
Discipline Summary

Dr. Nelly Himell
980 Yonge Street
Toronto, Ontario

Hearing Date: December 4, 2020

Allegations of professional misconduct

- Disgraceful, dishonourable, unprofessional or unethical conduct
- Falsified a record
- Signed a certificate, report or similar document that contained a false, misleading or improper statement
- Submitted a false or misleading account or charge

Synopsis

- Dr. Himell admitted to altering the earlier date on a patient record to a later date and submitting a fraudulent insurance claim form with the altered date.
- Dr. Himell also admitted that she knowingly misled the insurance company when questioned about the altered date. She explained that the earlier date was erroneously submitted as a claim when it was actually intended to be submitted as a pre-determination.
- Dr. Himell said that she had believed she was helping a friend's son by altering the date, which she admitted was wrong.
- Dr. Himell repaid the insurance company for the fraudulent claim.

Decision

1. Finding

Dr. Himell pleaded guilty and was found guilty with respect to all four allegations.

2. Penalty

- Reprimand
- Suspension for two months (December 22, 2020 – February 21, 2021)
- Course on professional/problem-based ethics
- Practice to be monitored for 24 months following completion of suspension

3. Costs

- Dr. Himell to pay costs to the College in the amount of \$3,000
- Dr. Himell to pay monitoring costs

Panel's reasoning

- The proposed penalty was a joint submission by the parties.
- The Discipline panel found that Dr. Himell's professional misconduct appeared to be an isolated incident and concluded the joint submission on penalty was within the appropriate range of penalties.
- The penalty will adequately serve to protect the public. The panel was satisfied that the reprimand, suspension and publication of the details of the proceeding on the College's Register will achieve both specific and general deterrence.
- The panel considered Dr. Himell's initial misleading of investigators, her altered records and her submission of a false insurance claim form as aggravating factors.
- The panel considered Dr. Himell's apparent remorse and the fact that she has no prior history before the Discipline Committee as mitigating factors.