

**PERSONAL & CONFIDENTIAL**

**WITHOUT PREJUDICE**

November 18, 2011

Dear Dr. Gilliatt:

**Re: Complaint of Dr. Cameron Little**

Investigation Committee "C" has now completed its review of the complaint brought forward against you by Dr. Little. On behalf of the Committee, I wish to inform you of the actions we are considering at this time.

In the complaint of Dr. Little, dated March 15, 2011, concerns were brought forward that you have prescribed controlled substances to patients in long term care facilities while a restriction on your license was in effect prohibiting you from prescribing controlled substances. The restriction was initiated by the College and agreed upon by you in 1997. Dr. Little's concern was based on documentation provided by the Nova Scotia Prescription Monitoring Program, NSPMP. The documentation provided indicates that you have prescribed controlled substances, which are monitored by the NSPMP, to seven patients between May 13, 2008 and August 6, 2009.

In response to the complaint you stated in a letter dated April 25, 2011 that you were definitely aware of the restriction which prevented you from prescribing controlled substances. You also stated that, to the best of your knowledge, you have followed the rules and regulations and that you had sent an email to Dr. Little at the College in April of 2010 to ensure your locum work was in compliance with the expected guidelines. You further stated that following this email you received a phone call from "Mark" at the College following which it was your understanding that the issue around prescribing was "resolved".

On August 2, 2011 you met with Investigation Committee "C" of the College to discuss the complaint. At the meeting you informed the Committee of the following:

- that in 1994 you had an addiction to Demerol which led to an agreement with the College prohibiting you from prescribing narcotics;
- that the restriction on your medical license was put in place for your safety so that you would not have access to narcotics;
- that while providing physician coverage for nursing home patients you ordered or wrote narcotic prescriptions for patients of other physicians;
- that it was your understanding that the other family physician would sign the order the next day and the prescription for narcotics would be completed in the name of the patient's family physician and that this process had occurred "hundreds of times";

- that it was your opinion that the process, as you described, did not go against the terms of your agreement with the College; and
- that it was your assumption the person called “Mark” who called you to discuss locum practices in 2010 was from the College, however, you were not certain of this.

During the course of the investigation all materials reviewed by the Investigation Committee were copied and forwarded to you.

From its review of all the documentation the Committee understands the following sequence of events to have occurred:

1. that you graduated from Dalhousie University medical school in 1991;
2. that you completed a rotating internship at Dalhousie University in 1992;
3. that you received a full licence with CPSNS in 1992;
4. that on April 11, 1994, you provided, in writing, to the Registrar of the College of Physicians and Surgeons of Nova Scotia a note that indicated your use of pain medication was excessive and out of control. You also volunteered, at that time, to surrender the privilege to prescribe narcotics and your licence to practice;
5. that on September 26, ~~2005~~ 1995 [error in original document] you were found guilty by the Nova Scotia Provincial Court for unlawfully obtaining narcotics and that you were sentenced to two years probation and ordered to continue with psychological counselling;
6. that from April 29, 1994 until July 28, 1997 you did not hold a licence with the College of Physicians and Surgeons of Nova Scotia;
7. that on April 2, 1997 you signed and agreed to be bound by the contents of a letter dated March 27, 1997 from Dr. Little to you on behalf of the Credentials Committee which granted you a defined licence and outlined eight (8) conditions that applied to your licence. Condition 5 (pg. 2) stated the following:
 

“You will not prescribe narcotics and your medical practice will be such that you will not have access to narcotics or other restricted drugs and you not have access to prescription forms which can be used to write prescriptions for narcotics or other restricted drugs”;
8. that on July 28, 1997 you were granted a Defined licence with the College of Physicians and Surgeons of Nova Scotia;
9. that on January 20, 1998 a letter was forwarded to you from Dr. Little on behalf of the Credentials Committee stating that:
 

“The Committee also feels that for the foreseeable future you should not have privileges to prescribe restricted drugs.”
10. that on May 26, 1998 a letter was forwarded to you from Dr. Little on behalf of the Credentials Committee explaining that the Committee had declined your request to have the condition prohibiting you from prescribing narcotics removed and that the condition will remain on your licence for a considerable time;

11. that on September 29, 1998 a letter was forwarded to you from Dr. Little on behalf of the Credentials Committee indicating that the Committee was prepared, pending receipt of a report from a psychiatrist, to grant you a Full Licence and stated that:

“you are still restricted from prescribing restricted drugs indefinitely”;

12. that on January 5, 1999 a letter was forwarded to you from Dr. Little, stating the following:

“As you are well aware your privileges to prescribe narcotics have been revoked by the Federal Minister of Health and will not be changed unless the Federal Minister and the College approve. You have continued to have that restriction on your defined license. The Credentials Committee has indicated to you that they will not approve your prescribing of narcotics in the near future.”;

13. that on January 28, 1999, you received a Full licence from CPSNS and were forwarded a letter dated February 2, 1999 which stated the following:

“The Committee is prepared to grant you a Full license with the restriction that you cannot prescribe restricted drugs”; and

“The Committee remains concerned, however, that at least five (5) years should pass before it considers removing the restriction from your license that you cannot prescribe restricted drugs. You will need the permission of both the Federal Minister of Health and this College before you will be allowed to prescribe restricted drugs”;

14. that on January 25, 2001 you were the subject of a complaint by Dr. Little which alleged that:

“Dr. Gilliatt knew that she had restrictions on her license so that she cannot prescribe controlled or restricted substances. These restrictions arose as a result of Dr. Gilliatt’s history of narcotic dependency. By completing the triplicate prescriptions left her by Dr. Ahmed, Dr. Gilliatt appears to have contravened the conditions of her license.”;

The Investigation Committee reviewing the matter issued a *Caution*. The decision states that:

“The Committee, having reviewed the matter has serious concerns that you had prescribed controlled substances in breach of the conditions on your license and therefore *cautions* you in this regard”;

15. that on February 25, 2003 a letter was forwarded to you from Dr. Little stating the following:

“The Credentials Committee reviewed your file in depth. The Committee again noted that you had been in breach of a condition on your license when you prescribed controlled substances under the signature of Dr. Ahmed. The Committee felt that you lacked a certain amount of insight into the reasons for the condition on your licence and how any monitoring would be done”;

“In order for your request to be considered at a future date you will be required to undergo an objective assessment of your risk for relapse by a program or individual approved in advance by the Credentials Committee. In addition, you will need to attend an education course related to prescribing controlled substances such as that offered by the College of Physicians and Surgeons of Ontario”; and

16. In 2011, as a result of the College’s investigation into the complaint arising from information provided by the Nova Scotia Prescription Monitoring Program indicating that you wrote seven (7) prescriptions for narcotics in 2008 and 2009, the Committee obtained information from Lawton’s Drugs pharmacy, Northwood Terrace, indicating that you wrote eleven (11) other prescriptions for narcotics between 2005 and 2011. These prescriptions were issued to patients who were residents of nursing homes in the Halifax area. A copy of this information was forwarded to you on October 26, 2011.

Having reviewed all the information obtained during the course of the investigation, the Committee expressed serious concerns regarding your conduct in response to the restrictions placed on your licence in 1997 that prohibited you from prescribing narcotics and controlled substances. The evidence as documented indicates that you were informed in writing on multiple occasions between 1997 and 2001 of the restrictions on your licence. The complaint of Dr. Little in 2001 led to an investigation that found you to have breached the conditions and restriction placed on your licence in 1997 and you were issued a **Caution** at that time.

Your request in 2003 to prescribe narcotics and other controlled substances was denied by the Credentials Committee of the College.

Also, along with the documented prescriptions you wrote for narcotics between 2005 and 2011, you admitted to the Investigation Committee that you wrote prescriptions for narcotics in nursing home settings on many occasions during this time period.

Based on the information reviewed, the Committee is of the opinion that you have failed to comply with the conditions and restrictions on your license, advice provided to you in a **Caution** in 2001 and the clear direction provided to you in 2003 by continuing to prescribe narcotics until the time of the current complaint. Therefore, the Committee is of the opinion that there is sufficient evidence, which can reasonably be believed and if proven to be true, would constitute a finding of professional misconduct.

With such serious concerns, it would be the usual practice of an Investigation Committee to refer such a matter to a Hearing Committee for consideration. However, in accordance with Sections 53(12)(h) and (i) of the *Medical Act*, Investigation Committee “C” is prepared to resolve the matter on the basis of issuing a **Consensual Reprimand** regarding your failure to comply with the prescribing restriction placed on your licence and practice, if you agree to certain ongoing restrictions and conditions. These conditions and restrictions are set out in Appendix “A” to this letter, and are deemed part of the consensual disposition of this matter.

Should you decline to accept the proposed reprimand and consensual conditions, the Committee is prepared to refer the matter to a Hearing Committee for a hearing and disposition. If the Committee finds the allegations have been proven, it is open to the Committee to determine the disposition, which can include the imposition of restrictions and conditions, a reprimand, suspension or revocation of your licence to practice.

If you have not retained legal counsel regarding this matter, you are advised to seek legal counsel through the Canadian Medical Protective Association [CMPA] or otherwise prior to considering your response to this letter.

Following your review of this proposal, should you wish to accept the *Consensual Reprimand* and the conditions as set out in Appendix "A", I would ask you to sign the document below to indicate your acceptance of the *Consensual Reprimand* and its conditions.

If you have not provided a response to this proposal by **December 5, 2011** the Committee will consider you to not have accepted the proposal and begin proceedings to refer the matter to a Hearing Committee.

It is the Committee's intention to resolve this matter in a timely and respectful manner.

Sincerely,



Dr. Elizabeth Mann, Chair  
Investigation Committee "C"

RW/ib

I, Dr. Erica Patricia Gilliatt, hereby accept the consensual reprimand and the conditions as set out in Appendix "A".

  
\_\_\_\_\_  
Dr. Erica Patricia Gilliatt

25 NOV 2011  
\_\_\_\_\_  
Date

## Appendix "A"

In association with the Reprimand of Dr. Erica Gilliatt, dated November 18, 2011, Dr. Gilliatt agrees that the following restrictions and conditions will be placed on her license and remain on her license, until otherwise lifted by the College.

Dr. Gilliatt shall:

1. not prescribe narcotics and controlled substances in the province of Nova Scotia under any circumstance;
2. not enter a prescription for narcotics and controlled substances into a duplicate prescription, physician order records, progress notes, nursing home notes, or any other form of documentation used to direct or provide medical care;
3. not prescribe narcotics and controlled substances in any practice setting such as but not limited to office practice, walk-in clinics, community health centres, hospital, nursing homes or any other location where she may practice medicine;
4. not complete or enter any information into a document used to prescribe narcotics or controlled substance that is signed by another physician;
5. not initiate or sign any standing orders or prescriptions that include the use of narcotic and controlled substances;
6. not renew or sign any orders or prescriptions that include the use of narcotics or controlled substances that were initiated by another physician;
7. not prescribe narcotics or controlled substances and have the prescription or order co-signed by another physician;
8. advise the Registrar of the College of the names of any medical colleagues who may enter into a practice agreement with her, or share patient care with or provide on call coverage for patients. Dr. Gilliatt agrees and consents to the College providing such colleagues with a copy of all restrictions and conditions on her licence.
9. advise the Registrar of the College of the names of the CEO or Director of any organization where she may practice or see patients. Dr. Gilliatt agrees and consents to the College providing such individuals with a copy of all restrictions and conditions on her license.
10. post in any location where she may practice medicine a sign that is visible to patients which states she is not allowed to prescribe narcotics or controlled substances.