

ONTARIO PHYSICIANS AND SURGEONS DISCIPLINE TRIBUNAL

Citation: *College of Physicians and Surgeons of Ontario v. Richards*, 2025 ONPSDT 9

Date: March 13, 2025

Tribunal File No.: 24-023

BETWEEN:

College of Physicians and Surgeons of Ontario

College

- and -

Robert Stanley Richards

Registrant

FINDING AND PENALTY REASONS

Heard: February 24, 2025, by videoconference

Panel:

Raj Anand (panel chair)
Glen Bandiera (physician)
Lucy Becker (public)
Stephen Bird (public)
Stephen Hucker (physician)

Appearances:

Penelope Ng, for the College
Jared Greenspan, 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] The registrant, Dr. Robert Stanley Richards, was a plastic surgeon who practised at a hospital and private surgical clinic in London, Ontario. He received his certificate of registration from the College in 1991.

[2] After commencing treatment as Patient A's physician, the registrant developed a close personal relationship with that individual, [Redacted: publication ban]. Throughout this period, Dr. Richards provided care and treatment to Patient A, including the performance of several elective surgical procedures. The registrant also treated Patients B and C, relatives of Patient A who were also close to Dr. Richards.

[3] At an uncontested hearing, we found that Dr. Richards breached College policies on boundary violations and the treatment of family members and others close to him. He signed an undertaking to resign his College membership and not to apply again for registration in Ontario or anywhere else in Canada.

[4] On this basis, we accepted the parties' joint submission, that the registrant should receive the panel's reprimand and should pay the College an agreed amount for costs.

[5] These are our reasons.

Professional misconduct

Patient A

[6] Beginning in 2007, Dr. Richards provided care and treatment to Patient A, including the performance of surgical procedures.

[7] [Redacted: publication ban]. Within a year of the first surgical procedure, Dr. Richards invited Patient A to join him in the operating room while Dr. Richards performed a similar procedure on another patient.

[8] [Redacted: publication ban]. Dr. Richards continued to provide medical care and treatment to Patient A, and he billed OHIP for some of the medical services he provided.

[9] Dr. Richards and Patient A developed a close personal relationship, and Dr.

Richards continued to provide medical care and treatment to Patient A, including

- a. writing three prescriptions, including one for a controlled or monitored drug;
- b. ordering nine ultrasounds and/or MRIs; and
- c. performing multiple elective surgical procedures.

[10] [Redacted: publication ban].

[11] [Redacted: publication ban].

[12] He also maintained medical records for Patient A.

Patients B and C

[13] Patients B and C are relatives of Patient A.

[14] During a period when Patient B was a person close to the registrant, Dr. Richards provided care and treatment to Patient B by:

- a. performing a surgical procedure;
- b. ordering three MRIs; and
- c. writing a prescription.

[15] During a period when Patient C was a person close to the registrant, Dr. Richards provided care and treatment to Patient C by:

- a. diagnosing a medical condition;
- b. performing an elective medical surgery; and
- c. writing a prescription for a controlled or monitored drug.

[16] Dr. Richards maintained medical records and billed OHIP for his care and

treatment of Patients B and C.

Conclusion on professional misconduct

[17] On the uncontested evidence, Dr. Richards did not comply with two College policies stating that physicians, in the interests of safe, effective and objective medical care, must not treat family members and others close to them, except in very limited circumstances. He thereby engaged in acts that would reasonably be regarded by members as disgraceful, dishonourable or unprofessional.

[18] The College's policy on Physician Treatment of Self, Family Members or Others Close to Them states in sections 2 and 13 that physicians must not treat family members, including spouses or partners, unless it is for a minor condition or in emergency situations, and even then, only where another qualified health care professional is not available.

[19] The "family member" of a physician means an individual with a familial connection and with whom the physician has a personal or close relationship, "where the relationship is of such a nature that it would *reasonably affect* the physician's professional judgment." [Redacted: publication ban].

[20] Despite the prohibitions in the College's policy, Dr. Richards treated Patients A, B and C on numerous occasions. He provided a diagnosis, ordered procedures, wrote prescriptions, and performed surgical procedures. In addition, the prescriptions included controlled drugs, contrary to the express prohibition in section 15 of the policy.

[21] The College's policy on Boundary Violations requires a physician to establish and maintain appropriate sexual and non-sexual boundaries within a relationship with a patient. The registrant clearly did not do so. To the contrary, he simultaneously maintained a close personal relationship, and a physician-patient relationship, with Patient A over many years, and provided extensive care and treatment.

[22] In addition to contravening the clear dictates of the two policies, Dr. Richards' conduct showed a profound lack of judgment by engaging in professional and personal relationships that were readily recognizable by members as inconsistent with the ethical standards of the profession.

[23] The panel had no hesitation in concluding that under para 1(1)33 of Ontario

Regulation 856/93, Dr. Richards engaged in acts and omissions relevant to the practice of medicine that would reasonably be regarded by members as disgraceful, dishonourable or unprofessional (DDU).

Penalty and costs

[24] The parties' agreed statement of facts on penalty indicated that Dr. Richards had signed an undertaking on February 12, 2025 by which he resigned from the College effective at midnight the night before the February 24 hearing. Further, he undertook not to apply or reapply for registration as a physician in Ontario or any other Canadian jurisdiction at any time in the future. On this basis, the parties jointly submitted that the panel should issue a reprimand to Dr. Richards and order him to pay the agreed amount of \$6,000 for costs within one month.

[25] The Tribunal is only entitled to reject the parties' agreement if it meets the "undeniably high threshold" that the proposed penalty "would be viewed by reasonable and informed persons as a breakdown in the proper functioning of the justice system": *R. v. Anthony-Cook*, 2016 SCC 43 at paras. 34 and 42. This principle was applied by the Divisional Court in *Ontario College of Teachers v. Merolle*, 2023 ONSC 3453 (Div. Ct.) and by this Tribunal in many cases, including *College of Physicians and Surgeons of Ontario v. Nahvi*, 2024 ONPSDT 31 and *College of Physicians and Surgeons of Ontario v. Mossanen*, 2018 ONCPSD 54, discussed below.

[26] In this case, the panel had no difficulty in accepting a joint position that had the same result as revocation of Dr. Richards' certificate of registration, plus a prohibition against him ever practising as a physician in Canada from this point onward. The Tribunal accepted a similar penalty on a joint submission in *Mossanen*.

[27] In coming to our conclusion, we considered the objectives the Tribunal attempts to achieve when it orders disciplinary penalties.

[28] In our view, the registrant's undertaking serves the paramount consideration of protection of the public, as well as maintenance of public confidence in the profession and the College's ability to regulate the profession effectively. A serious consequence

was required where Dr. Richards' actions undermined the trust that is essential to the physician-patient relationship and the public's confidence in the profession.

[29] The outcome achieves specific deterrence by removing Dr. Richards from the position of trust and authority he held, and preventing him from returning to such a position. It also provides general deterrence to other registrants. We received no evidence that would be relevant to rehabilitation in these circumstances.

[30] We considered the penalty factors the Tribunal must take into account, including the seriousness of the registrant's conduct, the aggravating and mitigating circumstances, and the relevant jurisprudence.

[31] The uncontested evidence shows flagrant, longstanding, repetitive and reckless misconduct in the face of well-established and important College policies aimed at protecting the quality and clinical and emotional objectivity of medical care and treatment in the face of conflicting personal relationships. See for example, two recent decisions of this Tribunal in *College of Physicians and Surgeons of Ontario v. Kao*, 2023 ONPSDT 23 and *College of Physicians and Surgeons of Ontario v. Rourke*, 2021 ONPSDT 45.

[32] In terms of mitigating circumstances, we noted that the registrant did not contest the facts on liability and came to a joint submission on penalty and costs, thereby saving time, cost and inconvenience for the parties and potential witnesses.

[33] Having reviewed the uncontested and agreed facts, the undertaking that was already in effect, and the relevant penalty factors, we determined that this case did not meet the high threshold that would be required to override the parties' joint submission. We therefore delivered a reprimand, distilling many of the considerations discussed in these reasons.

[34] As noted, we accepted the parties' agreement for costs of a half day hearing, payable by the registrant to the College.

Order

[35] At the conclusion of the hearing, we ordered:

Penalty

1. The Tribunal requires the registrant to appear before the panel to be reprimanded.

Costs

2. The Tribunal requires the registrant to pay the College costs in the amount of \$6,000.00 by March 25, 2025.

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- and -

Robert Stanley Richards

Registrant

**The Tribunal delivered the following Reprimand
by videoconference on Monday, February 24, 2025.**

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

Dr. Richards,

As a registrant of the College of Physicians and Surgeons of Ontario you are expected to adhere to its regulatory requirements and its policies.

In this hearing today, the evidence shows that you engaged in disgraceful, dishonorable or unprofessional conduct by becoming involved with [Redacted: publication ban]. a patient for whom you provided various care and treatment, including performing surgical procedures.

[Redacted: publication ban]. you continued to provide medical care and treatment and billed OHIP for some of the services.

Your conduct also involved writing prescriptions for this patient, including a controlled or monitored drug, ordering nine ultrasounds and/or MRIs and performing multiple elective surgical procedures. [Redacted: publication ban]. you provided incidental care on one occasion.

You continued to show a lack of judgment by providing care and treatment to two other patients with whom you were close [Redacted: publication ban]. This included but was not limited to performing a surgical procedure, performing an elective medical surgery and writing prescriptions, again involving a controlled or monitored drug for one of the patients.

You not only failed to follow the College's policy on treating self, family members and others close to you, including by prescribing controlled drugs, but you also breached the College's policy on boundary violations.

Your actions not only compromised the integrity of the profession but exhibited a profound lack of judgement. All patient care should be rooted in professionalism, mutual respect and the establishment of clear boundaries. Any deviation from these principles undermines the trust essential to the physician-patient relationship and the public's confidence in the profession.

We take some comfort in knowing that you have agreed to resign your certificate of registration immediately and will not apply or reapply for registration as a physician to practice medicine in Ontario or any other jurisdiction in Canada.