

**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. Leonard Gushe (CPSO #60981)
(the Respondent)**

INTRODUCTION

The Respondent became the Complainant's family physician in 2019. The Respondent also provides care at a nursing home where the Complainant worked as a high-school co-operative education student.

A physician contacted the College to make a mandatory report indicating that they had reasonable grounds to believe that the Respondent had sexually abused the Complainant during an interaction that took place at the nursing home laundry in July 2021. The Complainant was 17 years old at the time.

In September 2021, the Complainant sent a letter of complaint to the College, confirming her concerns about the Respondent. Her concerns included that the Respondent inappropriately touched and grabbed her legs, thigh, and stomach area, made inappropriate sexual comments, asked questions about her boyfriend, and showed her an envelope full of money and offered to tip her to wash his personal clothing.

COMMITTEE'S DECISION

A panel of the Committee considered this matter at its meeting of March 6, 2024. The Committee required the Respondent to appear before a Panel of the Committee to be cautioned with respect to maintaining appropriate boundaries with patients.

COMMITTEE'S ANALYSIS

The Respondent and Complainant provided somewhat different accounts of their interaction in the nursing home laundry room. The Committee could not resolve these differences on the basis of the written record. However, both parties agreed that the Respondent approached the Complainant, who was his patient, while she was working in a nursing home laundry room and tipped the Complainant, using a 100-dollar bill, to do his laundry. They also agree that the Respondent and Complainant then engaged in a conversation about her wellbeing during which the Respondent asked questions about her personal life and school and that the Respondent touched the Complainant's stomach and ankle and hugged her.

The respondent denied that he ever engaged in any kind of touching, behaviour, or remarks of a sexual nature with the Complainant but recognizes that he made the Complainant uncomfortable. He acknowledged the need to keep his personal and professional life separate and be mindful of the inherent power imbalance in the physician-patient relationship. He also confirmed that he no longer uses physical touch for comfort purposes.

The College's policy, *Boundary Violations*, states that a boundary violation "occurs when a physician does not establish and/or maintain the limits of a professional relationship with their patient." The policy contemplates both sexual and non-sexual boundaries. With respect to non-sexual boundaries, the policy notes that "physicians must establish and maintain appropriate boundaries with patients at all times, including with respect to social or financial/business matters and must not exploit the power imbalance inherent in the physician-patient relationship."

The Committee was of the view that the Respondent's behaviour raised serious concerns regarding non-sexual boundary violations. In particular, the Committee was concerned that the Respondent:

- Paid the Complainant to do his personal laundry which was not part of the Complainant's duties at the nursing home.
- Engaged the Complainant in a discussion about her welfare while the Complainant was at her place of employment. While the Respondent considered that he was asking these questions as the Complainant's physician, this was not clearly established given the setting.
- Hugged and touched the Complainant in a manner which made the Complainant uncomfortable.

In the Committee's view, the Respondent failed to establish and maintain appropriate boundaries with the Complainant, including with respect to social and financial matters, and, whether intentional or not, he exploited the power imbalance inherent in the physician-patient relationship. These behaviours were especially concerning given the Complainant's vulnerability to the Respondent based on her age and based on what the Respondent knew medically about the Complainant's wellbeing and mental health.

Given the serious breach of the College's expectations under the *Boundary Violations* policy, the Committee determined that it was appropriate to caution the Respondent.

This is a summary of the Committee's decision as it relates to the caution disposition.