

Indexed as: Attia (Re)

**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 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. AMINE NAGUIB ATTIA

PANEL MEMBERS:

**DR. M. GABEL (CHAIR)
DR. E. ATTIA (Ph.D.)
DR. F. SLIWIN
M. THOMPSON
DR. S. YOUNG**

Hearing Date:	July 16, 2009
Decision Release Date:	July 16, 2009
Release of Written Reasons:	August 13, 2009

DECISION AND REASONS FOR DECISION

The Discipline Committee of the College of Physicians and Surgeons of Ontario (the “Committee”) heard this matter at Toronto on July 16, 2009. At the conclusion of the hearing, the Committee stated its finding that the member committed an act of professional misconduct and delivered its penalty order with written reasons to follow.

THE ALLEGATIONS

The Notice of Hearing alleged that Dr. Attia committed acts of professional misconduct:

1. under paragraph 1(1)33 of Ontario Regulation 856/93 made under the *Medicine Act, 1991* (“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; and
2. under paragraph 1(1)34 of O. Reg. 856/93 in that he engaged in conduct unbecoming a physician.

RESPONSE TO THE ALLEGATIONS

Dr. Attia admitted the first allegation in the Notice of Hearing, that he 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 unprofessional. Counsel for the College withdrew the second allegation in the Notice of Hearing.

FACTS AND EVIDENCE

The following Statement of Agreed Facts was filed as an exhibit and presented to the Committee:

1. Dr. Amine Naguib Attia (“Attia”) is a member of the College of Physicians and Surgeons of Ontario (the “CPSO”).
2. Dr. Attia has been duly served with the Notice of Hearing in this matter dated May 20, 2008. In relation to the Notice of Hearing, Dr. Attia admits 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 unprofessional. In that regard, Dr. Attia admits that he provided inaccurate information to the CPSO in his application for Certificate of Registration Authorizing Independent Practice dated June 14, 2003 (the “Application”). A copy of the Application is attached hereto at Tab 1 [to the Statement of Agreed Facts].

3. Dr. Attia obtained his medical degree at Ain Shams University in Cairo Egypt in 1979. He completed a rotating internship at Ain Shams University Hospital between March 1979 and March 1980.
4. On March 1, 1980, Dr. Attia became a licensed physician in Egypt.
5. Dr. Attia held privileges at the Al Salam Hospital until 1988. He also commenced a general practice of medicine in Cairo at a medical centre.
6. During the period between 1988 and 1995, Dr. Attia traveled periodically between Egypt (where he practised at the medical centre) and Saudi Arabia (where he practised at a clinic). In the years leading up to and including 1995, he also prepared for and passed the Canadian Medical Evaluating Examination.
7. Dr. Attia immigrated to Canada in 1995.
8. Following his arrival in Canada, Dr. Attia continued to hold a license as a physician in Egypt until 2001. Dr. Attia maintains that he returned to Cairo for periods in 1996, 1998 and 2001, at which time he states that he attended patients at the medical centre. Dr. Attia admits that he did not practice medicine continuously between 1995 and 2001.
9. In May 2000, Dr. Attia completed Part I of the MCCQE.
10. In May 2001, Dr. Attia successfully completed Part II of the MCCQE.
11. In June 2001, Dr. Attia obtained the Licentiate Certificate of the Medical Council of Canada.

12. Between 2001 and 2003, Dr. Attia practised full time as a physician at a clinic in the central region of Newfoundland.

13. Dr. Attia submitted his Application to the CPSO on June 19, 2003.

14. In section 8 of the Application, Dr. Attia inaccurately stated that he practised as a general practitioner at a medical centre in Egypt for the period from May 1980 to May 2001. In fact, Dr. Attia emigrated from Egypt to Canada in 1995. Dr. Attia maintains that he returned to Cairo for periods in 1996, 1998 and 2001, and states that he attended patients on those occasions. However, he did not practice medicine continuously in Egypt or any other jurisdiction during the period between 1995 and 2001.

15. In his Application, Dr. Attia also answered “No” to the question, “Have you ever discontinued your undergraduate medical education, post-graduate medical training, or medical practice for one year or longer?” He should have answered “Yes”.

16. Further, Dr. Attia failed to disclose his period of practice at the clinic in Saudi Arabia in his Application.

17. Dr. Attia admits that his Application was inaccurate in the respects set out in paragraphs 14, 15 and 16 of this Agreed Statement of Facts. Dr. Attia further admits that he did not seek clarification from the CPSO concerning how to report his work history in his Application.

18. Based on his Application, Dr. Attia received an Independent Practice Certificate in Ontario in July 2003.

FINDING

The Committee accepted as true all of the facts set out in the Statement of Agreed Facts. Having regard to these facts, the Committee accepted Dr. Attia’s admission and found that he committed an act of professional misconduct in that he 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 unprofessional.

The Committee noted that Dr. Attia had a number of opportunities between 2003 and 2008 to report his multiple non-disclosures to the CPSO before questions were posed by the Executive Committee in May 2008, and he failed to do so.

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. The joint submission was as follows:

1. Dr. Attia successfully complete, at his own expense, the College's Medical Ethics and Informed Consent Course on the next available date, and in any event within six months of the date of this Order, and to provide proof thereof to the College;
2. Dr. Attia appear before the panel to be reprimanded;
3. Dr. Attia pay to the College costs in the amount of \$3,650 within 30 days of the date of the Order; and
4. The results of this proceeding be included in the register.

The following Statement of Agreed Facts on Penalty was filed as an exhibit and presented to the Committee:

1. Dr. Attia is 54 years of age and is a member of the Coptic Orthodox Church.
2. On March 1, 1980, Dr. Attia became a licensed physician in Egypt.
3. Between January and May 1997, following his immigration to Canada, Dr. Attia took continuing medical educational courses at the University of Toronto, Faculty of Medicine.
4. Between 1997 and 1999, Dr. Attia continued his medical education by studying and preparing for Part I of the Medical Council of Canada Qualifying Examination ("MCCQE"). Dr Attia also successfully undertook and passed the TOEFL (Test of English as a Foreign Language), TSE (Test of Spoken English) and TWE (Test of Written English).

5. To stay involved in health care, during the period between June 1 and December 1, 1999, Dr. Attia maintains that he worked as a volunteer medical technician in a laboratory at a hospital in Ontario until they hired him in a paid capacity. He maintains that he continued to work there in a paid capacity until June 10, 2001. During that period, Dr. Attia was continuing his medical education by studying and preparing for Part II of the MCCQE.

6. In March/April 2001, Dr. Attia successfully completed an Advanced Cardiac Life Support course offered by McMaster University, Faculty of Health Sciences.

7. In 2002, while practicing at the clinic in Newfoundland, Dr. Attia was informed that the Board of Trustees had recommended to the Privileges Committee that he be reappointed to active staff with full privileges in Family Medicine. Attached hereto as Schedule 1 [to the Statement of Agreed Facts - Penalty] is a copy of that notification. In addition, a December 17, 2001 letter to Dr. Attia thanking him for his contributions to the healthcare of his patients in the central region of Newfoundland is attached hereto as Schedule 2 [to the Statement of Agreed Facts - Penalty].

8. On June 10, 2002, Dr. Attia satisfactorily completed the Course in Advanced Trauma Life Support of the American College of Surgeons held in St. John's, Newfoundland.

9. By letter dated January 31, 2003, Dr. Attia was notified by the Medical Director of the Atlantic Provinces Medical Peer Review that the assessment of his practice had been placed in "... *Category 1, meaning that the practice is satisfactory, and that no further involvement with APMPR will be required.*" A copy of that notice is attached hereto as Schedule 3 [to the Statement of Agreed Facts - Penalty].

10. On June 6, 2003, Dr. Attia obtained certification from the College of Family Physicians of Canada ("CFPC").

11. In July 2003, Dr. Attia received an Independent Practice Certificate in Ontario. Since that time, Dr. Attia has continuously carried on a general family practice at medical centres in Mississauga, Ontario.

12. Dr. Attia wishes to submit the following reference of letters from colleagues and acquaintances:

- a) February 26, 2007 letter from Dr. B to the College of Physicians and Surgeons of Ontario (Schedule 4) [to the Statement of Agreed Facts - Penalty];
- b) February 24, 2007 letter from Dr. C (Schedule 5) [to the Statement of Agreed Facts - Penalty];
- c) February 23, 2007 letter from Mr. D to the College of Physicians and Surgeons of Ontario (Schedule 6) [to the Statement of Agreed Facts - Penalty];
- d) February 19, 2007 letter from Mr. E to the College of Physicians and Surgeons of Ontario (Schedule 7) [to the Statement of Agreed Facts - Penalty]; and
- e) February 27, 2007 letter from Dr. F, To Whom It May Concern (Schedule 8) [to the Statement of Agreed Facts - Penalty].

13. By letter dated March 1, 2007, Dr. G, Registrar of The College of Physician and Surgeons of Newfoundland and Labrador (“CPSNL”), stated that during the time that Dr. Attia practised in Newfoundland he was never the subject of any complaint to the CPSNL from members of the public or the medical profession in respect to his conduct or standard of medical practice. A copy of that correspondence is attached hereto at Schedule 9 [to the Statement of Agreed Facts - Penalty].

14. The College of Physicians and Surgeons of Ontario has received no complaints regarding Dr. Attia’s conduct or his standard of practice.

The Committee reviewed the evidence and considered the proposed penalty. In considering the penalty, the Committee was aware that the law requires that the joint submission be accepted unless to do so would be contrary to the public interest and would bring the administration of justice into disrepute.

The Committee was satisfied that the joint submission on penalty was appropriate and reflected the relevant principles of protection of the public, specific and general deterrence, maintaining the integrity of the profession and public confidence in self-regulation, and rehabilitation of the member.

In its deliberations, the Committee noted that counsel for the College and counsel for the member agreed, for the most part, that the case law cited in the Book of Authorities provided useful guidance in determining an appropriate penalty in this matter.

Among the mitigating factors which were acknowledged by the Committee were: letters of support for Dr. Attia, peer assessments from another jurisdiction and evidence of continued medical education activities during the time that Dr. Attia was not practising. These factors were relevant to the principle of public safety.

The Committee took into account the fact that public trust in the medical profession is based, in part, on the assurance that physicians are honest in all areas of their professional life. The Committee views misrepresentation as an extremely serious matter. The privilege of self-regulation requires, on the part of all members, absolute truthfulness and integrity in their dealings with the College.

Omissions and other inaccuracies on applications and re-applications are a serious breach of trust. With some time and effort, any applicant could obtain relevant policies and procedures from the College pertaining to Change Scope of Practice, Re-entering Practice, *etc.*, which would provide guidance in the proper application procedure.

The Committee believes that the reprimand and recording the proceedings in the register is an appropriate penalty and will serve as a specific deterrent, as well as increasing public confidence in self-regulation. Furthermore, the Committee believes that participation in the Ethics Course will help rehabilitate the member.

The Committee believes that this is an appropriate case in which to order costs, as per the tariff for a one-day hearing, as proposed in the joint submission.

ORDER

Therefore, the Committee ordered and directed that:

1. Dr. Attia successfully complete, at his own expense, the College's Medical Ethics and Informed Consent Course on the next available date, and in any event within six months of the date of the Order, and to provide proof thereof to the College.
2. Dr. Attia appear before the panel to be reprimanded.
3. Dr. Attia pay to the College costs in the amount of \$3,650 within 30 days of the date of the Order.
4. The results of this proceeding be included in the register.

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