

## ONTARIO PHYSICIANS AND SURGEONS DISCIPLINE TRIBUNAL

**Citation:** *College of Physicians and Surgeons of Ontario v. Faruqi*, 2026 ONPSDT 4

**Date:** January 21, 2026

**Tribunal File No.:** 25-016

### BETWEEN:

College of Physicians and Surgeons of Ontario

**College**

- and -

Faez Faruqi

**Registrant**

### FINDING AND PENALTY REASONS

**Heard:** December 1, 2025, by videoconference

#### **Panel:**

Sherry Liang (panel chair)  
Glen Bandiera (physician)  
Catherine Grenier (physician)  
Rob Payne (public member)  
Linda Robbins (public member)

#### **Appearances:**

Elisabeth Widner, for the College  
Crystal Gillis, for the registrant

#### **RESTRICTION ON PUBLICATION**

Pursuant to Rule 2.2.2 of the HPDT 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 is an obstetrician and gynecologist with a focus in reproductive and fertility medicine. He currently practises in three locations in the Greater Toronto Area. He received his certificate of registration authorizing independent practice from the College of Physicians and Surgeons of Ontario (College) in 2006.

[2] The registrant was registered as an obstetrician and gynecologist with the Collège des médecins du Québec (CMQ) from 1987 to 2023. At the relevant times, he practised at a fertility clinic and a hospital in Montreal. In 2023, he resigned from the CMQ in the context of an investigation carried out by the CMQ.

[3] Following the investigation, a 16-count disciplinary complaint was referred to the Discipline Tribunal of the CMQ (the Quebec Tribunal) and, at a hearing in February 2024, the registrant admitted the allegations. The Quebec Tribunal found that the registrant committed acts of professional misconduct (the Quebec Misconduct) and imposed a penalty consisting of a three-month suspension and fines totaling \$15,000.

[4] Based on the findings of the Quebec Tribunal, the College alleges that the registrant engaged in professional misconduct as defined in Ontario Regulation 856/93 under the *Medicine Act, 1991*, SO 1991, c. 30 (Professional Misconduct Regulation). At the hearing before us, the College and registrant submitted an Agreed Statement of Facts and made a joint submission on penalty and costs. The registrant agrees that the Quebec Misconduct would constitute acts of professional misconduct as defined in the Professional Misconduct Regulation and that the facts underlying the Quebec Misconduct constitute disgraceful, dishonourable or unprofessional conduct. He admits that he has engaged in professional misconduct as alleged.

[5] The panel found that the registrant engaged in professional misconduct and accepted the parties' joint submission on penalty and costs, consisting of a reprimand, a two-month suspension, completion of ethics and boundaries training and costs of \$6,000.

## **The Quebec Misconduct**

[6] Count 1 of the allegations before the Quebec Tribunal relates to a link contained on the site of the registrant's clinic, allowing members of the public to reach the website of an American clinic promoting paid "egg donations." Federal legislation—the *Assisted*

*Human Reproduction Act*, SC 2004, c.2 (AHRA)—prohibits offering, purchasing or advertising the purchase of human eggs. The Quebec Tribunal found that the registrant's website made advertising that is prohibited under the AHRA available to members of the public in Quebec. It found his conduct reckless in relation to a restriction intended to protect the public and maintain confidence in the medical speciality of assisted reproduction and fertility, and derogatory to the honour and dignity of the profession.

[7] Counts 2 to 5 relate to payments the registrant made to four egg donors in contravention of the AHRA, which the Quebec Tribunal also found to be conduct derogatory to the honour and dignity of the profession.

[8] Counts 6 to 13 arise out of the registrant's record-keeping and accounting practices. Counts 6 to 9 relate to invoices the registrant gave to four patients that were limited to the total cost of procedures, without details. The Quebec Tribunal found this to be a contravention of the requirements in Quebec's *Code of Ethics of Physicians*, CQLR c. M-9, r. 17 (Code of Ethics). Counts 10 to 13 relate to the registrant's deposit of payments into his clinic's general account rather than, as required, the compensation account of the CMQ.

[9] The facts in count 14 relate to the registrant referring a patient to an American clinic for assisted reproduction services even though the provision of such services in Quebec is prohibited because of the patient's advanced age. This led to the Quebec Tribunal's finding that the registrant violated regulations governing these matters and, in doing so, failed to protect the public and jeopardized the quality, safety and ethics of clinical activities related to assisted reproduction.

[10] The remaining two counts, 15 and 16, arose out of disparaging remarks about a healthcare professional that the registrant made to work colleagues. The Quebec Tribunal found the registrant in breach of his ethical obligations to maintain confidentiality of information obtained through the practice of his profession and refrain from acting in an indiscreet manner or using confidential information that could cause prejudice.

### **The registrant's contraventions of the AHRA**

[11] The most serious findings against the registrant in Quebec relate to the conduct that contravened the AHRA. The Quebec Tribunal described how fertility and assisted

reproduction raise numerous ethical and sensitive issues, which necessitate legislation to regulate clinical and medical activities in these areas. The registrant's misconduct was serious in that he contravened federal legislation which he knew or ought to have been aware of in the practice of his specialty. The Quebec Tribunal found the consequences and risk to the public from his conduct to be considerable.

[12] This panel finds that in advertising the sale of eggs and paying four donors for their eggs, in contravention of the AHRA, the registrant engaged in professional misconduct under paragraph 33 of s. 1(1) of the Professional Misconduct Regulation in that his actions amount to conduct that members of the profession would reasonably regard as disgraceful, dishonourable or unprofessional.

[13] Section 1(3) of the Professional Misconduct Regulation provides that a member shall be deemed to have committed an act of professional misconduct if the governing body of a health profession in a jurisdiction other than Ontario has made a finding of professional misconduct against the member and the finding is based on facts which would, in the opinion of the College, be an act of professional misconduct as defined in s. 1(1).

[14] One of the grounds of misconduct in s. 1(1) specifies that it is an act of misconduct to contravene a federal, provincial or territorial law, a municipal by-law or a by-law or rule of a public hospital if the purpose of the law, by-law or rule is to protect public health, or the contravention is relevant to the member's suitability to practise (s.1(1), para. 28). The Quebec Tribunal's findings are based on facts which would be an act of professional misconduct as set out in s.1(1), para. 28, in that the registrant was found to have contravened federal legislation whose purpose, among other things, is protection of public health. We find that the registrant committed misconduct pursuant to s. 1(3) of the Professional Misconduct Regulation.

[15] The Health Professions Procedural Code (Schedule 2 to the *Regulated Health Professions Act, 1991*, S.O. 1991, c.18) also deals with findings of other regulatory bodies, in s. 51(1)(b). Under that provision, a panel shall find that a member has committed an act of professional misconduct if the governing body of a health profession in a jurisdiction other than Ontario has found that the member committed an act of professional misconduct that would, in the opinion of the panel, be an act of professional misconduct under that section or an act of professional misconduct as defined in the

regulations. Based on the findings of the Quebec Tribunal and our conclusion that the misconduct found by that Tribunal would be an act of professional misconduct as defined in the Professional Misconduct Regulation, we find that the registrant has engaged in professional misconduct under s.51(1)(b) of the Code.

### **Public disparagement of another professional**

[16] We are also satisfied that the registrant's actions in publicly sharing disparaging comments about another healthcare professional (counts 15-16) is conduct that members of the professional would reasonably regard as disgraceful, dishonourable or unprofessional within the meaning of s. 1(1), para. 33 of the Professional Misconduct Regulation.

### **Aspects of the Quebec Misconduct that do not lead to findings before this Tribunal**

[17] The College submitted that the registrant's failure to provide detailed invoices as required by Quebec's Code of Ethics (counts 6 to 9) also amounts to misconduct under the Ontario Professional Misconduct Regulation, referring to s. 1(1), para. 24 of this regulation. On our review, the obligation to submit detailed invoices in s. 1(1) , para. 24 is not the same as the requirement in Quebec. Whereas Quebec's Code of Ethics specifies mandatory details that must be contained in every invoice, s. 1(1), para. 24 defines as an act of professional misconduct the failure to provide an itemized account for professional services *if requested to do so* by the patient or the person or agency who is to pay for the services (or if the account includes a commercial laboratory fee).

[18] The Quebec Tribunal's decision on these counts is based on the registrant's omission of any details in the invoices he provided to four patients, but does not indicate that the patients requested itemized invoices. In the absence of additional facts, the findings of that Tribunal do not establish that the registrant engaged in an act of misconduct as defined in s. 1(1), para. 24. We make no finding about this aspect of the Quebec Misconduct. The College submitted, and we agree, that if the panel decides against making a finding that these aspects of the Quebec Misconduct also amount to misconduct in Ontario, this should have no bearing on the joint submission on penalty. These counts relate to fairly minor matters which likely would not by themselves result in discipline.

[19] The College submitted that the facts underlying counts 10-14 would not constitute professional misconduct in Ontario as the Code of Ethics and legislation on which those counts are based have no equivalent in Ontario. We also make no finding about those aspects of the Quebec Misconduct.

### **Penalty and costs**

[20] The parties made a joint submission on penalty, agreeing that the registrant should receive a reprimand, two-month suspension of his certificate of registration and should be required to participate in and successfully complete the PROBE Ethics & Boundaries Program offered by the Centre for Personalized Education for Professionals.

[21] The parties' agreement on penalty must be implemented unless it is so "unhinged from the circumstances" that implementing it would bring the administration of the College's professional discipline system into disrepute: see *R. v. Anthony-Cook*, 2016 SCC 43 and *Bradley v. Ontario College of Teachers*, 2021 ONSC 2303 (Div. Ct.). We are satisfied that the proposed penalty is not contrary to the public interest in this manner.

[22] The most important goal of a penalty order is the protection of the public. The public must have confidence in the registrant, the profession and the College's ability to govern the profession in the public interest. Other penalty goals that support protection of the public include discouraging the registrant and other physicians from committing misconduct (specific and general deterrence), rehabilitating the physician, ensuring a safe return to practice where appropriate and expressing the Tribunal and the profession's disapproval of the misconduct (*College of Physicians and Surgeons of Ontario v. Fagbemigun*, 2022 ONPSDT 22 at paras. 7-8).

[23] In assessing which penalty best achieves these purposes, relevant factors include the seriousness of the misconduct, any discipline history, the registrant's actions since the misconduct and their personal circumstances. Penalties ordered in other cases are also important, in that penalties in similar circumstances should be similar and, where they diverge, there should exist a principled basis for the difference.

[24] The registrant's behaviour was a serious breach of his professional obligations, involving contraventions of federal legislation as well as unprofessional behaviour towards a colleague. It merits a suspension. The relatively brief duration of the

suspension recognizes that the Quebec Tribunal also imposed a suspension (although the registrant resigned there).

[25] The registrant's conduct since the misconduct weighs in his favour. He has expressed regret for his actions and admitted to the misconduct. By entering into an Agreed Statement of Facts, he has minimized the use of time and resources to prosecute the allegations.

[26] The cases the parties provided us in which the misconduct included unprofessional public comments about colleagues resulted in suspensions in the range of one to three months. Other cases dealt with penalties imposed for practising in an unapproved manner or contravening legislation relevant to the physician's suitability to practise. Although each of those cases has its own set of unique facts and none deal specifically with conduct in breach of the AHRA, they show that the penalty proposed here is not outside of a reasonable range of penalties for similar misconduct.

[27] The reprimand serves the goal of public protection. It will be published on the public register and in this manner will act as a general deterrent, signalling that this kind of misconduct will have serious consequences. A reprimand will also allow the panel to speak directly to the registrant to express its disapproval of his conduct and remind him of his professional responsibilities. The order to participate in ethics and boundaries training will also serve the goal of public protection, by supporting rehabilitation.

[28] In conclusion, we find that the proposed penalty protects the public and is not so "unhinged from the circumstances" that implementing it would bring the administration of the College's professional discipline system into disrepute. We also accept the parties' agreement that the registrant pay the College \$6,000 in costs.

[29] We ordered:

**Penalty**

1. The Tribunal requires the registrant to appear before the panel to be reprimanded.
2. The Tribunal directs the Registrar to:
  - a. suspend the registrant's certificate of registration for two (2) months commencing on December 2, 2025 at 12:01 a.m.

- b. place the following terms, conditions and limitations on the registrant's certificate of registration effective immediately:
  - i. Dr. Faruqi shall participate in and successfully complete, without condition or qualification and at his own expense, the PROBE Ethics & Boundaries Program offered by the Centre for Personalized Education for Professionals. Dr. Faruqi will complete the PROBE program within six (6) months of the date of this Order or, if it is not available within that timeframe, at the earliest available opportunity. Dr. Faruqi will provide proof of his successful completion to the College, including proof of registration and attendance and participant assessment reports, within one (1) month of completing it.

**Costs**

3. The Tribunal requires the registrant to pay the College costs of \$6,000.00 by January 1, 2026.

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**BETWEEN:**

College of Physicians and Surgeons of Ontario

**College**

- and -

Faez Faruqi

**Registrant**

**The Tribunal delivered the following Reprimand  
by videoconference on Monday, December 1, 2025**

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

Dr. Faruqi,

You have been found to have committed professional misconduct in your infertility practice within the specialty of Obstetrics and Gynecology. In February 2024, you admitted to the allegations in a 16-count discipline complaint heard by the Collège des médecins du Québec (CMQ) Discipline Tribunal. You were suspended for three months and ordered to pay fines.

Today we have found that misconduct determined by the CMQ Discipline Tribunal also constitutes professional misconduct in Ontario and would reasonably be regarded by members of the profession as disgraceful, dishonourable or unprofessional.

Among the misconduct before us, your Quebec clinic website included a link directing members of the public to a U.S. clinic that promoted paid egg donation. This was inappropriate, as offering, purchasing, or advertising the purchase of eggs is prohibited under federal law.

Despite this prohibition, on four occasions you paid donors, who were personal acquaintances of yours in three instances and a friend of one of the acquaintances in the fourth, for their donations directly. This conduct is particularly concerning given its direct connection to your area of specialization. The risks to the public, and to the integrity, safety, and ethics of assisted-reproduction services, are significant.

You also failed to exercise judgment and discretion and did not preserve the confidentiality of information concerning a healthcare professional you formerly worked with. You communicated disparaging comments about their behaviour and use of substances. You have acknowledged that you committed an ethical error in doing so

Dr. Faruqi, as a licensed specialist you are expected to uphold the highest standards of professionalism, integrity and confidentiality. Your misconduct has fallen below the expectations of the profession, have called into question your integrity as a specialist, and breached the trust patients have in you, while constituting professional misconduct.

We appreciate that you have admitted to the misconduct. With reflection, a suspension and mandatory education in ethics, we expect that you will take measures to ensure that you do not appear before a professional tribunal again and that your future practice aligns with your legal and professional obligations.