

**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. Michael Simon Kam (CPSO# 72667)
(the Respondent)**

INTRODUCTION

The Complainant and the Respondent were previously involved in both a romantic relationship and a business venture. The parties disagree as to the dates during which their relationship existed.

The Complainant contacted the College of Physicians and Surgeons of Ontario (the College) to express concerns about the Respondent's conduct.

COMPLAINANT'S CONCERNS

The Complainant is concerned that the Respondent had non-consensual sex with her multiple times when she was unable to consent. The Complainant asserts that the Respondent administered drugs to her and prescribed her medications that rendered her unable to consent. The Complainant states that this occurred before, during and after the parties were in a sexual relationship.

COMMITTEE'S DECISION

A General Panel of the Committee considered this matter at its meeting of July 24, 2019. The Committee directed staff to negotiate an undertaking with the Respondent and required the Respondent to attend at the College to be cautioned in person about ensuring compliance with College policies on *Physician Treatment of Self, Family Members, or Others Close to Them* and *Maintaining Appropriate Boundaries and Preventing Sexual Abuse* and appropriate office management, including ensuring that unauthorized persons cannot make entries in the medical chart. The College subsequently received the Respondent's signed undertaking and it is posted on the College's public register.

COMMITTEE'S ANALYSIS

The Committee decided that there was insufficient evidence in this case to conclude that the parties were in a physician-patient relationship concurrently with their personal relationship, or that the Respondent had engaged in criminal activity in his sexual relations with the Complainant. For this reason, the Committee did not refer the matter to the College's Discipline Committee.

The Committee noted, however, that while the state of the documentation from the Respondent's clinic made it difficult to prove a physician-patient relationship between the parties, it raised serious concerns about the security of records and record-keeping at the clinic. This concern would be addressed both by the Respondent's engaging in education on medical record-keeping, as required by the undertaking, and by discussion with Committee members at the caution in person.

The Committee was also concerned at the fact that the Respondent had written some sick notes for the Complainant and provided physician information to her benefits provider. Again, while this information did not establish that there was a physician-patient relationship between the parties, it did show that the Respondent engaged in incidental medical documentation regarding a person with whom he was in a personal relationship. This amounted to a boundary violation inconsistent with the College's policy prohibiting *Physician Treatment of Self, Family Members, or Others Close to Them*. The College's Policy on *Maintaining Appropriate Boundaries and Preventing Sexual Abuse* also contains useful information for physicians about avoiding the pitfall of blurring the boundaries of one's role as a physician. The Respondent's undertaking includes a requirement that he engage in education about boundaries. This will also be discussed at the Respondent's caution.