

## ONTARIO PHYSICIANS AND SURGEONS DISCIPLINE TRIBUNAL

**Citation:** *College of Physicians and Surgeons of Ontario v. Guiang*, 2025 ONPSDT 2

**Date:** January 31, 2025

**Tribunal File No.:** 23-021

### BETWEEN:

College of Physicians and Surgeons of Ontario

**College**

- and -

Charlie Bobby Guiang

**Registrant**

## FINDING AND PENALTY REASONS

**Heard:** January 17, 2025, by videoconference

### Panel:

Raj Anand (panel chair)

Stephen Bird (public)

Marie-Pierre Carpentier (physician)

Catherine Grenier (physician)

Rob Payne (public)

### Appearances:

Victoria Cistrone and Kathleen Farrell, for the College

Anne Spafford and Blaire Smockum, for the registrant

### RESTRICTION ON PUBLICATION

Pursuant to Rule 2.2.2 of the OPSDT Rules of Procedure and ss. 45-47 of the Health Professions Procedural Code, no one shall publish or broadcast the names of patients or any information that could identify patients or disclose patients' personal health information or health records referred to at a hearing or in any documents filed with the Tribunal. There may be significant fines for breaching this restriction.

## **Overview**

[1] At a medical appointment about 15 years ago, the registrant Dr. Charlie Bobby Guiang asked for and received oral sex from Patient A. The patient carried this trauma, struggled with his mental health, and was never the same again, in his personal or work relationships.

[2] The patient continued to see Dr. Guiang as a family physician for another decade before asking him why he had done this. The doctor-patient relationship ended at that appointment.

[3] The registrant did not contest the College's allegation of sexual abuse, which is a form of professional misconduct, and we made that finding at the hearing.

[4] On the joint submission of the College and the registrant, and after hearing a victim impact statement from Patient A, we issued the Tribunal's order: mandatory revocation of Dr. Guiang's certificate of registration, costs to the College, reimbursement for therapy and counselling for Patient A, and a reprimand of the registrant.

[5] These are our reasons.

## **Uncontested evidence of sexual abuse**

[6] Dr. Guiang obtained his certificate of registration from the College on June 28, 2002, authorizing independent practice.

[7] Patient A was his patient between February 2010 and July 2021.

[8] In or around 2010 or 2011, Patient A came to an appointment for a routine check-up. By then, Dr. Guiang had seen him a few times as a patient.

[9] In the examination room, Dr. Guiang and Patient A first discussed the reason for the appointment. The registrant then performed a physical examination while Patient A was on the examination table. After that, Patient A moved from the table to the chair in the examination room, where they discussed the results of the examination.

[10] While they were both seated, Dr. Guiang asked Patient A to perform oral sex on Dr. Guiang. Patient A felt he had to comply. The registrant unfastened and pulled down

his pants, and Patient A performed oral sex on Dr. Guiang. In the end, Dr. Guiang ejaculated in Patient A's mouth.

[11] Patient A continued to see Dr. Guiang as a family physician, and they did not discuss the sexual abuse, until July 7, 2021.

[12] At an appointment that day, Patient A asked the registrant about his motives for the sexual abuse. That was his last medical appointment with Dr. Guiang before Patient A terminated the physician-patient relationship.

[13] Under Rule 14.3.1 of the Tribunal's Rules of Procedure, for the purposes of this Tribunal proceeding, the registrant did not contest these facts. Dr. Guiang also did not contest that he had engaged in sexual abuse of Patient A.

[14] The registrant's oral to genital contact with the patient constitutes sexual abuse, which is defined in s. 1(3) of the Health Professions Procedural Code, which is Schedule 2 to the *Regulated Health Professions Act, 1991*, SO 1991, c. 18. The definition includes "(a) sexual intercourse or other forms of physical sexual relations between the member and the patient.". Under clause 51(1)(b.1) of the Code, sexual abuse is an act of professional misconduct.

## **Penalty**

[15] Section 1.1 of the Code sets out the purpose of its provisions relating to sexual abuse of patients by College registrants: "to encourage the reporting of such abuse, to provide funding for therapy and counselling in connection with allegations of sexual abuse by members and, ultimately, to eradicate the sexual abuse of patients by members."

[16] In line with that purpose, having found that Dr. Guiang engaged in sexual abuse of Patient A through oral to genital contact, the Code requires the panel to revoke Dr. Guiang's certificate of registration (s. 51(5)3(ii)) and reprimand him (s. 51(5)1).

[17] Before doing so, the panel is required to consider any oral or written statement describing the impact of the sexual abuse on the patient.

[18] The panel is also authorized (s. 51(2)(5.1)) to require Dr. Guiang to reimburse the College for funding provided to the patient under the program established by the College for therapy and counselling for persons alleging sexual abuse by a registrant.

[19] The parties' joint submission was that we should revoke Dr. Guiang's certificate of registration, effective immediately, reprimand the registrant, and order him to pay the College the maximum amount of \$17,940 for reimbursement of funding provided for Patient A's therapy and counselling, together with the tariff amount of \$6,000 for costs.

[20] In addition, the parties informed us that Dr. Guiang had undertaken not to apply or reapply for registration as a physician in Ontario or in any other jurisdiction in the future.

[21] At his request, Patient A addressed us directly with his victim impact statement. He gave the panel a detailed and eloquent statement of the longstanding and ongoing harm that Dr. Guiang inflicted on him, and we will relay a portion of what he said.

[22] He told us that what occurred had "shattered" his trust in the patient-physician relationship: "what should have been a safe space – a doctor's office – became a prison of fear and shame."

[23] For almost 15 years, while Patient A "carried this trauma in silence", the abuse has had a catastrophic effect on every aspect of his life: his marriage, personal relationships with his parents and extended family, his employment, his mental health and his self-worth. Dr. Guiang's conduct "left a trail of devastation that I will carry with me for the rest of my life."

[24] The registrant's counsel advised us that Dr. Guiang had devoted his family medicine practice to assist and teach a marginalized and underserved LGBTQ community. His decision not to contest the sexual abuse allegation had saved time, expense and stress for all concerned, and had spared Patient A the obligation to testify.

[25] However, as the panel noted in delivering its reprimand, the registrant's misconduct crossed boundaries and displayed a profound lack of professional integrity. It takes years to build a reputation, but only one egregious act to destroy a career and inflict incalculable harm on a vulnerable patient.

[26] The Tribunal is only entitled to reject the parties' joint submission if it meets the "undeniably high threshold" that the proposed penalty "would be viewed by reasonable

and informed persons as a breakdown in the proper functioning of the justice system”: *R. v. Anthony-Cook*, 2016 SCC 43 at paras. 34 and 42, applied recently in the regulatory context in *Ontario College of Teachers v. Merolle*, 2023 ONSC 3453 (Div. Ct.) and *College of Physicians and Surgeons of Ontario v. Nahvi*, 2024 ONPSDT 31.

[27] Applying the mandatory penalties in the Code and this standard, as noted, the panel accepted the parties’ joint submission on penalty, costs, reimbursement and reprimand.

## **Order**

[28] We therefore ordered:

1. The Tribunal requires the registrant to appear before the panel to be reprimanded.
2. The Tribunal directs the Registrar to:
  - a. revoke the registrant’s certificate of registration effective January 18, 2025 at 12:01 a.m.;
3. The Tribunal requires the registrant to pay the College costs in the amount of \$6,000 by February 17, 2025.
4. The Tribunal requires the registrant to reimburse the College \$17,940.00 for funding provided for therapy and counselling under s. 85.7 of the Health Professions Procedural Code and to post security acceptable to the College to guarantee the payment of these amounts, by February 17, 2025.

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**Registrant**

**The Tribunal delivered the following Reprimand  
by videoconference on Friday, January 17, 2025.**

**\*\*\*NOT AN OFFICIAL TRANSCRIPT\*\*\***

Dr. Guiang,

Your misconduct with patient A involved sexual abuse in the context of a routine medical appointment and under the premise of a medical examination. You crossed boundaries by sexualizing the medical appointment, asking Patient A to perform a sexual act, and in doing so you displayed a profound lack of professional integrity. It takes years to build a reputation, but only one egregious act to destroy a career. While the appointment where this sexual encounter took place occurred in or around 2010 or 2011, it was not discussed for a decade, during which time Patient A continued as your patient.

The public and patients expect that their physicians will act in a manner that is professional, respectful and dignified, and conduct becoming of a physician. You seriously breached that trust when you sexually abused patient A.

Patients have an inherent expectation of safety when they visit a physician's office. They should not have to question the appropriateness of a comment, gesture or examination. Abusing a patient sexually is the ultimate betrayal of the trust placed in the physician and will not be tolerated by this Tribunal. It is an abuse of the position and power that our society entrusts to physicians and a breach of the public's confidence in the profession as a whole.

The penalty today reflects the seriousness of your behaviour. No penalty short of revocation of your certificate of registration is sufficient; therefore, you have lost the privilege to practise medicine.