

NOTICE OF PUBLICATION BAN

In the College of Physicians and Surgeons of Ontario and Dr. Ramzy, this is notice that the Discipline Committee ordered that no person shall publish or broadcast the identity of the complainant or any information that could disclose the identity of the complainant 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... 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.

Indexed as: **Ontario (College of Physicians and Surgeons of Ontario) v. Ramzy, 2016 ONCPSD 27**

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

IN THE MATTER OF a Hearing directed by the Inquiries, Complaints and Reports Committee of the College of Physicians and Surgeons of Ontario pursuant to Section 26(1) of the **Health Professions Procedural Code** being Schedule 2 of the *Regulated Health Professions Act, 1991*, S.O. 1991, c. 18, as amended.

B E T W E E N:

THE COLLEGE OF PHYSICIANS AND SURGEONS OF ONTARIO

- and -

DR. MEDHAT NADER RAMZY

PANEL MEMBERS:

**DR. P. POLDRE
MR. P. GIROUX
DR. M. DAVIE
MR. J. LANGS
DR. P. TADROS**

**COUNSEL FOR THE COLLEGE OF PHYSICIANS AND SURGEONS OF
ONTARIO:**

MS. A. CRANKER

COUNSEL FOR DR. RAMZY:

MR. J. KOZIEBROCKI

INDEPENDENT COUNSEL FOR THE DISCIPLINE COMMITTEE:

MR. R. COSMAN

PUBLICATION BAN

Hearing Date: August 9, 2016

Decision Date: August 9, 2016

Release of Written Reasons: August 22, 2016

DECISION AND REASONS FOR DECISION

The Discipline Committee (the “Committee”) of the College of Physicians and Surgeons of Ontario heard this matter at Toronto on August 9, 2016. At the conclusion of the hearing, the Committee stated its finding that the member committed an act of professional misconduct and delivered its penalty and costs order with written reasons to follow.

THE ALLEGATION

The Notice of Hearing alleged that Dr. Ramzy committed an act of professional misconduct:

1. under paragraph 1(1)33 of O. Reg. 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 ALLEGATION

Dr. Ramzy admitted the allegation in the Notice of Hearing, 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.

THE FACTS

The following facts were set out in an Agreed Statement of Facts and Admission that was filed as an exhibit and presented to the Committee:

PART 1 – FACTS

Background

1. Dr. Medhat Nader Ramzy (“Dr. Ramzy”) is a 59-year-old physician who obtained his certificate of registration in 1999.
2. Dr. Ramzy is a family physician practicing in Scarborough, Ontario at Pro Care Medical Clinic, a large walk-in and family medical practice Clinic.

Doctor-Patient Relationship: Beginning and End

3. Patient A was treated by Dr. Ramzy at Pro Care Medical Clinic from June of 2007 until June 2011. In June of 2011 she decided she did not want to be treated by Dr. Ramzy anymore and the doctor-patient relationship terminated. Other family physicians at other locations assumed care for her, and she received care from them on dates in October 2011; November 2011; December 2011; two dates in February 2012; March 16, 2012; and three dates in June 2012.
4. Patient A’s spouse, Mr. B (“Mr. B”) was a patient of Dr. Ramzy until his death in December 2011.

Subsequent Relationship

5. On a date in July 2012, over a year after the termination of the doctor-patient relationship, Patient A attended the clinic with her teenage son, C, for his annual physical examination. This was C’s first and only appointment with Dr. Ramzy.
6. During C’s appointment, Patient A learned from Dr. Ramzy that he was single. After the examination, Dr. Ramzy left C in the examination room and went to his personal office to complete C’s paperwork. Patient A went to Dr. Ramzy’s office. Patient A and Dr. Ramzy agreed to go out socially together. Plans were made for Patient A and Dr. Ramzy to go out for dinner together that night. C remained in the examination room while these arrangements were made in Dr. Ramzy’s office.

7. That evening Patient A and Dr. Ramzy ate dinner at a restaurant. Following dinner, Dr. Ramzy drove Patient A to his home, where they engaged in sexual intercourse.
8. A sexual relationship between Patient A and Dr. Ramzy followed, which commenced in mid-July 2012 and ended no later than mid-August 2012. After this time, Dr. Ramzy and Patient A no longer engaged in sexual relations.

Further Interactions with Dr. Ramzy

9. Following the termination of the social relationship by Dr. Ramzy, Patient A wrote several emails to Dr. Ramzy threatening to complain to the College about Dr. Ramzy's care of her late husband. On August 15, 2012, Patient A wrote to Dr. Ramzy that he "will pay the price for your irresponsible behavior." On August 26, 2012, Patient A wrote that she was "starting to file a complain [sic] about your reckless behaviour on my late husband case." Patient A also referenced filing the complaint about her late husband in her email of September 1, 2012.
10. On a date in October 2012, Patient A attended at the Pro Care Medical Clinic, seeking treatment for shortness of breath and an irregular heartbeat. The cardiologist at the clinic required a referral to see Patient A. Dr. Ramzy was the only family physician at the clinic at that time and agreed, because of the apparent urgency, to see Patient A on that day. Dr. Ramzy's entry in Patient A's chart indicates that she attended to manage her chest pain. She requested a flu shot, a referral to a gynaecologist for contraception, and a CT scan for chest and heart. Dr. Ramzy referred Patient A to the cardiologist who was in the office the same day to manage her chest pain.
11. Three days later, on a later date in October 2012, Patient A received care from Dr. Ramzy at Pro Care Medical Clinic. Dr. Ramzy's entry in Patient A's chart indicates that she attended that day for a CT scan for her chest, reporting a chronic cough.

12. On a date in September 2013, Patient A attended Dr. Ramzy's practice for a cardiac work report and a stress echo test. Dr. Ramzy's entry reads: "she threatened me regarding her husband case, he died...3 years ago, she wants money from me or she is going to complain to the College. She was told that nothing wrong in her husband case. I will not give her money if she wants to complain she can [sic]."
13. Patient A's medical records, together with a transcription of the records are attached at Tab A of the Agreed Statement of Facts and Admission.

Patient A's Complaints to the College

14. In October of 2013, Patient A made two complaints to the College against Dr. Ramzy: one with respect to the care her late husband had received and one with respect to feeling "used" after Dr. Ramzy dated her for two months.
15. The College obtained an Independent Opinion with respect to Dr. Ramzy's care of Mr. B. The assessor found Dr. Ramzy to have met the standard of care. As such, the Inquiries, Complaints and Reports Committee took no further action with respect to Patient A's complaint about the care her husband received from Dr. Ramzy.

ADMISSION

16. Dr. Ramzy admits the facts above and admits that he engaged in an act of professional misconduct in that he engaged in conduct or an act or omission relevant to the practice of medicine that, having regard to all of the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional contrary to section 1(1)33 of O. Reg. 856/93 made under the *Medicine Act, 1991* by planning a social encounter during C's medical appointment and by treating Patient A too soon, given their recent sexual relationship.

FINDING

The Committee accepted as true all of the facts set out in the Agreed Statement of Facts and Admission. Having regard to these facts, the Committee accepted Dr. Ramzy's admission and found that he committed an act of professional misconduct in that he engaged in conduct or an act or omission relevant to the practice of medicine that, having regard to all of the circumstances, would reasonably be regarded by members as disgraceful, dishonourable, or unprofessional.

PENALTY AND REASONS FOR PENALTY

Counsel for the College and Counsel for the member made a joint submission as to an appropriate penalty and costs order.

The proposed penalty consisted of a reprimand, a three-month suspension of Dr. Ramzy's certificate of registration, and the term, condition and limitation on his certificate that he shall successfully complete a College-approved course on understanding boundaries. The proposed penalty also included the requirement that Dr. Ramzy pay the cost of a one-day hearing to the College within 30 days of the order.

The Committee must ensure that the proposed penalty will satisfy the guiding principles established by the Courts in determining an appropriate penalty.

A penalty should express the profession's abhorrence of the physician's behaviour and serve to maintain the public's confidence in the profession's ability to self-regulate in the public interest. A penalty must send a strong message to the member himself, and to the membership at large, that such transgressions will not be tolerated by the College. The penalty must protect the public from such misconduct in the future. Finally, in as far as it is possible, the penalty should serve to help with the rehabilitation of the subject doctor.

Physicians are called upon to provide professional services to trusting patients. By virtue of this fact, an inherent power imbalance exists in all doctor-patient interactions and relationships. The patient is the vulnerable party. The physician is expected to maintain professional boundaries at all times.

In addition to the expectation that these very basic tenets of medical practise are known to all registered physicians, the College publishes policies for all Ontario physicians to be very clear on their responsibilities. College Policy #2-16, The Physician Treatment of Self, Family Members or Others Close to Them policy, revised in November 2006, clearly states that “physicians must not provide treatment to a spouse, partner, or anyone else with whom they are sexually or romantically involved beyond the circumstances of a minor condition or emergency, where no other qualified health care professional is readily available.”

Dr. Ramzy had a sexual relationship with Patient A which ended in August 2012. It is understandable that he provided emergent care to Patient A in the face of a cardiac problem in October of that year. In contrast to that first doctor-patient interaction which resulted in an urgent referral to a cardiologist, Dr. Ramzy admits, and his records show, that he went on to provide general care to Patient A in his family practice. He provided routine care including a flu shot, a gynecologic referral, and an assessment of an upper respiratory infection.

The Committee is of the view that if Dr. Ramzy had initially maintained a clear doctor-patient boundary with Patient A when she returned to his office in July 2012, not for care for herself but for her son, he might not have found himself before the Committee. The fact that his personal romantic status was discussed during the course of that medical appointment, and that arrangements were made in his office for the subsequent social and sexual interaction with Patient A, is completely unprofessional.

This transgression laid the groundwork for a further breach in professional standards, when Dr. Ramzy decided to provide Patient A with more than emergent care in October 2012, shortly after their sexual relationship had ended in August 2012.

Medical appointments must never be used as opportunities to meet sexual partners. In addition, after it was clear that Patient A was not at imminent risk with respect to her cardiac situation in October 2012, Dr. Ramzy should not have continued to provide her with routine health care.

The Committee is appreciative of the fact that Dr. Ramzy admitted to the allegation of professional misconduct and sought to resolve this matter without the need for the complainant to be further involved by testifying at a lengthy, costly contested hearing. The Committee also notes that Dr. Ramzy has no previous discipline findings with the College.

The Committee is aware of the very high bar set by the courts that a joint proposal on penalty should be given effect unless to do so would be contrary to the public interest and bring administration of justice into disrepute.

Two cases were put before the Committee to consider as like cases. However, no two cases are ever completely alike, and each case must be considered on the basis of its own facts. The Committee is confident that the proposed penalty lies within the penalty range of these other cases, and is also fair and just. The public will be protected by the penalty proposed by the parties in their joint submission. Accordingly, the Committee accepted the joint submission on penalty.

The panel has the discretion, in appropriate cases, to award costs. This is such a case. Dr. Ramzy has admitted the allegation and therefore should bear at least some of the costs incurred by the College for the hearing. The Committee awards the tariff cost of one-day of hearing to the College, to be paid by Dr. Ramzy within 30 days of the date of the order.

ORDER

The Committee's finding of professional misconduct set out above is contained in paragraph 1 of its written order of August 9, 2016. On the matter of penalty and costs, the Committee ordered and directed by its order of August 9, 2016, that:

2. The Registrar suspend Dr. Ramzy's certificate of registration for a period of three (3) months, to take effect at 12:01 a.m. on August 23, 2016.
3. Dr. Ramzy attend before the Committee to be reprimanded.
4. The Registrar impose the following terms, conditions and limitations on the certificate of registration of Dr. Ramzy:
 - a. Dr. Ramzy shall successfully complete the next available course in "Understanding Boundaries", at his own expense.
5. Dr. Ramzy pay to the College costs in the amount of \$5,000.00, within thirty (30) days of the date of the Order of August 9, 2016 (i.e. by September 8, 2016).

At the conclusion of the hearing, Dr. Ramzy waived his right to an appeal under subsection 70(1) of the Code, and the Committee administered the public reprimand.