

## ONTARIO PHYSICIANS AND SURGEONS DISCIPLINE TRIBUNAL

**Citation:** *College of Physicians and Surgeons of Ontario v. Naghibi*, 2026 ONPSDT 13

**Date:** April 7, 2026

**Tribunal File No.:** 25-039

### BETWEEN:

College of Physicians and Surgeons of Ontario

**College**

- and -

Sam Naghibi

**Registrant**

### FINDING AND PENALTY REASONS

**Heard:** March 4, 2026

#### **Panel:**

Jennifer Scott (panel chair)  
Heather-Ann Badalato (physician)  
Jill Cross (public)  
Camille Lemieux (physician)  
Rob Payne (public)

#### **Appearances:**

Elisabeth Widner, for the College  
Adam Patenaude, for the registrant

### RESTRICTION ON PUBLICATION

Pursuant to Rule 2.2.2 of the HPDT 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.

## Introduction

[1] Dr. Naghibi obtained his independent practice certificate from the College of Physicians and Surgeons of Ontario (College) in 2011, and then practised family medicine.

[2] In January 2021, Dr. Naghibi was charged with sexual assault of Patient A under s. 271 of the *Criminal Code*, RSC 1985, c. C-46. Five weeks later, in March 2021, he was charged with sexual assault of Patient B under s. 271 of the *Criminal Code*.

[3] Dr. Naghibi signed an undertaking to stop practising medicine in all jurisdictions in April 2021 and resigned his certificate of registration in January 2024. In December 2025, Dr. Naghibi agreed to never apply or reapply for registration as a physician in Ontario or any other jurisdiction.

[4] Dr. Naghibi was convicted of both sexual assaults and sentenced to two periods of incarceration. His first sentence relating to Patient A was 20 months' incarceration and his second sentence for Patient B was 12 months' incarceration. The second sentence was consecutive to the first (served after the first sentence). He remains incarcerated today.

[5] The College referred allegations of misconduct to the Tribunal in November 2025. Under s. 14(1) of the Health Professions Procedural Code, Schedule 2 to the *Regulated Health Professions Act (RHPA)*, 1991, SO 1991, c. 18 (Code), the College had jurisdiction over Dr. Naghibi because the misconduct (sexual assaults) occurred while he was a registrant of the College.

[6] The hearing before the Tribunal proceeded on March 4, 2026. Dr. Naghibi's counsel attended. Dr. Naghibi did not attend. He remains incarcerated.

[7] The parties relied on a Statement of Uncontested Facts (SUF) at the hearing. Dr. Naghibi did not contest:

- a. the facts regarding his convictions;
- b. that he had been found guilty of an offence relevant to his suitability to practise under s. 51(1)(a) of the Code;

- c. that he had engaged in sexual abuse of patients under s. 51(1)(b.1) of the Code; and
- d. that he had engaged in disgraceful, dishonourable or unprofessional conduct and conduct unbecoming a physician under paragraphs 1(1) 33 and 34 of Ontario Regulation 856/93 made under the *Medicine Act*, 1991, SO 1991, c. 30 (Professional Misconduct Regulation).

[8] We made those findings.

[9] Dr. Naghibi and the College jointly submitted that we should impose the mandatory penalty of reprimand and revocation of Dr. Naghibi's certificate of registration. The parties agreed that we should order Dr. Naghibi to pay costs of the hearing to the College of \$6,000. We made the order requested by the parties.

[10] These are the reasons for our decision.

### **Sexual assaults**

#### Patient A

[11] The court found that at the beginning of Dr. Naghibi's medical appointment with Patient A, he brought her a beer to consume while he asked her some preliminary questions. He then conducted a vaginal examination and midway through the examination, he began licking her vagina and undid his pants so that his penis was exposed. Patient A confronted him and said, "What are you doing doctor?" Dr. Naghibi stopped licking her but did not immediately do up his pants. He then kissed Patient A around the mouth, and his penis touched her vagina. There was no penetration.

#### Patient B

[12] The Court found that Dr. Naghibi sexually assaulted Patient B by inserting his finger into her vagina without her consent, kept it there, and asked Patient B if she felt sexual desire. The court found the touching was sexual in nature, was not for a medical purpose, and clearly violated Patient B's sexual integrity.

### **Professional misconduct**

[13] Under s. 51(1)(a) of the Code, the Tribunal shall find a member has committed an act of professional misconduct if the member has been found guilty of an offence that is

relevant to the member's suitability to practise. It is obvious that sexual assault is relevant to a physician's suitability to practise.

[14] Sexual assault of a patient is also sexual abuse under s. 51(1)(b.1) of the Code.

[15] Finally, it is well established that sexual assault of a patient is regarded by registrants as disgraceful, dishonourable or unprofessional and conduct unbecoming a physician (paras. 1(1) 33 and 34 of the Professional Misconduct Regulation).

[16] Dr. Naghibi does not contest these facts and that he has engaged in professional misconduct.

### **Finding**

[17] We find Dr. Naghibi committed acts of professional misconduct in that he has been found guilty of an offence that is relevant to his suitability to practise under s. 51(1)(a) of the Code, has committed sexual abuse of patients under s. 51(1)(b.1) of the Code, and has engaged in conduct that is disgraceful, dishonourable or unprofessional and unbecoming a physician.

### **Penalty**

[18] We accepted the jointly proposed penalty of a reprimand and revocation of Dr. Naghibi's certificate of registration, both being mandatory penalties.

[19] Section 51(5.2)(a) of the Code requires the Tribunal to reprimand the registrant and revoke the registrant's certificate of registration if the member has been found guilty of professional misconduct under s. 51(1)(a) of the Code and the offence is prescribed by regulation. Section 271 (sexual assault) of the *Criminal Code* is a prescribed offence under Ontario Regulation 262/18, made under the *RHPA*.

[20] The same mandatory penalty is required where a member has engaged in sexual abuse of a patient and the sexual abuse consists of certain kinds of sexual conduct, including oral to genital contact and touching of a sexual nature of the patient's genitals. Because the sexual abuse committed by Dr. Naghibi included this conduct, the revocation of his certificate is mandatory under s. 51(5)3 of the Code as well.

[21] The requirements of s. 51(5.2)(a) and (b) of the Code are met and the Tribunal must apply the mandatory penalty of reprimand and revocation. Given the mandatory

nature of the penalty, it is not necessary to consider whether the joint submission on penalty meets the legal test for acceptance.

[22] The parties' submission on costs is reasonable and based on the tariff rate for a half-day hearing.

### **Order**

[23] At the conclusion of the hearing, we made the following order:

#### Penalty

1. The Tribunal requires the registrant to appear before the panel to be reprimanded.
2. The Tribunal directs the Registrar to revoke the registrant's certificate of registration effective immediately.

#### Costs

3. The Tribunal requires the registrant to pay the College costs of \$6,000 by April 4, 2026.

[24] Dr. Naghibi did not attend the hearing, and the reprimand was delivered in writing.

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**Registrant**

**The Tribunal delivered the following Reprimand  
in writing on April 7, 2026**

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

Dr Naghibi:

You sexually assaulted two patients, Patient A and Patient B, when they were under your medical care. Both of these assaults occurred while you were performing sensitive medical examinations.

Prior to sexually assaulting Patient A, you provided her with alcohol, a glass of beer, in your medical office space, where the sensitive medical examination was performed. Providing alcohol to a patient constituted a serious breach of professional boundaries, exacerbated the power imbalance inherent in the physician–patient relationship, and heightened the vulnerability of the patient at the time of the assault.

Patient B was at a very vulnerable stage in her life at the time of the assault and she confided in you about her emotional struggles. You took advantage of her circumstances by making sexual advances in the context of a purported medical examination.

You have been criminally convicted of both of these sexual assaults and sentenced to imprisonment. We have found, and you do not contest, that your criminal acts constitute professional misconduct. You have previously agreed not to apply or reapply for registration to practice as a physician in Ontario or in any other jurisdiction in Canada.

Engaging in criminal behaviour of any type, and in particular, sexually abusing patients whom you have taken an oath to care for, is conduct unbecoming a physician, and disgraceful, dishonourable and unprofessional. It fundamentally violates the trust and fiduciary duty that a physician must uphold in providing medical care. Reprehensible actions such as yours erode the trust of the public in the profession and will not be tolerated.

Your CPSO certificate of registration will be revoked effective immediately, as is mandatory given our finding of sexual abuse. Together with this reprimand, the revocation is intended to reflect and communicate the gravity of your misconduct.