

Indexed as: Kambites (Re)

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

IN THE MATTER OF a Hearing directed
by the Complaints Committee of
the College of Physicians and Surgeons of Ontario
pursuant to Section 26(2) of the **Health Professional 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. GERASIMOS IOANNIS KAMBITES

PANEL MEMBERS: **J. MARTEL (CHAIR)**
 DR. J. DOHERTY
 DR. M. THOMPSON
 R. SANDERS

Hearing Date: September 26, 2001

Decision/ Released Date: September 26, 2001

PUBLICATION BAN

DECISION AND REASONS FOR DECISION

This matter was heard by the Discipline Committee of the College of Physicians and Surgeons of Ontario at Toronto on September 26, 2001. A Notice of Hearing was entered as an exhibit, and the College proceeded with the allegation of professional misconduct set out below.

PUBLICATION BAN

The Discipline Committee ordered under section 47 of the *Health Professions Procedural Code* that neither the names of the complainants nor information by which they might be identified be published or broadcast.

ALLEGATIONS

It was alleged that Dr. Kambites was guilty of professional misconduct under paragraph 29.22 of O. Reg. 548, made under the *Health Disciplines Act*, R.S.O. 1990, c. H.4, in that he failed to maintain the standard of practice of the profession.

PLEA

Dr. Kambites pleaded guilty to the allegation of professional misconduct set out above.

EVIDENCE

The following Agreed Statement of Facts was filed as an exhibit and presented to the Committee:

1. Complainant 1 was a patient of Dr. Kambites from December 1991 until the early summer of 1993, and for a brief period of time in the summer of 1994. At all relevant times, Dr. Kambites was providing psychiatric care to her for emotional difficulties resulting from sexual assaults perpetrated against her as an adolescent.

2. In 1993, Complainant 1 left Ottawa, to attend school out of town. While she was away, Dr. Kambites made some telephone calls to her. Dr. Kambites sent her a postcard from Jamaica.
3. In the summer of 1994, complainant 1 returned to Ottawa, and requested an appointment with Dr. Kambites. Dr. Kambites took complainant 1 out for dinner instead of arranging an office appointment. He hugged her in the parking lot prior to or after dinner. During dinner, Dr. Kambites held complainant 1's hand, engaged in discussion about himself with her, and at some point asked her to visit overnight a piece of property where a friend had a cabin, which she refused.
4. At some point, after an appointment at his office, Dr. Kambites took complainant 1 for a drive in his new car.
5. Complainant 2 was a patient of Dr. Kambites from approximately August 1991 to mid-February 1996. At all relevant times Dr. Kambites was providing psychiatric care to complainant 2 for emotional difficulties resulting from sexual assaults perpetrated against her as an adolescent, and dysfunction in her relationship with her fiancée/husband.
6. During sessions with complainant 2, Dr. Kambites made the following improper communications:
 - (a) revealing to her details with respect to his personal and marital life and problems, and financial problems; and
 - (b) showed her a picture of a woman whom he had met in Jamaica, stating that she looked like complainant 2.

7. Dr. Kambites admits that his conduct as specified herein constitutes a failure to maintain the standard of practice of the profession under paragraph 29.22 of O. Reg. 548.

FINDINGS

The Committee accepted as true all of the facts set out in the Agreed Statement of Facts. Having regard to these facts, and the allegations against the member, the Committee accepted Dr. Kambites' plea and finds him guilty of professional misconduct under paragraph 29.22 of Ontario Regulation 548, made under the *Health Disciplines Act*, in that he failed to maintain the standard of practice of the profession.

PENALTY AND REASONS FOR PENALTY

A joint submission with respect to penalty and costs was presented to the Committee, by counsel for the College and the member. The joint submission included recommendations for

- i. a recorded reprimand.
- ii. a suspension from practice for six months, three months of the suspension being itself suspended provided that Dr. Kambites continues to attend a psychiatrist for treatment.
- iii. Dr. Kambites will undertake a boundaries course, such as has recently been advertised by the College.
- iv. Dr. Kambites will pay to the College costs in the amount of \$2,500.00

The parties also jointly proposed that: the psychiatric treatment continue for a minimum of one year, or until such time as the treating psychiatrist believes is necessary; that the treating psychiatrist be one who is acceptable to the Registrar; and that that psychiatrist file reports with the Registrar after three months and one year of treatment, respectively.

Additional evidence with respect to penalty was filed, on consent of both parties. This evidence included a psychiatric report from Dr. Kambites' treating psychiatrist, a report

from his family physician and letters of character reference submitted on behalf of Dr. Kambites. The Committee also considered evidence that Dr. Kambites had been found guilty in a previous discipline hearing for OHIP billing violations.

The Committee carefully considered the facts giving rise to the finding of guilt, the additional evidence submitted in respect of penalty, and the joint submission of the parties. The Committee unanimously agreed that Dr. Kambites' conduct warrants serious sanction. Dr. Kambites was responsible for serious violations of physician/patient boundaries, which are particularly inappropriate for a psychiatrist of his experience.

The Committee also considered that Dr. Kambites' plea of guilt demonstrates remorse for his behaviour and obviated the necessity for a potentially lengthy and costly hearing. It also spared the complainants from having to testify in such a sensitive matter.

The Committee therefore concluded that the joint penalty submission properly reflects disapproval of Dr. Kambites' conduct and fulfils the objectives of both general and specific deterrence. As well, this penalty addresses the principle of rehabilitation. The evidence indicated that Dr. Kambites is at low risk to reoffend and the Committee concluded that the penalty provisions will adequately ensure that the public is protected.

ORDER

The Discipline Committee therefore ordered and directed that:

1. Dr. Kambites be reprimanded and such is to be recorded on the register;
2. The Registrar was directed to suspend Dr. Kambites' certificate of registration to practise medicine in the province of Ontario for a period of six (6) months, commencing on October 6, 2001 or such other date as the Registrar may direct. Three (3) months of the said suspension shall itself be suspended provided that:

- (a) Dr. Kambites continues to attend a psychiatrist for treatment on a regular basis for a minimum period of twelve (12) months or such additional period of time as that psychiatrist deems necessary for treatment addressing boundary issues and recidivism;
 - (b) the psychiatrist must be one who is acceptable to the Registrar. The Registrar, if he thinks it is necessary to do so, may require the treating psychiatrist to sign an undertaking relating to the treatment of Dr. Kambites, in conformity with this order;
 - (c) the treating psychiatrist will file written reports with the College at the following intervals: three (3) months, one (1) year, and, if necessary, semi-annually until the end of the treatment specified in paragraph (a) above;
 - (d) the report to be delivered at the twelve (12) month time frame shall indicate whether further treatment to address boundary issues and recidivism is necessary;
 - (e) any costs related to this treatment and these reports not covered by OHIP shall be Dr. Kambites' responsibility.
3. Any breach of the above conditions relating to psychiatric treatment will result in the nullification of the suspended portion of the suspension, dictating that the balance of the original suspension is to be served.
 4. Dr. Kambites will undertake a boundaries course acceptable to the Registrar within one (1) year of today's date at his own expense.
 5. Dr. Kambites will pay to the College costs in the amount of \$2,500.00 forthwith.

Dr. Kambites waived his right to appeal, and the reprimand was administered.