

Indexed as: Awad, L. (Re)

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

IN THE MATTER OF a Hearing directed
by the Inquiries, Complaints and Reports Committee of
the College of Physicians and Surgeons of Ontario
pursuant to Section 26(1) of the **Health Professions 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. LUCY AWAD

PANEL MEMBERS:

DR. M. GABEL (Chair)
S. BERI
DR. J. KIRSH
DR. E. ATTIA (Ph.D.)
DR. S. KAPOOR

Hearing Date:	October 5, 2012
Decision Date:	October 5, 2012
Release of Written Reasons:	December 18, 2012

DECISION AND REASONS FOR DECISION

The Discipline Committee (the “Committee”) of the College of Physicians and Surgeons of Ontario heard this matter at Toronto on October 5, 2012. At the conclusion of the hearing, the Committee stated its finding that the member committed an act of professional misconduct and delivered its penalty and costs order with written reasons to follow.

THE ALLEGATIONS

The Notice of Hearing alleged that Dr. Awad committed an act of professional misconduct:

1. under paragraph 1(1)33 of Ontario Regulation 856/93 made under the *Medicine Act, 1991* (“O. Reg. 856/93”), in that she has engaged in conduct or an act or omission relevant to the practice of medicine that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional;
2. under paragraph 1(1) 34 of O. Reg. 856/93 in that she engaged in conduct unbecoming a physician.

RESPONSE TO THE ALLEGATIONS

Dr. Awad admitted the first allegation in the Notice of Hearing, that she has engaged in conduct or an act or omission relevant to the practice of medicine that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional. Counsel for the College withdrew the second allegation in the Notice of Hearing.

FACTS AND EVIDENCE

The following facts were set out in an Agreed Statement of Facts and Admission that was filed as an exhibit and presented to the Committee:

Background

1. Dr. Lucy Awad (“Dr. Awad”) is a family physician who obtained a certificate of registration with the College of Physicians and Surgeons of Ontario (“the College”) on January 27, 2005.
2. Dr. Awad was born in Egypt and received her medical degree in Egypt from the Faculty of Medicine at Hospital A in Cairo in December 1992. Between March 1993 and February 1994, Dr. Awad advises that she completed an internship rotation at Hospital A. Between April 1994 and April 1996, Dr. Awad worked as a general practitioner at Hospital B, Egypt. Dr. Awad came to Canada in April 1996.
3. With two exceptions, between April 1996 and October 2003, Dr. Awad did not practice medicine. The exceptions were that she:
 - (a) worked on a part-time basis between December 1996 and May 1997 at the Hospital B; and
 - (b) completed two months of training in the Psychiatric Department of the Hospital A between December 2002 and February 2003.
4. In November 2001, Dr. Awad successfully completed Part I of the Medical Council of Canada Qualifying Exam (“MCCQE”). In May 2003, Dr. Awad successfully completed Part II of the MCCQE, and the following month she became a Licentiate of the Medical Council of Canada.

Misrepresentations Regarding Practice History on Applications

Newfoundland Medical Board

5. In July 2003, Dr. Awad applied for registration/licensure to the Newfoundland Medical Board (now the College of Physicians and Surgeons of Newfoundland). In that application, she declared that she was practising as a general practitioner between 1994 and February 2003 at Hospital B, Egypt. A copy of her application to the Newfoundland Medical Board, including her sworn Declaration, is attached to [the]

Agreed Statement of Facts and Admission as Schedule A.

6. The information provided to the Newfoundland Medical Board by Dr. Awad regarding her practice history was inaccurate.
7. On the basis of her application, which included this information, Dr. Awad obtained her licence to practise in Newfoundland in October 2003. Between October 2003 and April 2005, she worked at Hospital C, Newfoundland treating in-patients and out-patients.

College of Family Physicians

8. In October 2003, Dr. Awad applied for membership to the College of Family Physicians of Canada. In response to the question “Are you active in family practice”, Dr. Awad indicated “Yes”, and elaborated “in Canada since October 14, 2003, since 1994 in Egypt.” A copy of her signed application to the College of Family Physicians of Canada is attached to [the] Agreed Statement of Facts and Admission as Schedule B.
9. The information provided to the College of Family Physicians of Canada by Dr. Awad regarding her practice history was inaccurate.
10. On the basis of her application, which included this information, Dr. Awad obtained her membership to the College of Family Physicians of Canada in November 2003.

College of Physicians and Surgeons of Ontario

11. In December 2004, Dr. Awad applied to the College for a certificate of registration authorizing independent practice in Ontario. On that application she declared that she had practised as a general practitioner continuously between April 1994 and February 2003 in Egypt. When asked whether she ever “discontinued [her] undergraduate medical education, post-graduate medical training, or medical practice for one year or longer”, Dr. Awad answered “no.” When asked to declare any breaks in training or practice history for three continuous months or more, Dr. Awad declared the period between February 2003 and October 2003 during which she advised that she was “doing

exams and looking for a job.” A copy of her application to the College, including her sworn Declaration, is attached to [the] Agreed Statement of Facts and Admission as Schedule C.

12. The information provided to the College by Dr. Awad regarding her practice history was inaccurate.

13. On the basis of her application, which included this information, Dr. Awad obtained her certificate of registration for independent practice in Ontario in January 2005.

College of Physicians and Surgeons of Manitoba

14. In January 2006, Dr. Awad applied for membership to the College of Physicians and Surgeons of Manitoba. In her application package she declared that she had worked as a general practitioner continuously between April 1994 and February 2003 at Hospital B, Egypt. A copy of her application to the College of Physicians and Surgeons of Manitoba, including her signed Declaration, is attached to [the] Agreed Statement of Facts and Admission as Schedule D.

15. The information provided to the College of Physicians and Surgeons of Manitoba by Dr. Awad regarding her practice history was inaccurate.

16. On the basis of her application, which included this information, Dr. Awad obtained her Certificate of Registration for independent practice in Manitoba in January 2007.

Admissions

17. Dr. Awad admits that these misrepresentations in her applications to the College, the College of Family Physicians of Canada, the College of Physicians and Surgeons of Manitoba, and the Newfoundland Medical Board constitute conduct or an act or omission relevant to the practice of medicine that, having regard to all of the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional, contrary to paragraph 1(1)(33) of O. Reg. 856/93 made under the *Medicine Act, 1991*.

18. Dr. Awad further admits that this constitutes professional misconduct under clause 51(1)(c) of the Health Professions Procedural Code, which is Schedule 2 to the *Regulated Health Professions Act, 1991*.

FINDING

The Committee accepted as true all of the facts set out in the Agreed Statement of Facts and Admission. Having regard to these facts, the Committee accepted Dr. Awad's admission and found that she committed an act of professional misconduct, in that she has engaged in conduct or an act or omission relevant to the practice of medicine that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional.

PENALTY AND REASONS FOR PENALTY

Counsel for the College and counsel for the member made a joint submission as to an appropriate penalty and costs order. The Committee was mindful of the law that a joint submission should be accepted by the panel unless to do so would be contrary to the public interest and bring the administration of justice into disrepute.

The relevant penalty principles that guided the Committee were the principles of public protection, deterrence, rehabilitation, maintaining the integrity of the profession and maintaining public confidence in self-regulation. The Committee wanted to ensure that the penalty would send a message to future applicants for registration that it is crucial to be clear and truthful in their application submissions to the College.

The Committee also considered aggravating and mitigating factors. Mitigating factors included quick acknowledgement of wrongdoing by the member and her cooperation with the College. These factors, in addition to making a joint submission with agreed facts, spared the College the cost and time of pursuing a potentially lengthy hearing. Further, the Committee considered the fact that Dr. Awad had not had any other previous findings of professional misconduct with the College.

Aggravating factors included the fact that not only did Dr. Awad mislead the College by failing to disclose her practice gaps, but that she also provided three other similar, misleading applications over two and a half years to other regulatory bodies. The Committee also took into account that these were not errors, but intentional attempts to mislead on applications that she signed.

Finally, the Committee considered that the proposed penalty was consistent with the penalties ordered in three previous similar cases cited in a Book of Authorities filed with the Committee. These cases dealt with various forms of untruthfulness in interaction with the College or with hospitals.

The Committee further determined that this was an appropriate case for ordering that Dr. Awad pay costs to the College at the tariff rate for a one day hearing.

The Committee accepted the penalty and costs order jointly proposed as being in the public interest and appropriate in the circumstances of this case.

ORDER

Therefore, having stated it's finding of professional misconduct in paragraph 1 of its written Order of October 5, 2012, the Committee ordered and directed on the matter of penalty and costs that:

2. Dr. Awad appear before the Panel to be reprimanded.
3. The Registrar place the following terms, conditions and limitations on Dr. Awad's certificate of registration:
 - (i) At her own expense, Dr. Awad shall successfully complete College-facilitated instruction in Ethics no later than one (1) year from the date of this Order.
4. Dr. Awad pay costs to the College in the amount of \$3,650 within thirty (30) days from the date of this Order.

At the conclusion of the hearing, Dr. Awad waived her right to an appeal under subsection 70(1) of the Code and the Committee administered the public reprimand.