



Dr. John Wesley HERBERT

Charges

Date Charge(s) Laid:	June 4, 2019
Hearing:	March 20, 2020
Charge(s):	Unprofessional Conduct
Outcome Date:	March 20, 2020

The Executive Committee of the College of Physicians and Surgeons directs that, pursuant to section 47.6 of **The Medical Profession Act, 1981**, the Discipline Committee hear the following charges against Dr. John Wesley Herbert, namely:

1. You, Dr. John Wesley Herbert, are guilty of unbecoming, improper, unprofessional, or discreditable conduct contrary to the provisions of section 46(o) of **The Medical Profession Act, 1981** s.s. 1980-81 c. M-10.1.

The evidence that will be led in support of this charge will include one or more of the following:

- a) You breached the undertaking which you provided to the College of Physicians and Surgeons dated May 3, 2016;
- b) You failed to respond in a timely manner to communications from the College of Physicians and Surgeons related to one or more supervision reports for Dr. Gbamgbola;
- c) The undertaking which you provided dated May 3, 2016 contained the following provisions, among others:
 - 3) I will comply with the expectations contained in the section entitled "Part 3 -- Supervision Process" of the document entitled "Supervised Practice SIPPA Sheet", and, in particular, I will conduct visits and submit reports on the schedule described in that document;
 - 4) I have reviewed the template for reports prepared by the College of Physicians and Surgeons and agree to provide reports to the College in that format, or such other format as may be adopted by the College;
 - 5) I agree that if the College should request additional information from me pertaining to my review of Dr. Gbamgbola's practice, I will provide that information within a reasonable time;
 - 6) I understand that the Registrar may increase or decrease the number and frequency of visits and frequency of reports after reviewing information about Dr. Gbamgbola's performance, including information from the reports which I will submit;

- 7) I agree that, if the Registrar increases or decreases the number and frequency of visits or increases or decreases the frequency of reports, I will comply with the amended requirements;
 - f) You failed to provide one or more reports as required by your undertaking;
 - g) you failed to provide one or more reports on a timely basis as required by your undertaking.
2. You Dr. John Wesley Herbert are guilty of unbecoming, improper, unprofessional, or discreditable conduct contrary to the provisions of section 46(o) and/or section 46(p) of The Medical Profession Act, 1981 s.s. 1980-81 c. M-10.1, and/or bylaw 16.1 and/or bylaw 16.2 of the bylaws of the College of Physicians and Surgeons.

The evidence that will be led in support of this charge will include one or more of the following:

- a) By letter dated March 20, 2019 Dr. Werner Oberholzer, the Deputy Registrar of the College of Physicians and Surgeons wrote to you, requiring a response to that letter in accordance with bylaw 16.2;
- b) You did not reply to the letter of March 20, 2019 within 14 days as required by bylaw 16.2;
- c) You did not provide the information requested in the letter of March 20 to the best of your ability as required by bylaw 16.2;
- d) As at May 30, 2019 you had not responded to the letter of March 20, 2019.