

ONTARIO PHYSICIANS AND SURGEONS DISCIPLINE TRIBUNAL

Citation: *College of Physicians and Surgeons of Ontario v. Iannantuono*, 2023 ONPSDT 20

Date: September 1, 2023

Tribunal File No.: 22-021

BETWEEN:

College of Physicians and Surgeons of Ontario

- and -

Dr. Biagio Iannantuono

FINDING AND PENALTY REASONS

Heard: August 2, 2023, by videoconference

Panel:

Mr. Raj Anand (chair)

Ms. Lucy Becker

Dr. Catherine Grenier

Dr. Janet van Vlymen

Ms. Shannon Weber

Appearances:

Ms. Emily Graham, for the College

Ms. Ada Jeffrey, for Dr. Iannantuono

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.

Overview

- [1] Dr. Biagio Iannantuono is a senior general surgeon who took advantage of his position at a hospital to arrange for a female ultrasound technician (Ms. X) to perform an intimate procedure on him in an inappropriate manner. At his request, Ms. X carried out a testicular exam. Ignoring her directions on appropriate draping and physical contact, Dr. Iannantuono effectively forced her to view and touch his penis several times. Ms. X felt intimidated and was unable to stop his inappropriate behaviour. The incident left her shaken and upset at the time, and it had long-term harmful impacts on her.
- [2] At the Tribunal hearing, Dr. Iannantuono admitted that his actions constituted professional misconduct. Based on an agreed statement of facts and the parties' joint submission, we found that the member had engaged in conduct unbecoming a physician and conduct that would reasonably be regarded by members as disgraceful, dishonourable or unprofessional.
- [3] On penalty, the evidence submitted with the parties' agreement showed that about 15 years earlier, the member had engaged in similar misconduct and had received a one-month suspension. In the case before us, we accepted the parties' joint submission and imposed a penalty that included the following: an 18-month suspension, together with extensive terms relating to professional education, therapy, notification to patients and monitoring.
- [4] These are our reasons.

Professional Misconduct

The evidence

- [5] Dr. Iannantuono received his certificate of registration with the College in 1993. In 2022, he was practicing at a small community hospital, where Ms. X had been an ultrasound technician for six years.
- [6] On January 19, 2022, the member attended a medical appointment with his family doctor with a complaint of testicular swelling/enlargement. His physician wrote a requisition for a testicular ultrasound. The requisition was not marked as urgent.

- [7] Dr. Iannantuono asked his doctor to provide the requisition to him, contrary to usual practice. Typically, ultrasound requisitions were submitted directly to the hospital's Diagnostic Imaging Department, and then ultrasounds were booked with a technician who happened to be available.
- [8] On January 24, 2022, Dr. Iannantuono approached Ms. X at the hospital and asked her to do a scrotal ultrasound on him. He described it as a "sensitive exam" and gave her the ultrasound requisition from his family doctor.
- [9] The member indicated that he was available any time that day. Ms. X agreed to accommodate Dr. Iannantuono as a courtesy, since he was a surgeon at the hospital.
- [10] Ms. X directed Dr. Iannantuono to the examination room and attempted to give him instructions on removing his clothes and draping his body appropriately.
- [11] Ms. X's usual practice was to tell patients that she needs a minute to explain to them what they need to do. She would explain that she was going to leave the room and give them a chance to undress, and that they should remove their pants and underwear. She would also explain that she would be giving them two towels – one to drape over the thighs, and the other to bring the penis up and over the abdomen to keep it covered up and not exposed for the duration of the examination. She would then leave the room to give the patient privacy to prepare themselves.
- [12] Ms. X did all of this to maintain appropriate boundaries and to preserve the clinical nature of the encounter.
- [13] As Ms. X started to give these instructions to Dr. Iannantuono, he undid his pants. She told him to wait and said she would explain what he needed to do.
- [14] Before she could complete her explanation, Dr. Iannantuono removed his bottoms. He was then naked from the waist down, with his penis exposed to her. This startled Ms. X.
- [15] Ms. X asked Dr. Iannantuono to lie on the examination bed and to cover himself with the two towels. The member did not follow her instructions. Instead, he placed one towel over his thighs and the second up onto his abdomen, leaving his penis exposed. Ms. X took the second towel and used it to cover his penis herself.

- [16] Ms. X was confused and upset by Dr. Iannantuono's disregard for her instructions.
- [17] As Ms. X was conducting the ultrasound, Dr. Iannantuono's penis was exposed again. Seeing this, she tried to complete the examination as quickly as possible.
- [18] As she was completing the ultrasound, Dr. Iannantuono asked Ms. X if she would also scan him for inguinal hernias. Inguinal hernias occur in the groin area, in the areas on either side of the pubic bone.
- [19] Dr. Iannantuono's requisition form did not include inguinal imaging. However, because the medical issue for which Dr. Iannantuono was having the ultrasound can be related to hernias, and because it was a doctor asking her to do so, Ms. X agreed to expand the scope of the examination to scan an additional area.
- [20] Ms. X slanted one of the towels over Dr. Iannantuono's genitals to again cover them, and to gain access to his inguinal area for the purpose of scanning it. The member began to explain how hernias are palpated. He told Ms. X to palpate him, although that it is not the role of an ultrasound technician.
- [21] Ms. X became very uncomfortable. Because of Dr. Iannantuono's position as a senior surgeon in the hospital, she felt compelled to be cooperative and deferential.
- [22] At his request, Ms. X tentatively poked Dr. Iannantuono's inguinal region. The member pushed the towel out the way, which exposed his penis. He told her she was doing it wrong and that she had to use a different finger. He grabbed her hand, repositioned it, and pressed her fingers into his groin area. This caused her hand to make contact with his penis.
- [23] Dr. Iannantuono then uncovered the other side of his groin. He told Ms. X to feel the difference between the two sides. Ms. X tentatively palpated his other side. She tried to do this in a way that avoided contact between her hand and his penis.
- [24] The member again said her technique was wrong. He grabbed her hand, repositioned it, and pressed her fingers into his groin area. Once again this caused her hand to make contact with his penis.
- [25] Dr. Iannantuono then had Ms. X do this process again on the original side, causing her to make contact with his penis for a third time.

[26] Ms. X finished the examination and stood up. Dr. Iannantuono also immediately stood up from the exam table, naked from the waist down. Leaving the draping towels behind him, he again exposed his penis to Ms. X.

[27] Throughout the examination, given Dr. Iannantuono's position of authority as a physician at the hospital, Ms. X felt intimidated and unable to stop his inappropriate behaviour. Her interaction with Dr. Iannantuono made her deeply uncomfortable, and left her visibly shaken, upset and confused. She was tearful afterwards.

Conclusion

[28] At the hearing, the panel accepted the member's admission that he had engaged in professional misconduct. His actions were serious and disturbing, involving an abuse of his authority as a senior member of the health care team at the hospital. He disregarded appropriate protocols by asking a junior member of the team to conduct a non-urgent testicular ultrasound. Then he effectively directed Ms. X to scan him for hernias by palpating his groin area, even though there was no requisition.

[29] Dr. Iannantuono admitted that he failed to maintain appropriate physical and professional boundaries with Ms. X in at least two significant ways: by repeatedly exposing his penis to Ms. X, contrary to her instructions with respect to draping, and by repeatedly causing her hand to make contact with his penis.

[30] This evidence demonstrated, and the parties jointly submitted, that Dr. Iannantuono engaged in the following professional misconduct. Under para 1(1)33 of O. Reg. 856/93, he engaged in 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. Under para 1(1)34 of O. Reg. 856/93, the member engaged in conduct unbecoming a physician.

Penalty and Costs

Legal principles

[31] As noted, the parties made a joint submission. The jurisprudence is clear that our role in these circumstances is not to agree or disagree with the proposed penalty, but only to assess whether it would bring the administration of justice into disrepute. As the

Supreme Court stated in the criminal law context in *R. v. Anthony-Cook*, 2016 SCC 43 at para. 34:

Rejection denotes a submission so unhinged from the circumstances of the offence and the offender that its acceptance would lead reasonable and informed persons, aware of all the relevant circumstances, including the importance of promoting certainty in resolution discussions, to believe that the proper functioning of the justice system had broken down.

[32] This principle was applied to the regulatory context by the Ontario Divisional Court in *Bradley v. Ontario College of Teachers*, 2021 ONSC 2303 at para. 9, and by this Tribunal in recent decisions including *College of Physicians and Surgeons of Ontario v. Ghumman*, 2023 ONPSDT 9 at paras. 12-13, and *College of Physicians and Surgeons of Ontario v. Phillips*, 2023 ONPSDT 16 at paras. 31-32.

[33] The parties put forward several previous decisions of this Tribunal involving sexually suggestive or offensive behaviour and violation of professional boundaries: *College of Physicians and Surgeons of Ontario v. Bahrgard Nikoo*, 2022 ONPSDT 15; *College of Physicians and Surgeons of Ontario v. Kernerman*, 2004 ONCPSD 14; *College of Physicians and Surgeons of Ontario v. Mourcos*, 2018 ONCPSD 11.

[34] All these cases involved significant penalties, ranging from a six-month suspension to revocation. The factual contexts, and the aggravating and mitigating circumstances, varied greatly, as we would expect. However, a passage from the recent *Bahrgard Nikoo* decision, at para 23, is relevant to the case before us:

Dr. Nikoo's conduct involving Dr. X was inconsistent with expectations set out in College policies, including those that address maintaining appropriate boundaries and physician behaviour in the professional environment. Among other things, physician responsibilities to other health care professionals include ensuring a healthy work environment by working respectfully with other members of the health care team and fostering a culture of respect within their workplace.

The evidence

[35] The evidence canvassed above demonstrated that Dr. Iannantuono's misconduct on its own was very serious, involving:

- a boundary violation of the highest order, by exposing himself to a staff member and requiring her to touch his penis several times;

- abuse of his authority and disrespectful behaviour as a senior surgeon in a small community hospital;
- rejection of proper procedures in the arranging and carrying out of the ultrasound examination; and
- offensive and harmful conduct toward another health care professional.

[36] The parties' additional evidence at the penalty phase addressed three issues: victim impact; prior discipline; and mitigating circumstances.

[37] First, the victim impact statement of Ms. X gave us insight into the effect that the member's unacceptable conduct had on a hospital staff member who had little choice but to go along with the wishes of a surgeon she described as at "the top of the food chain". She provided details of the immediate effects, including being intimidated, shaking, freezing up and feeling disgusted with herself for not having stopped the exam and exited the situation.

[38] Ms. X informed us about the significant impact on her health and finances that followed. She had to seek emergency medical care, and she was off work for several months, experiencing anxiety, and receiving weekly therapy as a result of the trauma caused by this incident. There is much more in her eloquent statement.

[39] Second, the evidence revealed that Dr. Iannantuono has a prior disciplinary record for remarkably similar behaviour more than 15 years ago. This is an aggravating factor. Indeed, the Discipline Committee on that occasion issued a specific warning to Dr. Iannantuono (quoted below) that serves to emphasize the need for significantly more serious progressive discipline this time.

[40] *College of Physicians and Surgeons of Ontario v. Iannantuono*, 2010 ONCPSD 1 was another joint submission on finding and penalty. Between 2004 and 2008, the member introduced into his practice the use of his office nurse to do post-operative examinations on patients, including hernia repair patients.

[41] In early 2008, the member spoke to a nurse who was employed in his office about her scrotal examinations. To assist her in learning proper examination techniques, he suggested that she could do a scrotal examination on him.

[42] The nurse rejected the idea and was clearly uncomfortable with it. Dr. Iannantuono told her that no one needed to know about it. Previous to this incident, however, another nurse employed by the member did perform a practice scrotal examination on him.

[43] In accepting the parties' joint submission for a one-month suspension, the Discipline Committee stated that the member was in a position of authority in relation to the nurse, and "his request to have [her] perform an intimate examination on him placed her in a difficult quandary and was uncomfortable for her." The Committee said at p 5:

Such unprofessional use of a power imbalance is not acceptable, and the penalty will let the public and fellow members of the profession know that the Committee does not accept such behaviour from members. The penalty also serves to remind the profession to be aware of the presence of power and relational imbalance issues with respect to employees, colleagues and the public it serves.

[44] Indeed, the Committee treated as a mitigating factor Dr. Iannantuono's statement through his counsel that he had "become aware that his offer to have his nurses perform this examination on him was 'totally misguided'."

[45] About 15 years later, Dr. Iannantuono again abused his authority and caused Ms. X, another health professional on the hospital team, to inappropriately touch his genitals. This suggests that he had not received the message, and it also increased the need to address the risk to public protection.

[46] Third, however, the evidence showed that there are several mitigating circumstances. In February 2023, the member completed the Professional, Problem-Based Ethics (ProBE) course through the Centre for Personalized Education for Professionals. This is an ethics and boundaries course for health care professionals, and Dr. Iannantuono received an unconditional pass.

[47] By entering into agreed statements of fact with respect to both finding and penalty, by admitting professional misconduct and by presenting a joint submission on penalty and costs, the member saved time and expense for the College and facilitated the Tribunal's process. He also spared Ms. X the need to relive a traumatic experience by attending as a witness.

Conclusion

[48] Based on the agreed evidence on penalty, and having regard to the principles that govern joint submissions, the panel accepted the parties' position and made the requested order.

[49] The draft order put forward by the parties addresses the goals that penalties are designed to achieve. The overarching objective is public protection and maintenance of public confidence in the profession and its effective regulation. To that end, and in light of the member's disciplinary history and the impact of his misconduct on Ms. X, a significant penalty of 18 months' suspension is intended to deter Dr. Iannantuono and other members from similar conduct, and to express the profession's rejection of his behaviour.

[50] The proposed penalty addresses public protection and rehabilitation through several measures. In addition to the 18-month suspension, the order imposes substantial obligations on Dr. Iannantuono, including:

- individualized instruction in professionalism and ethics;
- therapy with a mental health professional approved by the College;
- continuous observation by an approved practice monitor who must enter into a prescribed undertaking to the College and will submit monthly logs in a prescribed form of the member's encounters with patients;
- a prescribed posting and other notifications to ensure that all his patients know about the practice monitor requirement; and
- monitoring of the member's compliance with the order.

[51] In accordance with the parties' agreement, the member will pay \$6,000 in costs to the College within one month.

ONTARIO PHYSICIANS AND SURGEONS DISCIPLINE TRIBUNAL

Tribunal File No.: 22-021

Date of Order: August 2, 2023

Mr. Raj Anand (chair)
Ms. Lucy Becker
Dr. Catherine Grenier
Dr. Janet van Vlymen
Ms. Shannon Weber

BETWEEN:

College of Physicians and Surgeons of Ontario

College

- and -

Dr. Biagio Iannantuono

Member

ORDER

This referral was heard on August 2, 2023.

Finding

The Tribunal finds that the member committed the following acts 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 he has engaged in 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; and
2. under paragraph 1(1)34 of O. Reg. 856/93 in that he engaged in conduct unbecoming a physician.

Penalty

3. The panel requires the member to appear before the panel to be reprimanded.

4. The Tribunal directs the Registrar to:

- a. suspend the member's certificate of registration for eighteen (18) months commencing August 3, 2023 at 12:01 a.m.;
- b. place the following terms, conditions and limitations on the member's certificate of registration effective immediately:

Professional Education:

- (i) Dr. Iannantuono shall successfully complete individualized instruction in professionalism and ethics satisfactory to the College, with an instructor selected by the College, within six (6) months of the date of this Order.

Therapy:

- (ii) Dr. Iannantuono shall engage in therapy with a College-approved mental health professional, who shall provide written reports to the College quarterly for two (2) years from the date of this Order and thereafter, every six (6) months.
- (iii) Dr. Iannantuono shall meet with the mental health professional as often as recommended by the mental health professional.

Practice Monitoring:

- (iv) Dr. Iannantuono shall not engage in any professional encounters, in person or otherwise ("Professional Encounter" or "Professional Encounters"), with patients of any age, in any jurisdiction, unless the Professional Encounter takes place in the continuous presence and under the continuous observation of a monitor who is a regulated health professional acceptable to the College (the "Practice Monitor" or "Practice Monitors") who shall enter into the Practice Monitor's undertaking, attached as Appendix "A." For further clarity, Dr. Iannantuono must not be alone with any patient, for any length of time, during any Professional Encounter, whether or not the parent or guardian of the patient is also present.
- (v) At all times, Dr. Iannantuono shall ensure that a Practice Monitor shall:
 - (a) remain present at all times during all Professional Encounters, in person or otherwise, with all patients;
 - (b) carefully observe all of Dr. Iannantuono's Professional Encounters with patients, including but not limited to physical

and internal examinations. It is Dr. Iannantuono's obligation to ensure the Practice Monitor's view of all of his Professional Encounters with patients, including physical and internal examinations, is unobstructed at all times;

- (c) refrain from performing any other functions, except those required in the Practice Monitor's undertaking attached as Appendix "A," while observing Dr. Iannantuono in all his Professional Encounters with patients
 - (d) keep a log of all Professional Encounters with patients in the form attached as Appendix "B" (the "Log");
 - (e) initial all corresponding entries in the records of patients noted in the Log to confirm that the Practice Monitor was in Dr. Iannantuono's presence at all times during the Professional Encounter;
 - (f) submit the original Log to the College on a monthly basis;
 - (g) provide reports (as described in the Practice Monitor's undertaking) to the College on at least a monthly basis; and
 - (h) remain free of any conflict of interest with Dr. Iannantuono.
- (vi) Dr. Iannantuono shall maintain a copy of the Log, and make it available to the College on request.

Posting a Sign and Translations:

- (vii) Dr. Iannantuono shall post a sign in all waiting rooms, examination rooms and consulting rooms, in all of his Practice Locations, in a clearly visible and secure location, at all times whether or not he is physically present at the Practice Location, in the form set out in Appendix "C" that states: Dr. Iannantuono must not have professional encounters, in person or otherwise, with patients, of any age, unless in the continuous presence and under the continuous observation of a practice monitor acceptable to the College of Physicians and Surgeons of Ontario. Dr. Iannantuono must not be alone during any professional encounter with any patient. Further information may be found on the College website at www.cpsso.on.ca.
- (viii) Dr. Iannantuono shall post a certified translation in any language in which he provides services, of the sign described in paragraph 4(b)(vii) above, in all waiting rooms, examination rooms and consulting rooms, in all of my Practice Locations, in a clearly visible and secure location,

in the form set out at Appendix “C.”

- (ix) Dr. Iannantuono shall provide any certified translation(s) required by paragraph 4(b)(viii) above to the College within thirty (30) days of the date of this Order.

Notifying Patients:

- (x) Dr. Iannantuono shall ensure that each patient with whom he has a Professional Encounter is notified before the Professional Encounter of the restriction described in paragraph 4(b)(iv) above, in the presence of his Practice Monitor.

Notification of Practice Locations:

- (xi) Dr. Iannantuono shall inform the College of each and every location at which he practices, delegates, or has privileges, including, but not limited to, any hospitals, clinics, offices, and any Out-of-Hospital Premises and Independent Health Facilities with which he is affiliated, in any jurisdiction (collectively his “Practice Location” or “Practice Locations”), within five (5) days of this Order. Going forward, he shall inform the College of any and all new Practice Locations within five (5) days of commencing practice at that location.

Practice Monitoring in a Hospital Setting

- (xii) The College may accept an alternative arrangement with respect to practice monitoring in a hospital setting, in its sole discretion.

Monitoring of Compliance:

- (xiii) Dr. Iannantuono shall consent to the College making appropriate enquiries of OHIP and/or any person who or institution that may have relevant information, in order for the College to monitor his compliance with the provisions of this Order, and Dr. Iannantuono shall sign any consents requested by the College to obtain such information from these persons or institutions.
- (xiv) Dr. Iannantuono shall consent to submit and not interfere with, unannounced inspections of his Practice Locations and to the inspection of patient charts by the College and to any other activity the College deems necessary in order to monitor his compliance with the provisions of this Order.
- (xv) Dr. Iannantuono shall consent to the College providing any information to the Practice Monitor that the College deems necessary or desirable

in order to assist the Practice Monitor in fulfilling their undertaking and in order to Monitor Dr. Iannantuono's compliance with this Order.

- (xvi) Dr. Iannantuono shall consent to any Practice Monitor disclosing to the College, and to any other Practice Monitor, any information relevant to this Order, relevant to the terms of the Practice Monitor's undertaking and/or relevant for the purpose of monitoring Dr. Iannantuono's compliance with this Order.
- (xvii) Dr. Iannantuono shall consent to the College providing this Order to any Chief of Staff, or a colleague with similar responsibilities, at any Practice Location ("Chief of Staff" or "Chiefs of Staff"), and to providing any Chief(s) of Staff with any information the College has that has led to this Order and/or any information arising from the monitoring of his compliance with this Order.

Costs of Implementation:

- (xviii) Dr. Iannantuono shall be responsible for any and all costs associated with implementing the terms of this Order.

Costs

- 5. The Tribunal requires the member to pay the College costs of \$6,000.00 by September 4, 2023.

The reasons for the decision will be released later.

RESTRICTION ON PUBLICATION

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APPENDIX "A"

**TO THE ORDER OF THE
ONTARIO PHYSICIANS AND SURGEONS DISCIPLINE TRIBUNAL
DATED AUGUST 2, 2023
re: DR. BIAGIO IANNANTUONO ("Dr. Iannantuono")**

**UNDERTAKING OF _____,
PRACTICE MONITOR FOR DR. IANNANTUONO**

1. I have read Order of the Ontario Physicians and Surgeons Discipline Tribunal dated August 2, 2023. I am aware of the College's duty to protect the public. I have asked any questions I may have about the Order imposing restrictions on Dr. Iannantuono's certificate of registration and my role as Dr. Iannantuono's Practice Monitor and have received answers to my satisfaction.
2. I acknowledge that I have reviewed, or will review as soon as practicable, the materials regarding Dr. Iannantuono provided to me by the College, as well as the College's Guidelines and any required orientation materials for College-Directed Practice Monitoring.
3. I am a person, 21 years of age or older.
4. I am a regulated health professional. I am a registered member, and have been for at least five (5) years, of the College of _____ of Ontario (Registration # _____).
5. Commencing from the date I sign this undertaking with the College, I undertake to act as a Practice Monitor for Dr. Iannantuono ("Practice Monitor").
6. I undertake to participate in and successfully complete the College's orientation program for Practice Monitors.
7. I undertake to be in the presence of Dr. Iannantuono at all times when Dr. Iannantuono engages in any professional encounter, in person or otherwise ("Professional Encounter" or "Professional Encounters"), with any patient. I further understand that Dr. Iannantuono may not commence or continue any Professional Encounter with any patient without my presence even if another person is accompanying the patient.
8. I undertake not only to be present, but to carefully observe all of Dr. Iannantuono's Professional Encounters with patients, including but not limited to physical and internal examinations. I undertake that I will maintain a clear and unobstructed view of the entire encounter, including but not limited to any physical and internal examinations.
9. I undertake that I shall not perform any other functions, except those required of me by my undertaking, while observing each of Dr. Iannantuono's Professional Encounters with patients.

10. I undertake to keep a patient log in the form attached to the Order as Appendix "B" of all the patients that Dr. Iannantuono has a Professional Encounter with in my presence (the "Log").
11. I undertake to initial and date the corresponding entry in the records of each patient noted in the Log to confirm that I was in the presence of Dr. Iannantuono at all times during each Professional Encounter.
12. I undertake to submit the **original** Log and a written report to the College on the first day of each and every month. I undertake to keep and secure a copy of the original Log. The report will indicate my compliance with my undertaking, Dr. Iannantuono's compliance with the Order, and any other information I believe will assist the College in its monitoring of Dr. Iannantuono.
13. I undertake to verify that a sign is posted in compliance with the requirement set out in the Order, and that I will notify the College in my report if the signage is not in compliance with the Order.
14. If I believe that Dr. Iannantuono's behaviour and/or actions are improper in any way, I will immediately notify the College.
15. If any patient expresses any concern regarding improper behaviour and/or actions by Dr. Iannantuono, I will immediately notify the College.
16. I undertake to remain free of any conflict of interest with Dr. Iannantuono.
17. I confirm that Dr. Iannantuono has consented to my disclosure to the College, and to all other Practice Monitors, of all information relevant to the Order, relevant to the provisions of my undertaking, relevant for the purposes of monitoring compliance with the Order and/or otherwise necessary to fulfill the provisions of my undertaking.
18. I undertake to inform the College in writing within twenty-four (24) hours if there is any change in my status or to the terms of my certificate of registration at the College of _____ of Ontario.
19. I acknowledge that all information that I become aware of in the course of my duties as Dr. Iannantuono's Practice Monitor is confidential information and that I am prohibited, both during and after the period of monitoring, from communicating it in any form and by any means except in the limited circumstances set out in section 36(1) of the *Regulated Health Professions Act, 1991*, S.O. 1991, c. 18 (the "RHPA").
20. I undertake to notify the College and Dr. Iannantuono in advance wherever possible, but in any case immediately following any communication of information under section 36(1) of the RHPA.
21. I undertake to inform the College immediately, in writing, if I am unwilling or unable to fulfill any of the provisions of my undertaking, including but not limited to informing

the College immediately of any conflict of interest with Dr. Iannantuono, including any potential or perceived conflict of interest.

Dated at _____ this _____ day of _____, 2023

Monitor (*print name*)

Monitor (*signature*)

Witness (*print name*)

Witness (*signature*)

Monitor's Cell Number: _____

APPENDIX “B”

**TO THE ORDER OF THE
ONTARIO PHYSICIANS AND SURGEONS DISCIPLINE TRIBUNAL
DATED AUGUST 2, 2023
re: DR. BIAGIO IANNANTUONO (“Dr. Iannantuono”)**

**PATIENT LOG
Re: DR. IANNANTUONO**

Patient Name	Date (dd/mm/yyyy)	Patient’s Date of Birth (dd/mm/yyyy)	Time (in/out)	Notes

APPENDIX “C”

**TO THE ORDER OF THE
ONTARIO PHYSICIANS AND SURGEONS DISCIPLINE TRIBUNAL*
DATED AUGUST 2, 2023
re: DR. BIAGIO IANNANTUONO (“Dr. Iannantuono”)**

*The Ontario Physicians and Surgeons Discipline Tribunal is the Discipline Committee established under the Health Professions Procedural Code

IMPORTANT NOTICE

Dr. Iannantuono must not have professional encounters, in person or otherwise, with patients, of any age, unless in the continuous presence and under the continuous observation of a practice monitor acceptable to the College of Physicians and Surgeons of Ontario.

Dr. Iannantuono must not be alone during any professional encounter with any patient.

Further information may be found on the College website at www.cpsso.on.ca

ONTARIO PHYSICIANS AND SURGEONS DISCIPLINE TRIBUNAL

Tribunal File No.: 22-021

BETWEEN:

College of Physicians and Surgeons of Ontario

- and -

Dr. Biagio Iannantuono

The Tribunal delivered the following Reprimand
by videoconference on Wednesday, August 2, 2023.

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

Dr. Iannantuono,

Your misconduct was serious and disturbing. As a general surgeon, you disregarded appropriate protocols by asking an ultrasound technician at the hospital where you both worked to conduct a non-urgent testicular ultrasound on you. Further, while the ultrasound was underway, you proceeded to tell the technician to scan you for hernias by palpating your groin area, for which there was no requisition.

In doing so, you blatantly ignored the appropriate procedures in place to ensure professionalism during clinical encounters and to maintain appropriate boundaries. Your failure to follow proper draping protocols resulted in unwanted contact with your penis on three occasions, leaving the technician visibly shaken, upset and confused.

This incident has taken a significant emotional toll on the technician whose career was previously a great source of pride and enjoyment and an important part of her identity. She has suffered financially, physically and emotionally, and has required several months of leave from her work. She continues to struggle with issues of trust.

We recognize that you have admitted to engaging in professional misconduct. However, we are deeply troubled by your prior discipline history. In 2009, you were found to have engaged in similar conduct that was disgraceful, dishonourable or unprofessional and unbecoming a physician when you asked two nurses you employed to perform practice scrotal examinations on you, one of whom did so. This conduct was inappropriate and unacceptable.

You have once again abused your position of authority. Physicians must conduct themselves in an ethical and professional manner that instills trust among the public and among their colleagues and protects the public.

We hope that today's penalty and lengthy suspension will allow you to reflect on your inappropriate behaviour, the serious impact your actions had on others -- and that you will conduct yourself in a professional and appropriate manner moving forward.