Pain doctor barred for sexual acts on patients

BY LEE GREENBERG, THE OTTAWA CITIZEN SEPTEMBER 18, 2010 6:11 AM

A former Ottawa pain doctor who sexually assaulted a drugged patient will not be allowed to practice medicine in Ontario again.

A disciplinary panel has rejected Martin Hugh Gillen's request for reinstatement, officials said Friday. The five-person panel decided Gillen has not openly dealt with his past transgressions, which also include an alleged 1986 sexual assault in a Perth Hospital.

The panel decided Gillen "continues to pose a risk for repeating his sexual deviancy. "He may be as manipulative and opportunistic in a new setting as he has been in the past," the committee wrote in a 62-page decision.

The registered sex offender had asked to be reinstated under strict conditions, including a ban on examining female patients. He works as a health administrator in an insurance-related business.

"Obviously, Dr. Gillen is disappointed in the ultimate decision," said his lawyer, Teresa Walsh.

Gillen, 58, spent six months in prison after pleading guilty to sexually assaulting a patient in his Ottawa pain clinic in 2001. His female victim had become suspicious of the doctor and carried a hidden camera into his office.

The camera recorded Gillen pulling his penis out of his pants and stroking it as the woman lay with her back towards him. He continued treating the heavily sedated woman with his penis exposed.

Gillen moved the woman's purse, obscuring the final portion of the session from the camera. Gillen's victim, who says her life was destroyed by the assault, was overjoyed with the decision.

"I'm so happy -- I couldn't stop crying as I was reading it," said the woman, who cannot be identified. "I'm grateful they made the right decision."

Psychiatrists diagnosed the former physician as a deviant with a preference for sex with non-consenting women.

His lawyer claimed Gillen had made huge strides through therapy. Once an anxious introvert, Gillen has repaired broken family relationships and began dating online.

In its finding, the panel said there was "compelling" evidence he ejaculated into a drugged patient's hand in that case.

"The lack of openness with his clinicians after years of therapy is of concern," the panel wrote. "Given the way he has hidden his sexual deviancy in the past, it implies that he is currently in his offence cycle, being manipulative and secretive." Gillen's victim is troubled by his failure to take responsibility.

"I don't feel he is rehabilitated because he still won't admit the truth (about the earlier incidents)," his victim said Friday. "All he'll admit to is what's on tape." While the College of Physicians and Surgeons said there are no appeal options, Walsh said Gillen could apply for a judicial review of the case.

"There are options and he's looking at those options," she said. "But he hasn't decided on any course of action." An attempt to contact Gillen through his lawyer was unsuccessful.

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Ban ex-doctor forever: lawyer
Reinstating licence would forever mark medical profession, committee told

BY LEE GREENBERG, THE OTTAWA CITIZEN  JANUARY 30, 2010

The case of a former Ottawa doctor seeking reinstatement after serving jail time for sexually assaulting a patient concluded Friday, with a lawyer arguing Martin Gillen should never be allowed to practise again.

"He wants closure," Brian Gover, counsel for the College of Physicians and Surgeons of Ontario, told a five-member disciplinary committee. "You can give him that by closing the door to his reinstatement once and for all."

Gover argued that public confidence in the medical profession would be "seriously and irremediably harmed" if Gillen, a former pain specialist who operated a busy Ottawa clinic, were allowed to return to practice.

Gillen was found guilty in 2004 of sexually assaulting a patient after the woman, suspicious that he was violating her while she was drugged, brought a hidden camera into her session and recorded Gillen masturbating behind her back.

He spent six months in jail for the crime and will remain on the provincial sex offender registry until 2017.

The woman victimized in that incident testified before the committee about the lingering effects of that assault -- including a recurring eating disorder, depression, and guilt over her perceived failings as a mother.

Gillen's lawyer, Teresa Walsh, has argued the 57-year-old divorced father of three has made huge rehabilitative gains through years of therapy. Once a reclusive introvert who claimed not to have a single friend, Gillen has repaired broken relationships and is now in a committed, loving relationship with a woman he met online.

He also received a master's degree in health sciences and is working toward another degree. He exercises regularly, plays the piano and socializes with people in the workplace.

"He understands that he and he alone is responsible for what he did," she said.

Walsh told the hearing Friday that the conditions Gillen proposes provide adequate public protection.
A restricted licence would forbid him from examining female patients, prescribing medicine or maintaining a clinical practice. Gillen would practice administrative medicine only, supervised by a practice monitor, and would continue to receive psychological counselling.

College lawyers say those conditions are not enough.

"In some cases, revocation must truly mean revocation," said Gover.

An independent psychiatric analysis concluded Gillen has a preference for sex with non-consenting females and is a medium-low risk to re-offend.

Moreover, Gover argues that Gillen's continued denial of two earlier alleged incidents is a sign his rehabilitation is incomplete.

The incidents, both in 1986, include an allegation he ejaculated into a sedated woman's hand while she was being treated in Perth hospital. While found not guilty of that act in court, Gillen was nevertheless found to have committed professional misconduct. His license was suspended for nine months.

A judge who reviewed the college's decision upheld it, commenting there was "ample evidence to justify the finding of guilt."

A Perth nurse also testified before the committee that eight weeks before the alleged assault, she found Gillen staring at a sedated young female patient while in an aroused state, his pants loosened.

"In this case, a repeat sex offender who has brought enormous discredit to the medical profession asks not for a second chance, but a third one," Gover said Friday as he asked the committee to reject the request.

"He has violated trust in the medical profession and trust individual patients put in him."

The college's disciplinary committee that is considering Gillen's request will rule on the request in the coming months.

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TORONTO — A former Ottawa doctor, looking to regain his licence to practice, came face to face Thursday with the woman he victimized eight years ago at a tense and emotional hearing.

The woman, who cannot be identified, told a five-member committee her life has fallen to pieces after a sexual assault by Martin Gillen, a former pain specialist.

"I just feel marked, branded," the woman said, sobbing.

"I'm anorexic and bulimic to this day. It's just the only way I feel I have control of my own body. I feel there's something wrong and I control it with food."

The mother of three said she has contemplated suicide. She finds it hard to trust anyone, and said she hasn't made a new friend in the more than eight years since the assault occurred.

The woman was being treated by Gillen for pain resulting from four car accidents when, in December 2001, she became suspicious of him. She told the College of Physicians and Surgeons of Ontario Thursday she had been receiving "pressure point" cortisone injections along her spine, buttocks and groin area during that period.

On one occasion, she forgot to take the three pre-appointment sedatives prescribed to her.

She was therefore more alert than usual that day and said, while lying on her side and facing the wall, she felt Gillen pushing something in and out of her vagina. She then heard him pulling his pants up and "the rattling of his belt."

"I could tell he was fastening his pants up," she said.

The woman called a friend in law enforcement who encouraged her to take the story to the police. But she said she felt police wouldn't believe someone like her who was "all drugged up on the table."

She contacted a private investigator instead, who outfitted her with a camera hidden in her purse.

The hearing was told that on the woman's next visit, the camera caught Gillen pulling out his penis and stroking it as she lay on the table with her back toward him. He then sat on a bench beside her, leaving his penis exposed while he continued treating her. Gillen eventually moved the purse, obscuring the rest of the session. The videotape has been played at least twice during the one-week hearing at the College's Toronto headquarters.
Gillen was stripped of his licence based on that videotaped evidence and brought up on criminal charges. He struck a deal with Crown lawyers midway through his 2004 trial and pleaded guilty to one count of sexual assault.

He spent six months in jail for the crime, where he was treated under the sex offender relapse prevention program.

His psychiatrist and psychologist support Gillen's bid for reinstatement, saying he has overcome many of the contributing factors that led to the assault. He is no longer a socially isolated introvert and workaholic, they say, but has learned how to balance his life and make interpersonal connections.

He has also taken responsibility for the 2001 assault.

Lawyers for the College, which opposes the reinstatement, have tried to cast doubt on Gillen's recovery. They point to his continued denial of earlier allegations (including one, in a Perth hospital in 1986, that resulted in a nine-month suspension) as signs of persistent problems.

They also have the support of a psychiatric assessment that concludes Gillen has a preference for non-consensual sex.

Gillen's lawyer, Teresa Walsh, has argued her client deserves forgiveness.

The divorced father of three says he will accept heavy conditions if the College grants his wish.

He has agreed not to return to clinical practice, will examine only male patients and will be closely monitored throughout.

But his victim, who spent less than two hours testifying Thursday, urged the medical regulator not to grant his wish.

"Never. Please don't let this man have his licence back," she said. "Please don't let another family go through this."

"He's not told the truth and, as long as he doesn't tell the truth, he'll do it again."

Gillen maintained a stoic veneer throughout Thursday's testimony.

After his victim left, however, the 57-year-old covered his face with hands, lowered his head to the table and cried.

© Copyright (c) The Ottawa Citizen
Disgraced doctor faces victim in court

BY LEE GREENBERG, THE OTTAWA CITIZEN    JANUARY 28, 2010

TORONTO — A former Ottawa doctor, looking to regain his license to practice, came face to face with the woman he victimized eight years ago Thursday at a tense and emotional hearing in Toronto.

The woman, who cannot be identified, told a five-member committee her life has fallen to pieces in the wake of her assault at the hands of Dr. Martin Gillen, a former pain specialist.

"I just feel marked, branded," the woman said, sobbing. "I'm anorexic and bulimic to this day. It's just the only way I feel I have control of my own body. I feel there's something wrong and I control it with food."

The mother of three said she has contemplated suicide. She finds it hard to trust anyone, and said she hasn't made a new friend in the more than eight years since the assault occurred.

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charges. He struck a deal with Crown attorneys midway through his 2004 trial and pleaded guilty to one count of sexual assault.

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The divorced father of three says he will accept heavy conditions if the College grants his wish.

He has agreed not to return to clinical practice, will examine only male patients and will be closely monitored throughout.

But his victim, who spent under two hours testifying Thursday, urged the medical regulator not to grant his wish.

"Never. Please don't let this man have his license back," she said. "Please don't let another family go through this."

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After his victim left, however, the 57-year-old covered his face with hands, lowered his head to the table and cried.
OTTAWA -- A former Ottawa doctor convicted of molesting a patient is trying to get his licence back.

Martin Gillen, a pain specialist, is scheduled to begin a five-day disciplinary hearing Monday in Toronto with the College of Physicians and Surgeons of Ontario.

On Dec. 21, 2001, a spy camera caught Gillen exposing his penis behind an Ottawa woman’s back and touching himself while she lay sedated on a treatment table.

The camera was in her purse and she had a private investigator recording outside.

“He ruins your life. He took my soul and I fight every day to keep it,” the woman said Thursday. “He has no idea what he’s done to my family.”

At the trial, in November 2004, Gillen took a deal and pleaded guilty to sexual assault. He was sentenced to nine months in prison and two years probation, during which time he was prohibited from practising medicine.

Gillen attempted to get his licence back last February but the hearing was pushed to the fall and adjourned again to next week.

“When an applicant wishes to apply for reinstatement, the college convenes a panel of the disciplinary committee and it’s up to the applicant, Dr. Gillen, to prove to the disciplinary panel he should be reinstated,” said college spokeswoman Kathryn Clarke.

The victim has agreed to testify at the hearing and said she was told the college will try to stop Gillen from getting his licence.

“I want to stop him from doing it again to somebody else,” she said. “I won’t stay shut up. I have to do this (testify).”

Also expected to testify is a woman who alleged Gillen abused her in the 1980s.

In 1986, Gillen was acquitted of the then 21-year-old university student’s allegation that he had masturbated into her hand as she was waking up from anesthesia.

Gillen had his medical licence taken away following the allegation, but a divisional court reduced that penalty to a nine-month suspension.

In 2003, the college had Gillen surrender his licence again — this time with no eligibility to re-apply for five years.

Gillen is expected to call witnesses to describe the help he’s received since the trial.

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TORONTO - A former Ottawa physician trying to win his medical licence back after being convicted of sexually assaulting a female patient broke down in a hearing Monday and said that at the time of the incident, he didn't think he was committing assault.

Dr. Martin Hugh Gillen told a disciplinary panel at the Ontario College of Physicians and Surgeons that he didn't think exposing himself and touching his penis in the same room as the female patient would be considered assault because she was sedated at the time.

He also teared up when describing the lessons he learned while taking a sexual offender relapse program in prison.

"She had placed a great deal of trust in me and I had violated that trust," Gillen said.

Gillen's lawyer Teresa Walsh asked the disgraced doctor what was going through his mind at the time of the Dec. 21, 2001 assault, when he exposed and touched himself behind the patient while she was sedated.

"I've asked myself that many, many times," Gillen said. "Part of the problem for me is trying to remember what was going through my mind versus what I understand now. I realized I was becoming attracted to (the victim)."

Gillen, whose licence to practice medicine in Ontario was revoked by the college on June 20, 2003, said Monday he knew his actions were wrong but that at the time, before undergoing sex offender therapy in jail, he didn't think they were assaultive in nature.

"I knew it was wrong to be sexually inviting or sexually forward to her and my thinking at the time was that it was not assaultive to her," Gillen said. "My thinking at the time was that if I wasn't touching her, if she couldn't see me, then I wasn't assaulting her. That was my thinking at the time."

The female patient, who can't named, had installed a video transceiver in her purse, which transmitted video to a vehicle parked outside Gillen's practice.

The victim is set to testify during Gillen's five-day hearing this week and said she will do anything she can to stop him from getting his licence back again.

"He ruins your life. He took my soul and I fight every day to keep it," the woman told the Ottawa Sun in January. "He has no idea what he's done to my family."

In addition to having his licence revoked, the 2001 victim's video was used as evidence to convict Gillen criminally in November 2004.

Gillen, who practiced as a pain specialist in Ottawa, agreed to a deal in which he pleaded guilty to one count of sexual assault.

He was sentenced to a 9-month jail term, two years of probation, and had his name placed on the provincial sex offender registry for 10 years.

While serving time at the Ontario Correctional Institute in Brampton, a rehabilitative institute that specializes in treating sex offenders, Gillen was enrolled in the Sexual Offender Relapse Prevention Program (SORPP), which he said helped him to understand the severity of what he did as well as ways to avoid committing further offences.

"I found it enormously beneficial," Gillen said. "The introductory program helps you to understand it was truly a sexual offence. It helps you to understand that you have indeed victimized a person."

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Gillen's reinstatement hearing at The Ontario College of Physicians and Surgeons continues.