

NOTICE OF PUBLICATION BAN

In the College of Physicians and Surgeons of Ontario and Dr. Emad Mikhail Guirguis, this is notice that the Discipline Committee ordered that no person shall publish or broadcast the names and any information that could disclose the identity of the patients referred to orally or in the exhibits filed at the hearing, under subsection 45(3) of the Health Professions Procedural Code (the “Code”), which is Schedule 2 to the *Regulated Health Professions Act, 1991*, S.O. 1991, c. 18, as amended.

Subsection 93(1) of the Code, which is concerned with failure to comply with these orders, reads:

Every person who contravenes an order made under ... section 45 or 47... is guilty of an offence and on conviction is liable,

(a) in the case of an individual to a fine of not more than \$25,000 for a first offence and not more than \$50,000 for a second or subsequent offence; or

(b) in the case of a corporation to a fine of not more than \$50,000 for a first offence and not more than \$200,000 for a second or subsequent offence.

**DISCIPLINE COMMITTEE
COLLEGE OF PHYSICIANS AND SURGEONS OF ONTARIO**

Citation: *College of Physicians and Surgeons of Ontario v. Guirguis*, 2021 ONCPSD 13

Date: March 9, 2021

BETWEEN:

College of Physicians and Surgeons of Ontario

- and -

Dr. Emad Mikhail Guirguis

ORDER AND REASONS

Panel: Dr. Pamela Chart (chair)
Dr. Veronica Mohr
Ms. Linda Robbins
Dr. Robert Smith
Mr. J. Paul Malette, Q.C.

Heard: November 23, 2020

Appearances:

Ms. Emily Graham, for the College
Ms. Natalie Carrothers and Ms. Yola Ventresca for Dr. Emad Mikhail Guirguis
Ms. Kimberly Potter, Independent Legal Counsel to the Discipline Committee

Introduction

- [1] Following a hearing held by videoconference, where Dr. Guirguis pleaded no contest to the misconduct and the parties made a joint proposal on penalty, we found that Dr. Guirguis had contravened the *Medicine Act, 1991*, the *Regulated Health Professions Act, 1991* or the regulations under either of those Acts; and had engaged in an act or omission relevant to the practice of medicine that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional. He practised outside of his scope of practice and advertised improperly. We ordered that Dr. Guirguis attend for a reprimand and pay costs of \$6,000 to the College. He undertook to resign from the College and never to apply or re-apply to practise medicine in any jurisdiction.

The Allegations

- [2] The Notice of Hearing alleged that Dr. Guirguis committed an act of professional misconduct:
- a. under paragraph 1(1)27 of Ontario Regulation 856/93 made under the *Medicine Act, 1991* ("O. Reg. 856/93"), in that he has contravened the Act, the *Regulated Health Professions Act, 1991* or the regulations under either of those Acts; and
 - b. under paragraph 1(1)33 of Ontario Regulation 856/93, in that he has engaged in an act or omission relevant to the practice of medicine that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional.

Response to the allegations

- [3] Dr. Guirguis entered a plea of no contest to the allegations in the Notice of Hearing.

The Facts

Statement of Uncontested Facts and Plea of No Contest

- [4] The facts in this matter were set out in a Statement of Uncontested Facts and Plea of No Contest, as follows.

PART 1 – FACTS

I. Background

1. Dr. Guirguis is 59 years old. He obtained his Doctor of Medicine from McMaster University in 1985. He received his certificate of registration authorizing independent practice from the College in 1987, and his specialist designation in general surgery in 1992.
2. Dr. Guirguis's certificate of registration expired on September 4, 2020 for failure to renew.

II. Performing Cosmetic Surgeries Outside of Scope

a. 2011-2014: Dr. Guirguis Undergoes Change of Scope

3. In October 2011, the College's Out-of-Hospital Premises Inspection Program identified Dr. Guirguis as a general surgeon who was also performing cosmetic procedures, such as abdominoplasty, liposuction, and breast augmentation. He was not performing facial cosmetic surgeries such as blepharoplasty, face lifts, or neck lifts, and he had not had any education or training in such procedures.
4. In December 2011, the College advised Dr. Guirguis that his performance of cosmetic procedures was considered a change in scope of practice from that of a general surgeon. Dr. Guirguis was required to complete an application for Physicians Who Have Already Changed Their Scope of Practice, and provide evidence of his cosmetic procedures training by way of written reports from his previous plastic surgeon mentors/supervisors.
5. Dr. Guirguis was also provided with a College document entitled *Expectations of Physicians who have Changed, or Plan to Change their Scope of Practice to Include Surgical Cosmetic Procedures* (attached at Tab 1 to the Statement of Uncontested Facts and Plea of No Contest), and a table of "Surgical Cosmetic Procedures by Specialty" (attached at Tab 2 to the Statement of Uncontested Facts and Plea of No Contest).
6. As the College's *Expectations* document explained:

As with any area of medicine, the College expects physicians to practice according to the terms and limitations on their certificate of registration. All physicians in the province have a limitation on their certificate that states that they are able to practice medicine in areas in which they are educated and experience. A physician's

competence within a scope of practice is determined by his or her education and experience within that scope.

[...]

Surgeons who want to expand or change their scope of practice to include cosmetic surgery need to acquire the procedure-specific knowledge, skill and experience to practice in a safe manner. The principles of this process stay the same as for any change of scope: training, supervision and assessment. Surgeons wanting to acquire specific cosmetic procedural competence must do so with each procedure that they want to perform.

7. The “Surgical Cosmetic Procedures by Specialty” table listed the procedures that the College considered “surgical cosmetic procedures” for the purposes of determining scope of practice and approving changes of scope. It identified the following as separate and distinct cosmetic procedures: Abdominoplasty/Tummy Tuck; Blepharoplasty/Eyelid Surgery; Breast Implant/Augmentation; Liposuction – Body; Liposuction – limited to Head, Neck and Face – All Types; and Neck Lift.
8. In February 2012, Dr. Guirguis submitted his completed Application Form. In it, he confirmed that his scope of practice had changed from that of a general surgeon to include only the following cosmetic surgical procedures: abdominal surgery, liposuction, breast reconstruction and breast augmentation. He was not performing blepharoplasty, face lifts, or neck lifts, nor had he had any education or training in such procedures. Dr. Guirguis’s plastic surgeon mentors/supervisors confirmed that, with respect to cosmetic procedures, he had previously been trained only in liposuction of the body, abdominoplasty and breast augmentation.
9. In August 2012, Dr. Guirguis underwent an assessment of his abdominoplasty, flank liposuction, and breast augmentation practice to evaluate his expanded scope of practice. The assessment included a review of charts in which Dr. Guirguis had performed breast augmentation or abdominoplasty with flank liposuction, and an in-person observation of Dr. Guirguis performing those procedures. The assessor concluded that Dr. Guirguis had the necessary skills and judgment to perform breast augmentation, abdominoplasty, and flank liposuction. The assessor also commented on areas of Dr. Guirguis’s practice that might be improved upon, including appropriate documentation of the risks discussed with patients and improving the rate at which patients attended for follow-up care.
10. In October 2012, the College advised Dr. Guirguis that his request to change the scope of his practice was approved to include the following cosmetic surgical procedures only: breast augmentation, abdominoplasty and flank liposuction (attached at Tab 3 to the Statement of Uncontested Facts and Plea of No Contest). Given the areas identified by the assessor as needing improvement, the College also directed that Dr. Guirguis’s cosmetic surgery practice be re-assessed approximately 12 months later to ascertain that the necessary changes had made. In May 2014, Dr. Guirguis

underwent the reassessment. Dr. Guirguis's practice was "Appropriate" in all sections of the reassessment.

11. In August 2014, following the reassessment, the College confirmed that Dr. Guirguis's change of scope had been approved to include the following cosmetic surgical procedures only: breast augmentation, abdominoplasty, and flank liposuction (attached at Tab 4 to the Statement of Uncontested Facts and Plea of No Contest). As the College expressly advised Dr. Guirguis, "The Committee takes this opportunity to advise you that you must report to the College if you intend to broaden or expand your approved scope of practice."
12. At no time did Dr. Guirguis obtain approval from the College to expand his scope of practice to include any facial or neck cosmetic surgery.

b. 2014-2018: Dr. Guirguis Performs Facial/Neck Cosmetic Surgeries Outside of Scope

13. In October 2017, the College received an inquiry from the Medical Director of an Out-of-Hospital Premises ("OHP") about Dr. Guirguis's permitted scope of practice. He sought to determine if Dr. Guirguis was permitted to perform facial cosmetic surgeries such as neck lifts and blepharoplasties. His inquiry was prompted by Dr. Guirguis's representation that he (Dr. Guirguis) had been approved by the College to perform facial cosmetic surgery. The Medical Director sought to confirm this information directly with the College. Dr. Guirguis had made a similar misrepresentation to other OHPs.
14. In November 2017, the College advised Dr. Guirguis that it learned that he intended to perform facial cosmetic procedures, and reminded him that he was not permitted to do so as this was outside his approved change of scope (attached at Tab 5 to the Statement of Uncontested Facts and Plea of No Contest). Dr. Guirguis was advised to contact the College's change of scope area should he wish to perform facial cosmetic surgery procedures. In reply, Dr. Guirguis specifically inquired of the College as to his approved scope of practice to perform cosmetic surgery (attached at Tab 6 to the Statement of Uncontested Facts and Plea of No Contest). The College again reminded Dr. Guirguis that he was not permitted to perform facial cosmetic surgical procedures, and that he would require a change of scope approval in order to expand his practice to include those procedures.
15. In light of this information, investigators were appointed under s. 75(1)(a). The investigation revealed that between November 2014 and January 2018, Dr. Guirguis performed 23 facial cosmetic procedures outside of his permitted scope of practice. Specifically, Dr. Guirguis performed 12 blepharoplasty procedures (upper and/or lower), 5 neck liposuctions, and 6 neck lifts.
16. In engaging in the conduct described at paragraphs 2 to 15, Dr. Guirguis engaged in an act or omission relevant to the practice of medicine that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional.

III. Advertising

17. In investigating Dr. Guirguis's performance of surgical cosmetic procedures, the College investigator reviewed Dr. Guirguis's website (<https://lakeviewsurgery.com>). As of April 30, 2019, Dr. Guirguis provided false, misleading or deceptive information on his website, as well as testimonials and comparative and superlative statements. He:
- a) purported to be "certified by the College of Physicians and Surgeons of Ontario (CPSO) to perform cosmetic surgery", and displayed the College's crest and logo, which linked to the CPSO website;
 - b) in a "True or False" section of his website, asserted "Dr. G has received praise from 'The Man' (The Quality Assurance Committee) of the CPSO" claiming "It's true! The Quality Assurance Committee of the CPSO has commented on the high quality of care that Dr. G provides. Who do you trust if not the CPSO?";
 - c) displayed patient testimonials and before/after photographs; and
 - d) claimed to have been voted as "Top Plastic Surgery Clinic of 2014" in the City of Barrie, listed "5 Reasons Why Dr. Guirguis is a Top Cosmetic Surgeon", and claimed to be the "Top Cosmetic Surgery Clinic in Barrie, ON".
18. On May 8, 2019, the College Investigator wrote to Dr. Guirguis, asking him to address the contents of his website.
19. On June 6, 2019, the investigator again reviewed Dr. Guirguis's website. Dr. Guirguis had removed the College's crest and logo, and his claim to be "certified" by the College. However, Dr. Guirguis's claims to be the "top cosmetic surgery clinic" in Barrie remained, as did various before and after pictures. Dr. Guirguis had also added a video testimonial of a patient on whom Dr. Guirguis claimed to have performed abdominoplasty.
20. The website <https://lakeviewsurgery.com> is no longer operational.
21. In engaging in the conduct described at paragraphs 17 to 20, Dr. Guirguis contravened Ontario Regulation 114/94 made under the *Medicine Act, 1991*, and engaged in an act or omission relevant to the practice of medicine that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional.

IV. "Refund Policy" Form

22. In February 2019, Patient A complained to the College that Dr. Guirguis had failed to provide her with a refund for a procedure that had been scheduled, but not performed. Patient A had been scheduled to undergo abdominal and flank liposuction in October 2018. However, the procedure was cancelled on the day of the surgery due to a miscommunication between Dr. Guirguis and Patient A regarding the level of anesthesia that would be required for the procedure. Patient A was dissatisfied with the amount of the refund she had received, which was only a partial refund of the full fee she had paid.

23. In investigating Patient A's complaint, the College obtained Dr. Guirguis's chart for Patient A. The chart contained a Release of Liability/Refund Policy Form ("the Form") that Dr. Guirguis had required Patient A to sign at a pre-operative visit in September 2018 (attached at Tab 7 to the Statement of Uncontested Facts and Plea of No Contest). Among other things, the form stated:
- a) "This agreement is confidential and will not be discussed with others"; and
 - b) "I agree not to bring any civil action or college complaint against Dr. Guirguis".
24. In utilizing the Form, and requiring Patient A to sign the Form, Dr. Guirguis engaged in an act or omission relevant to the practice of medicine that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional.

PART II – PLEA OF NO CONTEST

25. Dr. Guirguis does not contest the facts at paragraphs 1 to 24 above, and does not contest that, based on these facts, he engaged in professional misconduct under:
- i. paragraph 1(1)27 of Ontario Regulation 856/93 made under the *Medicine Act, 1991* ("O. Reg. 856/93"), in that he has contravened the Act, the *Regulated Health Professions Act, 1991* or the regulations under either of those Acts; and
 - ii. paragraph 1(1)33 of O. Reg. 856/93, in that he engaged in acts or omissions relevant to the practice of medicine that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional.

Rule 3.02 – Plea of no contest

- [5] Rule 3.02 of the Rules of Procedure of the Discipline Committee regarding a plea of no contest states:

3.02(1) Where a member enters a plea of no contest to an allegation, the member consents to the following:

that the Discipline Committee can accept as correct the facts alleged against the member on that allegation for the purposes of College proceedings only;

that the Discipline Committee can accept that those facts constitute professional misconduct or incompetence or both for the purposes of College proceedings only; and that the Discipline Committee can dispose of the issue of what finding ought to be made without hearing evidence.

Findings

- [6] We accept the facts set out in the Statement of Uncontested Facts and Plea of No Contest. We find that Dr. Guirguis contravened the *Medicine Act, 1991*, the *Regulated Health Professions Act, 1991* or the regulations under either of those Acts; and engaged in acts or omissions relevant to the practice of medicine that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional.

Penalty and Reasons for Penalty

Facts On Penalty

- [7] The following facts were set out in an Agreed Statement of Facts (Penalty) which was filed as an exhibit and presented to the Committee:

February 2012 – ICRC Decision

1. On February 22, 2012, the ICRC considered a complaint that there were testimonials favourable to Dr. Guirguis on a website that linked to Dr. Guirguis's website for Lakeview Surgery Centre and that was operated by colleagues of Dr. Guirguis's.
2. The ICRC counselled Dr. Guirguis that he must be responsible for all content on his website, including links, and he must monitor those links to ensure they comply with Advertising regulations. A copy of the ICRC's decision dated February 22, 2012 is attached at Tab 1 to the Agreed Statement of Facts (Penalty).

February 2014 – ICRC Decision

3. On February 19, 2014, the ICRC considered a complaint that Dr. Guirguis had testimonials on his website for Lakeview Surgery, in breach of the Advertising regulations.
4. The Committee shared the concern about the inclusion of information that would be regarded as testimonials on Dr. Guirguis's website. Dr. Guirguis submitted that he was not directly involved in Lakeview Surgery's marketing program or website management, and that Lakeview Surgery had retained a private company to design its website and manage the website's content. However, the Committee was troubled to see that testimonials were posted on his website, given that Dr. Guirguis has already been made aware of his obligation to monitor the Lakeview Surgery website to ensure compliance with the Advertising regulations.
5. The ICRC cautioned Dr. Guirguis to ensure that he adequately monitors the advertisements for Lakeview Surgery and ensures that they are in compliance with the Advertising Regulations. A copy of the ICRC's decision

dated February 19, 2014 is attached at Tab 2 to the Agreed Statement of Facts (Penalty).

NO HISTORY BEFORE THE DISCIPLINE COMMITTEE

6. Dr. Guirguis has no prior history before the Discipline Committee.

UNDERTAKING NOT TO REAPPLY

7. Dr. Guirguis's certificate of registration with the College expired on September 4, 2020. He is no longer a member of the College. He is not currently registered to practise medicine in any jurisdiction, and does not have any outstanding applications for registration to practice medicine in any jurisdiction. Effective November 23, 2020, Dr. Guirguis has undertaken not to apply or re-apply for registration as a physician to practise medicine in Ontario or any other jurisdiction.

Analysis Regarding Penalty

General Principles

- [8] Although we have discretion to accept or reject a joint submission on penalty, the law provides that we should not depart from a joint submission unless the proposed penalty would bring the administration of justice into disrepute or is otherwise not in the public interest (*R. v. Anthony-Cook*, 2016 SCC 43).
- [9] We must also be assured that the joint submission on penalty satisfies the basic principles underlying penalty orders. These principles include public protection and maintaining public confidence in the College's ability to regulate the profession in the public interest. The penalty must express our denunciation of the misconduct and the penalty must act as a deterrent, specifically to the member and more widely to the profession as a whole. As Dr. Guirguis has resigned his certificate of registration to practise medicine, rehabilitation of the member is not applicable to this matter. Another principle is that of proportionality, in that the penalty should be proportionate to the misconduct.

The Nature of the Misconduct

Performing Cosmetic Surgery outside of Scope of Practice

- [10] We found that Dr. Guirguis's flagrant disregard of the limitations on his scope of practice could have endangered the public. The College made Dr. Guirguis aware

in 2011 of his scope of practice and the procedure required to change this. In 2012, the College approved an increase in Dr. Guirguis's scope of practice to include cosmetic procedures that were limited to breast augmentation, abdominoplasty as well as flank liposuction. Despite clear correspondence as to his scope of practice, he went on to perform a total of 23 head and neck cosmetic procedures over a four-year period, from 2014 to 2018, that were outside of his scope of practice. This behaviour put the public at risk.

[11] Further, he misrepresented his scope of practice to administrators of several OHPs regarding facial cosmetic surgery. This was a serious abuse of the trust placed in him by colleagues and administrators.

[12] Dr. Guirguis's disregard of the limitations on his scope of practice and his dishonesty also undermined the ability of the College to fulfill its mandate to protect the public and to maintain the public's confidence in the College's ability to regulate its members. Dr. Guirguis's behaviour demonstrated ungovernability.

Advertising

[13] The ICRC counselled Dr. Guirguis in 2012 and issued a caution to him in 2014 about his website advertising.

[14] The College investigator again reviewed Dr. Guirguis's website in 2019 during the investigation of his surgical cosmetic procedures, and found that as of April 30, 2019, Dr Guirguis provided false, misleading or deceptive information on his website, including a statement that he was "certified by the CPSO to perform cosmetic surgery" and that "the 'Man,' [as he characterized the College's Quality Assurance Committee] has commented on the high quality of care that Dr G provides." This highly inappropriate content, implying College endorsement/recommendation, also included the crest and logo of the College on Dr. Guirguis's website.

[15] Dr. Guirguis also used testimonials and superlative statements on his website in contravention of the Advertising Regulation. On June 6, 2019, a College investigator again reviewed Dr. Guirguis's website and, although he had removed

his claim to be “certified” by the College, he had kept his claim to have the “top cosmetic clinic in Barrie” and had added a video testimonial.

- [16] Considering his ongoing refusal to adhere to the Advertising Regulation, persistent over many years, we conclude that Dr. Guirguis displayed a blatant disregard for expected professional behaviour.

Refund Policy Form

- [17] The Release of Liability/Refund Policy Form that Dr. Guirguis had Patient A sign included the statements:

- a) “This agreement is confidential and will not be discussed with others”; and
- b) “I agree not to bring any civil action or college complaint against Dr. Guirguis.”

- [18] The use of this form was an explicit attempt by Dr. Guirguis to prevent patients from reporting complaints to the College. The complaints process of the College relies on patients coming forward and is essential to the College’s ability to fulfil its mandate in protecting the public. Dr. Guirguis’s practice of having patients sign such a form was unfair to patients and dishonored the profession.

Summary

- [19] We find that Dr. Guirguis exhibited a cavalier attitude towards professional requirements and proved himself to be ungovernable.

Aggravating Factors

- [20] We consider the following to be aggravating factors, which increase the seriousness or culpability of Dr. Guirguis’s conduct.
- [21] Dr. Guirguis’s behaviour was persistent and longstanding. Over a four-year period, he performed 23 neck and facial cosmetic surgeries that were outside of his scope of practice, despite numerous reminders and warnings from the College beginning in 2011, with repeated reminders in the ensuing years. He chose to ignore the very clear correspondence from the College concerning his approved scope of practice.

- [22] Dr. Guirguis had two ICRC complaints, in 2012 and 2014, with respect to his advertising with clear correspondence from the College, and yet he continued to breach the Advertising Regulation up to 2019.
- [23] We are of the view that Dr. Guirguis's behaviour proved him to be ungovernable in that he persisted in performing surgeries outside of his scope of practice and continued in his breach of the Advertising Regulation. This reflects an attitude that the rules did not apply to him.
- [24] As well, Dr. Guirguis frustrated the ability of the College to fulfil its mandate to protect the public by deliberately performing cosmetic procedures that he had not been verifiably educated or trained to perform.
- [25] In his use of the Liability/Refund Policy Form, Dr. Guirguis tried to prevent patients from complaining to the College. This was an attempt to undermine the College's complaints process and showed little regard for the rights of his patients.

Mitigating factors

- [26] We consider the following to be mitigating factors, which lessened the seriousness or culpability of Dr. Guirguis's conduct.
- [27] This is Dr. Guirguis's first appearance before the Discipline Committee.
- [28] His plea of no contest saved the College time and expense as well as saving any potential witnesses from testifying.
- [29] Dr. Guirguis's certificate of registration expired in September 2020 and he did not renew it. Dr. Guirguis has signed an undertaking not to apply or re-apply as a physician to practice in this or any other jurisdiction. This ensures the protection of the public from any further actions by Dr. Guirguis.

Prior Cases

- [30] Although prior Committee decisions are not binding as precedent, the Committee has accepted as a principle of fairness that generally, like cases should be treated alike.
- [31] In the following three cases, the physician resigned from the College and undertook not to reapply. In all three cases, the order included a reprimand and costs of the hearing.
- [32] In *Ontario (College of Physicians and Surgeons of Ontario) v. Attuah*, 2015 ONCPSD 6, the Committee found that the physician committed an act of professional misconduct in that he failed to retain a clinical supervisor, contrary to an undertaking he had given. The parties presented a joint submission on penalty. Dr. Attuah signed an undertaking to resign from the College and to never reapply. He was ordered to attend for a reprimand and to pay costs to the College.
- [33] In *Ontario (College of Physicians and Surgeons of Ontario) v. Singh*, 2020 ONCPSD 30, the physician contravened a term, condition or limitation on his certificate of registration when he failed to have a practice monitor for female patients as required. The Committee found he had committed an act of professional misconduct. The parties presented a joint submission on penalty. Dr. Singh signed an undertaking to resign from the College and to never reapply. He was ordered to attend for a reprimand and to pay costs to the College.
- [34] In *Ontario (College of Physicians and Surgeons of Ontario) v. Hyde*, 2019 ONCPSD 48, the Committee found that the physician committed an act of professional misconduct in that, among other things, he failed to maintain the standard of practice of the profession; engaged in inappropriate billing practices; and engaged in unprofessional communications, boundary violations and conflicts of interest. Dr. Hyde agreed to resign and to never reapply for registration. The parties presented a joint submission on penalty. Dr. Hyde was ordered to attend for a reprimand and to pay costs to the College.

[35] Even though the misconduct in those cases was different from the misconduct in this case, the conduct was similar in that it put patients at risk and undermined the ability of the College to regulate the profession in the public interest.

Conclusion on penalty and costs

[36] We accept the jointly proposed penalty as a just sanction in this matter.

[37] The most important penalty principle of protection of the public was ensured by Dr. Guirguis's undertaking not to apply or re-apply for registration as a physician to practise medicine in Ontario or any other jurisdiction. The reprimand achieves denunciation of the misconduct, serves as a general deterrent, and helps to maintain the confidence of the public in the profession.

[38] The cost of a half-day hearing is reasonable and is proportionate.

ORDER

[39] We stated our findings in paragraph 1 of the written order of November 24, 2020, in which we ordered that:

2. Dr. Guirguis attend before the panel to be reprimanded.
3. Dr. Guirguis pay costs to the College in the amount of \$6,000.00 within 30 days of the date of this Order.

REPRIMAND

[40] At the conclusion of the hearing, Dr. Guirguis waived his right to an appeal under subsection 70(1) of the Code and we administered the public reprimand via videoconference.

TEXT of PUBLIC REPRIMAND
Delivered November 23, 2020
in the case of the
COLLEGE OF PHYSICIANS and SURGEONS of ONTARIO
and
DR. EMAD MIKHAIL GUIRGUIS

Dr. Guirguis:

The College relies on the honesty and integrity of its members in order to govern the profession in the public interest. This panel is dismayed by your dishonesty which involved the College, other health professionals and the public. You misled the College when you performed procedures that were outside your scope of practice, which is a serious abuse of trust and undermines the ability of the College to fulfil its role.

Further, you were frankly dishonest in representing to a number of out of hospital facilities that you were qualified to perform facial cosmetic procedures such as blepharoplasty and neck lifts, which were clearly beyond your scope of practice. Such behavior reflects deleteriously on professional relationships and undermines the trust placed in physicians by colleagues and administrators. In addition, the public is misled when patients place trust in physicians they believe to be qualified to perform cosmetic procedures when they have not been approved by the College to do so.

As far back as 2011, you were fully aware of the limitation on the procedures you could perform and the College's position on how to apply for any change or expansion of your scope of practice. The College's expectation in this regard is clear and was described in full in documents which were provided to you. You were repeatedly advised as to the cosmetic procedures you could perform and specifically what was necessary should you seek to expand your practice to include other procedures. In 2017, you were specifically warned that you were not approved to perform facial cosmetic surgery. Nonetheless, you performed 23 procedures over the years 2014 to 2018 which exceeded your scope of practice. This speaks to a purposeful intent to deceive.

This is not an official transcript

This behaviour from a member of the College clearly cannot be tolerated.

Your attitude to website advertising is a further example that you viewed your practice as beyond regulation. Again, you were warned repeatedly that your website contained information that was false, misleading or deceptive. This included inappropriate content implying College endorsement/recommendation, the use of testimonials and comparative and superlative statements. Your attempt to correct this situation was half-hearted. You failed to take responsibility to monitor the problem. While removing comments regarding the College, you allowed a further testimonial and shifted blame to others.

Your requirement to have patients sign a Release of Liability/Refund Form in the circumstances of your practice is unfair to patients and dishonours the profession. Such a requirement clearly sets your personal interest above that of your patients

The actions enumerated above illustrate that you flout the regulations of the profession, have little regard for your governing body and further may have endangered patients' wellbeing by performing procedures you were not qualified to perform. Had you not resigned and undertaken not to reapply in any jurisdiction, this panel would have ensured that the public and profession would be protected by revoking your certificate of registration.

This is not an official transcript