

**SUMMARY of the Decision of the Inquiries, Complaints and Reports Committee  
(the Committee)**  
(Information is available about the complaints process [here](#) and about the Committee [here](#))

**Dr. Richard Nahas (CPSO# 72330)  
Family Medicine  
(the Respondent)**

## **INTRODUCTION**

The Complainant was referred to the Respondent for treatment of migraines. The Respondent provided care and treatment to the Complainant for several months beginning in 2017.

The Complainant contacted the College of Physicians and Surgeons of Ontario (the College) to express concerns about the Respondent's care and conduct, as follows:

## **COMPLAINANT'S CONCERNS**

**The Complainant is concerned that the Respondent:**

- **touched her inappropriately;**
- **made sexually inappropriate comments to her;**
- **failed to obtain consent for injections and manual therapy;**
- **improperly administered an injection causing a nerve injury;**
- **guessed her medical history;**
- **did not review her chart or intake forms before providing injections; and**
- **called her after she cancelled appointments after her last injection and was manipulative.**

## **COMMITTEE'S DECISION**

A General Panel of the Committee considered this matter at its meeting of October 21, 2020. The Committee required the Respondent to attend at the College to be cautioned in person to obtain thorough consent from patients for any therapy provided, including to explain the risks, benefits and side effects of the treatment, as well as the nature of it (in particular, when providing manual therapy the Respondent should ensure the patient understands what it entails and its benefits).

## **COMMITTEE'S ANALYSIS**

The Committee accepted that the alleged touching in this case occurred during a clinically indicated examination and concluded that it would be difficult to prove sexual intent for the touching at a Discipline Hearing. The Committee noted that the comments

the Respondent allegedly made were not sexual words/phrases on their face. The Respondent denied touching the Complainant inappropriately or for an improper purpose or making any inappropriate sexual comments to the Complainant. Nurses were present for all visits and none of them observed anything inappropriate during the interactions between the Respondent and the Complainant. However, the Committee was satisfied that there was a lack of clear and thorough communication with the Complainant about the nature of the manual therapy and the reason for it.

The Committee looked at the totality of the evidence before it and determined that this matter should not be referred to the Discipline Committee as it was not reasonable to believe a finding could be made against the Respondent. The Committee concluded that the educational value of a verbal caution before the Committee would sufficiently address its concerns with the Respondent's consent process when performing manual therapy. The Committee would have ordered the Respondent to complete education; however, in July 2020, the Discipline Committee ordered the Respondent to complete the "PROBE Ethics & Boundaries Program" offered by the Centre for Personalized Education for Professionals, and thus the Committee decided that no additional education was required at this time.

The Committee concluded that no further action was warranted on the other areas of concern. The injections the Respondent performed were clinically indicated to treat migraines, and the consent process is well documented, including that the Complainant signed standard consent forms. The Respondent's usual practice is to review of the Complainant's intake forms and records prior to first meeting a patient and before performing injections. The Committee is limited to a paper review of information and is unable to know exactly what the Respondent said to the Complainant with regard to her medical history, or when he contacted her on the telephone. The medical record provides us with no assistance as to the exact details of these conversations.