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

IN THE MATTER OF a Hearing directed
by the Executive Committee of The College of Physicians
and Surgeons of Ontario, pursuant to Section 36(1)
of the *Health Professions Procedural Code*, being Schedule 2
to the *Regulated Health Professions Act, 1991*,
S.O. 1991, c.18, as amended.

BETWEEN:

THE COLLEGE OF PHYSICIANS AND SURGEONS OF ONTARIO

- and -

DR. LIONEL SATYANAND SEWCHAND

PANEL MEMBERS:

DR. J. WATTS (CHAIR)
DR. N.C. DE
DR. Y. deBUDA
R. BRASSARD
R. DODDS

HEARING DATE: July 30, 2001

DECISION/RELEASED: July 30, 2001

DECISION AND REASONS FOR DECISION

This matter came before the Discipline Committee of the College of Physicians and Surgeons of Ontario, at Toronto, on July 30, 2001.

ALLEGATIONS

It was alleged in the Amended Notice of Hearing that Dr. Lionel S. Sewchand, a member of the College, has committed an act of professional misconduct:

1. Under clause 51(1) (a) of the *Health Professions Procedural Code* (“the Code”) which is Schedule 2 to the *Regulated Health Professions Act*, 1991, in that he has been found guilty of an offence that is relevant to his suitability to practice;
2. Under paragraph 1 (1)(33) of Ontario Regulation 856/93 made under the *Medicine Act*, 1991, S.O. 1993 (O. Reg. 856/93) in that he engaged in acts relevant to the practice of medicine that having regard to all the circumstances would be reasonably regarded by members, as disgraceful, dishonourable, or unprofessional; and
3. Under paragraph 1(1)(34) of O. Reg. 856/93, in that he engaged in conduct unbecoming for a physician.

AGREED STATEMENT OF FACTS

By way of a statement of Agreed Facts, Admission and Consent Disposition it was stated that on May 20, 1999, Dr. Sewchand was found guilty of the following:

1. That on or about July 24, 1997, he committed an assault on his wife, thereby committing an offence contrary to s.266 of the *Criminal Code* of Canada; and
2. That on or about July 24, 1997, he did verbally, knowingly utter a threat to his wife, to cause death, thereby committing an offence contrary to s.264 (1)(a) of the *Criminal Code* of Canada.

On the basis of these facts, Dr. Sewchand pleaded guilty to the charge of professional misconduct, under paragraph 1(1)(34) of O.Reg 865/93 made under the *Medicine Act*, 1991, S.O. 1993, O. Reg 865/93, in that he engaged in conduct unbecoming.

The College withdrew the two allegations that he committed an act of professional misconduct relevant to suitability to practice and an act that would be regarded by members as disgraceful, dishonourable or unprofessional.

The Committee heard that in May 1997, Dr. Sewchand assaulted his wife, following accusations by her of infidelity on the part of Dr. Sewchand. The assault consisted of hitting his wife with the telephone and punching her. Dr. Sewchand also made a threat to kill her. He was subsequently found guilty of assault and uttering a threat and received a conditional sentence of a total of 8 months of imprisonment to be served in the community subject to supervision, abstention from purchase and consumption of alcohol and drugs, abstention from owning and carrying any weapon and attendance at an Alternative Men's Program lasting twenty-two weeks, with the provision of a written report at the completion of the counselling sessions.

The Committee heard that Dr. Sewchand had attended the course required by the court and that he had registered for the next course to be held by the College, on physician boundary issues. He had investigated courses to be held in the community, in which he now lives, in regard to anger management.

On that point, Counsel made a joint submission on penalty. The only matter on which they disagreed was the amount of time needed to allow Dr. Sewchand to find and complete an approved anger management course. Counsel for the College recommended that the suspension should commence within 6 months whereas Counsel for the defence requested that the suspension commence within 12 months to allow Dr. Sewchand time to complete the course.

CONCLUSION

The Committee accepted the plea of guilty to conduct unbecoming a member of the profession. In considering the penalty to be imposed, the Committee noted that Dr.

Sewchand had already been found guilty, and subject to a form sentence in the community which placed restrictions on his freedom. The Committee also noted that no evidence of harm to patients had been placed before them and that there was no evidence of risk to members of the public. However, the Committee viewed the offence seriously and emphasized the need for continued input to maintain a change in Dr. Sewchand's behaviour. The Committee, therefore, strongly recommended that Dr. Sewchand continue to seek assistance, counselling and support for a period of at least two years after completion of the formal courses, agreed to in the joint submission.

The Committee imposes the penalty recommended by the joint submission and orders as follows:

- a) Dr. Sewchand shall attend before the Discipline Committee to be reprimanded with the fact of the reprimand to be recorded on the Register.
- b) The Discipline Committee directs the Registrar to suspend Dr. Sewchand's Certificate of Registration for a period of three months commencing on April 30, 2002, which suspension will be suspended if Dr. Sewchand completes the physician boundary course offered by the College and an anger management course approved by the College by April 30, 2002.
- c) Dr. Sewchand shall pay costs to the College in the amount of \$2,500 by December 31, 2001.

Dr. Sewchand waived his rights to appeal and the reprimand was administered.