

**DISCIPLINE COMMITTEE OF  
THE COLLEGE OF PHYSICIANS AND SURGEONS OF ONTARIO**

**B E T W E E N:**

**COLLEGE OF PHYSICIANS AND SURGEONS OF ONTARIO**

**- and -**

**JAMES SCOTT BRADLEY MARTIN**

**NOTICE OF HEARING**

**THE INQUIRIES, COMPLAINTS AND REPORTS COMMITTEE OF THE COLLEGE OF PHYSICIANS AND SURGEONS OF ONTARIO** has referred to the Discipline Committee of the College the allegation that Dr. James Scott Bradley Martin ("Dr. Martin"), a member of the College, has committed an act of professional misconduct:

1. under paragraph 1(1)2 of Ontario Regulation 856/93 made under the *Medicine Act, 1991* ("O. Reg. 856/93"), in that he has failed to maintain the standard of practice of the profession; and
2. under paragraph 1(1)33 of O. Reg. 856/93, in that he has engaged in conduct or an act or omission relevant to the practice of medicine that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional.

**THE INQUIRIES, COMPLAINTS AND REPORTS COMMITTEE OF THE COLLEGE OF PHYSICIANS AND SURGEONS OF ONTARIO** has also referred to the Discipline Committee of the College the allegation that Dr. Martin is incompetent as defined by

subsection 52(1) of the Health Professions Procedural Code, which is Schedule 2 to the *Regulated Health Professions Act, 1991*, (“the Code”).

Further information about the allegations is contained in Schedule “A” to this Notice of Hearing.

**A PANEL OF THE DISCIPLINE COMMITTEE WILL HOLD A HEARING** under the authority of sections 38 to 56 of the Code for the purposes of deciding whether Dr. Martin has committed an act or acts of professional misconduct or is incompetent. The hearing will be held at the College of Physicians and Surgeons of Ontario, 80 College Street, Toronto, Ontario or such other venue as the College may advise, on a date to be determined after consultation between College counsel and Dr. Martin or his counsel, and fixed by the Hearings Office.

**IF DR. MARTIN DOES NOT ATTEND AT THE HEARING**, the discipline panel may proceed in his absence and he will not be entitled to any further notice of the proceedings.

**IF THE PANEL FINDS** that Dr. Martin has committed an act or acts of professional misconduct or is incompetent the panel may make one or more orders authorized under subsection 51(2) or subsection 52(2) of the Code as follows:

*Orders*

51(2) *If a panel finds a member has committed an act of professional misconduct, it may make an order doing any one or more of the following:*

1. *Directing the Registrar to revoke the member’s certificate of registration.*
2. *Directing the Registrar to suspend the member’s certificate of registration for a specified period of time.*
3. *Directing the Registrar to impose specified terms, conditions and limitations on the member’s certificate of registration for a specified or indefinite period of time.*
4. *Requiring the member to appear before the panel to be reprimanded.*
5. *Requiring the member to pay a fine of not more than \$35,000 to the Minister of Finance.*
- 5.1 *If the act of professional misconduct was the sexual abuse of a patient, requiring the member to reimburse the College for funding provided for that patient under the program required under section 85.7.*

5.2 *If the panel makes an order under paragraph 5.1, requiring the member to post security acceptable to the College to guarantee the payment of any amounts the member may be required to reimburse under the order under paragraph 5.1. 1991, c. 18, Sched. 2, s. 51 (2); 1993, c. 37, s. 14 (2).*

52(2) *If a panel finds a member is incompetent, it may make an order doing any one or more of the following:*

1. *Directing the Registrar to revoke the member's certificate of registration.*
2. *Directing the Registrar to suspend the member's certificate of registration.*
3. *Directing the Registrar to impose specified terms, conditions and limitations on the member's certificate of registration for a specified or indefinite period of time.*

**THE DISCIPLINE PANEL MAY**, under subsection 53.1 of the Code, make an order requiring Dr. Martin to pay all or part of the College's costs and expenses.

**THE COLLEGE INTENDS TO INTRODUCE** as business records, under section 35 of the *Evidence Act*, any writings or records that were made in the usual and ordinary course of business. Without limiting the generality of the foregoing, the College intends to introduce as business records the medical and hospital charts related to the patient care that is the subject of the allegations.

Dr. Martin is entitled to disclosure of the evidence against him and of other information in the College's knowledge or possession. To obtain disclosure, Dr. Martin or his counsel or agent should contact the Legal Office of the College of Physicians and Surgeons, 80 College Street, Toronto, Ontario, M5G 2E2, telephone (416) 967-2600 or 1-800-268-7096.

Date: December 14, 2012




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Chair,  
Inquiries, Complaints and Reports Committee

TO: Dr. James Scott Bradley Martin  
555 Southdale Road East, Unit 107  
London, Ontario N6E 1A2

**SCHEDULE "A"**

1. Dr. Martin engaged in disgraceful, dishonourable or unprofessional conduct, is incompetent and/or failed to maintain the standard of practice of the profession from approximately 2001 forward, in the care of 30 patients, whose identities have been disclosed under separate cover.

**ADDITIONAL INFORMATION ABOUT THE ALLEGATIONS AGAINST DR. MARTIN WILL BE PROVIDED IN ADVANCE OF THE HEARING.**

**DISCIPLINE COMMITTEE OF  
THE COLLEGE OF PHYSICIANS  
AND SURGEONS OF ONTARIO**

**NOTICE OF HEARING**

**THE COLLEGE OF PHYSICIANS AND  
SURGEONS OF ONTARIO**  
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