

NOTICE OF PUBLICATION BAN

In the College of Physicians and Surgeons of Ontario and Dr. Emad Samir Luka Guirguis, this is notice that the Discipline Committee ordered that no person shall publish or broadcast the name or any information that would identify patients/family members, referred to orally or in exhibits at the hearing 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 or 47... 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.

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

Citation: *College of Physicians and Surgeons of Ontario v. Guirguis*, 2021 ONCPSD 19

Date: May 3, 2021

BETWEEN:

College of Physicians and Surgeons of Ontario

- and -

Dr. Emad Samir Luka Guirguis

PENALTY ORDER AND REASONS

Heard: February 9, 2021, by videoconference

Panel:

Dr. Pamela Chart (chair)
Mr. J. Paul Malette, Q.C.
Dr. Steven Bodley
Mr. Peter Pielsticker
Dr. John Rapin

Appearances:

Ms. Emily Graham, for the College
Mr. Eli Lederman and Mr. Zachary Rosen, for Dr. Guirguis
Ms. Gideon Forrest, Independent Legal Counsel to the Discipline Committee

Introduction

- [1] Dr. Guirguis wrote prescriptions for himself in colleagues' names and prescribed to members of his family. He also breached a 2018 order of the Discipline Committee.
- [2] Dr. Guirguis did not contest the facts and admitted professional misconduct. Dr. Guirguis did not attend the hearing, although his counsel did.
- [3] We found that Dr. Guirguis committed an act of professional misconduct. The parties submitted a joint proposal on penalty. At the hearing, we accepted the joint submission. We ordered and directed: (i) a nine-month suspension of Dr. Guirguis's certificate of registration; (ii) that the Registrar place terms, conditions and limitations on his certificate of registration; (iii) that Dr. Guirguis attend for a reprimand and (iv) that he pay costs of \$6,000 to the College. These are our reasons for that decision.

The Allegation

- [4] The Notice of Hearing alleged that Dr. Guirguis committed an act 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)1 of O. Reg. 856/93 in that he contravened a term, condition or limitation on his certificate of registration.

The Facts

- [5] The following facts were set out in a Statement of Uncontested Facts and Plea of No Contest:

PART I – FACTS

BACKGROUND

1. Dr. Guirguis is 58 years old. He obtained his specialist designation in family medicine in 2006, and received his certificate of registration authorizing independent practice from the College in 2007.
2. Dr. Guirguis' certificate of registration is expired due to failure to renew his membership as of August 15, 2019. He is not currently practicing medicine.

PRESCRIBING INVESTIGATION

3. In 2017 and 2018, Dr. Guirguis practiced at two walk-in clinics in Mississauga, Ontario. He practiced with Dr. A at Clinic #1, and with Dr. B at Clinic #2.
4. In August 2018, a pharmacist asked Dr. A about a prescription Dr. Guirguis had filled at his pharmacy for a non-benzodiazepine sleep aid. The prescription had been written in Dr. A's name and on her prescription paper. It was made out to a member of Dr. Guirguis' immediate family. Dr. A had not written or authorized the prescription at issue.
5. Dr. A alerted the College to this issue. The College subsequently undertook an investigation into Dr. Guirguis' prescribing.

Writing Prescriptions for Self in Colleagues' Names

6. The College's investigation revealed that, between April 2017 and May 2019, Dr. Guirguis wrote over 60 prescriptions in the names of Drs. A and B, signing their names and using their prescription pads and CPSO numbers, without their knowledge or consent.
7. The patients named on the forged prescriptions were Dr. Guirguis and members of his immediate family. All of the medications were for Dr. Guirguis' own use. These included narcotics and controlled substances such as Percocet and Supeudol (opiate pain relievers), Hycodan (a cough suppressant containing hydrocodone), and Temazepam (a benzodiazepine used to treat insomnia), as well as medication to treat benign prostatic hypertrophy, cholesterol-lowering medication, anti-hypertensives, antibiotics, a muscle relaxer, a bronchodilator, a non-steroidal anti-inflammatory, an anticonvulsant used to treat neuropathic pain, and a vasodilator to treat angina.

Prescribing to Family Members

8. The College's investigation also revealed that, between February 2017 and August 2018, Dr. Guirguis wrote 8 prescriptions to 2 members of his immediate family using his own prescription pad. The medications prescribed were an antibiotic, an oral rinse, and a non-benzodiazepine sleep aid. Dr. Guirguis did not bill OHIP for treating these family members. Dr. Guirguis did not maintain patient charts documenting their care.

9. Dr. Guirguis' treatment of himself and his family members did not comply with the College's Policy on *Physician Treatment of Self, Family Members, or Others Close to Them*, attached at Tab 1 [to the Statement of Uncontested Facts and Plea of No Contest], which provides that:
 - (a) physicians must not provide treatment for themselves or family members except for a minor condition or in an emergency situation and when another health-care professional is not readily available; and
 - (b) physicians must not provide recurring episodic treatment for the same disease or condition, or provide ongoing management of a disease or condition, even where the disease or condition is minor. Another physician must be responsible for ongoing management.
10. In engaging in the conduct described at paragraphs 3 to 9, Dr. Guirguis does not contest 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 disgraceful, dishonourable or unprofessional.

BREACHES OF 2018 DISCIPLINE COMMITTEE ORDER

2018 Discipline Committee Order

11. On January 18, 2018, following a plea of no contest by Dr. Guirguis, the Discipline Committee of the College found Dr. Guirguis to have committed an act of professional misconduct in that he had engaged in disgraceful, dishonourable, or unprofessional conduct by:
 - (a) between April 2012 and February 2015, forging prescriptions for himself, for Percocet and other drugs, using the names and CPSO registration numbers of two other physicians with whom Dr. Guirguis had shared an office; and
 - (b) between May 2012 and May 2016, writing prescriptions for controlled/monitored drugs for at least 3 members of his family, on several occasions. Dr. Guirguis billed OHIP for his treatment of these 3 family members; however, he did not have any medical records reflecting his prescriptions of controlled drugs or any other treatment of these family members.
12. Penalty was contested. On August 24, 2018, the Discipline Committee ordered that Dr. Guirguis be reprimanded, his certificate of registration be suspended for a period of six (6) months, and certain terms, conditions and limitations be imposed on Dr. Guirguis' certificate of registration (the "Order"), including requirements to:
 - a. complete instruction in ethics;
 - b. participate in a random urine drug screening process facilitated by an approved Monitor;
 - c. abstain from ingesting Controlled Drugs; and

provide irrevocable consent for the disclosure of certain information related to his compliance with the Order.

The Discipline Committee's Decision and Reasons for Decision dated August 24, 2018 are attached at Tab 2 [to the Statement of Uncontested Facts and Plea of No Contest].

Breach re: Instruction in Ethics

13. The Order required Dr. Guirguis to participate in and successfully complete individualized instruction in medical ethics with an instructor approved by the College. The instruction was to include an in-depth review of the College policy on "Physician Treatment of Self, Family Members or Others Close to Them" and its underlying rationale.
14. The deadline set out in the Order for Dr. Guirguis to complete the instruction in ethics was within six (6) months of the date of the Order, i.e. by February 24, 2019.
15. Contrary to the requirements of the Order, Dr. Guirguis failed to participate in and complete instruction in ethics by the deadline for completion set out in the Order.
16. Despite multiple reminders from the College, Dr. Guirguis did not contact the instructor, Dr. Erika Abner, to arrange for instruction in ethics, until March 26, 2019, after the deadline for completion set out in the Order.
17. Dr. Guirguis attended three in-person instruction sessions with Dr. Abner in April and May 2019 and submitted his in-depth review of the College policy to Dr. Abner for her review on June 9, 2019.
18. On June 13, 2019, Dr. Abner advised Dr. Guirguis that his review was inadequate and that he was required to revise it.
19. Dr. Guirguis completed the requirement for instruction in ethics on October 28, 2019, eight months after the deadline set out in the Order.

Breach re: Urine Drug Screening Process

20. The Order required Dr. Guirguis to participate in a random urine drug screening process for a period of two years following his return to practice, including that he:
 - (a) engage a regulated health professional approved by the College to act as a monitor to facilitate the process ("Monitor");
 - (b) attend a facility for random, witnessed urine drug testing at a rate of twelve (12) times per year upon receiving notification from the Monitor to do so; and
 - (c) not ingest any Narcotic Drugs, Narcotic Preparations, Controlled Drugs, Benzodiazepines/Other Targeted Substances and all other Monitored Drugs ("Controlled Drugs"), unless legitimately

prescribed for him by a practitioner with knowledge of the terms of the Order.

21. The Order also required Dr. Guirguis to provide his irrevocable consent to any person or institution that may have relevant information in order for the College to monitor and enforce his compliance with the terms of the Order.
22. Contrary to the requirements of the Order, Dr. Guirguis failed to participate in a random urine drug screening process upon his return to practice, failed to engage a Monitor, ingested Controlled Drugs, and failed to provide his irrevocable consent for disclosure to the College of information regarding his non-compliance with the Order.
23. Dr. Guirguis' certificate of registration was suspended from August 25, 2018 to February 24, 2019. When he returned to practice on March 4, 2019, he did not have a Monitor in place, contrary to the requirements of the Order.
24. On April 9, 2019, Dr. Guirguis attended at the office of Dr. C to discuss Dr. C's willingness to act as Monitor. During that meeting, Dr. C had Dr. Guirguis do a witnessed point-of-care urine drug screen. Dr. C reported to the College that the dipstick results were positive for opioids and borderline positive for oxycodone, indicating that Dr. Guirguis had ingested one or more Controlled Drugs contrary to the requirements of the Order.
25. Dr. C reported to the College that he had sent Dr. Guirguis' urine specimen to a laboratory for a confirmatory chromatography test. Dr. Guirguis did not allow the College to obtain the results from this confirmatory test from Dr. C, contrary to the requirements of the Order.
26. On April 16, 2019, Dr. C declined to act as Dr. Guirguis' Monitor. Thereafter, Dr. Guirguis did not propose another monitor to the College for approval. At no time after his return to practice did Dr. Guirguis have a Monitor in place to facilitate a random urine drug screening process, contrary to the requirements of the Order.
27. After his return to practice, and because he did not have a Monitor in place, the College's Compliance Case Manager directly arranged for Dr. Guirguis to participate in two random urine drug screens: one in April 2019, and one in June 2019.
28. Dr. Guirguis' April 2019 urine specimen was dilute, indicating that he had ingested one or more Controlled Drugs, contrary to the requirements of the Order. A test is considered positive if there is evidence of specimen dilution, adulteration, substitution or tampering. The June 2019 test was negative.
29. In engaging in the conduct described at paragraphs 11 to 29, Dr. Guirguis does not contest 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 disgraceful, dishonourable or unprofessional, and that he

contravened a term, condition or limitation on his certificate of registration.

PART II – PLEA OF NO CONTEST

30. Dr. Guirguis does not contest the facts at paragraphs 1 to 29 above, and does not contest that, based on these facts, he engaged in professional misconduct under:

(a) paragraph 1(1)33 of Ontario Regulation 856/93 made under the *Medicine Act, 1991* (“O. Reg. 856/93”), in that he 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

(b) paragraph 1(1)1 of O. Reg. 856/93 in that he contravened a term, condition or limitation on his certificate of registration.

Rule 3.02 – Plea Of No Contest

[6] Rule 3.02 of the Rules of Procedure of the Discipline Committee regarding a plea of no contest states:

3.02(1) Where a member enters a plea of no contest to an allegation, the member consents to the following:

that the Discipline Committee can accept as correct the facts alleged against the member on that allegation for the purposes of College proceedings only;

that the Discipline Committee can accept that those facts constitute professional misconduct or incompetence or both for the purposes of College proceedings only; and that the Discipline Committee can dispose of the issue of what finding ought to be made without hearing evidence.

Finding

[7] We accept as correct all of the facts set out in the Statement of Uncontested Facts and Plea of No Contest. We accept Dr. Guirguis’s plea of no contest and find that he committed an act of professional misconduct under:

- paragraph 1(1)33 of O. Reg. 856/93, in that he 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

- paragraph 1(1)1 of O. Reg. 856/93 in that he contravened a term, condition or limitation on his certificate of registration.

Penalty

Submissions on Penalty

- [8] Counsel for the College and for Dr. Guirguis made a joint submission that an appropriate penalty and costs order would consist of a reprimand, a nine-month suspension and terms, conditions and limitations on any future certificate of registration granted to Dr. Guirguis.
- [9] Although we have discretion to accept or reject a joint submission on penalty, the law provides that we should not depart from a joint submission unless the proposed penalty would bring the administration of justice into disrepute or is otherwise not in the public interest. *R. v. Anthony-Cook*, 2016 SCC 43.
- [10] We have jurisdiction to order the proposed penalty in a situation like the current one, where we have found that a member who does not have a current active certificate of registration committed professional misconduct during a time when he was a member.
- [11] Section 51(2) of the Code sets out the orders the Committee may make where it finds that a member has committed an act of professional misconduct.
- [12] Section 14 of the Code sets out the College's continuing jurisdiction, stating:
- (1) A person whose certificate of registration is revoked or expires or who resigns as a member continues to be subject to the jurisdiction of the College for professional misconduct or incompetence referable to the time when the person was a member...
- (2) A person whose certificate of registration is suspended continues to be subject to the jurisdiction of the College for incapacity and for professional misconduct or incompetence referable to the time when the person was a member...
- [13] The principle that this provision should be interpreted broadly is well articulated in *College of Nurses of Ontario v. Dumchin*, 2016 ONSC 626 (Div. Ct.). A Discipline Committee panel of the College of Nurses of Ontario (CNO) had concluded that it

lacked statutory power to impose a revocation because the nurse had resigned his CNO membership. The CNO appealed. The Divisional Court stated:

[28] The question raised on this appeal is whether the College's continuing jurisdiction under s. 14 applies to all of the possible orders that a panel of the Discipline Committee can make under s. 51(2) of the Code, including the imposition of conditions, suspension and revocation...

[42] The purpose of s. 14 is to ensure that a member cannot frustrate the disciplinary process by resigning unilaterally. The panel's interpretation not only limits but removes the College's important sanctioning powers which include suspension and the imposition of conditions as well as revocation. This would serve to encourage members to resign to avoid the consequences of their misconduct, whatever its nature. To allow such an interpretation to stand is antithetical to the overarching public protection purposes of the statutory Disciplinary Regime: ensuring that members are held accountable to their regulator for the prime objective of protection of the public.

- [14] Counsel for Dr. Guirguis made no submissions disputing this authority of the College to impose terms, conditions and limitations on any certificate of registration it may issue to Dr. Guirguis in the future.

Penalty Principles

- [15] The protection of the public is the paramount principle guiding the imposition of penalty. Other key considerations are: maintaining the integrity of the profession and public confidence in the College's ability to regulate the profession in the public interest; denouncing wrongful conduct; specific deterrence as it applies to the member; general deterrence in relation to the membership as a whole; and, where appropriate, rehabilitating and remediating the member.
- [16] A penalty which is fair, reasonable and appropriate must take into account the facts and circumstances of the case and the penalty principles. The nature of the misconduct and aggravating and mitigating factors need to be considered. The penalty should be proportionate to the misconduct. Like cases should be treated alike and the Committee should have regard to penalties imposed in similar cases, although it is not bound by its prior decisions.

[17] We weigh these principles in light of the specific facts and circumstances of the case, including both aggravating and mitigating factors, in order to decide whether the joint submission would bring the administration of justice into disrepute or would otherwise be contrary to the public interest.

Aggravating Factors

[18] Factors that we considered aggravating included:

- the fact that Dr. Guirguis's conduct was repeated and persistent. In 2018, the Discipline Committee found that Dr. Guirguis had engaged in similar activity. At that time, the Committee put terms in place to protect the public and created an opportunity for Dr. Guirguis's rehabilitation. Dr. Guirguis breached the terms and returned to the same pattern of behaviour.
- Dr. Guirguis was dishonest when he forged the names of colleagues and used their prescription pads to obtain drugs. That activity could have put the reputations of other, innocent physicians at risk and would seriously undermine public confidence in the medical profession, and
- Dr. Guirguis's transgressions were planned and deliberate.

Mitigating Factors

[19] Mitigating factors include the fact that Dr. Guirguis pleaded no contest to the allegations. This saved time and costs in deciding the matter and spared others involved in his misconduct from having to testify.

Prior Cases

[20] The principle that penalty should be proportionate to the misconduct and like cases should be treated alike necessitated a review of similar decisions.

[21] We are not bound by previous decisions of this Committee and no two cases are identical, but reviewing similar cases may assist in determining a reasonable range of penalties. We reviewed previous Discipline Committee decisions, including:

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- [22] Dr. Raddatz entered a plea of no contest to a pattern of behaviour that was very similar to that displayed by Dr. Guirguis. Dr. Raddatz, between April 2015 and July 2017, without justification, wrote numerous prescriptions for herself and family members. Dr. Raddatz deliberately breached the College policy “Physician Treatment of Self, Family Members, or Others Close to Them.” Dr. Raddatz also wrote the prescriptions using the prescription pad of a colleague and forged the colleague’s signature.
- [23] The dishonesty found in the Raddatz case was very similar to that in the case before us. Like Dr. Guirguis, Dr. Raddatz wrote prescriptions in colleagues’ names and prescribed to family members over more than two years.
- [24] The penalty in the Raddatz case was a reprimand, a six-month suspension and a requirement to complete the PROBE program.

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- [25] This decision relates more directly to Dr. Guirguis’s breaches of his previous order. In *Fenton*, there were repeated and flagrant breaches of a previous undertaking similar to the behaviour of Dr. Guirguis following his previous discipline hearing. Dr. Fenton breached an undertaking to the College when he failed to meet deadlines to complete education courses. Dr. Guirguis also failed to participate in and successfully complete medical ethics instruction in a timely manner, as required by the Committee’s order. The penalty in *Fenton* was a reprimand and a nine-month suspension.
- [26] These cases represent a range of somewhat similar misconduct and circumstances relevant to consideration of penalty in Dr. Guirguis’s case.

Conclusion

- [27] We find that a reprimand, a nine-month suspension and completion of the PROBE program is a reasonable penalty that satisfies the principles and reflects the range of penalties in prior cases. The terms, conditions and limitations imposed are intended to protect the public.

- [28] Dr. Guirguis's history of repeated abuse of narcotics and controlled substances is important to consider. Provisions for a full and transparent participation in the Physician Health Program (PHP) are essential in any pathway to return to practice. Our order requires Dr. Guirguis to comply with treatment and monitoring by the PHP which must approve and monitor Dr. Guirguis's return to work. A ban on prescribing narcotics and controlled substances will further ensure safety and protect the public interest.
- [29] We wish to send a strong message to both Dr. Guirguis and the profession that orders of this Committee and undertakings provided to the College must be treated very seriously and are not to be disregarded by a physician at his convenience. We will not tolerate unprofessional conduct and dishonesty.
- [30] Dr. Guirguis's misconduct was prolonged, egregious and potentially brought the practice of medicine into disrepute. The penalty ordered should reassure the public that such serious misconduct will be appropriately dealt with and should assist in maintaining public confidence in the integrity of the profession and the College's ability to regulate the profession in the public interest.
- [31] To further foster public protection, Dr. Guirguis is to complete an educational program in ethics and boundaries (PROBE program) and to confirm successful completion to the College. This will offer the opportunity for Dr. Guirguis to reflect on his professional responsibility.
- [32] Given the length of time Dr. Guirguis has been out of practice, any plan to re-enter would be subject to the provisions of the College's policy "Ensuring Competence: Changing Scope of Practice and/or Re-entering Practice." It stipulates that a physician returning to practice after the length of time Dr. Guirguis will have been out of practice by the end of his suspension, "must participate in an individualized College review process to demonstrate their competence in the area in which they intend to practise." We were reassured that public confidence and protection would be ensured by the fact that the College will administer such an individualized review process in Dr. Guirguis's case, should he wish to re-enter practice.

Costs

[33] The costs awarded are consistent with those set for a half-day proceeding.

Order

[34] We stated our findings in paragraph 1 of the written order of February 9, 2021, in which we ordered and directed:

- Dr. Guirguis to attend before the panel to be reprimanded
- the Registrar to suspend Dr. Guirguis's certificate of registration for a period of nine months, commencing from February 10, 2021 at 12:01 a.m.
- the Registrar to place the following terms, conditions, and limitations on Dr. Guirguis's certificate of registration, effective immediately:

PROBE

- i. Dr. Guirguis will participate in the PROBE Ethics & Boundaries Program offered by the Centre for Personalized Education for Professionals by receiving a passing evaluation or grade, without any condition or qualification. Dr. Guirguis will complete the PROBE program, and will provide proof to the College of his completion of the program, including proof of registration and attendance and participant assessment reports, within one (1) month of completion. Dr. Guirguis shall not return to practise until he has completed the PROBE program.

Physician Health Program

- ii. Dr. Guirguis shall, at his own expense, enter into a health monitoring agreement with the Ontario Medical Association's Physician Health Program ("PHP Agreement");
- iii. Dr. Guirguis shall not return to practise until he has entered into a PHP Agreement, the PHP has approved his return to work, and the College has approved his return to work;
- iv. Dr. Guirguis shall abide by any requirements of the College in approving his return to work, including entering into an undertaking as required by the College;

- v. Dr. Guirguis shall provide his irrevocable consent to information-sharing/reporting between the College and the PHP, as well as any workplace monitors, treating health professionals and any other persons necessary in order for the College to receive information relevant to his compliance with these or any other terms of the Order;
- vi. In addition to the consent provision above, Dr. Guirguis shall request that the PHP provide reports to the College at minimum on a twice a year basis or as otherwise requested by the College;
- vii. Dr. Guirguis shall remain in the PHP Agreement and shall fully comply with the requirements of the PHP Agreement and any restrictions imposed by the PHP Agreement;
- viii. In the event that Dr. Guirguis terminates his relationship with the PHP, or his PHP Agreement is suspended by the PHP, such action may constitute a breach of the Order;
- ix. Dr. Guirguis shall provide his irrevocable consent to the College to provide the following information to any person who requires this information for the purposes of facilitating his compliance with a PHP Contract:
 - a. information relevant to the making of the Order;
 - b. information relevant for the purposes of monitoring compliance with the Order; and
 - c. information which they reasonably believe indicates a potential risk of harm to patients.

Prescribing Restrictions

- x. Dr. Guirguis shall not issue new prescriptions or renew existing prescriptions for or administer any of the following substances:
 - a. Narcotic Drugs (from the Narcotic Control Regulations made under the *Controlled Drugs and Substances Act*, S.C., 1996. c. 19);
 - b. Narcotic Preparations (from the Narcotic Control Regulations made under the *Controlled Drugs and Substances Act*, S.C. 1996. c. 19);

- c. Controlled Drugs (from Part G of the Food and Drug Regulations under the *Food and Drugs Act*, S.C. 1985. c. F-27);
- d. Benzodiazepines and Other Targeted Substances (from the Benzodiazepines and Other Targeted Substances Regulations made under the *Controlled Drugs and Substances Act*, S.C. 1996. c. 19);

(A summary of the above-named drugs [from Appendix I to the Compendium of Pharmaceuticals and Specialties] is attached as Schedule “A” to this Order; and links to the current regulatory lists are attached as Schedule “B” to this Order) [schedules are omitted from these reasons]
- e. Monitored Drugs (as defined under the *Narcotics Safety and Awareness Act, 2010*, S.C. 2010, c. 22 with a link to the current regulatory list attached as Schedule “C” to this Order);

Other

- xi. Dr. Guirguis shall consent to the College making enquiries of the Ontario Health Insurance Program, the Narcotics Monitoring System and/or any person or institution that may have relevant information, in order for the College to monitor his compliance with the Order and shall promptly sign such consents as may be necessary for the College to obtain information from these persons or institutions.
- Dr. Guirguis to pay costs to the College in the amount of \$6,000 within 30 days of the date of this Order.

TEXT of PUBLIC REPRIMAND
Delivered March 18, 2021
in the case of the
COLLEGE OF PHYSICIANS and SURGEONS of ONTARIO
and
DR. EMAD SAMIR LUKA GUIRGUIS

Dr. Guirguis:

The public places great trust in the medical profession and we must be worthy of that trust. By engaging in repeated misconduct, you have failed to uphold the expectations of both the public and the profession.

As you are undoubtedly aware, narcotics and particularly their abuse is a severe and concerning public health problem. This panel is dismayed to see that you failed to take actions which were required of you by prior order of this Committee to control your use of narcotics and related substances. These actions, which included abstinence and random testing, were necessary and were instituted, in part, to address your responsibility for your personal health issues. Your forging of colleagues' signatures to obtain narcotics for your personal use illustrates how far you would go to obtain these drugs. The number of prescriptions written is particularly alarming, indicating a pattern and not an isolated incident.

This Committee expects you to exhibit professional behavior in prescribing. You repeatedly disregarded the College policy on Physician Treatment of Self, Family Members, or Others Close to Them. Your failure to complete instruction in medical ethics, contrary to an order of this Committee, is another example of your disregard of the College and its role in governing the profession. Your failure to cooperate with the College's request for the release of results from your specimen testing was deliberate and obstructionist. You purposely thwarted the very orders in place to protect you and the public. Such behavior can simply not be tolerated.

The Order we made ensures that after your suspension, you will have engaged in a meaningful way with an ethics educator and are enrolled in and compliant with the

Physician Health Program. Otherwise, you are not permitted to return to practice. These terms, along with restriction from prescribing narcotics or other controlled drugs as listed, are necessary in the interests of public safety.