

NOTICE OF PUBLICATION BAN

In the College of Physicians and Surgeons of Ontario and Dr. Robert Stewart Cameron, this is notice that the Discipline Committee ordered that there shall be a ban on publication of the names and any information that could disclose the identity of the individuals identified in the Agreed Statement of Facts and Notice of Hearing filed 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.

Indexed as: Cameron, R. S. (Re)

**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 -

DR. ROBERT STEWART CAMERON

PANEL MEMBERS:

**DR. W. KING
D. DOHERTY
DR. P. POLDRE
DR. E. ATTIA (Ph.D.)
DR. R. SHEPPARD**

Hearing Date: January 14, 2013
Decision Date: January 14, 2013
Release of Written Reasons: March 20, 2013

PUBLICATION BAN

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 January 14, 2013. At the conclusion of the hearing, the Committee stated its finding that the member committed an act of professional misconduct and delivered its penalty and costs order with written reasons to follow.

THE ALLEGATIONS

The Notice of Hearing alleged that Dr. Cameron committed an act of professional misconduct:

1. under paragraph 1(1)33 of O. Reg. 856/93, in that he has engaged in conduct or 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;
2. under paragraph 1(1)34 of the O. Reg. 856/93, in that he has engaged in conduct unbecoming a physician; and,
3. under clause 51(1)(b.1) of the *Health Professions Procedural Code* (the “Code”) which is Schedule 2 to the *Regulated Health Professions Act, 1991*, S.O. 1991, c.18, in that he engaged in the sexual abuse of a patient;

RESPONSE TO THE ALLEGATIONS

Dr. Cameron admitted the first allegation in the Notice of Hearing, that he has engaged in conduct or 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. Counsel for the College withdrew the second and third allegations.

FACTS AND EVIDENCE

The following Agreed Statement of Facts and Admission was filed as an exhibit:

Background

1. Dr. Robert Stewart Cameron (“Dr. Cameron”) is a family physician who has held a certificate of independent practice with the College of Physicians and Surgeons of Ontario (the “College”) since June 20, 1978.

Ms X

2. Between 2008 and 2010, Dr. Cameron worked with Ms X, a Registered Practical Nurse, in the Fast Track Unit of the Emergency Department of Hospital A.

3. During that time, Dr. Cameron made unwanted and inappropriate remarks to Ms X of a sexual nature including telling her stories of his sexual interactions with his girlfriend who was a stripper.

4. On one occasion, Ms X went to find Dr. Cameron following a break in her shift. Dr. Cameron was alone in the doctor’s lounge. Dr. Cameron took Ms X by the arm and began banging the wall, shouting “oh nurse, oh nurse”, suggesting to anyone who may have been outside that the two were engaging in sexual activity.

5. In or around November 2009, Dr. Cameron manually examined a lump on Ms X’s breast in a professional manner. Ms X did not remove her clothes.

6. On several occasions in early winter 2010, Dr. Cameron and Ms X discussed Ms X’s upcoming surgery related to the lump on her breast. In these discussions, Dr. Cameron referred to Ms X’s breasts as “boobs.” Dr. Cameron stated that if she wished him to provide his opinion on her breasts, he would have to see them first. Dr. Cameron told Ms X that he thought her surgeons would do their best not to “mutilate” her. On another occasion, Dr. Cameron asked Ms X when she was scheduled for surgery so that he could take a “peek” at her.

7. At the end of January 2010, Ms X took a leave of absence to recover from surgery. Upon her return in February 2010, Ms X saw that she was scheduled to work with Dr. Cameron and reported the incidents with Dr. Cameron set out above to the Hospital Administration. Ms X was assigned a shift in the main Emergency Department rather than the Fast Track Unit to avoid contact with Dr. Cameron. Dr. Cameron was not aware that this had taken place.

8. On or around February 25, 2010, while Ms X was working her shift, Ms X saw Dr. Cameron passing in the hall of the main Emergency Department. Dr. Cameron came up to Ms X and put his arm around her hip and waist, with his hand resting on the upper part of Ms X's left buttock. Dr. Cameron tried to engage Ms X in conversation, Ms X indicated she did not want to speak. She pulled away from Dr. Cameron. Dr. Cameron let go. Ms X left work in tears and ultimately reported the matter to the police.

Ms Y

9. Commencing in August 2009, Ms Y, a Registered Practical Nurse, worked with Dr. Cameron in the Fast Track of the Emergency Department of Hospital A.

10. During their shifts together, Dr. Cameron made unwanted, inappropriate and unprofessional comments of a personal nature regarding his ex-wife to Ms Y.

11. Dr. Cameron also made unwanted, inappropriate and unprofessional comments about his relationship with his girlfriend. On one occasion, he told Ms Y that if his girlfriend didn't behave in a certain way, she was not going to get any more sex. On another occasion, Dr. Cameron remarked that the missed call on his phone was probably his girlfriend requesting a "booty call." Dr. Cameron also revealed that on one occasion, his girlfriend stole his Percocets.

12. On one occasion, Dr. Cameron took a phone call from Ms Y's ex-spouse regarding her son. Ms Y recalls that Dr. Cameron stated to her that he considered advising her ex-spouse that she was "on her back", which she took to be a comment of a sexual nature.

13. In early 2010, Dr. Cameron raised his voice at Ms Y in an irate fashion in the Fast Track Unit where patients were present.

14. Ms Y advised Dr. Cameron that his remarks and behaviour towards her were inappropriate.

15. On another occasion, Dr. Cameron spoke with the father of a young patient about the fact that Ms Y was unmarried and single. Dr. Cameron advised the father that Ms Y had expressed interest in a “project” with him. The father later sent his child to Ms Y to provide her with a piece of paper with his telephone number on it. Ms Y feels this was inappropriate and unprofessional.

Dr. Z

16. In or about January 2010, in a conversation with Ms X, Dr. Cameron made threatening remarks with respect to Dr. Z. Ms X reported to Dr. Z and the police that Dr. Cameron stated he would like to meet Dr. Z in a dark alley with a baseball bat.

Criminal Charges

17. On March 3, 2010, Dr. Cameron was arrested and charged with sexual assault with respect to Ms X and uttering threats with respect to Dr. Z.

18. On June 18, 2010, the charges were withdrawn on the condition that Dr. Cameron enter into a peace bond for a one-year period. The conditions of the bond included not communicating with Ms X and Dr. Z and not to be within a 50-metre radius of Hospital A. A copy of the transcript from the criminal proceedings on June 18, 2010 is attached at Schedule A [to the Agreed Statement of Facts and Admission].

19. During the course of the criminal proceedings, Dr. Cameron wrote an apology letter to Ms X and provided it to the police, a copy of which is attached at Schedule B [to the Agreed Statement of Facts and Admission]. Ms X did not receive the letter.

ADMISSION

20. Dr. Cameron admits the facts in paragraphs 1 to 19 above and admits that he has engaged in conduct relevant to the practice of medicine that, having regard to all of the

circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional, contrary to paragraph 1(1)(33) of O. Reg. 856/93 made under the *Medicine Act, 1991*.

FINDING

The Committee accepted as true all of the facts set out in the Agreed Statement of Facts and Admission. Having regard to these facts, the Committee accepted Dr. Cameron's admission and found that he committed an act of professional misconduct, in that he has engaged in conduct or 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.

PENALTY AND REASONS FOR PENALTY

Counsel for the College and counsel for the member made a joint submission as to an appropriate penalty and costs order. The proposed order included terms requiring that Dr. Cameron attend before the Panel to be reprimanded, that his certificate of registration be suspended for a period of three months, that he participate in and successfully complete a one-to-one course in boundary issues and communication approved by the College, and that he pay the College its costs in the amount of \$3,650.00, within six months of the date of the order.

The Committee carefully considered the joint position of the parties. In addition, the Committee reviewed the facts contained in the Agreed Statement of Facts and Admission (Exhibit 2). The Committee considered a number of previous decisions of the Discipline Committee which were provided by counsel for the College and Dr. Cameron. These decisions pertain to earlier cases which each bore some similarities to the facts in this matter, and suggest a range of possible penalties in similar cases. The penalty jointly proposed in this case clearly falls within the range of prior decisions of a similar nature.

For the following reasons, the Committee accepted the proposed penalty as fair, appropriate, and reasonable under the circumstances.

Although the Committee has the discretion to accept or reject a joint submission on penalty, the case law provides that the Committee should accept a joint submission, unless to do so would be contrary to the public interest and would bring the administration of justice into disrepute. The Committee is aware that the penalty should properly address the guiding principles of protection of the public, disapproval and denunciation of wrongful conduct, maintenance of public confidence in the integrity and self-regulating capacity of the profession, specific and general deterrence, and the rehabilitative needs of the member, if applicable.

The facts pertaining to Dr. Cameron's professional misconduct are concerning to the Committee. This was not an isolated incident of poor judgment. Dr. Cameron demonstrated a pattern of behaviour entailing multiple boundary violations and behavioural transgressions, in relation to three different complainants, over a period of several months. His sexualized behaviour with Ms X was repetitive, intrusive, and included unwanted touching on one occasion. This resulted in serious trauma to the complainant, the extent of which is reflected in the statement which Ms X made to the Court in the context of Dr. Cameron's criminal charges; a copy of this statement is attached at Schedule A to Exhibit 2. It is clear that Dr. Cameron's behaviour had severe consequences. Although his criminal charges were withdrawn, Dr. Cameron was ordered to enter into a recognizance to keep the peace and be of good behaviour for a period of twelve months.

The Committee notes that Dr. Cameron, at the time, had seemingly no awareness of the harm that he was causing. He demonstrated a rather profound insensitivity to the rights and feelings of the complainants. His lack of empathy suggests a callous and self-centred attitude which prevented him from recognizing the harm which he was causing to others.

To Dr. Cameron's credit, he did subsequently accept responsibility for his misconduct, and wrote a letter of apology to Ms X. His acceptance of responsibility allowed a resolution of the matter without the need for a full hearing, and spared the complainants from having to testify. The Committee accepts this as a mitigating factor. Aggravating factors, however, include the repetitive nature of Dr. Cameron's misconduct, over a

period of time, with several complainants. The Committee notes also that this is not Dr. Cameron's first appearance before the Discipline Committee, albeit the facts pertaining to an earlier finding of professional misconduct bear no resemblance to the current issues.

The Committee finds that the proposed penalty does adequately address denunciation of these serious behavioural transgressions, and will reinforce to Dr. Cameron, and remind the profession at large, that unprofessional conduct of this nature will not be tolerated. A public reprimand and a three month suspension of Dr. Cameron's certificate of registration are significant sanctions. The Committee expects that the required course on boundaries and communication issues which is proposed, if successfully completed by Dr. Cameron, will reduce the risk of future misconduct of this nature when Dr. Cameron returns to practice.

ORDER

Therefore, having stated the findings in paragraphs 1 of its written order of January 14, 2013, the Committee ordered and directed, on the matter of penalty and costs, that:

1. Dr. Cameron attend before the panel to be reprimanded;
2. the Registrar suspend Dr. Cameron's certificate of registration for a period of three (3) months, to commence January 31, 2013 at 11:59 p.m.;
3. the Registrar impose the following terms, conditions and limitations on Dr. Cameron's certificate of registration:
 - a. Dr. Cameron shall, at his own expense, participate in and successfully complete a one-to-one course in boundary issues and communications approved by the College; and
4. Dr. Cameron shall pay the College its costs in the amount of \$3,650.00 within six months of the date of this Order.

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