

ONTARIO PHYSICIANS AND SURGEONS DISCIPLINE TRIBUNAL

College of Physicians and Surgeons of Ontario

College

- and -

Janet Ann D'souza [Mendonca]

Registrant

NOTICE OF HEARING

On January 21, 2025 a panel of the Inquiries, Complaints and Reports Committee of the College referred specified allegations of the registrant's professional misconduct and/or incompetence to the Tribunal.

In this proceeding, Registrant means "member" as set out in the *Regulated Health Professions Act, 1991*, the Health Professions Procedural Code, the applicable health profession Act, and the regulations thereto.

The allegation(s) are that the registrant:

1. has committed an act of professional misconduct:
 - a. under paragraph 1(1)33 of Ontario Regulation 856/93 made under the *Medicine Act, 1991* ("O. Reg. 856/93"), in that the member 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
 - b. under clause 51(1)(a) of the Health Professions Procedural Code which is Schedule 2 to the *Regulated Health Professions Act, 1991*, S.O. 1991, c.18 (the "Code"), in that the member has been found guilty of an offence that is relevant to her suitability to practise.

Further information about these allegations is set out below:

1. On or about September 22, 2021, the Registrant was found guilty of the offence that she did receive the benefit of any insured service that the person is not entitled to obtain, contrary to s.44 of the *Health Insurance Act*.
2. The Registrant's conduct underlying the finding of guilt is conduct relevant to the practice of medicine, that having regard to all the circumstances would reasonably be regarded by members as disgraceful, dishonourable or unprofessional.
3. The Registrant also engaged in disgraceful, dishonourable or unprofessional conduct between approximately 2013 and 2017, including but not limited to:

- (a) inappropriately billing the Ontario Health Insurance Plan, including for services not rendered; and
- (b) providing and/or billing for services not clinically indicated.

The Tribunal will hold a hearing under sections 38 to 56 of the Health Professions Procedural Code (Code), the *Statutory Powers Procedure Act*, and the *Hearings in Tribunal Proceedings (Temporary Measures) Act, 2020*, on a date or dates to be set at a case management conference, to decide whether the registrant has committed an act or acts of professional misconduct and/or is incompetent.

The College will file this Notice with the Tribunal. The Tribunal will then set a date for the first case management conference and send it to the parties with more information about the Tribunal's process.

If the registrant or their representative does not attend the case management conference or the hearing, the Tribunal may proceed in the registrant's absence and the registrant is not entitled to any further notice in the proceeding.

If the Tribunal finds the registrant committed an act or acts of professional misconduct, it may make one or more of the following orders under subsections 51(2) of the Code.

- direct the Registrar to revoke the registrant's certificate of registration.
- direct the Registrar to suspend the registrant's certificate of registration for a specified period of time.
- direct the Registrar to impose specified terms, conditions and limitations on the registrant's certificate of registration for a specified or indefinite period of time.
- require the registrant to appear before the Tribunal to be reprimanded.
- require the registrant to pay a fine of not more than \$35,000 to the Minister of Finance.
- if the act of professional misconduct was the sexual abuse of a patient, require the registrant to reimburse the College for funding provided for that patient under the program and/or require the registrant to post security acceptable to the College to guarantee this payment.

The Tribunal may, under subsection 53.1 of the Code, require the registrant to pay all or part of the College's costs and expenses.

The Tribunal's website includes the Tribunal's Rules of Procedure, Practice Directions and guides to the process.

Date: January 21, 2025

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