

**Indexed as: Tamari (Re)**

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

**IN THE MATTER OF** a Hearing directed by the  
Complaints Committee and the Executive Committee of the  
College of Physicians and Surgeons of Ontario,  
pursuant to Section 36(1), and Section 26(2) of the  
*Health Professions Procedural Code*, being Schedule 2  
to the *Regulated Health Professions Act 1991*,  
S.O.1991, c. 18 as amended

**BETWEEN:**

THE COLLEGE OF PHYSICIANS AND SURGEONS OF ONTARIO

- and -

DR. EREZ TAMARI

**PANEL MEMBERS:**

DR. B. ADAMS (CHAIR)  
DR. A. KENSHOLE  
DR. M. SPRUYT  
R. SANDERS  
J. FREDERICK

**HEARING DATE:**

April 3, 2000

**DECISION RELEASED:**

August 10, 2000

## **DECISION AND REASONS FOR DECISION**

This matter was heard on April 3, 2000 before the Discipline Committee of the College of Physicians and Surgeons of Ontario at Toronto.

The College proceeded with the allegations in paragraphs 1 and 3 of the Notice of Hearing which alleged that Dr. Tamari was guilty of professional misconduct under:

1. paragraph 1(1)30 of Ontario Regulation 856/93 by failing to respond appropriately or within a reasonable time to a written inquiry from the College; and,
3. paragraph 1(1)17 of Ontario Regulation 856/93 by failing without reasonable cause to provide a report or certificate relating to an examination or treatment performed by the member to the patient or his or her authorized representative within a reasonable time after the patient or his or her authorized representative has requested such a report or certificate.

Dr. Tamari pleaded guilty to these allegations, and the College withdrew the allegation in paragraph 2 in the Notice of Hearing.

The Committee after considering the Notice of Hearing and an Agreed Statement of Facts that was filed, accepted Dr. Tamari's plea and found him guilty of professional misconduct.

Dr. Tamari was referred to the Discipline Committee because of his refusal to provide an Insurance company with information it required about one of his patients. Despite repeated requests for this information from the Insurance Company, the patient, the patient's employer and the College of Physicians and Surgeons of Ontario, over a period of 14 months, the needed information was not provided.

In another incident, a former patient requested that her and her children's records be transferred to another physician. Despite the delivery of a signed release and several requests over four

months, the records were not transferred and she complained to the College of Physicians and Surgeons of Ontario.

The Complaints Committee (under its authority in s. 26(2)3 of the *Health Professions Procedural Code*) had requested Dr. Tamari to appear before it to be cautioned re his disregard for the requests by his patients for their medical records.

Despite many telephone calls and letters, Dr. Tamari failed to respond to attempts to set up an appointment to receive this caution. A date was selected for him to attend, since a mutually agreeable date could not be arranged. He did not attend to receive his caution at the scheduled date and time.

The Committee felt that by these actions or inactions, Dr. Tamari showed blatant disregard for his patients and the self-governance of the medical profession.

In order to impress on Dr. Tamari the need to comply with patients' request to provide necessary information to third parties and to provide other physicians with the medical records of patients when requested, the Committee made the following Order. This Order sends a strong message to Dr. Tamari that he must comply with such requests in a reasonable timeframe. The Order will also send a message to all members, that there are certain obligations which they must abide by, if the profession is to remain self-governing. Physicians must co-operate with the College in any investigation and respond appropriately to requests for information.

The Committee made and delivered the following Order as to penalty as requested by the College prosecutor.

1. The Committee ordered that Dr. Tamari attend before it to be reprimanded;
2. The Committee directed that the fact of this reprimand be recorded on the Register;

3. The Committee ordered that Dr. Tamari's certificate of registration be suspended for one month to commence May 1, 2000.
4. The Committee ordered that the suspension shall be suspended if prior to May 1, 2000, Dr. Tamari provides his written consent to an inspection of his practice by an inspector on behalf of the College, appointed by the Registrar, the costs of which are to be paid by Dr. Tamari to a maximum of \$1,200.00, and if the inspection occurs prior to May 1, 2000.
5. The Committee ordered that the inspection report shall be provided to the Registrar and the Executive Committee, and that the Executive shall take further action as it is empowered to do so and as may be necessary on the basis of the report.
6. The Committee ordered that Dr. Tamari shall pay the College its costs in the amount of \$7,000.00 within six months of the date of the Order.