) years from the date of the Discipline Committee's Order, Mr. Mayoros is required to notify the College within 14 days of the effective date of any changes to his:
 - i. Name;
 - ii. Business address or business telephone number of all premises where the member practises;
 - iii. Home address;
 - iv. Home telephone number;
 - v. Cellular telephone number;
 - vi. Email address;
 - vii. The identity, address and telephone number of each employer or other person the member works for and the title or description of the member's position with each employer or person.
 - e. For a period of three (3) years from the date of the Discipline Committee's Order, Mr. Mayoros is required to respond appropriately and in a timely fashion (i.e., within no more than 30 days) to all correspondence from the College.



4. Mr. Mayoros is required to pay to the College costs in the amount of \$2,400.00, by way of post-dated cheques in the amount of \$200.00 each beginning January 1, 2016, and running consecutively for 12 months thereafter until paid in full.

Reasons for Penalty Decision

The Panel concluded that the Joint Submission on Penalty and Costs was reasonable and protects the public interest. The penalty imposed is proportionate to the professional misconduct and fits within the range of penalties imposed in similar cases. The member, by agreeing to the facts and proposed penalty, has accepted responsibility for his actions. The Panel is satisfied that a clear message will be sent to the College's membership and to the Member in particular, that this conduct is not acceptable.