

**DISCIPLINE COMMITTEE OF THE
COLLEGE OF OPTOMETRISTS OF ONTARIO**

B E T W E E N:

THE COLLEGE OF OPTOMETRISTS OF ONTARIO

-AND-

DR. GREGORY MILLER

NOTICE OF HEARING

THE INQUIRIES, COMPLAINTS, AND REPORTS COMMITTEE OF THE COLLEGE OF OPTOMETRISTS OF ONTARIO has referred the following allegations about you to the Discipline Committee:

With respect to your patient, Patient X:

- a. You failed to maintain the standards of practice of the profession as set out at paragraph 1.14 of Ontario Regulation 119/94 in that you did not identify, document or conduct further examination of Patient X's optic disc swelling;
- b. You failed to refer Patient X to another professional whose profession is regulated under the *Regulated Health Professions Act, 1991* when you recognized or should have recognized that she had a condition of the eye or vision system that you appears to require such referral as set out at paragraph 1.11 of Ontario Regulation 119/94.
- c. You engaged in conduct or performed an act that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable, unprofessional or unethical as set out in paragraph 1.39 of Ontario Regulation 119/94 for making unprofessional remarks regarding vision therapy.

Particulars of the above allegations are set out in Schedule "A" to this Notice of Hearing

TAKE NOTICE THAT THE DISCIPLINE COMMITTEE WILL HOLD A HEARING pursuant to the provisions of the Health Professions Procedural Code (the "Code") which is Schedule 2 to the *Regulated Health Professions Act, 1991*, R.S.O. 1991 cs. 18 and the Discipline Committee's Rules of Procedure (a copy of which is available to you upon request) for the purpose of deciding whether you are guilty of professional misconduct.

AND FURTHER TAKE NOTICE THAT a hearing will be held before a panel of the Discipline Committee of the College of Optometrists of Ontario on a date to be set at the Pre-Hearing Conference on the date to be determined at 65 St. Clair Avenue East, Suite 900, Toronto Ontario.

AND FURTHER TAKE NOTICE THAT at the hearing a panel of the Discipline Committee will do the following:

1. Consider the allegations of professional misconduct;
2. Make its findings based exclusively on evidence admitted before it; and
3. Determine whether in respect of the allegations you have committed an act or acts of professional misconduct.

AND FURTHER TAKE NOTICE THAT pursuant to subsections 51(2) of the Code, if the Panel finds you guilty of professional misconduct, it may make an order doing one or more of the following:

1. Directing the Registrar to revoke your certificate of registration.
2. Directing the Registrar to suspend your certificate of registration for a specified period of time.
3. Directing the Registrar to impose specified terms, conditions and limitations on your certificate of registration for a specified or indefinite period of time.
4. Requiring you to appear before the panel to be reprimanded.
5. Requiring you to pay a fine of not more than \$35,000 to the Minister of Finance.

AND FURTHER TAKE NOTICE THAT pursuant to section 53.1 of the Code if the Panel finds you guilty of professional misconduct the Panel may make an Order requiring you to pay all of part of the College's legal costs and costs and expenses incurred in investigating this matter and conducting the hearing.

AND FURTHER TAKE NOTICE THAT you are entitled to be represented by counsel at the said Hearing and to call witnesses and to adduce evidence in answer to the allegations set out in this Notice of Hearing.

AND FURTHER TAKE NOTICE THAT a member whose conduct is being investigated in proceedings before the Discipline Committee is entitled to certain disclosure of evidence pursuant to section 42 of the Code. To facilitate that process, you or your lawyer may contact directly the lawyer for the College of Optometrists of Ontario. The College's lawyer in this matter is:

Julia J. Martin
Barrister and Solicitor
440 Laurier Avenue West, Suite 200
Ottawa ON
K1R 7X6

Tel: (613)513-6735

Email: julia@juliamartinlaw.com

AND FURTHER TAKE NOTICE THAT if you do not attend at the Pre-Hearing Conference on the date above, or on any subsequent date fixed by the Discipline Committee, the panel of the Discipline Committee may proceed in your absence and you will not be entitled to any further notice.

DATED at Toronto, Ontario this 4th day of December, 2017.

**COLLEGE OF OPTOMETRISTS
OF ONTARIO**

65 St. Clair Avenue East
Suite 900
Toronto, ON M4T 2Y3

(Signed)

Paula L. Garshowitz, O.D.
Registrar

TO: Dr. Gregory Miller

Schedule “A”

1. Dr. Gregory Miller is an optometrist who has practised in Ontario since in or about June 17, 1968.

Patient X

2. On or about January 5, 2015, after having been injured in a car accident, Patient X attended Dr. Miller’s office for an independent optometric assessment required by her insurance company, Belair Direct.

Failure to Maintain Standards and Failure to Refer

3. Dr. Miller conducted an examination of Patient X’s eyes but failed to identify and document that she had optic disc swelling in her left eye, which is a serious ocular health condition.
4. Dr. Miller also failed to conduct any further testing of Patient X regarding the optic disc swelling and failed to report it to Patient X’s physician.
5. The fact that Patient X had this problem was included in the files sent to Dr. Miller from Belair Direct regarding Patient X and identified by prior treating optometrists. Patient X also reported it to Dr. Miller herself.
6. In addition, Dr. Miller recognized or should have recognized that Patient X required a referral to another optometrist or a physician for her condition but failed to do so.

Unprofessional remarks

7. Patient X told Dr. Miller that an optometrist and a physician had recommended that she see a vision therapist for the problem with her eyes.
8. Dr. Miller then made the following remarks to Patient X about vision therapy:
 - a. that there is no such thing as vision therapy and if there is it is a scam;
 - b. that he does not believe in vision therapy; and
 - c. that if Patient X attended for vision therapy she would just be wasting her money.