

ONTARIO PHYSICIANS AND SURGEONS DISCIPLINE TRIBUNAL

Citation: *College of Physicians and Surgeons of Ontario v. Cook*, 2025 ONPSDT 3

Date: February 12, 2025

Tribunal File No.: 24-004

BETWEEN:

College of Physicians and Surgeons of Ontario

College

- and -

Sarah Elizabeth Cook

Registrant

FINDING AND PENALTY REASONS

Heard: January 27, 2025, by videoconference

Panel:

Sophie Martel (panel chair)

Lucy Becker (public)

Jose Cordeiro (public)

Joanne Nicholson (physician)

Rupa Patel (physician)

Appearances:

Robin Goldberg and Penelope Ng, for the College

Pino Cianfarani and Joshua Lerner, for the registrant

RESTRICTION ON PUBLICATION

Pursuant to Rule 2.2.2 of the OPSDT Rules of Procedure and ss. 45-47 of the Health Professions Procedural Code, no one shall publish or broadcast the names of patients or any information that could identify patients or disclose patients' personal health information or health records referred to at a hearing or in any documents filed with the Tribunal. There may be significant fines for breaching this restriction.

Introduction

[1] Dr. Cook is a family physician who practised at a private clinic. Dr. Cook agrees that she issued fraudulent prescriptions to herself using the credentials of two other physicians without their knowledge and consent. Dr. Cook also agrees that she failed to maintain appropriate boundaries with one of her patients. She admits professional misconduct.

[2] Relying on her admission and an agreed statement of facts, we found that Dr. Cook committed professional misconduct by engaging in acts that were disgraceful, dishonourable or unprofessional. She treated herself by issuing prescriptions for herself contrary to the College's policy on Physician Treatment of Self, Family Members or Others Close to Them, she fraudulently used the credentials of two other physicians, and she failed to maintain appropriate boundaries with a patient by making inappropriate personal disclosures and comments during patient encounters and on social media.

[3] The parties jointly submitted that the penalty should be a reprimand, a six-month suspension and the successful completion of the PROBE Ethics & Boundaries Program.

[4] We accepted the jointly proposed penalty, concluding that it did not bring the administration of physician regulation into disrepute and was not otherwise contrary to the public interest. We also ordered costs of \$6,000, commensurate with the tariff rate and as agreed by the parties.

[5] These are our reasons.

Misconduct

Agreed Facts

[6] Dr. Cook obtained her certificate of registration authorizing independent practice from the College of Physicians and Surgeons of Ontario in June 2009. She practised at a private clinic during the relevant time.

Self-Prescribing

[7] Around November 2020, the College received information from two physicians that Dr. Cook may have issued fraudulent prescriptions to herself in their names.

[8] Between December 2016 and October 2020, Dr. Cook issued prescriptions for herself using the Electronic Medical Record credentials of two colleagues without their knowledge or consent. She issued 24 prescriptions in the name of one of her colleagues and two prescriptions in the name of the other colleague.

[9] Dr. Cook prescribed herself 16 different medications including controlled and/or monitored drugs, some on a recurring basis. The prescribed drugs included antibiotics, antidepressants, and benzodiazepines. The prescriptions were not for minor conditions and were not prescribed in emergency situations.

[10] Dr. Cook's self-prescribing did not comply with the College's policy on Physician Treatment of Self, Family Members, or Others Close to Them. That policy provides that physicians must not provide treatment for themselves except for a minor condition or in emergency situations. Physicians must also not provide recurring episodic treatment to themselves for the same disease or condition, or provide ongoing management of a disease or condition, even where the disease or condition is minor.

[11] The policy also specifically states that physicians must not prescribe controlled drugs or substances for themselves. Benzodiazepines fall into this category.

Boundary Issue

[12] Patient A was Dr. Cook's patient from August 2011 to February 2021. Among other things, Dr. Cook treated Patient A for anxiety.

[13] Dr. Cook failed to maintain appropriate boundaries in her interactions with Patient A in the therapeutic setting and on social media. During patient encounters, she made various inappropriate personal disclosures to Patient A, including regarding her personal relationships. She also followed Patient A on social media and made inappropriate and unprofessional comments about her own personal life in response to two of Patient A's posts.

Finding

[14] Dr. Cook's misconduct was threefold. She treated herself by prescribing to herself multiple different medications including controlled drugs and substances contrary to the College's policy on Physician Treatment of Self, Family Members, or Others Close to

Them. She used her colleagues' credentials without their knowledge and consent. She failed to maintain appropriate boundaries with one of her patients.

[15] We find that Dr. Cook committed professional misconduct under paragraph 1(1)33 of Ontario Regulation 856/93 made under the *Medicine Act, 1991*, SO 1991, c. 30. Self-prescribing, issuing fraudulent prescriptions and failing to maintain appropriate patient boundaries is conduct that would reasonably be regarded by members as disgraceful, dishonourable or unprofessional.

Penalty and Costs

[16] The parties jointly proposed a reprimand, a suspension of six months and the placement of terms, conditions and limitations on the registrant's certificate of registration in the nature of the successful completion of the PROBE Ethics & Boundaries Program offered by the Centre for Personalized Education for Professionals. The parties also jointly proposed costs of \$6,000.

[17] Our role is limited when the parties agree on penalty. We should only depart from a joint submission if the proposed penalty would bring the administration of justice into disrepute or is otherwise not in the public interest: *R. v. Anthony Cook*, 2016 SCC 43. This is a high threshold. A disciplinary body that rejects a joint submission on penalty must show why the proposed penalty is so unhinged from the circumstances of the case that it must be rejected: *Bradley v. Ontario College of Teachers*, 2021 ONSC 2303.

[18] We are satisfied that the proposed penalty would not bring the administration of physician regulation into disrepute or is otherwise not in the public interest. We are also satisfied that the proposed penalty appropriately balances the penalty goals: the protection of the public, general and specific deterrence, rehabilitation and expressing the Tribunal and the profession's disapproval of the misconduct.

[19] The six-month suspension protects the public and achieves specific and general deterrence in sending the message that violations of the self-treatment policy, the use of fraudulent credentials, and boundary violations will not be tolerated. The six-month suspension also recognizes the seriousness of the misconduct. In this case, the misconduct was multifaceted and occurred over several years. Dr. Cook used the credentials of two colleagues for her self-prescribing, including prescriptions for benzodiazepines, a controlled drug. She made it appear as though her colleagues had

issued the prescriptions and were responsible for her care and treatment when they had no knowledge that she was using their credentials. The boundary violations had the potential to compromise care, especially when treating a patient with a psychiatric diagnosis. Patient care should be rooted in professionalism, respect and the establishment of clear boundaries.

[20] The six-month suspension and the reprimand also denounce the misconduct. They should reassure the public that this type of misconduct will be appropriately dealt with, which is necessary to maintain public confidence in the profession and the College's ability to regulate the profession in the public interest.

[21] The successful completion of an educational program addresses Dr. Cook's rehabilitation.

[22] Furthermore, the six-month suspension is the same suspension length that was ordered in other cases where physicians wrote prescriptions in their colleagues' names without authorization for themselves and in some cases for family members too: *College of Physicians and Surgeons of Ontario v. Raddatz*, 2020 ONCPSD 27, *College of Physicians and Surgeons of Ontario v. Ghali*, 2020 ONCPSD 17 and *College of Physicians and Surgeons of Ontario v. Guirguis*, 2018 ONCPSD 47. While the orders regarding *Ghali* and *Guirguis* also included terms, conditions and limitations regarding drug monitoring, we have no evidence nor submissions that such terms, conditions and limitations are required in the present case.

[23] We also accept the parties' agreement to costs of \$6,000, which reflects the tariff rate in the Rules of Procedure.

Order

[24] For the above reasons, our order provides:

1. The Tribunal requires the registrant to appear before the panel to be reprimanded.
2. The Tribunal directs the Registrar to:
 - a. suspend the registrant's certificate of registration for six (6) months commencing January 28, 2025 at 12:01 a.m.

- b. place the following terms, conditions and limitations on the registrant's certificate of registration, effective January 28, 2025 at 12:01 a.m.;
 - i. Dr. Cook shall participate in and successfully complete, without condition or qualification and at her own expense, the PROBE Ethics & Boundaries Program offered by the Centre for Personalized Education for Professionals. Dr. Cook will complete the PROBE Program within six (6) months of the date of this Order, or if it is not available within that timeframe, at the earliest opportunity. She will provide proof of completion to the College, including proof of registration and attendance and participant assessment reports, within one (1) month of completing it.
3. The Tribunal requires the registrant to pay the College costs in the amount of \$6,000.00 by February 3, 2025.

ONTARIO PHYSICIANS AND SURGEONS DISCIPLINE TRIBUNAL

Tribunal File No.: 24-004

BETWEEN:

College of Physicians and Surgeons of Ontario

College

- and -

Sarah Elizabeth Cook

Registrant

**The Tribunal delivered the following Reprimand
by videoconference on Monday, January 27, 2025.**

*****NOT AN OFFICIAL TRANSCRIPT*****

Dr. Cook,

As a registrant of the College of Physicians and Surgeons of Ontario you are expected to adhere to its regulatory requirements and its policies and guidelines. In this hearing today, we have evidence that your misconduct was multifaceted and repetitive over several years. You failed to follow the College's policy on treating self and family members, and you failed to maintain professional boundaries with a vulnerable patient both in the therapeutic setting and on social media.

The medical care that you provided to yourself was extensive and occurred over four years. It involved fraudulently using two of your colleagues' credentials to issue prescriptions. Furthermore, it involved prescribing yourself benzodiazepines, which is specifically prohibited in the College's policy. The use of controlled substances without the proper oversight of an independent physician not only places your own health at risk, but also compromises the integrity of the profession as a whole and exhibits a profound lack of judgement.

All patient care should be rooted in professionalism, mutual respect, and the establishment of clear boundaries. Any deviation from these principles undermines the trust essential to the physician-patient relationship. Maintaining boundaries is especially important when treating patients with a psychiatric diagnosis. The blurring of professional boundaries can compromise care and personal disclosures and communications through social media can be especially problematic.

It is expected that in addition to participating in the PROBE Ethics and Boundaries Program, you will use the time during your six-month suspension to reflect on the seriousness of your misconduct and to review all the College's policies and guidelines before returning to practice.