

**Indexed as: Ontario (College of Physicians and Surgeons of Ontario) v. Wright,
2018 ONCPSD 19**

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

IN THE MATTER OF a Hearing directed by
the Inquiries, Complaints and Reports Committee of the College of Physicians and Surgeons of
Ontario pursuant to Section 26(1) of the Health Professions Procedural Code
being Schedule 2 of 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 -

LESLIE CURTIS WRIGHT

PANEL MEMBERS:
DR. J. WATTS (Chair)
MAJOR A.H. KHALIFA
DR. P. POLDRE
MR. J. LANGS

COUNSEL FOR THE COLLEGE OF PHYSICIANS AND SURGEONS OF ONTARIO:

MS L. BROWNSTONE

COUNSEL FOR DR. WRIGHT:

MS C.KUEHL
MR. A. J. PATENAUDE

INDEPENDENT COUNSEL FOR THE DISCIPLINE COMMITTEE:

MS J. McALEER

Hearing Date: February 21, 2018
Decision Date: February 21, 2018
Release of Written Reasons: April 23, 2018

DECISION AND REASONS FOR DECISION

The Discipline Committee (the “Committee”) of the College of Physicians and Surgeons of Ontario heard this matter at Toronto on February 21, 2018. At the conclusion of the hearing, the Committee released a written order stating its finding that Dr. Wright committed an act of professional misconduct, in that he has engaged in conduct unbecoming a physician. The Committee also set out its penalty and costs order with written reasons to follow.

THE ALLEGATION

The Notice of Hearing dated December 12, 2016 alleged that Dr. Leslie Curtis Wright 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)34 of O. Reg. 856/93 in that he engaged in conduct unbecoming a physician.

RESPONSE TO THE ALLEGATION

Dr. Wright admitted to the allegation 2 in the Notice of Hearing, that he has engaged in conduct unbecoming a physician. Counsel for the College withdrew the allegation 1 in the Notice of Hearing.

THE FACTS

The following facts were set out in the Statement of Facts and Admission, which was filed as an exhibit and presented to the Committee:

1. Dr. Wright is a 53 year old psychiatrist who practises in Toronto, Ontario.
2. Dr. Wright obtained his medical degree in 1993. He completed his specialty training in psychiatry in 1998, and obtained his Certificate of Independent Practice in Ontario on June 30, 1998.
3. In about 2012, Dr. Wright became particularly active on social media sites, including Facebook groups touching on various social and political issues, including feminist issues.
4. When posting messages in the online chat groups, Dr. Wright identified himself as a psychiatrist who is single and practising in the city of Toronto.
5. Beginning in 2012, Dr. Wright began to, by various online messaging routes, systematically approach and befriend women who were also followers of the Facebook groups in which Dr. Wright participated, or who were friends of the followers he befriended. All of the women resided in the United States.
6. After establishing a connection, Dr. Wright would immediately send numerous messages to the women. The original messages were about shared issues from the Facebook groups (generally “progressive” feminist issues). In the messages, Dr. Wright referred to his status as a psychiatrist in Ontario and discussed therapeutic techniques and mental health issues in a general manner.
7. Dr. Wright then rapidly sexualized the conversations, engaging in online sexual relationships in a lewd manner. This included sending the women naked pictures of himself, including his genitalia, and encouraging them to send him naked pictures of themselves, including their genitalia. He engaged in repeated, explicit and graphic intimate and online sexual behaviour with multiple women at the same time. When one of the women got upset with him about his continued sexualization of their discussions, he replied “*No one is responsible for another’s feelings. Cardinal rule in my line of work.*”

8. On occasion, Dr. Wright would provide medical comments directly connected to the women's own health issues such as post-surgical pain, fibromyalgia, chronic pain and the use of narcotics.
9. The women with whom Dr. Wright established these relationships on the internet learned that he had engaged in the same behaviour with multiple women at the same time.
10. The women requested that Dr. Wright cease contacting them but he did not immediately do so.
11. The women were not patients of Dr. Wright.
12. The College has a guideline on social media use by its members. It recommends, among other things, that physicians:

“Protect their own reputation, the reputation of the profession, and the public trust by not posting content that could be viewed as unprofessional. Be mindful of their Internet presence, and be proactive in removing content posted by themselves or others which may be viewed as unprofessional.”

ADMISSION

13. Dr. Wright admits the facts set out above and admits that the conduct described constitutes professional misconduct in that it is conduct unbecoming a physician contrary to section 1(1)34 of Ontario Regulation 856/93 made under the *Medicine Act, 1991*.

FINDING

The Committee accepted as correct all of the facts set out in the Statement of Facts and Admission. Having regard to these facts, the Committee found that Dr. Wright committed an act of professional misconduct, in that he has engaged in conduct unbecoming a physician.

PENALTY AND REASONS FOR PENALTY

Counsel for the College and counsel for the member made a joint submission as to the appropriate penalty and costs order. The proposed penalty includes a one-month suspension of Dr. Wright's certificate of registration and the requirement to successfully complete the PROBE course in ethics and professionalism by obtaining an unconditional pass, at his own expense, or any alternate course in ethics and professionalism approved by the College, by August 31, 2018. The proposed penalty and costs order also includes a reprimand and costs payable to the College by Dr. Wright in the amount of \$5,500.00 within 30 days of the date of the order.

The Committee is aware of the high threshold that is required for rejecting a joint submission on penalty. The Committee should accept a joint proposal, unless the proposed penalty would bring the administration of justice into disrepute, or is otherwise contrary to the public interest (*R. v. Anthony-Cook*, 2016).

In considering whether the proposed order represents an appropriate sanction in this matter, the Committee was mindful that its order should denounce Dr. Wright's professional misconduct in this case. The Committee also considered the well-accepted penalty principles of public protection, maintaining public confidence in the integrity of the medical profession and in the College's ability to regulate the profession in the public interest. The penalty must provide specific deterrence to the member and general deterrence to the profession at large. Where appropriate, the penalty should also aim to provide rehabilitation for the member.

These principles were considered in the context of the jointly proposed order on penalty.

Aggravating Factors

The Committee was concerned with the serious nature of Dr. Wright's misconduct. Dr. Wright brought disrepute and disgrace to himself and to the profession at large by engaging in online lewd sexual relationships and sending naked pictures of himself and his genitalia to the women (who were not his patients) with whom he engaged via social media and to whom he identified himself as a physician and provided medial comments directly connected to their health issues.

This conduct occurred repeatedly over time and with multiple women. While at first these online relationships appeared to be consensual, Dr. Wright did not respect subsequent requests that he cease contacting them.

Mitigating Factors

The Committee accepts that Dr. Wright's admission that he has engaged in professional misconduct and agreement to a joint submission on penalty is a mitigating factor. This saved the witnesses the stress of having to travel to Canada and testify at the hearing and saved the College the time and expense of a lengthy contested hearing.

The Committee also noted that no medical care was provided to the victims in this matter, as the individuals with whom he engaged in the online relationships were not patients.

The Committee noted that this was the first time that Dr. Wright has come before the Discipline Committee.

Case Law

The case law provided to the Committee by the parties does not provide guidance regarding the specific nature of the professional misconduct in this case. However, it provides some guidance with respect to the penalties ordered for other types of professional misconduct found by the Discipline Committee to constitute "conduct unbecoming a physician."

In *CPSO v. Sutherland* (2007), Dr. Sutherland gave sensitive personal information to the police about the complainant's character and physical and mental health. Some of the information was unverified and disparaging. Dr. Sutherland, who was never the complainant's physician, did not identify himself as a physician during the phone call at issue, but identified himself only as a concerned person. Like Dr. Wright, Dr. Sutherland admitted that he engaged in professional misconduct. The Committee in that case noted:

“Conduct unbecoming” is intended to capture conduct outside the practice of the profession where such behaviour reflects on a physician’s integrity to the point that public protection is required. The reprehensible conduct admitted to in this matter undermines Dr. Sutherland’s personal and professional integrity and reflects unfavourably upon the profession as a whole.”

In addition, the Committee stated:

“Physicians are held to a high level of trust and respect. Public trust in the medical profession includes the reasonable expectation that physicians will act fairly and honestly.”

In that case, counsel for the College and counsel for Dr. Sutherland made a joint submission as to penalty which consisted of a reprimand and that the results of the proceeding be included on the register (which was not automatically the case at the time).

Counsel for the College also referred to *CPSO v. Freeman* (2008). Dr. Freeman had entered a plea of guilty to a charge of common assault arising from a traffic incident. The incident occurred in a non-clinical setting and the victim of the assault was not Dr. Freeman’s patient. In criminal court, an absolute discharge was ordered. That case also proceeded by way of an Agreed Statement of Facts and Admission before this Discipline Committee. The Committee noted:

“The public invests a great deal of trust in physicians and behaviour outside the clinical context must be worthy of that trust.”

The joint submission as to penalty and costs in that case consisted of a reprimand and an order that Dr. Freeman pay costs to the College in the amount of \$2,500.00, and that the results of the proceeding be included in the register.

Analysis

The Committee considered Dr. Wright's matter in light of the cases discussed above. All three cases involve conduct that occurred outside of the practice of medicine. In all three cases, the complainants were not patients of the members. The Committee noted, however, that neither Dr. Sutherland nor Dr. Freeman identified themselves as physicians during their misconduct, while Dr. Wright identified himself as a psychiatrist practising in Toronto. The misconduct of Dr. Sutherland and Dr. Freeman occurred only once, while Dr. Wright engaged with the women on multiple occasions via social media. The Committee also noted that the "conduct unbecoming" in these three cases occurred in different contexts. Dr. Sutherland's misconduct was by telephone, Dr. Freeman had a physical altercation with an individual, while Dr. Wright used social media to interact with the women. In *Sutherland* (2007) and in *Freeman* (2008) the Committee ordered a public reprimand and required the members to pay hearing costs to the College. In the current matter, the Committee considers that a one-month suspension of Dr. Wright's certificate of registration and the requirement to complete an educational component, in addition to a public reprimand, is appropriate given the more serious nature of Dr. Wright's misconduct.

Conclusion

The Committee agrees that the penalty proposed by the parties represents an appropriate sanction, given all the circumstances in this matter.

Protection of the public is often the driving principle when the College regulates the profession in the public interest. The Committee finds that "the public" is not defined narrowly by geography (i.e. the public of the province of Ontario) but, as in this matter, is defined across borders. Social media enables communications throughout the world and therefore the professional misconduct of an Ontario physician can have repercussions across international borders.

Having regard to the misconduct described above, the Committee agrees that a one-month suspension will serve to denounce Dr. Wright's misconduct to the public and to the profession as

a whole. The suspension is also intended as a specific deterrent to the member. The Committee is particularly mindful of the importance of general deterrence in this matter.

Internet-enabled communications platforms, starting with basic e-mail and including a wide variety of social media, have made it possible to talk, text, send photos and videos to practically anywhere in the world. Physicians can use social media for both personal and professional purposes. The distinction between personal and professional uses can be at risk of being blurred and therefore physicians must be aware that personal behaviour on social media can elicit disciplinary sanctions, if that behaviour brings into question the integrity of the physician and the medical profession. The College's guidance document, *Social Media – Appropriate Use by Physicians*, is focused primarily on a physician's role with patients. However, it recommends specifically that physicians should "protect their own reputation, the reputation of the profession, and the public trust by not posting content that could be viewed as unprofessional".

The reprimand delivered in this matter allows the Committee to directly address Dr. Wright and express its condemnation of his disgraceful conduct.

The successful completion of the PROBE course in ethics and professionalism is expected to be an important component in the rehabilitation of Dr. Wright.

The Committee considers it appropriate in the circumstances to order that Dr. Wright pay costs of this proceeding to the College for a one-day hearing, at the College's tariff rate (current at the date of the hearing), in the amount of \$5,500.00.

ORDER

The Committee stated its finding of professional misconduct in paragraph 1 of its written order of February 21, 2018. In that order, the Committee ordered and directed on the matter of penalty and costs that:

2. The Registrar suspend Dr. Wright's Certificate of Registration for a one month period, commencing February 22, 2018.

3. Dr. Wright appear before the panel to be reprimanded.
4. The Registrar impose the following as a term, condition and limitation on Dr. Wright's certificate of registration:
 - (i) Dr. Wright will successfully complete the PROBE course in ethics and professionalism by obtaining an unconditional pass, at his own expense, or any alternate course in ethics and professionalism approved by the College, by August 31, 2018. Dr. Wright will agree to abide by any recommendations of the PROBE program and provide proof of completion to the College.
5. Dr. Wright pay costs to the College in the amount of \$5,500.00 within thirty (30) days of the date of this Order.

At the conclusion of the hearing, Dr. Wright waived his right to an appeal under subsection 70(1) of the Code and the Committee administered the public reprimand.

TEXT of PUBLIC REPRIMAND
Delivered February 21, 2018
in the case of the
COLLEGE OF PHYSICIANS and SURGEONS of ONTARIO
and
LESLIE CURTIS WRIGHT

Dr. Wright,

This Panel has no doubt whatsoever that your conduct was unbecoming of a member of the medical profession. You abused your position as a physician to enhance your own personal desires. You enhanced your appeal to your victims by providing unsolicited generic medical advice. You engaged multiple women in these activities, and you did so repeatedly.

We do not know, and more important, neither did you, whether any of these women were especially vulnerable to the lewd behaviour that you described to them. As a psychiatrist, we would expect you to be particularly sensitive to such an issue. We have no hesitation in describing these women as victims. They were victims of your own personal desire for gratification. The events were certainly not consensual, once you had continued against their expressed wishes.

Any physician, any member of the public, would immediately recognize that your conduct brought disgrace not only on yourself, but on the profession as a whole, and we condemn it in the strongest possible terms. We hope you've learned from this experience, and we hope you learn from your remedial activities, and we do not expect to see you here again.

This is not an official transcript