

NOTICE OF PUBLICATION BAN

In the College of Physicians and Surgeons of Ontario and Dr. Vasilios Kavouris, this is notice that the Discipline Committee ordered that no person shall publish or broadcast the identity of the complainant/patient or any information that could disclose the identity of the complainant/patient under subsection 47(1) of the Health Professions Procedural Code (the Code), which is Schedule 2 to the *Regulated Health Professions Act, 1991*.

Subsection 93 of the Code, which is concerned with failure to comply with these orders, reads:

93(1) Every person who contravenes an order made under section 45 or 47 is guilty of an offence and on conviction is liable to a fine of not more than \$10,000 for a first offence and not more than \$20,000 for a subsequent offence.

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

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

B E T W E E N:

THE COLLEGE OF PHYSICIANS AND SURGEONS OF ONTARIO

- and -

DR. VASILIOS KAVOURIS

PANEL MEMBERS: DR. M. GABEL (CHAIR)
DR. M. DAVIE
J. ASHMAN
DR. W. KING
M. WAESE

Hearing Date: August 23, 2004

Decision/ Release Date: August 23, 2004

PUBLICATION BAN

DECISION AND REASONS FOR DECISION

The Discipline Committee of the College of Physicians and Surgeons of Ontario heard this matter at Toronto on August 23, 2004. At the conclusion of the hearing the Committee stated its finding that the member committed professional misconduct with written reasons to follow.

PUBLICATION BAN

The Committee ordered that no person shall publish the identity of the complainant/patient or any information that could disclose the identity of the complainant/patient pursuant to subsection 47(1) of the Health Professions Procedural Code (the "Code"), which is Schedule 2 to the *Regulated Health Professions Act, 1991*, as amended.

MOTION FOR ADJOURNMENT

Counsel for the complainant made a motion for adjournment to permit the complainant to file an application for non-party participant status. Counsel for the College and counsel for Dr. Kavouris opposed the motion. The Committee, having considered the submissions of both parties and counsel for the complainant, dismissed the motion for adjournment and gave oral reasons for its decision. The Committee ordered that the complainant be permitted to file a written victim impact statement.

ALLEGATIONS

The Notice of Hearing alleged that Dr. Kavouris committed professional misconduct:

- (1) as defined in clause 51(1)(b.1) of the Code in that he engaged in sexual abuse of a patient;
- (2) as defined in paragraphs 26.31 of O. Reg. 577/75, paragraph 27.32 of O. Reg. 448/80, paragraph 29.33 of O. Reg. 548/90, and paragraph 1(1)33 of O. Reg. 856/93 in that he engaged in conduct or an act relevant to the practice of medicine

that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional.

RESPONSE TO ALLEGATIONS

Dr. Kavouris did not attend the hearing. Dr. Kavouris admitted allegation 2 as set out in the Notice of Hearing. He did not admit allegation 1 as set out in the Notice of Hearing.

EVIDENCE

The following Agreed Statement of Facts, was filed as Exhibit #2 and presented to the Committee:

PART I - STATEMENT OF FACTS

1. Dr. Vasilios Kavouris (“Dr. Kavouris”) is 40 years old. He has been married since 1993 and has two children, aged 2½ and 6.
2. Dr. Kavouris received his medical degree from the University of Toronto in 1989.
3. He subsequently completed his 2-year residency training in family medicine. He received his certificate of registration authorizing independent practice in February, 1991 and began practising as a family physician in Brampton, Ontario shortly thereafter.
4. In 1995, he opened the a Medical Centre (the “Centre”) with another family physician, Dr. Z, in Brampton.
5. Dr. Kavouris first met the complainant, Patient A, in 1995 when she brought one of her sons to the Centre. Patient A became a patient of Dr. Kavouris in 1996.
6. Patient A was about 23 years of age when she became Dr. Kavouris’ patient. She has two young children, currently ages 9 and 6. At all material times, Patient A was married to her husband, who was also a patient of Dr. Kavouris.

7. Between 1996 and April 2002, Dr. Kavouris provided general care to Patient A, including prenatal care, treatment for acute minor illnesses such as laryngitis, and individual psychotherapy. A copy of Patient A's medical chart is attached at Tab 1 to the Agreed Statement of Facts, Finding and Consent disposition.
8. Dr. Kavouris also treated Patient A's husband and two children during this time period.
9. Patient A's last medical visit with Dr. Kavouris was April 23, 2002.
10. In the fall of 2002, Dr. Kavouris transferred Patient A's medical care to a new primary care physician. At the patient's request, Dr. Kavouris contacted that physician and asked if she would accept Patient A as a patient. The new physician first saw Patient A on November 13, 2002.
11. During the summer of 2002, Dr. Kavouris and Patient A developed an intense emotional relationship with one another. Each party professed their love for one another and they spoke about their future together. Dr. Kavouris gave a necklace to Patient A and confided personal details about his life to her. In addition, the emotional relationship including some physical sexual contact, which included kissing in a car in a Brampton underground parking lot.

FINDING

As part of the joint submission of counsel for the College and counsel for the defence, the Committee was requested to dismiss the allegation in paragraph 1 of the Notice of Hearing on the agreed upon basis that there was insufficient evidence to support that allegation. The Committee accepted as true all of the facts set out in the Agreed Statement of Facts and the joint submission of counsel that there was insufficient evidence put before the panel to support the finding that Dr. Kavouris committed an act of sexual abuse. On that basis this allegation was dismissed.

Having regard to the facts set out in the Agreed Statement of Facts and Dr. Kavouris's admission, the Committee made the finding that Dr. Kavouris committed professional misconduct in that he engaged in conduct or an act relevant to the practice of medicine that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional as defined in paragraphs 26.31 of O. Reg. 577/75, paragraph 27.32 of O. Reg. 448/80, paragraph 29.33 of O. Reg. 548/90, and paragraph 1(1)33 of O. Reg. 856/93.

PENALTY DECISION AND REASONS

The Committee considered the principles that are appropriate to the determination of penalty. These include protection of the public, denunciation of the offending conduct, specific and general deterrence, rehabilitation and preservation of the role of the College in regulating its members.

The Committee also had the benefit of receiving the victim impact statement of the complainant, who was represented at the hearing by her counsel. The statement demonstrated the effect of Dr. Kavouris's behaviour on the complainant. The Committee felt it useful to quote the victim impact statement in its entirety.

“Dr. Kavouris' unprofessional conduct with me started gradually and escalated. Dr. Kavouris knew a great deal about me because he was my physician. I had consulted him for marital counseling and subsequently for counseling for depression. I understand that I am limited in what I can say in this statement, but I believe it is important to an understanding of the impact that Dr. Kavouris' conduct had on me to understand how very dependent I became on him, how naïve I was at the time, how completely I believed what he promised me, and how guilty I felt about betraying my husband, my family and my morals. I felt from early on in the relationship that I was betraying my husband and my morals and religion.

During my relationship with Dr. Kavouris, I tried to carry on a marriage at home. Feeling guilt and shame, I grew more and more distant from my husband, yet I still had to be sexually intimate with him. I would get fed up many times and tell the doctor that I couldn't go on like this, that I was scared that my husband would find out and in rage, could possibly hurt me. I could not function at home, was

extremely distraught and felt that I needed help.

Eventually, my marriage and home life was so drastically changed for the worse, I asked my husband for a divorce telling him that I was very unhappy with him. I couldn't live with the guilt. We separated in July 2002 and I stayed with my sister. My kids missed their home and dad and so I came back home to my husband, very cold and distant, and told him I wanted to sleep in separate rooms. It was getting extremely hard to carry on with the dishonesty. My husband was very confused, but regrettably I felt I couldn't tell him the truth.

By the end of October/02, my behavior was strange and horrible. I became very sloppy in the home and with my kids and was constantly depressed. My husband found a note of some confused thoughts I was having and confronted me. It was at this point that Dr. Kavouris told me I would have to go back to my marriage and make it work, as we would have never been able to be together, no one will let us, not his wife, not my husband nor the College of Physicians.

I wanted to crawl into a hole; I might as well. Now what do I do? I could not understand, WHAT HAPPENED TO ALL THE PROMISES HE MADE TO ME? I felt duped, as if they were all empty promises; and all for what? I couldn't function as a mother or a person anymore. I started slowly telling my husband the truth. We separated again at the end of November 2002. In November/02 when I realized the doctor had abandoned me, I went into a major depression. I started losing weight drastically (from 112 down to 98lbs). I couldn't cook, clean or take care of my kids. I became numb. I felt dead. I felt raped. I left my home in December/02 with my kids, feeling very guilty. My husband didn't ask me to leave. I chose to because I just couldn't face him, I was so ashamed. My husband then offered to move so that I could come back into the home with the kids. My mother came to help out. This went on for 2 weeks. The kids were getting off from school for the Christmas holidays, so my husband and I amicably decided to move back in together. But on the 28 of December/02, I decided to leave the home. My husband and I just couldn't be in the same house; he knew too much about the relationship at this point. My husband's brother and his wife offered me to stay with them.

I became sicker and sicker. My sister-in-law helped to take care of me and my kids. I was a total wreck! I walked around like a ghost, didn't shower for days at a time and didn't wash my hair for weeks at a time. I couldn't stay in the bathroom for long I felt scared. I wore the same clothes for days. I would go to sleep in the same clothes I wore all day. I didn't comb my hair nor wear any make-up. I couldn't take open space and sunlight, I only wanted to be in darkness and small spaces; all the blinds had to be closed. I couldn't go to a grocery stores or malls; I couldn't be around crowds and lots of people I couldn't be social. I was not able to focus on the road and I drove through stop signs and red lights. I was pulled over by the police and given a ticket for going through a Stop sign. My sister in law then started accompanying me everywhere. She took care of me

as though I was a baby, made sure I ate, bathed, took my medication, etc. My husband was also very worried. He would help with the kids, taking and picking them up from school. I was worried that I might have Aids or some kind of disease.

In February/03, I was finally accepting that the relationship with Dr. Kavouris was a premeditated, calculated plan. I had a new family doctor who wrote to the College of Dr. Kavouris' inappropriate behavior and referred me to a psychologist for counseling. The psychologist encouraged me to file a complaint with the College of Physicians.

In April/2003, I still wasn't getting better. With the urging of my new doctor, I went on depression pills and referred me to a psychiatrist. In about a month there was a little change. I was then diagnosed with suffereing [sic] from post-traumatic stress syndrome resulting from the way in which Dr, Kavouris had used me.

I moved back home with intentions to give my marriage a chance, for that's what my husband and I had both decided. When I came back home, I was still not able to be the same, but fortunately my husband was there for me and he wanted to help me to be a person again. I still couldn't go to the grocery store or run errands, but my husband did those things and the cooking. My blinds still had to be closed, and I stayed indoors except when I took the kids to school. I screened my calls and hardly spoke to anyone, not even my sisters

Ever since everything has happened, I had to change all my routes for school and where ever else I go, because all of our routes passed the doctor's clinic. I have got major anxieties. I do not even grocery shop or go to any of the shopping plazas/malls near my house for fear of bumping into the doctor.

I feel as if Dr. Kavouris preyed on me. He knew my vulnerabilities and he took advantage of that I trusted him for 7 years, as a "doctor", as OUR family doctor. He knew that he could sell me anything and I would buy it, that I believed in him more than anyone.

I am trying to put my life together. I did not come College only for me, but for other women too. So many have asked "why even bother?", the money the lawyers will cost, and the time, etc.... My answer to those few is, "if we all ignore what can harm us, then how can we ever be safe, and make this world a better place to want to be in?"

I know for a fact that I alone cannot change this world, but if we all little by little try, this world can be better for us and for our children's future. I am sure God does not intend to leave everything up to him, he gives us the strength and guidance, and we have to take that and stand up for what is right. Women have come a long way in this world. We might never get to the same level as men.

And maybe that is how god intended it to be, but I am sure he did not want them to be taken advantage of.

Who goes to visit doctors? -the vulnerable and weak do. It breaks my heart more than anything when I see the distrust my family, my mother and especially my children, have with doctors. Doctors are professionals that we should trust. My children have been very psychologically traumatized by this. My children know in bits and pieces of what has happened. They had to watch their mom and dad constantly separating and how I fell apart.

I do take responsibility too for what I have put my family through, and, believe me, I pray to god for forgiveness, for I have sinned. I have betrayed the trust of my husband, and I have put my family through a lot of confusion and that is where I pay.

I thank the Committee for considering this statement and hope it will assist in assessing these types of cases.”

The Committee received a joint penalty submission from counsel for the parties and concluded that it was appropriate in all of the circumstances. In coming to this conclusion it was felt that, not only did the disgraceful behavior of Dr. Kavouris bring disrepute to the profession, it also served to remind the profession to be aware of how vulnerable the patient may be within the doctor-patient relationship. This is made abundantly clear in the complainant’s victim impact statement.

It was agreed that the egregious misconduct of Dr. Kavouris was deserving of a serious penalty that will act as both a specific deterrent to Dr. Kavouris and a deterrent to the profession in general.

Mitigating factors considered in accepting the joint submission included the fact that, until the events that led to this finding of professional misconduct, Dr. Kavouris had no prior disciplinary record with the College and, further, his admission and co-operation minimized the time and expense of these proceedings.

ORDER

Therefore, the Discipline Committee ordered and directed that:

1. The Registrar suspend Dr. Kavouris' certificate of registration for a period of nine months commencing August 24, 2004, four months of which will be suspended upon Dr. Kavouris' successful completion to the satisfaction of the Registrar of the College of Physicians and Surgeons of Ontario of the College Medical Ethics and Informed Consent Course and the College Boundaries Course.
2. The results of this proceeding be included in the register.