

ONTARIO PHYSICIANS AND SURGEONS DISCIPLINE TRIBUNAL

Citation: *College of Physicians and Surgeons of Ontario v. Prabhu*, 2025 ONPSDT 8

Date: March 6, 2025

Tribunal File No.: 24-019

BETWEEN:

College of Physicians and Surgeons of Ontario

College

- and -

Sean Carlisle Prabhu

Registrant

FINDING AND PENALTY REASONS

Heard: January 31, 2025, by videoconference

Panel:

David A. Wright (Tribunal Chair)

Stephen Bird (public)

Veronica Mohr (physician)

Linda Robbins (public)

Janet van Vlymen (physician)

Appearances:

Robin Goldberg and Carolyn Silver, for the College

Carolyn Brandow and John Petrella, 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. Prabhu, a psychiatrist, sexually abused his vulnerable patient who had a history of physical and sexual abuse. He sent her sexual text messages and engaged in oral sex and sexual intercourse. This happened after he had been treating the patient for over a year, six days after she was discharged from a psychiatric hospital where he was her attending physician and on the day she left a shelter for women fleeing physical and sexual abuse. After their physical sexual encounter, he continued both treating and sending her sexual messages. When the College started investigating, he repeatedly communicated with the patient, coerced her into sending an email withdrawing the allegations and deleted the information on his phone after being asked to preserve it.

[2] Dr. Prabhu does not contest the facts or that he committed sexual abuse and engaged in disgraceful, dishonourable and unprofessional conduct.

[3] Revocation of his certificate of registration and a reprimand are mandatory given the nature of this sexual abuse. In addition, we ordered at the hearing that he reimburse the College for funding provided to the victim for therapy and counselling and costs at the tariff rate.

[4] Tribunal Chair David Wright conducted case management conferences in this matter and sits on the panel with the agreement of the parties.

Uncontested Facts

Background

[5] Dr. Prabhu first treated the patient in 2021 as an inpatient. From May 2022 to June 2023, he provided her with psychiatric care as an outpatient. He completed medical paperwork for her as late as October 2023. Their physical sexual encounter took place in December 2022.

The Patient's Vulnerability

[6] The patient had a significant psychiatric history, including suicidal ideation and attempts and trauma from a history of abuse, including in childhood. This had led to several hospitalizations. She engaged in occasional sex work which she spoke about with Dr. Prabhu.

Text Messaging on December 18, 2022

[7] A few days after her discharge from hospital, Dr. Prabhu gave the patient his personal telephone number to assist in booking appointments. They began texting about medication and therapy. They discussed that she was going to a shelter for women fleeing violence and abuse.

[8] On the afternoon of December 18, the patient texted Dr. Prabhu that she was having flashbacks of her childhood physical and sexual trauma. After she told Dr. Prabhu he was “the best doctor I’ve ever had that actually cares,” he turned the conversation to a website it appears she had said she used in connection with her sex work. He asked for the website, “[j]ust for research purposes.” The patient replied that she had taken her pictures down but sent him pictures of herself. Dr. Prabhu began making sexual comments, including saying, “I can’t even imagine how satisfied ur clients are.”

[9] He then began texting her that he was sexually aroused and the patient invited him to book with her. The sexual conversation continued, including Dr. Prabhu sending her pictures of his erect penis, both clothed and unclothed. Within minutes, they were arranging a sexual encounter at her home to take place after she was discharged from the shelter. Among the 210 messages exchanged, Dr. Prabhu wrote, “I could get into so much trouble.”

Sex in the Patient’s Home

[10] At about 10:30 PM, Dr. Prabhu arrived at the patient’s house. She had been drinking. They had sex. Afterwards, Dr. Prabhu sent her an electronic banking transfer. They continued to text after he left, including references to the sexual activity that had taken place. He called her “huni.”

Continued Treatment and Ongoing Sexual Abuse by Text

[11] Dr. Prabhu continued to treat the patient, including at outpatient appointments, during a hospital admission, and in messages about her psychiatric and addiction issues. They also continued to exchange sexual messages and pictures over WhatsApp, which he had asked her to download. After the sexual encounter, 540 SMS or MMS messages and 936 WhatsApp messages were exchanged between the patient and Dr. Prabhu.

[12] Dr. Prabhu engaged in additional boundary violations, including disclosing personal information to the patient. At a medical appointment following their sexual encounter, the patient became tearful and upset. She was nervous about seeing him. Dr. Prabhu told her that he felt bad about what had happened but that he was able to “compartmentalize it.” The patient told Dr. Prabhu she was not able to compartmentalize and asked for a referral to a different psychiatrist. At another medical appointment following their sexual encounter, the patient mentioned that maybe they could have sex. Dr. Prabhu responded that they could if he did not have another client after the patient.

Contact With the Patient After Learning of the Allegations

[13] In November 2023, the patient’s therapist made a mandatory report after the patient disclosed the abuse, and the patient filed her own complaint. Two days after the College notified him of the allegations on December 7, 2023, Dr. Prabhu called the patient twice. When she didn’t answer, he sent her multiple texts asking her to call him and expressing his upset and anxiety about the allegations. She emailed the College, and an investigator contacted Dr. Prabhu by telephone to strongly suggest that he have no direct or indirect contact with the patient.

[14] The patient contacted Dr. Prabhu later that day and he declined to reply, first writing, “we probably shouldn’t talk” and then, “[y]ou are free to call me but I can’t initiate anything further.”

[15] He did not heed his own advice. The next day, December 8, 2023, he called the patient again. During the phone call, he asked her, “what do you gain from doing this?” and told her she was “ruining [his] life.”

[16] On January 10, 2024, the patient called Dr. Prabhu. He did not answer, but responded by text message. Dr. Prabhu and the patient exchanged a series of messages in which she disclosed that she had consumed various substances that day and was experiencing significant psychiatric symptoms.

[17] Dr. Prabhu called the patient and told her that he was still her psychiatrist and she was still under his care. He told her that either he or the police would come to her house. The patient told him she did not want the police to come. She had not expressed any thoughts of self-harm to him.

Visit to the Patient's House and Writing Retraction Email

[18] At approximately 10:45 PM that evening, Dr. Prabhu went to the patient's house. He was accompanied by a nurse, Mohammed Nasser, with whom the patient was familiar from her inpatient psychiatric treatment. Dr. Prabhu asked the patient if she could "take back" what she had told the College.

[19] While still at her house, Dr. Prabhu had the patient send the following email from her phone, which was received by the College investigator on January 10, 2024, at 11:07 PM:

I would like to drop any accusations against Dr. Prabhu. I was upset because he dropped me as a patient. He only had my best interest at heart. I have a friend who knows tech really well and there are apps that allow you to make up the number. I am sorry for everything and all the trouble I caused. I am most sorry for speaking about Dr. Prabhu in that [way].

[20] Dr. Prabhu and Mr. Nasser left at approximately 11:15 PM. The patient realized what had happened and sent a follow-up email to the College investigator at 2:20 AM that said that Dr. Prabhu had written the email while at her house.

Further Contact With the Complainant

[21] The following day, January 11, 2024, Dr. Prabhu texted the patient. At 7:05 AM, he wrote, "Cops will be keeping a closer eye in your area." At 12:35 PM, he asked if she was okay, and wrote, "I can send a cop to check on u." A few minutes later he wrote, "Cops have been keeping an eye on things." After exchanging some further messages, Dr. Prabhu asked if the patient had heard from the College investigator and told her he would "let my lawyer know that things are on hold..." When the patient asked for a prescription, he said he "couldn't do any prescribing until the college clears the complaint."

[22] He sent her the contact information for an addiction medicine physician. Dr. Prabhu wrote, "as soon as I get the green light from the [College] I can temporarily help out officially." The next day, he again contacted her, said he wanted to talk to her, noted that the addiction medicine specialist had not heard from her and said he would send the police for a wellness check. The contact finally stopped.

Deletion of Records

[23] On January 19 and 23, 2024, the investigator wrote to counsel for Dr. Prabhu, requesting that Dr. Prabhu preserve all communication he may have had with the patient on any of his electronic devices. On January 20, 2024, Dr. Prabhu reset his phone, which deleted prior communications with the patient, although some information was later forensically retrieved.

Findings of Misconduct

[24] Dr. Prabhu's sexual texts with his patient and his physical encounter were sexual abuse. Under the Health Professions Procedural Code, Schedule 2 to the *Regulated Health Professions Act, 1991*, SO 1991, c. 18, sexual abuse includes both "sexual intercourse or other forms of physical sexual relations between the member and the patient" and "behaviour or remarks of a sexual nature by the member towards the patient." Dr. Prabhu did both. The sexual abuse started from the text asking to see her website and continued until the last sexual text.

[25] Dr. Prabhu then piled misconduct on top of misconduct. He continued to both treat and exchange sexual messages with the patient. He contacted her and spoke to her about the allegations, including after the College investigator strongly encouraged him not to. He came to her house and composed a false retraction of the allegations on her phone. And he tried to erase the evidence of his wrongdoing on his phone. All of this was disgraceful, dishonourable and unprofessional conduct.

[26] Dr. Prabhu preyed on the patient's vulnerabilities using information he got as her psychiatrist. He obtained her cellular number to schedule appointments. He used it, his knowledge of her history and sex work, and her regard for him as her physician to initiate sexual conversations, which quickly progressed to a physical sexual encounter. This was followed by sexual texts while he was treating her, and his unrealistic suggestion that he could "compartmentalize" their past and ongoing sexual relationship. He attempted to make her feel guilty about telling her therapist about the abuse and the effect of the complaint on him. While she was in crisis and her judgment impaired by substances, he went to her house to get a false retraction. This was followed by suggestions that he could give her the prescriptions she needed if the College investigation concluded. All these actions caused significant harm to the patient.

[27] We therefore found Dr. Prabhu committed sexual abuse and disgraceful, dishonourable and unprofessional conduct.

Penalty and Costs

[28] The patient provided a victim impact statement. She included her own art that powerfully conveyed the difficult effects of the misconduct on her. In words, she explained that she has flashbacks and nightmares about Dr. Prabhu and his actions. She fears professionals, especially doctors, and does not trust them. This has affected her ability to get care. She is extremely anxious, as well as being on guard and hypervigilant about men's motives. She explained that she had been "terrified that she would have to testify at the hearing." Her words and art give a poignant window into the cascading effects of the sexual abuse.

[29] Revocation of Dr. Prabhu's certificate of registration and a reprimand are mandatory because the sexual abuse included sexual intercourse, oral sex and touching: Code, s. 51(5). We also note the egregiousness of the rest of the misconduct, including sexual texts over an extended period, doing so while continuing to treat the patient, coercing the patient into sending an email withdrawing her allegations and deleting evidence to stymie the College's investigation.

[30] The parties have agreed on appropriate costs at the tariff rate (\$6,000) and reimbursement of the College for funding for the patient's therapy at the maximum amount (\$17,940). These are not penalties, but compensation to the College for some of the costs it has incurred, paid through registrants' annual fees, because of his misconduct.

[31] Dr. Prabhu presented evidence about his circumstances before and after the misconduct for us to consider in drafting the reprimand and these reasons. In 2019, he entered into a contract with the physician health program related to treatment and monitoring because of a psychiatric disorder and mild substance use and completed the requirements in 2024. He has been receiving intensive psychotherapy and intends to continue. He also participated in a group for health professionals in recovery and completed a professional boundaries course. His therapist reports he has been actively engaged in therapy, and that they have worked on understanding what may have led to his behaviour. His counsel indicated that he pleaded no contest because he denies the allegations of physical contact, but that he recognizes that he violated boundaries and

abused his power. This demonstrates some insight. But from the materials before us, we think he has a long way to go. For example, there is scant, if any indication that he has insight into the victim's perspective or the effects of his actions, even those he admits, on the victim, the public and the medical profession.

[32] Dr. Prabhu also provided some letters praising his character. But they contain no indication that the authors are aware of any of the misconduct. Their views are not helpful because it appears they did not have all the facts.

Order

[33] We made the following order:

Penalty

1. The Tribunal requires the registrant to appear before the panel to be reprimanded.
2. The Tribunal directs the Registrar to:
 - a. revoke the registrant's certificate of registration effective February 1, 2025 at 12:01 a.m.

Costs

3. The Tribunal requires the registrant to pay the College costs in the amount of \$6,000 by February 28, 2025.

Reimbursement for Therapy and Counselling

4. The Tribunal requires the registrant to reimburse the College \$17,940 for funding provided for therapy and counselling under s. 85.7 of the Health Professions Procedural Code and to post security acceptable to the College to guarantee the payment of this amount, by February 28, 2025.

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BETWEEN:

College of Physicians and Surgeons of Ontario

College

- and -

Sean Carlysle Prabhu

Registrant

**The Tribunal delivered the following Reprimand by
videoconference on Friday, January 31, 2025.**

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

Dr. Prabhu,

We have found you engaged in sexual abuse of a patient and in acts that are disgraceful, dishonourable, and unprofessional.

You violated the trust of an extremely vulnerable patient who relied on you for her psychiatric care. You had a physical sexual encounter with her. You went on to exchange hundreds of text messages, many that were sexually explicit. Your sexual messages were interspersed with discussions regarding her psychiatric treatment including texts about medication prescriptions, referrals, and disability paperwork.

You exhibited disgraceful, dishonourable, and unprofessional conduct when you pressured your vulnerable patient to withdraw her complaint and had her send a message to the College investigator retracting her allegations. When the investigator informed your counsel that you needed to preserve all communications with this patient, you deleted them. These actions interfered with the ability of the College to protect the public.

These acts are a gross violation of your patient's trust and an exploitation of your power and authority as a psychiatrist. Engaging in a sexual relationship with a patient is a fundamental breach of professional ethics and boundaries. It violates the trust and integrity that must exist in the doctor-patient relationship.

The patient's victim impact statement clearly describes her ongoing pain, fear, and shame after this abuse. She has flashbacks of the conduct and is fearful to leave her home. She has difficulty trusting physicians and is hesitant to seek medical treatment when needed.

She is unable to concentrate even on simple tasks and is not able to be fully attentive to her son.

We recognize that you have acknowledged that your actions were boundary violations, spared the complainant the need to testify by pleading no contest and begun therapy to explore and address the causes of your misconduct. We encourage you to go further and confront the reality that even your text messages were sexual abuse. You took advantage of information you gained during your therapeutic relationship. Your actions had an immeasurable negative impact on your patient.

You have harmed the public's confidence in the entire medical profession. This reprimand and the revocation of your certificate is a powerful message to you, the profession and the public that we will not tolerate registrants who abuse their power and privilege.