

ONTARIO PHYSICIANS AND SURGEONS DISCIPLINE TRIBUNAL

College of Physicians and Surgeons of Ontario

College

- and -

Suman Khulbe

Member

NOTICE OF HEARING

On June 1, 2023 a panel of the Inquiries, Complaints and Reports Committee of the College referred specified allegations of Dr. Khulbe's professional misconduct and/or incompetence to the Tribunal.

The specified allegation(s) are:

1. that Dr. Khulbe has committed an act of professional misconduct:
 - a. under clause 51(1)(b.1) of the Health Professions Procedural Code which is Schedule 2 to the *Regulated Health Professions Act, 1991*, S.O. 1991, c.18 (the "Code") in that the member engaged in sexual abuse of a patient; and
 - b. under paragraph 1(1)33 of Ontario Regulation 856/93 made under the *Medicine Act, 1991* ("O. Reg. 856/93"), in that the member 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.

Further information about the allegations is contained in Schedule "A" to this Notice of Hearing.

The Tribunal will hold a hearing under sections 38 to 56 of the Health Professions Procedural Code (Code) and the *Statutory Powers Procedure Act*, on a date or dates to be set at a case management conference, to decide whether the member has committed an act or acts of professional misconduct and/or is incompetent.

The College will file this Notice with the Tribunal. The Tribunal will then set a date for the first case management conference and send it to the parties with more information about the Tribunal's process.

If the member or their representative does not attend the case management conference or the hearing, the Tribunal may proceed in the member's absence and the member is not entitled to any further notice in the proceeding.

If the Tribunal finds the member committed an act or acts of professional misconduct, it may make one or more of the following orders under subsections 51(2) of the Code.

- direct the Registrar to revoke the member's certificate of registration.
- direct the Registrar to suspend the member's certificate of registration for a specified period of time.
- direct the Registrar to impose specified terms, conditions and limitations on the member's certificate of registration for a specified or indefinite period of time.
- require the member to appear before the Tribunal to be reprimanded.
- require the member to pay a fine of not more than \$35,000 to the Minister of Finance.
- if the act of professional misconduct was the sexual abuse of a patient, require the member to reimburse the College for funding provided for that patient under the program and/or require the member to post security acceptable to the College to guarantee this payment.

The Tribunal may, under subsection 53.1 of the Code, require the member to pay all or part of the College's costs and expenses.

The Tribunal's website (www.opsdt.ca) includes the Tribunal's Rules of Procedure, Practice Directions and guides to the process.

Date: 2023-06-01

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SCHEDULE "A"

1. Dr. Suman Khulbe ("Dr. Khulbe") is a physician who practices medicine in Kanata, Ontario.

Patient A

2. Between approximately 2017 and 2019, Patient A, whose identity has been disclosed under separate cover, was Dr. Khulbe's patient.
3. During the physician-patient relationship, Dr. Khulbe engaged in sexual abuse of and/or disgraceful, dishonourable or unprofessional conduct in relation to Patient A, including but not limited to, by:
 - a. Engaging in a sexual relationship with Patient A, including genital and anal touching of a sexual nature, masturbating Patient A and having Patient A masturbate her, oral sex, kissing and having Patient A touch her genitals and breasts;
 - b. Failing to maintain appropriate boundaries with Patient A, including in her conduct and communications;
 - c. Inappropriately administering medication and/or other substances to Patient A and/or inappropriately providing Patient A with medication and/or other substances; and
 - d. Inappropriately having Patient A administer medication and/or other substances to her.

Patient B

4. Between approximately 2015 and 2020, Patient B, whose identity has been disclosed under separate cover, was Dr. Khulbe's patient.
5. During the physician-patient relationship, Dr. Khulbe engaged in disgraceful, dishonourable or unprofessional conduct in relation to Patient B, including but not limited to, by:
 - a. Failing to maintain appropriate boundaries with Patient B, including in her conduct and communications;
 - b. Inappropriately administering medication and/or other substances to Patient B; and
 - c. Inappropriately disclosing personal health information of Patient B to others.

Patient C

6. Between approximately 2014 and 2017, Patient C, whose identity has been disclosed under separate cover, was Dr. Khulbe's patient.
7. During the physician-patient relationship, Dr. Khulbe engaged in disgraceful, dishonourable or unprofessional conduct in relation to Patient C, including but not limited to, by:
 - a. Failing to maintain appropriate boundaries with Patient C, including in her conduct and communications; and
 - b. Inappropriately disclosing personal health information of Patient C to others and/or inappropriately disclosing personal health information of other patients to Patient C.

Patient D

8. Between approximately 2017 and 2018, Patient D, whose identity has been disclosed under separate cover, was Dr. Khulbe's patient.
9. During the physician-patient relationship, Dr. Khulbe engaged in disgraceful, dishonourable or unprofessional conduct in relation to Patient D, including but not limited to, by:
 - a. Failing to maintain appropriate boundaries with Patient D, including in her conduct and communications; and
 - b. Inappropriately administering medication and/or other substances to Patient D.

Other Disgraceful, Dishonourable or Unprofessional Conduct

10. Dr. Khulbe also engaged in disgraceful, dishonourable or unprofessional conduct including, but not limited to, by failing to maintain appropriate boundaries with patients including by hosting social gatherings and/or parties at her medical practice, that patients attended; consuming alcohol with and/or in the presence of patients; and inappropriately administering medication and/or other substances to others and to herself and/or having others inappropriately administer medication and/or other substances to her.

ADDITIONAL INFORMATION ABOUT THE ALLEGATIONS AGAINST THE MEMBER WILL BE PROVIDED IN ADVANCE OF THE HEARING.