

**SUMMARY of the Decision of the Inquiries, Complaints and Reports Committee
(the Committee)**
(Information is available about the complaints process [here](#) and about the Committee [here](#))

**Dr. Donald Leo Paul Kilby (CPSO# 30428)
(the Respondent)**

INTRODUCTION

The Complainant contacted the College of Physicians and Surgeons of Ontario (the College) to express concern about the Respondent's conduct.

COMPLAINANT'S CONCERNS

The Complainant is concerned that the Respondent:

- **encouraged him to come and study in Canada (and provided financial support to this end), and at a point during his studies, the Respondent said he would not continue to support him unless they were sexually intimate; and**
- **treated his genital warts and offered to give him the human papilloma virus (HPV) vaccine, but then said it would cost \$1,500; the Respondent did not tell him of the risk of cancer associated with HPV.**

COMMITTEE'S DECISION*

A General Panel of the Committee considered this matter at its meeting of March 13, 2019. The Committee required the Respondent to attend at the College to be cautioned in person with respect to treating individuals close to him and crossing boundaries with patients. In addition, the Committee ordered the Respondent to complete a specified continuing education and remediation program (SCERP) to address educational needs for the Respondent, and to include: A) successful completion of the following course: Understanding Boundaries and Managing Risks Inherent in the Doctor-Patient Relationship, through a course provider indicated by the College; and B) self-directed learning to review and provide a written summary with reflection of the College policy, *Physician Treatment of Self, Family Members, or Others Close to Them* (#2-16).

COMMITTEE'S ANALYSIS

The Committee considered the following points in reaching its decision:

- Despite the serious nature of the allegations, there was no basis for the Committee to refer this matter to the Discipline Committee given that, among other things:

- There was no information before the Committee to support the claim that the Respondent wanted to have sexual relations with the Complainant in exchange for continued funding.
 - The investigative record does not support that claim that the Respondent threatened to withhold funds from the Complainant.
 - The Respondent has made arrangements not to provide medical care to the Complainant in future.
 - The Respondent has no record of any complaints of this type of misconduct or any other misconduct in almost 40 years of practice.
- The Respondent acknowledged having provided episodic medical treatment to some of the students he brought to Canada. He indicated, after reviewing the College's policy on physician treatment of self, family members, or others close to them that the students could be perceived as individuals who are close to him. He indicated he had taken steps to ensure he will not treat the Complainant in future, or other young men under his care.
 - Despite the Respondent's recognition of the problem in treating students he sponsored and often continued to support financially, the Committee was concerned by the Respondent's actions to begin with, in that this reflected poor judgement on his part.
 - The Committee required reassurance that the Respondent would not treat young men such as the Complainant going forward, and that the Respondent fully understands his obligations in not treating those close to him and maintaining appropriate boundaries with patients at all times. For this reason, the Committee issued the caution and SCERP outlined above.

*The Committee originally considered this matter in October 2017. On the basis of a decision by the Health Professions Appeal and Review Board, the Committee reconsidered this matter in March 2019 and issued the decision described above.