

**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(2)
of the *Health Professions Procedural Code*,
being Schedule 2 to 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. MEGERI EDE

PANEL MEMBERS:

DR. J. DOHERTY (CHAIR)
DR. F. SLIWIN
S. SUTHERLAND
DR. R. MACKENZIE
B. MOSELEY-WILLIAMS

Hearing Date:

March 22, 2005

Decision/ Release Date:

March 22, 2005

DECISION AND REASONS FOR DECISION

The Discipline Committee of the College of Physicians and Surgeons of Ontario heard this matter at Toronto on March 22, 2005. At the conclusion of the hearing the Committee stated its finding that the member committed professional misconduct and delivered its penalty order, with written reasons to follow.

ALLEGATION

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

- under paragraph 29.33 of Ontario Regulation 548/90 and paragraph 1(1)33 of Ontario Regulation 856/93, in that he has engaged in conduct or an act or acts relevant to the practice of medicine that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional.

RESPONSE TO THE ALLEGATIONS

Dr. Ede admitted to the allegation under paragraph 1(1)33 of O.Reg. 856/93, as set out in the Notice of Hearing.

EVIDENCE

The following Agreed Statement of Facts was filed as an exhibit at the hearing:

A. FACTS

1. Dr. Megeri Ede ("Dr. Ede") is a 72-year-old physician, currently practising in a clinical setting in Ottawa. He practised in a small town until November 2003, where he was in solo practice providing mainly general (family) medicine for an army-based population. He spent a smaller portion of this time providing internal medicine and allergy treatment.

2. Dr. Ede completed his Royal College of Physicians and Surgeons examination in 1973. He received his certification in internal medicine in November 1978, followed by his fellowship in December 1978.
3. While in practice in Ontario, Dr. Ede became aware of an investment opportunity known as Pacific Achievement International (“PAI”). PAI was a direct sales vehicle of electronic books. Commissions could be earned principally through direct sales. According to Dr. Ede, there was no monetary investment required to participate in this investment opportunity, nor was there an obligation to participate once registered. The College of Physicians and Surgeons of Ontario (the “College”) has no information to the contrary.
4. Dr. Ede discussed this opportunity with several patients during the course of medical visits. Some of the patients he solicited to participate in PAI suffered from physical, emotional and/or financial difficulties. One patient was a psychiatric in-patient at a local hospital.
5. For those patients that were interested, Dr. Ede provided assistance in filling out the forms to participate. One of the options available to new participants was to obtain a “debit card” for a small fee. In order to obtain a debit card, a social insurance number was required.
6. Dr. Ede states, and the College has no information to the contrary, that neither he nor those patients whose participation he solicited received any monetary rewards from PAI. Dr. Ede states, and the College has no information to the contrary, that none of the patients, friends or family members whose participation Dr. Ede solicited has lost any money because of his or her involvement in PAI.
7. Dr. Ede admits that involving a patient in any business opportunity is generally inappropriate. The involvement of patients in these circumstances was unprofessional.

8. Dr. Ede is no longer in solo practice. His current practice is limited to episodic care in a clinical environment. He no longer has long-term patients that were associated with his solo practice in the small town. It is not Dr. Ede's intention to ever participate in a similar scheme. Given his current working relationship, there is minimal opportunity to involve patients in a similar scheme.
9. The College issued a Notice of Hearing on October 30, 2003.

B. ADMISSION

10. On the basis of the agreed facts as set out above, Dr. Ede accepts the allegations contained in paragraph 1 of the Notice of Hearing, specifically that his conduct constitutes professional misconduct under paragraph 1(1)33 of Ontario Regulation 856/93 made under the *Medicine Act, 1991*, in that he has engaged in conduct or an act or acts relevant to the practice of medicine that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional.

FINDING

The Committee accepted as true all of the facts set out in the Agreed Statement of Facts. Having regard to these facts, and Dr. Ede's admission, the Committee found that Dr. Ede committed professional misconduct:

- under paragraph 1(1)33 of Ontario Regulation 856/93, in that he engaged in conduct or an act or acts relevant to the practice of medicine that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional.

REASONS FOR FINDING

The Committee found that the solicitation of patients by physicians for business-related ventures is inappropriate and unprofessional. The power imbalance inherent in the doctor-patient relationship renders patients very vulnerable. Some patients in such

situations may feel compelled to comply with the physician's recommendation for fear of either offending the physician or negatively impacting their future medical care. Some of the patients in this case were particularly vulnerable. The Committee was particularly disturbed by the evidence that Dr. Ede included an in-patient psychiatric patient in these solicitations.

PENALTY DECISION AND REASONS

Counsel for the College and counsel for Dr. Ede made a joint submission regarding penalty. The jointly proposed penalty included a two month suspension, which itself would be suspended upon successful completion of the College's Ethics course, a reprimand and costs of \$5,000. The Committee accepted that the joint submission appropriately addressed the principles of both specific and general deterrence. The Committee also had regard to as mitigating factors the fact that Dr. Ede readily admitted to the allegations and cooperated with the College in the resolution of this matter, and that he has gained significant insight into the inappropriateness of his behaviour. The Committee concluded that Dr. Ede is at low risk to re-offend and therefore accepts that the public is appropriately protected by the proposed penalty.

ORDER

Therefore, the Discipline Committee ordered and directed that:

1. The Registrar suspend Dr. Ede's Certificate of Registration for a period of two (2) months, which suspension shall be suspended upon Dr. Ede's successful completion, at his own expense, of the College's Medical Ethics and Informed Consent course on or before June 17, 2005.
2. Dr. Ede appear before the Committee to be reprimanded.
4. The results of this proceeding be included in the Register.
3. Dr. Ede pay to the College costs in the amount of \$5,000.00.